

CAMBRIDGE LICENSE COMMISSION HEARING
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR NICOLE MURATI FERRER

FIRE CHIEF GERALD REARDON

POLICE COMMISSIONER ROBERT HAAS

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: Tuesday, March 23, 2016

TIME: 5:30 p.m.

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P R O C E E D I N G S

March 22, 2016

EXECUTIVE DIRECTOR ELIZABETH LINT:

License Commission hearing Tuesday March 22,
2016. It is 5:39 p.m. We are in the Michael J.
Lombardi Building at 831 Mass Ave, Basement
Conference Room

Before you are the Commissioners: Nicole
Murati Ferrer, Fire Chief Gerald Reardon and
Police Commissioner Robert Haas. And the meeting
is being audiotaped and videotaped.

**MALT & WINE LICENSES WITH OR WITHOUT
ENTERTAINMENT:**

ERIC PROPP (Garment District)

First matters to be voted on are wine and
malt licenses with or without entertainment.

Eric Propp, on behalf of the Garment

District, has applied for a malt and wine license with entertainment (recorded/live music) to be exercised at The Garment District, 200 Broadway, Cambridge, on 3/24/16 from 6:00 p.m. to 9:00 p.m. for a 30th birthday celebration of the Garment District. Expected attendance: 100 plus people.

CHAIR NICOLE MURATI FERRER: We got some notice from the Treasury's Office that the Garment District owes the city money. I would grant that he pay prior to this licensing being issued to them.

FIRE CHIEF GERALD REARDON: If there are 100 plus people, they have to have a crowd manager on scene.

POLICE COMMISSIONER ROBERT HAAS: Does that stipulate that as well?

CHAIR NICOLE MURATI FERRER: Yeah, with the crowd manager.

POLICE COMMISSIONER ROBERT HAAS: When is

that for now?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Tomorrow.

FIRE CHIEF GERALD REARDON: 3/24. So
this is Thursday.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Thursday. I'm sorry.

POLICE COMMISSIONER ROBERT HAAS: They
have until tomorrow to get it all squared away.

CHAIR NICOLE MURATI FERRER: To be clear,
I think this is like a rolling number of people
that they expect throughout the day. I don't
think that they expect them at one particular
time.

FIRE CHIEF GERALD REARDON: Okay.

It says 6:00 to 9:00.

CHAIR NICOLE MURATI FERRER: Definitely
the crowd manager should be there.

ANN HOLLAND (Workbar)

EXECUTIVE DIRECTOR ELIZABETH LINT: Ann Holland, has applied for a malt and wine license to be exercised at Workbar, 45 Prospect Street, Cambridge, on 3/23/16 from 5:30 p.m. to 8:30 p.m. for a social/networking event. Expected attendance: 100 people.

CHAIR NICOLE MURATI FERRER: Granted, on crowd manager.

LESLY SERIGNY (Restaurant Associates)

EXECUTIVE DIRECTOR ELIZABETH LINT: Lesly Serigny, on behalf of Restaurant Associates, has applied for a malt and wine license to be exercised at Novartis Institutes for BioMedical Research, 250 Massachusetts Avenue, Cambridge, on 3/24/16 from 3:00 p.m. to 5:00 p.m. for a corporate reception. Expected attendance: 75 people.

CHAIR NICOLE MURATI FERRER: Granted.

LESLY SERIGNY (Restaurant Associates)

EXECUTIVE DIRECTOR ELIZABETH LINT: Lesly Serigny, on behalf of Restaurant Associates, has applied for a malt and wine license to be exercised at Novartis Institutes for BioMedical Research, 250 Massachusetts Avenue, Cambridge, on 4/20/16 from 4:00 p.m. to 7:00 p.m. for a corporate reception. Expected attendance: 100 people.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: Lesly Serigny, on behalf of Restaurant Associates, has applied for a malt and wine license to be exercised at Novartis Institutes for BioMedical Research, 250 Massachusetts Avenue, Cambridge, on 3/24/16 from 3:00 p.m. to 5:00 p.m. for a corporate reception. Expected attendance: 75

people.

CHAIR NICOLE MURATI FERRER: Granted.

MARIA PEREZ (Workbar)

EXECUTIVE DIRECTOR ELIZABETH LINT: Maria Perez, has applied for a malt and wine license to be exercised at Workbar, 45 Prospect Street, Cambridge, on 4/08/16 from 5:30 p.m. to 9:00 p.m. for a networking event. Expected attendance: 70 people.

CHAIR NICOLE MURATI FERRER: Granted.

KIMBERLY COURTNEY (United American Veterans)

EXECUTIVE DIRECTOR ELIZABETH LINT: Kimberly Courtney, has applied for a malt and wine license to be exercised at United American Veterans, Post 30, 1 Cedar Street, Cambridge, on 3/27/16 from 7:00 p.m. to 11:00 p.m. for a party. Expected attendance: 25 people.

CHAIR NICOLE MURATI FERRER: To be clear even though this is a United Americans, it's part of the premises that is not licensed as of that, so the Chapter 138 prohibition does not come in. So granted.

KIMBERLY COURTNEY (United American Veterans)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kimberly Courtney, has applied for a malt and wine license to be exercised at United American Veterans, Post 30, 1 Cedar Street, Cambridge, on 3/30/16 from 7:00 p.m. to 11:00 p.m. for a networking event. Expected attendance: 25 people.

CHAIR NICOLE MURATI FERRER: Same; granted.

KIMBERLY COURTNEY (United American Veterans)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kimberly Courtney, has applied for a malt and wine license to be exercised at United American Veterans, Post 30, 1 Cedar Street, Cambridge, on 3/31/16 from 7:00 p.m. to 10:00 p.m. for a trainer meeting. Expected attendance: 20 people.

CHAIR NICOLE MURATI FERRER: Granted.

KIMBERLY COURTNEY (United American Veterans)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kimberly Courtney, has applied for a malt and wine license to be exercised at United American Veterans, Post 30, 1 Cedar Street, Cambridge, on 4/21/16 from 7:00 p.m. to 11:00 p.m. for a tasting event. Expected attendance: 25 people.

CHAIR NICOLE MURATI FERRER: Granted.

KIMBERLY COURTNEY (United American Veterans)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kimberly Courtney, has applied for a malt and wine license to be exercised at United American Veterans, Post 30, 1 Cedar Street, Cambridge, on 4/11/16 from 7:00 p.m. to 11:00 p.m. for a networking event. Expected attendance: 25 people.

CHAIR NICOLE MURATI FERRER: Granted.

KIMBERLY COURTNEY (United American Veterans)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kimberly Courtney, has applied for a malt and wine license to be exercised at United American Veterans, Post 30, 1 Cedar Street, Cambridge, on 4/14/16 from 7:00 p.m. to 11:00 p.m. for a tasting event. Expected attendance: 25 people.

CHAIR NICOLE MURATI FERRER: Granted.

RENEE GOSSELIN (Samberg Conference Center at MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Renee Gosselin, has applied for 25 malt and wine licenses to be exercised at Samberg Conference Center at MIT, 50 Memorial Drive, Cambridge as follows --

CHAIR NICOLE MURATI FERRER: The one for April 7, 2016 granted, but crowd manager necessary.

The one on April 7 at 9:00 a.m. to 9:00 p.m. granted, but crowd manager necessary.

FIRE CHIEF GERALD REARDON: So it's 8, 9, 10, 11, 12, 13, 14.

EXECUTIVE DIRECTOR ELIZABETH LINT: 15, 16, 17, 19, 23, 24 and 25.

POLICE COMMISSIONER ROBERT HAAS: Did you get 1, right?

Did you get 1?

FIRE CHIEF GERALD REARDON: 1 is only 50.

POLICE COMMISSIONER ROBERT HAAS: 4/1/16 is 100 people.

FIRE CHIEF GERALD REARDON: The first one is 50.

POLICE COMMISSIONER ROBERT HAAS: No. 1.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah.

CHAIR NICOLE MURATI FERRER: So the one on April 8th at 4 p.m.

FIRE CHIEF GERALD REARDON: It's 3, 5 -- so it's 3, 5...

EXECUTIVE DIRECTOR ELIZABETH LINT: 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 23, 24, 25.

CHAIR NICOLE MURATI FERRER: To make it clear for the record that's with regard to the numbers, the corresponding numbers on the agenda, and all of those need a crowd manager.

POLICE COMMISSIONER ROBERT HAAS: And 27 no and 28 no and 29?

FIRE CHIEF GERALD REARDON: No. 23? Which one are you looking at?

POLICE COMMISSIONER ROBERT HAAS: 23.

FIRE CHIEF GERALD REARDON: 23, 24, 25

all need it.

CHAIR NICOLE MURATI FERRER: Yep. With regard to the event on 4/8, granted.

4/7 crowd manager; 4/12 crowd manager necessary; and 4/14 crowd manager necessary.

I'm going to do an initial CMN.

4/15 crowd manager necessary; 4/19 crowd manager necessary; 4/20 also granted and crowd manager necessary; 4/21 granted; 4-22 crowd manager necessary and granted; 4/25 granted; 4/25 at 6:00 p.m. granted; and 4/27 at 5:00 p.m. granted; and the 4/27 at 6:30 p.m. granted, but crowd manager necessary; 4/28 granted, crowd manager necessary; 4/29 crowd manager necessary and granted; 3/31, 5:00 p.m. granted; 3/31, 6:00 p.m. granted; 4/1/16 granted, crowd manager necessary; 4/2/16 granted; 4/4 granted, crowd manager necessary; 4/4/16 at 6:00 p.m. granted;

4/6 at 5:00 p.m. granted.

WILLIAM FULLER (The Microsoft NERD Center)

EXECUTIVE DIRECTOR ELIZABETH LINT:

William Fuller, on behalf of The Bartending Service of New England, LLC, has applied for a malt and wine license to be exercised at The Microsoft NERD Center, 1 Memorial Drive, Cambridge on 4/19/16 from 6:00 p.m. to 9:00 p.m. for an annual gala and fundraiser for homeless empowerment project. Expected attendance: 100 people.

CHAIR NICOLE MURATI FERRER: Granted, crowd manager expected.

ANNA BYERS (Harvard Law School)

EXECUTIVE DIRECTOR ELIZABETH LINT: Anna

Byers, has applied for a malt and wine license to be exercised at Harvard Law School Wasserstein

Hall- Harkness, 1585 Massachusetts Avenue,
Cambridge, on 3/29/16 from 6:30 p.m. to 8:00 p.m.
for a reception. Expected attendance: 100
people.

CHAIR NICOLE MURATI FERRER: Granted;
crowd manager necessary.

JEFFREY FITZGERALD (MIT Museum)

EXECUTIVE DIRECTOR ELIZABETH LINT:
Jeffrey Fitzgerald, has applied for a malt and
wine license to be exercised at MIT Museum, 275
Massachusetts Avenue, Cambridge, on 3/24/16 from
6:00 p.m. to 9:30 p.m. for a reception. Expected
attendance: 150 people.

CHAIR NICOLE MURATI FERRER: Granted,
crowd manager necessary.

JESSICA REESE (Arts)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Jessica Reese, has applied for a malt and wine license to be exercised at Arts at 29 Garden Street, Cambridge, on 4/08/16 from 6:00 p.m. to 8:00 p.m. for an Art opening. Expected attendance: 200 people.

CHAIR NICOLE MURATI FERRER: Granted, crowd manager necessary.

GLENNA CLIFTON (Dance Performance)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Glenna Clifton, has applied for a malt and wine license with entertainment (Dance Performance) to be exercised at First Church in Cambridge, 11 Garden Street, Cambridge, on 04/16/16 from 7:30 p.m. to 10:30 p.m. Expected attendance: 120 people.

CHAIR NICOLE MURATI FERRER: Granted, crowd manager necessary.

WILLIAM FULLER (Harvard University)

EXECUTIVE DIRECTOR ELIZABETH LINT:

William Fuller, on behalf of The Bartending Service of New England, LLC, has applied for a malt and wine license to be exercised at Harvard University Maxwell Dworkin Lobby, Cambridge, on 03/25/16 from 5:30 p.m. to 7:00 p.m. for a Graduate School open house. Expected attendance: 155 people.

CHAIR NICOLE MURATI FERRER: Granted.

Crowd manager necessary.

And I'm sorry. Can we go back to Glenna Clifton? Can you reach out to her about the monies owed?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIR NICOLE MURATI FERRER: So I would also contingent that license based on payment to the city.

WILLIAM FULLER (Harvard University)

EXECUTIVE DIRECTOR ELIZABETH LINT:

William Fuller, on behalf of The Bartending Service of New England, LLC, has applied for a malt and wine license to be exercised at Harvard University Science Center, 1 Oxford Street, Cambridge, on 4/03/16 from 8:00 p.m. to 10:00 p.m. for a Reception-Almada. Expected attendance: 150 people.

CHAIR NICOLE MURATI FERRER: Granted, crowd manager necessary.

WILLIAM FULLER (Microsoft NERD Center)

EXECUTIVE DIRECTOR ELIZABETH LINT:

William Fuller, on behalf of the Bartending Service of New England, LLC, has applied for a malt and wine license to be exercised at Microsoft NERD Center, One Memorial Drive,

Cambridge, on 4/04/16 from 5:30 p.m. to 7:00 p.m.
for a reception. Expected attendance: 100
people.

CHAIR NICOLE MURATI FERRER: Granted,
crowd manager necessary.

ADRIANNA RODRIGUEZ (MIT Senior House)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Adrianna Rodriguez, has applied for a malt and
wine license with entertainment (dancing,
recorded/live music, amplification system and
light show) to be exercised at MIT Senior House,
70 Amherst Street, Cambridge, on 4/29/16 from
5:00 p.m. to 1:00 a.m. and 4/30/16 8:00 a.m. to
1:00 a.m. for a steer roast concert/party.

Expected attendance: 500 people.

CHAIR NICOLE MURATI FERRER: Granted.
They have the police details and everything
listed there.

EXECUTIVE DIRECTOR ELIZABETH LINT: These were not on the agenda.

CHAIR NICOLE MURATI FERRER: This is the entertainment license.

POLICE COMMISSIONER ROBERT HAAS: No those are continued on the malt and wine.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, with entertainment.

CHAIR NICOLE MURATI FERRER: Right now the one we have right now in front of us is Duncan Saum.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have added those in -- I'll go back.

ENTERTAINMENT LICENSES ONLY:

DUNCAN SAUM (Lowell Dining Hall)

EXECUTIVE DIRECTOR ELIZABETH LINT:
Duncan Saum, has applied for an entertainment license for a performance at Lowell Dining Hall, 10 Holyoke Place, Cambridge, on 3/23/16, 3/25/16,

03/26/16, 3/30/16, 4/01/16 and 4/02/16 from 8:30 p.m. to 11:30 p.m. Expected attendance: 180 people.

CHAIR NICOLE MURATI FERRER: Granted.

JENAI AKINA (Student Organization Center)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Jenai Akina, has applied for an entertainment license for a banquet at Student Organization Center at Hilles (SOCH), 59 Shepard Street, Cambridge, on 4/02/16 from 3:00 p.m. to 11:00 p.m. Expected attendance: 150 people.

CHAIR NICOLE MURATI FERRER: Granted.

FIRE CHIEF GERALD REARDON: Crowd manager.

CHAIR NICOLE MURATI FERRER: For the entertainment as well? They don't do entertainment licenses.

FIRE CHIEF GERALD REARDON: Oh, I'm

sorry, I thought they were combined.

SHAHD TAGELSIR (Northwest Labs)

EXECUTIVE DIRECTOR ELIZABETH LINT: No.
Shahd Tagelsir, has applied for an entertainment
and vendors license (to sell purses) for a
cultural show at Northwest Lab, 52 Oxford Street,
Cambridge, on 3/26/16 from 1:00 p.m. to 4:30 p.m.
Expected attendance: 250 people.

CHAIR NICOLE MURATI FERRER: Granted.

THALIA ORPHEE (Northwest Labs)

EXECUTIVE DIRECTOR ELIZABETH LINT:
Thalia Orphee, has applied for an entertainment
license for a Fashion show at Northwest Labs, 52
Oxford Street, Cambridge, on 4/09/16 from 9:00
p.m. to 11:00 p.m. Expected attendance - 600
people.

CHAIR NICOLE MURATI FERRER: Granted.

MACKENZIE LEE (John Knowles Paine Concert Hall)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Mackenzie Lee, has applied for an entertainment license for a concert at John Knowles Paine Concert Hall, 3 Oxford Street, Cambridge, on 4/22/16 from 7:30 p.m. to 9:30 p.m. Expected attendance: 250 people.

CHAIR NICOLE MURATI FERRER: Granted.

DANIEL LEICHUS (John Knowles Paine)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Daniel Leichus, has applied for an entertainment license for a concert at John Knowles Paine Concert Hall, 3 Oxford Street, Cambridge, on 4/16/16 from 8:00 p.m. to 11:00 p.m. Expected attendance: 300 people.

CHAIR NICOLE MURATI FERRER: Granted.

TOREY MARTIN (Science Center Plaza)

EXECUTIVE DIRECTOR ELIZABETH LINT: Torey Martin, has applied for an entertainment license for a dance at Science Center Plaza tent (outside), 1 Oxford Street, Cambridge, on 4/27/16 from 9:00 p.m. to 1:00 a.m. Expected attendance: 1200 people.

CHAIR NICOLE MURATI FERRER: Granted.

ANDREW KIM (Quincy Dining Hall)

EXECUTIVE DIRECTOR ELIZABETH LINT: Andrew Kim, has applied for an entertainment license for a performance-cultural show at Quincy Dining Hall, 58 Plympton Street, Cambridge, on 4/08/16 from 8:00 p.m. to 11:00 p.m. Expected attendance: 250 people.

CHAIR NICOLE MURATI FERRER: Granted.

COURTNEY KLEMENS (Bartos Theater)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Courtney Klemens, has applied for an entertainment license for a concert at Bartos Theater, 20 Ames Street, Cambridge, on 3/31/16 from 8:00 p.m. to 10:00 p.m. Expected attendance: 80 people.

CHAIR NICOLE MURATI FERRER: Granted.

Must pay city first.

CAMERON KHANSARINA (Student Organization Center)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cameron Khansarinia, has applied for an entertainment license for a banquet at Student Organization Center at Hilles (SOCH), 59 Shepard Street, Cambridge, on 3/24/16 from 6:30 p.m. to 10:00 p.m. Expected attendance: 150 people.

CHAIR NICOLE MURATI FERRER: Granted.

SHELBY MARTINEZ (Student Organization Center)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Shelby Martinez, has applied for an entertainment license for a party at Student Organization Center at Hilles (SOCH), 59 Shepard Street, Cambridge, on 4/23/16 from 10:00 p.m. to 2:00 a.m. Expected attendance: 300 people.

CHAIR NICOLE MURATI FERRER: Granted.

SETH REDDY (Vecna)

EXECUTIVE DIRECTOR ELIZABETH LINT: Seth

Reddy, on behalf of Vecna has applied for an entertainment license and raffle for a fundraiser event at Vecna, 36 Cambridgepark Drive, Cambridge, on 4/10/16 from 8:00 a.m. to 2:00 p.m. Expected attendance: 350 people.

CHAIR NICOLE MURATI FERRER: Granted.

Must pay money to city first.

**MELISSA FRAITAG ON BEHALF OF NOOKIE, LLC
D/B/A COMMONWEALTH CAMBRIDGE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Melissa Fraitag on behalf of Nookie, LLC doing business as Commonwealth Cambridge, holder of an All Alcoholic Beverages license has applied for an entertainment license (Recorded/live music and Amplification system) at 11 Broad Canal, Cambridge, on 4/02/16 from 3:00 p.m. to 1:00 a.m. for a Fundraiser. Expected attendance: Up to 150 people.

FIRE CHIEF GERALD REARDON: She is serving alcohol at this one?

CHAIR NICOLE MURATI FERRER: Yes. Do we know what their capacity is, what the usual capacity is?

EXECUTIVE DIRECTOR ELIZABETH LINT: I think they're doing it outside.

FIRE CHIEF GERALD REARDON: Yeah. This is outside on the Broad Canal because they don't

have that big of a capacity.

CHAIR NICOLE MURATI FERRER: Okay. Crowd manager is needed anyways. Are they licensed outside? Is this a licensed area?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIR NICOLE MURATI FERRER: Are they expecting to serve alcohol outside?

EXECUTIVE DIRECTOR ELIZABETH LINT: Do they have permission?

CHAIR NICOLE MURATI FERRER: All I have is a letter from the Commonwealth from the restaurant basically. I would defer on this one until we get more information.

**KEVIN TREANOR ON BEHALF OF GODEN STREET, INC
D/B/A THE RISING**

EXECUTIVE DIRECTOR ELIZABETH LINT: Kevin Treanor on behalf of Goden Street, Inc doing business as The Rising, holder of an All

Alcoholic Beverages license has applied for an entertainment license (Dancing and Amplification system) at 1172 Cambridge Street, Cambridge, on 4/24/16 from 12:00 p.m. to 4:00 p.m. for a 100 year Anniversary. Expected attendance: 90 people.

CHAIR NICOLE MURATI FERRER: I love the age group expected, 40 to 70.

Granted.

MOSES KIM (Ticknor Lounge-Boylston Hall)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Moses Kim, has applied for an entertainment and vendor's license (to sell journals, posters and organization stickers) for a poetry slam at Ticknor Lounge-Boylston Hall, Harvard yard, Cambridge, on 4/02/16 from 7:30 p.m. to 9:00 p.m. Expected attendance: 60 people.

Oh, no, going back to Commonwealth, it's

to have a one day entertainment license to have a band play music in the restaurant.

CHAIR NICOLE MURATI FERRER: That's why I asked what their capacity is.

CHAIR NICOLE MURATI FERRER: We'll hold onto that one.

EXECUTIVE DIRECTOR ELIZABETH LINT: Moses Kim, has applied for an entertainment and vendor's license (to sell journals, posters and organization stickers) for a poetry slam at Ticknor Lounge-Boylston Hall, Harvard yard, Cambridge, on 4/02/16 from 7:30 p.m. to 9:00 p.m. Expected attendance: 60 people.

CHAIR NICOLE MURATI FERRER: Granted.

EDEM FAGBOLAGHN (CABOT THEATRE)

EXECUTIVE DIRECTOR ELIZABETH LINT: Edem Fagbolaghn, has applied for an entertainment license at Cabot Theatre, Cabot House, 60

Linnaean Street, Cambridge, on 4/02/16 from 6:30 p.m. to 10:00 p.m. for a concert. Expected attendance: 70 people.

CHAIR NICOLE MURATI FERRER: Granted.

VENDORS

MICHAEL BISHOP (Sanders Theatre)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Michael Bishop, has applied for a vendor's license to sell CDs and T-shirts at Sanders Theatre, 45 Quincy Street, Cambridge on 3/27/16 from 7:00 p.m. to 10:00 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

JAIME BEADLE-POSTO MOBILE (Vecna)

EXECUTIVE DIRECTOR ELIZABETH LINT: Jaime

Beadle-Posto Mobile has applied to vend at Vecna Technologies, Inc (private property) 32-34-36 Cambridgepark Drive, Cambridge, on 3/23/16 and 3/30/16 from 11:00 a.m. to 2:00 p.m. to sell

food. Expected attendance: 115 people.

CHAIR NICOLE MURATI FERRER: That's not back because I assume they didn't provide the state vendor's license.

EXECUTIVE DIRECTOR ELIZABETH LINT: That could be.

CHAIR NICOLE MURATI FERRER: Because I reviewed that application. They didn't have it so I gave it back to Kara.

EXECUTIVE DIRECTOR ELIZABETH LINT: Tom Tipton Out of the Blue.

CHAIR NICOLE MURATI FERRER: Michael Bishop is the hold one. He hasn't provided the vendor's license, the state vendor's license.

TOM TIPTON (Out of the Blue)

EXECUTIVE DIRECTOR ELIZABETH: Tom Tipton, Out of the Blue for an event at the Gallery on March 27 for wine and malt. 60, 70

are expected, and live music.

FIRE CHIEF GERALD REARDON: Where is it being held?

EXECUTIVE DIRECTOR ELIZABETH LINT: Out of the Blue on Mass Ave.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:
That's the one that can't have more people because of the crowd manager.

NIMA FAZELI (Student Center at MIT)

EXECUTIVE DIRECTOR ELIZABETH LINT: Nima Fazeli.

CHAIR NICOLE MURATI FERRER: Nima Fazeli is applying for a wine and malt license with entertainment of patrons dancing and recording live music on March 25, 2016 from 7:30 p.m. to 12:00 a.m. at 20 -- W20 to 202 Student Center at MIT.

EXECUTIVE DIRECTOR ELIZABETH LINT: The Persian student organization.

CHAIR NICOLE MURATI FERRER: 200 people expected. Granted. Crowd manager necessary.

Mr. Upton, please come up. We're now down to the administration matters.

ADMINISTRATIVE MATTERS:

DISCUSSION WITH APPLICANT'S REPRESENTATIVE

EXECUTIVE DIRECTOR ELIZABETH LINT:
Discussion with applicant's representative on transfer of the Innholder All Alcoholic Beverages License from K.W. Hotel Corp doing business as Hotel Tria, 220 Alewife Brook Parkway, to Tria Cambridge Concessions, LLC, doing business as Best Western plus Hotel Tria.

2. The License Commission has received notice that The Massachusetts Lottery Commission intends to install Keno To Go monitors at Boston Convenience, 1 Leighton Street, Cambridge.

CHAIR NICOLE MURATI FERRER: Good evening.

ATTY ANDREW UPTON: Good evening, Madam Chair. Andrew Upton. A-N-D-R-E-W, U-P-T-O-N, for the applicant.

CHAIR NICOLE MURATI FERRER: Thank you so much for sending us the management agreement. Now that raised more questions than I originally had, so bear with me. Although I'm going to start with the last one that I thought about.

First of all, I did try to contact Renata at the ABCC. I couldn't get in touch with her legal counsel or rather they didn't return my call. But this is the big issue that I see. I'm not quite sure -- I know you mentioned in the last hearing that even though this is kind've like a new format of agreements with hotels and whatnot, it has been approved -- it has received final approval at ABCC at two other places, yes?

ATTY ANDREW UPTON: I did represent that, just so you don't have to take my word for it.

CHAIR NICOLE MURATI FERRER: No, no. I believe you. But this is where I'm getting into a wrinkle and I'm only getting into wrinkle in terms of the City of Cambridge.

Right now, I have as the applicant for the liquor license, the concessionary which is I get that. I get the reason why. But I have for the innholder license 220, which is the owner of the hotel, yes? This is the 220 Alewife?

ATTY ANDREW UPTON: Yes.

CHAIR NICOLE MURATI FERRER: Here is where I'm running into the issue with the City of Cambridge. In the City of Cambridge we don't issue general on premises, which is what we would have to issue, or we haven't for awhile, which is what we would have to issue, the concessionary in this case if they're not the holder of the

innholder's license.

ATTY ANDREW UPTON: I could see that. Alternatively, I think you would issue them a restaurant license.

CHAIR NICOLE MURATI FERRER: If we issue them a restaurant license, we would only be licensing a portion of -- it would have to be kind of like that same thing -- do you remember -- I don't know if you ever --

ATTY ANDREW UPTON: So they could do the room service.

CHAIR NICOLE MURATI FERRER: So they only could do like a restaurant. They can't do the lobby of the hotel, because that would be part of the innholder license. Do you see that?

ATTY ANDREW UPTON: I do.

CHAIR NICOLE MURATI FERRER: I only thought about this yesterday when I'm looking at everything and then I sort've seeing the

innholder.

ATTY ANDREW UPTON: I see that.

CHAIR NICOLE MURATI FERRER: So that's my big hurdle right now with regard to this particular situation in the City of Cambridge as licensing is happening right now in the City of Cambridge.

ATTY ANDREW UPTON: Perhaps a general on premises would be appropriate?

CHAIR NICOLE MURATI FERRER: Yes. I think that would be if -- I think that would be more the appropriate application for a particular situation like this, but we can't really issue the type of license the concessionary requested for. So it would have to be changed to a general on premise and then there would have to be a discussion as to whether or not that would be something that the Board would approve.

Let's put that one aside. Let's put that

on the back burner.

My other issue and kind've marries the concessionary agreement with the management agreement. Who -- in the concessionary agreement -- and I may have missed this and I apologize. In the concessionary agreement I see there's this agreement they can hire a manager to assist them with the food and beverage operation. Fine. It doesn't talk about any employees.

When I look at the management agreement, 3.1A, 3.1B, 4.4 and the 5.1B say that sole discretion with regard to hiring, recruiting, training, supervising and dismissing employees lies on the management company.

Are we not -- are we taking that away from the concessionary, and then if we are, how is that permissible?

ATTY ANDREW UPTON: I think what we would do is, we would have the concessionaire lease the

employees from the hotel management company.

CHAIR NICOLE MURATI FERRER: So would they have -- but would they be employees of the concessionary?

ATTY ANDREW UPTON: Technically they would.

CHAIR NICOLE MURATI FERRER: Would they be paid by them?

ATTY ANDREW UPTON: Probably, yes.

CHAIR NICOLE MURATI FERRER: Would they be able to fire and hire them?

ATTY ANDREW UPTON: Yes.

CHAIR NICOLE MURATI FERRER: Discipline them?

ATTY ANDREW UPTON: Sure.

CHAIR NICOLE MURATI FERRER: Now you're telling me maybe.

Are you sure that this is how it's going to happen?

ATTY ANDREW UPTON: For the record, I say yes.

CHAIR NICOLE MURATI FERRER: But then that would also have to be something that -- would have to be better spelled out in the agreement and the concessionary agreement, at least from my perspective, and I'm only speaking as one commissioner here.

POLICE COMMISSIONER ROBERT HAAS: I can't speak to that.

CHAIR NICOLE MURATI FERRER: Commissioner Haas wasn't involved. He's off the hook.

FIRE CHIEF GERALD REARDON: The similar questions of mine, counsel, if they're going to be leased, it's like a tangent. If the concessionaire has the ability to hire and fire and everything else and being paid by them, it's kind've tangential that they were being leased, so to speak. I don't see where the management

company comes in.

You can say technically the lease, but who is hiring and firing and paying them is probably more the person who is controlling them versus saying someone else is. Do you understand?

ATTY ANDREW UPTON: I think that's right. I'm not sure this is an important distinction to make because the concessionaire and the hotel manager are very closely related entities.

In fact, there's interlocking ownership as you already have seen.

CHAIR NICOLE MURATI FERRER: But they're not the same because the management company has other people that are not part of the concessionary.

ATTY ANDREW UPTON: Sure.

CHAIR NICOLE MURATI FERRER: Right.

ATTY ANDREW UPTON: Sure.

CHAIR NICOLE MURATI FERRER: So in theory, they're not the same entity. I understand that there's overlapping ownership, but, I mean, this gets us to the point of where -- you know, with management agreements. Who has the authority to control these employees, and who does the hiring and firing and whatnot?

With the management agreement, you know, they have to have control of this.

ATTY ANDREW UPTON: That's a management agreement when the hotel manager is leasing out the license for the benefit of themselves. This is a different scenario. We're carving out a separate entity, the concessionaire. There's no management agreement. They own the license. No ABCC analysis, no terms under the WCM case would apply to this.

CHAIR NICOLE MURATI FERRER: Mm-hmm. But the operation of the liquor license is for the

benefit of the concessionary, is that correct?

ATTY ANDREW UPTON: That's correct.

CHAIR NICOLE MURATI FERRER: So wouldn't they have to have the authority to hire, fire, supervise, train the employees the way they control the business of serving food and alcohol?

ATTY ANDREW UPTON: Yes.

CHAIR NICOLE MURATI FERRER: That's where I'm getting at the way the terms are written. It seems like the concessionary does not have that authority based on when you read both agreements side by side.

ATTY ANDREW UPTON: All the hotel's management agreement says is that they are employees. If the concessionaire is going to use them, obviously, it's going to be under the terms of the agreement.

CHAIR NICOLE MURATI FERRER: Uh-huh.

ATTY ANDREW UPTON: There's no indication

that they wouldn't have control.

CHAIR NICOLE MURATI FERRER: Well, I think where I got a little confused when I'm reading the management agreement and then I'm reading the concessionary agreement, the management agreement specifically talks about employees, which is fine, but it also talks about employees with regard to all the services, including food and beverage. And then I read the concessionary agreement and the concessionary agreement only talks about you have the right to hire a manager to help you manage food and beverage. It doesn't talk about employees or anything else. That's why I was getting a little --

ATTY ANDREW UPTON: I see what you're saying.

A lot of the issues here is that this is not like the Sheraton in Boston where there's

four giant restaurants. They serve a little breakfast lounge. They have a manager's wine tasting every three months and once in awhile someone orders a beer sent to the room.

So the staffing level for it is relatively minimal. We have the manager. He would supervise it. We would have to have some employment agreement between the concessionaire and the hotel manager.

But when you're -- I doubt that's even one full-time employee. So the thought would be to make some arrangement to use someone and pay them through here, but in terms of a huge issue or distinction --

CHAIR NICOLE MURATI FERRER: Except you don't have one employee serving food and alcohol to the entire hotel guest list.

I understand where you're going. I understand the volume thing. And I'm not saying

that they need to have a work force of 20 employees.

What I'm saying is that whatever work force they're using, whether -- it needs to be a work force under their control, so when they're alleged to have done something inappropriate or when they're doing something appropriate, it's them, it's not really -- I mean --

ATTY ANDREW UPTON: Wouldn't that be the manager of record that we brought last time? This is the guy we're qualifying for the manager on the liquor license.

CHAIR NICOLE MURATI FERRER: He's not the one serving food and alcohol. My problem is when Employee X serves Patron A and Patron A is intoxicated and he serves, bing, and now, oh, no, that's not my employee. I can't really do nothing. Do you see what I'm saying?

ATTY ANDREW UPTON: I see what you're

saying. I'm not sure I agree.

The manager is on the hook as is the licensee for any violation on the premises and sometimes not even on the premises.

FIRE CHIEF GERALD REARDON: The question is: Does that manager have the authority to deal with the other employee? That's kind've the connection here. I can say I have 20 people who occasionally work in that area maybe once or twice a month tangentially, so to speak, do all of those people.

ATTY ANDREW UPTON: That's why we picked the hotel GM as the manager of record for the liquor license. He will have control and authority of both silos.

FIRE CHIEF GERALD REARDON: Of employees basically.

ATTY ANDREW UPTON: All aspects of the hotel. He's the general manager.

FIRE CHIEF GERALD REARDON: Okay. So in that role, he or she would have the ability to make decisions on discipline -- we don't want someone coming in here and saying, you know, I had a problem, but the person doesn't work for me and I can't do anything about it. That's what my point is.

ATTY ANDREW UPTON: I don't think he could say that. Even if he would say that, you would say to him you're the manager of record, you're the licensee, you're ultimately responsible. Because periodically you see a manager come in on a violation and he says "I told him not to do it, but he did it anyway, it's not fault." That does not absolve the manager of record.

CHAIR NICOLE MURATI FERRER: We know that. And we know we can discipline and impose sanctions on that license. That's not the point.

The point is we don't want that, oh, well, you know, it's not my people. I can't do anything. I don't have the power to do anything.

We don't want that type of relationship to be established anywhere including when we have these layers of -- but I see what you're saying.

ATTY ANDREW UPTON: I don't think there's that relationship, especially since he's in both roles.

CHAIR NICOLE MURATI FERRER: Okay. And I also saw there was a parking lot on the premises, is that right?

ATTY ANDREW UPTON: I believe that's right.

CHAIR NICOLE MURATI FERRER: It was in one of the agreements. If that needs to be licensed as well, we didn't see an application for that.

You can talk to Elizabeth about that

later on. She can tell you exactly which application needs to be filled out on that.

ATTY ANDREW UPTON: We're not talking about alcohol there, just a parking license.

CHAIR NICOLE MURATI FERRER: No. We saw it. The concessionary fee --

FIRE CHIEF GERALD REARDON: I'm not sure if that's their parking lot or they lease it from the shopping center.

ATTY ANDREW UPTON: That can be an issue. I'll check on that.

CHAIR NICOLE MURATI FERRER: The concessionary fee, what is it based on?

ATTY ANDREW UPTON: It's based on a rough estimate of revenue.

CHAIR NICOLE MURATI FERRER: Is it contingent upon sales of the food and beverage?

ATTY ANDREW UPTON: Absolutely not. Although since this doesn't fall under the

management agreement criteria, it could be. Just to eliminate doubt, we decided to do a wide figure.

CHAIR NICOLE MURATI FERRER: And then I had one more. Hold on. I think that was -- those were all the questions I had with regard to this. Yeah, I mean, that first initial thing I think that's where -- I don't know if you want to think more about it and -- if you see a different legal aspect to it, but that's kind've where my hurdle is right now in terms of the type of license that we would be able to issue to your client, especially if the innholder's is under someone else's name.

But then, again, like I said, that one just came to me when I started reviewing again all the documents in preparation for today. That's the only thing, so I mean, I don't know how --

FIRE CHIEF GERALD REARDON: I think the explanation is fine in terms of the hotel manager basically holding both roles and be responsible for all the employees.

CHAIR NICOLE MURATI FERRER: Then with regard to the type of license because they have the concessionary as the liquor license holder, but then they have 220 Alewife which is the actual hotel owner as the innholder's license. So in theory --

FIRE CHIEF GERALD REARDON: How do you reconcile that?

CHAIR NICOLE MURATI FERRER: Yeah. In theory, it would have to be --

ATTY ANDREW UPTON: If you had a hotel that didn't serve liquor, you would give them an innholder's license.

CHAIR NICOLE MURATI FERRER: Yeah, no, no, no, that part is not a problem. I'm trying

to reconcile to me, the way I see it is that the way the concessionary would then have to be licensed as a general on premise, not really -- because the way it's checked off right now on the application, it's an innholder alcohol license, but it's not because he's not the innholder license holder. He's not the holder of the innholder license.

ATTY ANDREW UPTON: I'm thinking along three lines. One, I have to ask Mrs. Lint, but do you have the ability to change the character of the license as they used to do in Boston and say we're approving this as a GOP license without additional paperwork. Two, am I missing something, or is there a rule that says the concessionaire can't have an innholder's license?

I mean...

CHAIR NICOLE MURATI FERRER: How could we have the concessionaire have the innholder's

license, the alcohol innholder's license and then have a second licensee as an innholder license? I mean, you have Chapter 138, you have the Section 12 and then you have Chapter 140, Section -- is it 6 or 9 -- that talks about how if you're licensed -- I can't remember. I think I wrote it down.

ATTY ANDREW UPTON: You can't have two liquor licenses on the same premise, but why couldn't you have two innholder's? I'm not sure there's a prohibition on that.

CHAIR NICOLE MURATI FERRER: I think Chapter 140, Section 6 and then 138, Section 12 wouldn't allow that.

ATTY ANDREW UPTON: Alternatively, you could also say you could define the restaurant premises as innholder of said building because we're --

CHAIR NICOLE MURATI FERRER: But then

what we would be issuing is a Section 12 restaurant license to the concessionaire.

So let's do this, to answer your question with regard to whether we could change the category with further -- without further hearing, yes, we could provided it's something that the Board would be comfortable with in terms of changing this either to a general on premise or a CV Section 12 within the innholder, yes. So yes, we could do that without further hearing.

And then I think that's what we would take under advisement and try to figure out and we have a meeting next Thursday. I think?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

ATTY ANDREW UPTON: Do you want any further input from me between now and Thursday on that issue or...?

CHAIR NICOLE MURATI FERRER: No. I think that we're all set. I think you answered all of

my questions. And thank you for bearing with me on this.

ATTY ANDREW UPTON: I can submit for the record to the extent anyone wants it, these are the approved Form 43s for concessionaire entities at hotels in Needham and Westboro that the ABCC approved.

CHAIR NICOLE MURATI FERRER: Your word was taken. We do not need the those. But thank you for bringing those. And we appreciate it.

EXECUTIVE DIRECTOR ELIZABETH LINT: If you don't mind, I just checked the capacity of Commonwealth, it's 182, so the 150 is fine.

CHAIR NICOLE MURATI FERRER: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: Just to clear it off.

CHAIR NICOLE MURATI FERRER: Yeah, sure.

MASSACHUSETTS LOTTERY COMMISSION
(Boston Convenience)

EXECUTIVE DIRECTOR ELIZABETH LINT: The License Commission has received notice that The Massachusetts Lottery Commission intends to install Keno To Go monitors at Boston Convenience, 1 Leighton Street, Cambridge.

CHAIR NICOLE MURATI FERRER:
Acknowledged.

COMMERCE BANK & TRUST COMPANY
(Transfer Medallion No. 156 to Rhode Cab, Inc)

EXECUTIVE DIRECTOR ELIZABETH LINT: The License Commission has received a request from Commerce Bank & Trust Company to transfer City of Cambridge Medallion No. 156 to Rhode Cab, Inc

CHAIR NICOLE MURATI FERRER: Granted.

**CONTINUED MATTER FROM 2/23/16 AGENDA
(Renewal of Used Car Dealer License)**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Matter continued from the February 23, 2016 agenda, consideration of the 2016 renewal of the used car dealer License No. UCD1002887 for Morgan Okundaye doing business as NOMA Auto Sales at 2380 Massachusetts Avenue.

CHAIR NICOLE MURATI FERRER: Reply problem with this was the individuals, the applicants. Although, I think for a certain number of things with regard to the use of their car dealer license, I get what they're saying that it was taken off, that it have could've been taken off any bill of sale or anything of that nature, and that's certainly out of their control. But the one sale that they did make, that they agreed that they made, but then they're using someone who is not licensed and someone who

is not an employee for them and, that person is filling out paperwork and representing for them with regard to the cars, that's problematic to me. That's kind of where I stand on this. I don't know where the Commissioners...

FIRE CHIEF GERALD REARDON: No, I'm a little concerned as well on the one sale that seemed to be to someone else that was not authorized do it.

POLICE COMMISSIONER ROBERT HAAS: I agree.

CHAIR NICOLE MURATI FERRER: Are we denying the renewal of the license?

POLICE COMMISSIONER ROBERT HAAS: They're trying to separate a business where the license that's been so comprised at this point, I don't know even from their standpoint where they can actually continue to go forward if they're going to have this kind of compromise to this license.

I know we talked a little about the negotiation that they may want to consider to reestablish themselves in a different corporation name, so they can move forward with a clean past as opposed to try and resurrect this license.

I'm not sure what is involved with that. It just seems to me that I didn't get any sense that they have any safeguards in place to prevent this from happening again, or take care of the situation. We still have people out there representing themselves out as agents of this license, right?

CHAIR NICOLE MURATI FERRER: I agree.

FIRE CHIEF GERALD REARDON: I agree the system is -- the whole system is somewhat flawed in allowing someone the ability to easily copy a license and take a number down and pass themselves off as someone that doesn't -- it appears from the testimony that the people at the

auction themselves are doing due diligence in terms of finding out whom is buying these cars and doing backgrounds or checks to make sure that they, in fact, it's the person who is on the license is the one actually doing the transactions, which I think is outside of the control of the licensee. But I guess as the Commission said, I don't know how you protect this license anymore where it has been used and compromised.

CHAIR NICOLE MURATI FERRER: Uh-huh.

FIRE CHIEF GERALD REARDON: What could be done if this would be renewed to prevent anyone else from using it again without the applicant's authorization?

AUDIENCE MEMBER: It seems that --

THE REPORTER: Chair --

CHAIR NICOLE MURATI FERRER: Sir, we're not taking public testimony on this. This is

purely deliberations. I'm sorry.

I think I agree. I think at this point we reject the renewal and we assist the applicants if they want to go through the process again in terms of getting something down the pipeline, but I don't know.

POLICE COMMISSIONER ROBERT HAAS: I agree.

CHAIR NICOLE MURATI FERRER: Renewal denied?

All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

DISCUSSION OF ADOPTING CHAPTER 481

EXECUTIVE DIRECTOR ELIZABETH LINT:

Discussion of whether the Commission, as a whole, should make a recommendation to the City Manager to put before the City Council the issue of

adopting Chapter 481 of the Acts of 1993 (1/14/94), which would allow malt and wine common victuallers, after approval, to sell cordials and liqueurs.

CHAIR NICOLE MURATI FERRER: It appears that the City Council for Cambridge never took a vote as to whether to adopt this part of the law.

I think I would recommend that we, as a Commission, put before the City Manager and have him decide whether or not to put this before the City Council, but I think it would be a good idea. It helps the smaller establishments, the moms and pops, that don't want the expense of a full liquor license and don't have it and wish to have it because it doesn't go with the business model and gives the public another option. So that would be my recommendation.

POLICE COMMISSIONER ROBERT HAAS: We have encountered situations in the past where

someone -- that exact situation has come in and tried to apply for all alcohol license so they could actually get to serving cordials. It seems to me that's a huge jump for these smaller concerns if that's all they want to do. I think there has to be some middle road and I agree.

FIRE CHIEF GERALD REARDON: It has come up a number of times in the past, and I think this is a unique ground if the City Manager wants to go down that road.

CHAIR NICOLE MURATI FERRER: We'll make a recommendation to the City Manager that they go before the City Council.

SPECIAL (NOISE) VARIANCES

EXECUTIVE DIRECTOR ELIZABETH LINT:

Special [Noise] Variances pursuant to 8.16.090:
Discussion of what the "publishing procedure" will be, as well as what the fee should be for

the application and renewal.

CHAIR NICOLE MURATI FERRER: So I looked into some of the old files and it appears that this is something that has been in the works a fee that was recommended that is reasonable and research was made with regard to the administrative cost to the city with a \$75 annual fee -- annual or -- not an annual fee -- strike that.

The \$75 application fee that if you get the variance, that's the cost of it as well. And then this would be the application -- you saw this, right? This would be the application?

POLICE COMMISSIONER ROBERT HAAS: Yes.

CHAIR NICOLE MURATI FERRER: This would be the application that would be submitted. So I would recommend that the \$75 be the fee.

The other issue is in the ordinance, it talks about when someone files for the

application, they have to -- has to be published, so the question is what exactly is published for the purposes?

Now, we consulted with the law department and they said because the ordinance is silent on the issue, we, as a Commission, decide what "published" means.

And it just basically says notice of an application for a special variance shall be published according to procedure.

So my question to them was whether or not published to procedure could be something as simple as complying with the open meeting law which would mean putting it on our agenda and making sure that it's posted at least 48 hours before we vote on it, and they said yes, as long as that's what we decide.

I did meet with the different people of the different departments that do look at these

prior to them getting to us.

And it seems like it's a pretty extensive process in terms of leaf-letting, anyways, the neighbors, and talking amongst these departments and sometimes these come with enough time and sometimes they come in late in the game.

So my recommendation would be publish in the newspaper. I think we comply with the open meeting law. That should be sufficient. But I don't know what your take on it is.

FIRE CHIEF GERALD REARDON: I would agree the open meeting law if it meets the letter of the law.

CHAIR NICOLE MURATI FERRER: Okay.

POLICE COMMISSIONER ROBERT HAAS: And tell me why you want to do just the typical advertisement of the paper as opposed to public notice purposes?

CHAIR NICOLE MURATI FERRER: Because if

they -- so, one, if they -- if we advertise it in the newspaper for the one newspaper that publishes not only online, but paper newspaper in Cambridge, for the ad to be out, let's say, this Thursday, it has to be in last Thursday. So that's one week already in delay.

Then you have the different departments looking at it. You have CPD, ISE, DPW, Traffic and Parking and then us, and then you also have the layer of -- it needs to be put on one of our agendas, and then it has to be heard by the Commission which doesn't meet every week. This could end up being delays of weeks at a time. That would be my only thing. But we could certainly do publishing in the newspaper, if that's what we want --

POLICE COMMISSIONER ROBERT HAAS: My own concern is we have had issues around noise issues before and they have gotten a little bit dicey

and I'm just wondering if in the interest of just being sure that everybody is aware of the fact there's such an application.

I appreciate the fact there's an ordinate amount of delay here. I'm wondering posting it as a meeting notice if that will get the distribution that the individual -- I'm not advocating we should go ahead and have abutters notified and everything like that. I'm wondering if the place to get the information out, at least if people are interested, at least they're aware of the fact. I'm not sure all the neighbors come in and look at our postings.

CHAIR NICOLE MURATI FERRER: How about instead of publishing in the newspaper make them do abutter notification because how many people actually do look at the newspaper? Can we guaranty -- how do we guaranty publishing more -- if we're -- if we're thinking about how do we

best reach -- anyways regardless of -- if there's an extra layer, it has to be posted in accordance with the open meeting law. But if we're talking about what makes people around more aware, are we talking more aware, is abutter notification more direct than the newspaper?

FIRE CHIEF GERALD REARDON: I think that's a better way of getting to the neighborhood, word-of-mouth.

CHAIR NICOLE MURATI FERRER: Okay. So what we could do --

FIRE CHIEF GERALD REARDON: I don't believe the paper necessarily is something that is well read in terms of all of the notices.

CHAIR NICOLE MURATI FERRER: So then with this application, what we would add is a layer requesting an affidavit of abutters notification. And then my next question would be abutters, meaning people touching the line, you know the --

or is it 50 feet out from the noise variance or how exactly do we want to do that? 50 feet was kind've in accordance with --

POLICE COMMISSIONER ROBERT HAAS: I don't know -- but it's going to be how you draw that circumference to get all those abutters. We have a definition what constitutes abutters. To make it simplistic, keep that same definition.

FIRE CHIEF GERALD REARDON: Keep it consistent.

POLICE COMMISSIONER ROBERT HAAS: Right.

CHAIR NICOLE MURATI FERRER: So whatever touches the four corners basically.

FIRE CHIEF GERALD REARDON: Four corners, diagonals, whatever.

POLICE COMMISSIONER ROBERT HAAS: It makes it a lot simpler all the way around.

CHAIR NICOLE MURATI FERRER: Okay. With abutter's affidavit and notifications --

notifications be certified mail, or just an abutter's affidavit saying they notified whether they put down leaflets in the area?

FIRE CHIEF GERALD REARDON: I think it might be simpler with the green cards.

POLICE COMMISSIONER ROBERT HAAS: That's what we do now.

FIRE CHIEF GERALD REARDON: Consistent.

CHAIR NICOLE MURATI FERRER:
Notifications with registered with green cards.
All right.

\$75 fee?

POLICE COMMISSIONER ROBERT HAAS: Yes.

CHAIR NICOLE MURATI FERRER: Okay. Item
No. 7 is deferred.

APPLICATION:
HYUN SOO KIM, LLC D/B/A GOGI ON THE BLOCK

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Hyun Soo Kim, LLC doing business as Gogi on the Block, has applied for a Vendor/Peddler License to operate a mobile food truck at 150 Cambridgepark Drive on Wednesdays from 11:00 a.m. to 2:00 p.m.

CHAIR NICOLE MURATI FERRER: Good evening. Please state your name for the record.

HYUN SOO KIM: My first name, H-Y-U-N, middle name S-O-O, last name is Kim, K-I-M.

CHAIR NICOLE MURATI FERRER: Thank you. And I see you have applied for a food truck at 150 Cambridge Park?

HYUN SOO KIM: Yes.

CHAIR NICOLE MURATI FERRER: Now, your application says every Wednesday from 11:00 to 2:00, but you only got approval from the private owner of the land from 11:30 to 1:30 p.m.

HYUN SOO KIM: It's supposed to be every Tuesday.

CHAIR NICOLE MURATI FERRER: Every Tuesday. You're right. Your application -- you make that change here because your application says every Wednesday. So just mark that off to every Tuesday and then just make sure 11:30 to 1:30 which is what the licensee gave you.

HYUN SOO KIM: Okay.

CHAIR NICOLE MURATI FERRER: Tell us what your food truck will serve.

EXECUTIVE DIRECTOR ELIZABETH LINT: Change the hours also.

HYUN SOO KIM: We sell Korean barbecue food.

CHAIR NICOLE MURATI FERRER: Do you have your state license?

HYUN SOO KIM: Yes, I do. The driver's license.

CHAIR NICOLE MURATI FERRER: Your state vendor's license?

HYUN SOO KIM: Yes, I do.

CHAIR NICOLE MURATI FERRER: You do have it.

HYUN SOO KIM: Yes, I had a fire in my house two days ago. So I don't have any paper with me right now. But I saved everything on my computer, so once I can restore my computer, I can send it over to you.

CHAIR NICOLE MURATI FERRER: Sorry about the fire. We'll need to see your state vendor's license before we can approve this license.

HYUN SOO KIM: Okay.

CHAIR NICOLE MURATI FERRER: Once we get that, we can vote on this.

HYUN SOO KIM: Okay.

FIRE CHIEF GERALD REARDON: Do you have any other stops in Cambridge right now?

HYUN SOO KIM: Yes.

FIRE CHIEF GERALD REARDON: Has your

truck been inspected by Cambridge already?

HYUN SOO KIM: Yes.

FIRE CHIEF GERALD REARDON: You have gone to ISD and fire?

HYUN SOO KIM: Yes.

FIRE CHIEF GERALD REARDON: You have propane onboard?

HYUN SOO KIM: Yes, sir. I have submitted a lot of paperwork to license department.

CHAIR NICOLE MURATI FERRER: Anything else?

POLICE COMMISSIONER ROBERT HAAS: Nothing else.

CHAIR NICOLE MURATI FERRER: We'll take it under advisement.

As soon as you get your copy of your state vendor's license, contact our office so you can submit it to them and the Board can vote on

your application.

HYUN SOO KIM: Thank you. Do I have to come back to take care of it?

CHAIR NICOLE MURATI FERRER: No. You submit it to the Board. The sooner the better. We meet next Thursday. If you submit it, we can vote it.

POLICE COMMISSIONER ROBERT HAAS: I won't be here next Thursday, just so you know.

CHAIR NICOLE MURATI FERRER: Okay. For the record, would you approve it if we had everything?

POLICE COMMISSIONER ROBERT HAAS:
Contingent upon the presentation of proper paperwork, yes.

CHAIR NICOLE MURATI FERRER: Okay. You will be approved upon your paperwork being all set. Thank you.

APPLICATION:
CCLH, LLC D/B/A COURTYARD BOSTON CAMBRIDGE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: CCLH, LLC doing business as
Courtyard Boston Cambridge, holder of an
Innholders All Alcoholic Beverages License at 777
Memorial Drive has filed an application for a
Change of manager of Record from Robert
Rosenblatt to Stanley Martin.

CHAIR NICOLE MURATI FERRER: State your
name for the record, please.

STANLEY MARTIN: Stanley W. Martin.

CHAIR NICOLE MURATI FERRER: Thank you,
Mr. Martin.

Have you ever been the manager of record
on a liquor license before?

STANLEY MARTIN: Yes.

CHAIR NICOLE MURATI FERRER: Do you think
I can change that in your application where you

marked "no"?

STANLEY MARTIN: Is that a general question?

CHAIR NICOLE MURATI FERRER: It says "have you ever been the manager of record on a license that was issued by this Commission" and your answer was "no."

STANLEY MARTIN: Cambridge?

CHAIR NICOLE MURATI FERRER: No. The ABCC.

STANLEY MARATING: Yes, in Woburn.

CHAIR NICOLE MURATI FERRER: Just mark that off "yes." I kind've saw on your work over there, but still marked "no," so mark "yes" and initial it.

STANLEY MARTIN: Sorry about that.

CHAIR NICOLE MURATI FERRER: Don't worry about it. That's what we're here for. You have had no disciplinary issues as a manager of

record?

STANLEY MARTIN: No, and I was there over eight years.

CHAIR NICOLE MURATI FERRER: Can you tell us, are you up to date with the rules and regulations with regard to the sale and service of alcohol?

STANLEY MARTIN: Mm-hmm.

CHAIR NICOLE MURATI FERRER: Do you understand that we expect you to stay up to date with those rules and regulations?

STANLEY MARTIN: Yes.

CHAIR NICOLE MURATI FERRER: Are you still a Massachusetts resident?

STANLEY MARTIN: I am not.

CHAIR NICOLE MURATI FERRER: You're not. You cannot be a manager of record if you're not a Massachusetts resident.

STANLEY MARTIN: Okay.

CHAIR NICOLE MURATI FERRER: So go back to CCLH and tell them they need a new manager or you need to move to Massachusetts.

STANLEY MARTIN: Okay.

CHAIR NICOLE MURATI FERRER: Sorry about that. Trust me it's not us. It's Chapter 138.

APPLICATION:
LEGAL SEA FOODS, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Legal Sea Foods, LLC, holder of a Common Victualer All Alcoholic Beverages License at 355 Main Street has applied for a Change of Officers/Directors (Members of LLC).

Do you want to take them all?

CHAIR NICOLE MURATI FERRER: Yes, please.

APPLICATION:
LEGAL SEA FOODS, LLC
(University Road and Main Street)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Legal Sea Foods, LLC, holder of a Common Victualer All Alcoholic Beverages License at 20 University Road and at 355 Main Street has applied for a Change of Officers/Directors (Members of LLC).

CHAIR NICOLE MURATI FERRER: Then 355, you did all of them?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: Good evening. Please state your name for the record.

DONNA CRUZ: Yes, my name is Donna Cruz and I'm a paralegal at the corporate office --

THE COURT REPORTER: Chair, we need her to spell her first and last name.

CHAIR NICOLE MURATI FERRER: Could you please spell your first and last name for the record, please?

DONNA CRUZ: D-O-N-N-A, C-R-U-Z.

CHAIR NICOLE MURATI FERRER: Thank you.
I'm sorry. You were saying you were a paralegal
for...?

DONNA CRUZ: I'm a paralegal at the
corporate offices of Legal Sea Foods.

CHAIR NICOLE MURATI FERRER: These are
just changes to the corporate level and they have
already been approved by the ABCC as a reverse
transaction?

DONNA CRUZ: Yes.

CHAIR NICOLE MURATI FERRER: There are no
changes to the operations of any of these three
establishments?

DONNA CRUZ: No.

CHAIR NICOLE MURATI FERRER: All in favor
of this petition?

FIRE CHIEF GERALD REARDON: Aye.

CHAIR NICOLE MURATI FERRER: All in

opposition to this petition?

Okay. I vote to grant.

Do the other two want to say whether they grant or not?

POLICE COMMISSIONER ROBERT HAAS: Grant.

FIRE CHIEF GERALD REARDON: Grant.

**APPLICATION:
TRANSFER FROM CRAZY DOUGH HARVARD TO
SFJ GROUP, LLC D/B/A EL TAQUEIRA**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: To transfer the Common Victualer Wine & Malt Beverages License from Crazy Dough Harvard, LLC doing business as Crazy Dough's Pizza Company, at 36 JFK Street, to SFJ Group, LLC, doing business as El Jefe's Taqueria, at 87 Mount Auburn Street, John Schall as the proposed manager of record. An application has also been made for Change of Location from 36 JFK Street to 87 Mount Auburn Street and Pledge of said

license. The proposed premise is described as:
1,263 square feet, one room space on the first
level of the garage building.

CHAIR NICOLE MURATI FERRER: Good
evening.

State your name for the record and also
spell it for the record.

JOHN SCHALL: John, J-O-H-N, S-C-H-A-L-L.

CHAIR NICOLE MURATI FERRER: Thank you
Mr. Schall.

EXECUTIVE DIRECTOR ELIZABETH LINT:
That's an outstanding balance with Crazy Dough
for the city.

CHAIR NICOLE MURATI FERRER: Yes. One of
the things we -- the treasurer's office informs
us when there's outstanding debt to the city when
we have any of these are hearings. And
apparently Crazy Dough owes money to the city.
We won't be able to -- we'll go through the

process of the hearing and everything, but we won't be able to grant anything until those monies are paid in full.

JOHN SCHALL: Uh-huh.

CHAIR NICOLE MURATI FERRER: They do not seem to be significant based on what they gave us. So it shouldn't be much of an issue, I'm assuming.

JOHN SCHALL: Okay.

CHAIR NICOLE MURATI FERRER: With that said, can you tell us about your application, please?

JOHN SCHALL: Yes. Well, first, I am the holder of an all alcohol license at Fire & Ice at 50 Church Street. I have been for 19 years with a seven-year break. There were three years and off seven years and for the last nine years. And in October I opened a new location, Mexican Taqueria, in the garage building, and I would

like to do beer and sangria at this location. So that's what...

CHAIR NICOLE MURATI FERRER: What is the public need for this license at this location?

JOHN SCHALL: Well, there's -- I mean, there's been a request on several occasions for people that are coming in for lunch and dinner as to whether they -- I will ever be able to have sangria or Dos Equis or Corona, you know.

CHAIR NICOLE MURATI FERRER: I note for the record you have been a manager of record and you have had no disciplinary issues, is that correct?

JOHN SCHALL: Yes.

CHAIR NICOLE MURATI FERRER: Are you still familiar with the rules and regulations of with regard to the sale and service of alcohol?

JOHN SCHALL: I absolutely am.

CHAIR NICOLE MURATI FERRER: Do you

understand that we expect you to stay up to date with those rules, laws and regulations?

JOHN SCHALL: Absolutely.

CHAIR NICOLE MURATI FERRER: Are you still a Massachusetts resident?

JOHN SCHALL: I am. 19 Hilliard Street, Cambridge, Mass.

CHAIR NICOLE MURATI FERRER: So are you still a US citizen?

JOHN SCHALL: Yes. I believe my passport is included in the application.

CHAIR NICOLE MURATI FERRER: It is. Thank you. We still like to ask the questions.

Any further questions?

FIRE CHIEF GERALD REARDON: You're not doing any premises changes or construction as a result of this, you're just adding the beer and wine?

JOHN SCHALL: If you look at the floor

plan, there's refrigerated wells behind the cash register that currently hold Jericho sodas and half of that would just hold bottled beer, which I would then pour into a cup when they were served. So that's -- there's no bar. There's no -- it's just be serving bottled beer and sangria.

CHAIR NICOLE MURATI FERRER: Anything else?

POLICE COMMISSIONER ROBERT HAAS: Nothing else.

CHAIR NICOLE MURATI FERRER: I do note for the record that we did receive an email in support of this application.

Anyone else here to speak in support of this application?

Anyone here to speak in opposition to this application?

I vote to grant.

POLICE COMMISSIONER ROBERT HAAS: Pending your settlement.

CHAIR NICOLE MURATI FERRER: Pending the settlement of the Crazy Dough balance.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

CHAIR NICOLE MURATI FERRER: We'll hold it until Crazy Dough paid, and provided everything comes in, you should be all set.

JOHN SCHALL: Thank you very much.

**APPLICATION:
LIFE ALIVE ACQUISITION, LLC
D/B/A LIVE ALIVE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Life Alive Acquisition, LLC doing business as Live Alive has applied for a new Common Victualer License to be exercised at 765 Massachusetts Avenue, open seven days per week between 8:00 a.m. and 10:00 p.m. with a seating capacity of 60 inside and 7 seasonal patio seats

on public property. Proposed manager of record Keith Pascal. Premise description: Café style with first floor and basement seating. Food is prepped in back kitchen and first floor. Patio seating on public sidewalk.

CHAIR NICOLE MURATI FERRER: Good evening. Please state and spell your name for the record.

UDAYA ODURU: My name is Uday Oduru, U-D-A-Y-A, O-D-U-R-U. And I am the finance head at Life Alive and I'm here to represent Life Alive.

CHAIR NICOLE MURATI FERRER: Now, can you tell me who exactly will be the holder of this license?

UDAYA ODURU: Keith Pascal is the managing manager of LLC.

CHAIR NICOLE MURATI FERRER: When we say "LLC," we're talking about Life Alive?

BRIAN NADLER: Acquisition LLC.

CHAIR NICOLE MURATI FERRER: Now, does Ms. Heidi Feinstein have anything to do with this license?

UDAYA ODURU: With this license? No. But she's still the chief visionary officer.

CHAIR NICOLE MURATI FERRER: She'll be an employee of the company?

UDAYA ODURU: That's correct.

CHAIR NICOLE MURATI FERRER: Now, she has no financial interest in the license?

UDAYA ODURU: No.

CHAIR NICOLE MURATI FERRER: Okay. I'll tell you where my hurdle is. She is the lessee.

UDAYA ODURU: We have transferred the leases. We have reassigned the leases to the new company Life Alive Acquisition, LLC.

CHAIR NICOLE MURATI FERRER: I don't have that.

UDAYA ODURU: I'll get that to you.

CHAIR NICOLE MURATI FERRER: Good.

Because the lease I have was not even with Life Alive Acquisition.

UDAYA ODURU: Okay. I will be able to get that to you.

CHAIR NICOLE MURATI FERRER: Okay. And can you tell us -- is it going to be the same concept that was there?

UDAYA ODURU: Same exact concept. Same things.

CHAIR NICOLE MURATI FERRER: And then I saw you're going to apply for a liquor license at some point?

UDAYA ODURU: We're still deciding because it's not a major part of our revenue and nobody really misses it. So we might not just do it.

CHAIR NICOLE MURATI FERRER: And then you

say you have about 67 seats, but that's actually your total amount of seats, including the 37 outside or do you have 67 inside and 7 outside?

UDAYA ODURU: I believe 60 plus 7.

CHAIR NICOLE MURATI FERRER: Okay. Now, there's also some money owed to the city by the previous license holder that will have to be satisfied with the city prior to this being able to be granted. Again, it's not a significant amount, so it shouldn't be an issue. So I can probably can take it from your tip jar, but with that said, anyways.

Any other questions?

FIRE CHIEF GERALD REARDON: The seven seasonal seats are those approved by Public Works?

UDAYA ODURU: I believe so, but I can -- I can ask the previous owner Heidi Feinstein.

EXECUTIVE DIRECTOR ELIZABETH LINT:

They're approved, but it will have to be in the new corporate name.

FIRE CHIEF GERALD REARDON: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: You have to amend that with Public Works.

UDAYA ODURU: Okay.

CHAIR NICOLE MURATI FERRER: Anything else?

FIRE CHIEF GERALD REARDON: Nothing.

POLICE COMMISSIONER ROBERT HAAS: Nothing.

CHAIR NICOLE MURATI FERRER: Anyone in favor of this petition?

Anyone in opposition to this petition?

Okay. So please provide us the lease and then proof of payment and we'll be able to take it up, and hopefully, if you do all that before next Thursday, we'll be able to...

UDAYA ODURU: Awesome, thank you.

FIRE CHIEF GERALD REARDON: You need to transfer those seasonal seats before you can start using them. It's too early yet.

CHAIR NICOLE MURATI FERRER: I know you're not here next Thursday, but providing everything is in order, would you approve?

POLICE COMMISSIONER ROBERT HAAS: I would approve.

CHAIR NICOLE MURATI FERRER: Thank you.

**INFORMATIONAL NON-USE HEARING
FI-HI PIZZA, INC D/B/A HI-FI PIZZA**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Informational Non-Use Hearing pursuant to General Laws Chapter 138, Sections 12 and 77, as to Fi-Hi Pizza, Inc doing business as Hi-Fi Pizza, holder of an Common Victualer Wine & Malt Beverages License at 492-496 Massachusetts Avenue for non-use of license.

CHAIR NICOLE MURATI FERRER: Good evening.

ATTY KEVIN CRANE: Good evening, Madam Chair. My name is Kevin, K-E-V-I-N, C-R-A-N-E. And I have with me the license holder, Frank Holland, H-O-L-L-A-N-D.

CHAIR NICOLE MURATI FERRER: Thank you. Now, it seems like you have been closed for awhile. You had been given some time and then now you asked for six more months and that's why we're basically here.

ATTY KEVIN CRANE: That's right. We were granted six months last October 6 by the Board and that would be up in the beginning of April. We have actually entered into a purchase and sale agreement for the sale of the license just a week ago actually. And I do anticipate that the purchaser of the license would be applying with the Board -- the agreement requires 14 days, but

I suspect that they're -- they're working on it from what I understand.

CHAIR NICOLE MURATI FERRER: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: I could probably add a little bit to that. The person -- the corporation that's going to be purchasing that license we received an application yesterday from the purchaser of the -- they have an all alcoholic license, they're selling that to another entity, and purchasing the wine and malt, so we do have the application for the transfer of the all alcohol.

CHAIR NICOLE MURATI FERRER: But no application for this one yet which you're saying that they're working on?

ATTY KEVIN CRANE: Yes.

CHAIR NICOLE MURATI FERRER: You had requested six more months?

ATTY KEVIN CRANE: Yes.

CHAIR NICOLE MURATI FERRER: Do we want to do six months, three months?

FIRE CHIEF GERALD REARDON: Counsel, how long do you realistically think it will take for this process?

ATTY KEVIN CRANE: Well, the problem always is the ABCC and you never know what kind of issues you're going to be faced with up there.

If there's nothing out of the ordinary, Chief, I would suspect we would be able to do it within four months. But, again, you know, between CORI reports and whatever, it's like it can be a black hole or a very straightforward matter. But that's the problem I have as far as putting a time frame on it.

If everything goes smoothly, and it appears to me that the entities involved are all represented by experienced counsel, even including myself, that it could be probably a

four months at tops. I think actually in the agreement the outside closing date is the end of July, July 31st.

FIRE CHIEF GERALD REARDON: I guess I would rather -- it has been extended, extended.

I guess I would be more amenable to a shorter term and then if you're in a crux that you can come back.

From my own purpose, I would be able to extend if the situation is beyond your control rather than turn around and give you a long-term of six months.

ATTY KEVIN CRANE: If four months would be acceptable to the Board, that would be great.

I was even thinking three months to extend and come back.

FIRE CHIEF GERALD REARDON: If you're in a bona fide negotiation and it's a hang up, I think I can only speak for myself, would be

willing to extend at that point.

If somehow things have fallen through and there's nothing on the horizon, then it's a different ballgame.

CHAIR NICOLE MURATI FERRER: I don't think we're saying for final approval of the ABCC to come in, but for, rather, all the applications and all the documents to come in for the transfer of the license rather than final approval.

FIRE CHIEF GERALD REARDON: Yeah, that's my -- yeah.

POLICE COMMISSIONER ROBERT HAAS: Is this the same location involving Clover?

ATTY KEVIN CRANE: Yes.

CHAIR NICOLE MURATI FERRER: Are they still not able to get a license because --

ATTY KEVIN CRANE: I have no idea what their idea is, Mr. Commissioner.

POLICE COMMISSIONER ROBERT HAAS: The

chief indicated I know we extended this license quite a bit and again unless -- I know the issue was over how long it would prevent from Clover going ahead and into that establishment and the sale of this license.

I agree with the Chief, it should be short as possible instead of extending it.

EXECUTIVE DIRECTOR ELIZABETH LINT: If I may, you didn't continue to extend it. It was revoked and the ABCC sent it back and said give them more time.

FIRE CHIEF GERALD REARDON: I was going to help counsel out with that memory, but...

CHAIR NICOLE MURATI FERRER: Three months?

FIRE CHIEF GERALD REARDON: I make a motion for 90 days.

POLICE COMMISSIONER ROBERT HAAS: Take public comment first.

CHAIR NICOLE MURATI FERRER: It's a disciplinary matter.

POLICE COMMISSIONER ROBERT HAAS: That's right.

FIRE CHIEF GERALD REARDON: I make a motion for 90 days and come back in and -- again, that's not subject to full ABCC, but a good faith effort moving forward in terms of transferring the license and paperwork.

CHAIR NICOLE MURATI FERRER: 90 days good for you?

POLICE COMMISSIONER ROBERT HAAS: I'm thinking.

CHAIR NICOLE MURATI FERRER: Oh, you're thinking. Sorry. Do you want --

POLICE COMMISSIONER ROBERT HAAS: I don't think you can do any shorter. It will take some time to get this thing wrapped up. I am good with the 90 days. Six months would be way too

long at this point.

CHAIR NICOLE MURATI FERRER: 90 days.

Cancellation hearing in 90 days if nothing else comes through. Yes?

FIRE CHIEF GERALD REARDON: Yes.

ATTY KEVIN CRANE: 90 days run from today or April 6?

CHAIR NICOLE MURATI FERRER: It would be 90 days that you get the statement of reason, counselor, but don't you worry it won't be before your first six months are due. AGAIN, we scheduled this a little before because you had requested the six months and we already knew that you were seeking such an extension.

ATTY KEVIN CRANE: Thank you.

**CANCELLATION HEARING
TOMMY DOYLE'S PUB AND RESTAURANT, LLC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cancellation Hearing Pursuant to General Laws
Chapter 138, Sections 12 and 77, as to Tommy
Doyle's Pub and Restaurant, LLC, holder of an
Common Victualer All Alcoholic Beverages License
at 96 Winthrop Street for non-use of license.

CHAIR NICOLE MURATI FERRER: Good
evening. Please state and spell your names for
the record.

Thank you.

GARRETT TINGLE: Garrett Tingle,
G-A-R-R-E-T-T, T-I-N-G-L-E.

ATTY ANDREW UPTON: Andrew Upton
representing the landlord and creditor.

CHAIR NICOLE MURATI FERRER: Mr. Tingle,
you're the manager of record on the liquor
license, is that correct?

GARRETT TINGLE: That's correct.

CHAIR NICOLE MURATI FERRER: Okay, you're
not -- you're not the landlord?

GARRETT TINGLE: No.

ATTY ANDREW UPTON: I am representing the landlord.

CHAIR NICOLE MURATI FERRER: That's why I was confused.

This has not been in use for a long time now since 2013, late 2013.

GARRETT TINGLE: Right.

ANDREA BOYER: Can you explain to me what has been going on, Mr. Tingle?

ATTY ANDREW UPTON: Most recently if we can fast forward, there was an application for transfer to the BonChon Company, that was filed November 9. I believe that was before the tenure of this chair.

CHAIR NICOLE MURATI FERRER: Uh-huh.

ATTY ANDREW UPTON: But we had a series of hearings there where, as I recall, the shareholders of BonChon had an internal

disagreement and the decedent shareholder hired their own counsel, and they -- what wasn't totally clear is they were opposing the transfer, but they were essentially opposing the transfer.

And I believe there were three members of BonChon LLC and the decedent shareholder and there was sort of a vigorous internal debate that went on here at the hearing. And the Board sent everybody back to clear up their issues, which included allegations of harassment, allegations of improper corporate behavior. It was our position, as the landlord and a participant, that the issues they raised were not properly before the Board because they were internal corporate disputes.

That being said, because of all the problems, including the proposed transferee, the transaction fell apart. And that was filed November 9, heard in December, continued to

January and ultimately withdrawn last month.

CHAIR NICOLE MURATI FERRER: Let me --
Mr. Tingle, you're the manager of record, but you
don't have a financial interest in this license,
correct?

GARRETT TINGLE: That's correct.

CHAIR NICOLE MURATI FERRER: And
Mr. O'Sullivan is actually the license holder
because he is Tommy Doyle's only interest holder,
yes?

EXECUTIVE DIRECTOR ELIZABETH LINT:
That's correct.

CHAIR NICOLE MURATI FERRER: Where is
Mr. Sullivan -- O'Sullivan.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Mr. O'Sullivan called this afternoon and he said
he could not be here. That he was told by
Mr. Dehanda (phonetic), who is the landlord, that
he was all taken care of and he didn't need to

worry about it.

ATTY ANDREW UPTON: I was not privy to that conversation. As a creditor essentially the controlling interest of his license and we're here to speak to the license, to the status to its future and, in fact, we insisted Mr. Tingle come with us as a representative of the licensee in case there's other questions.

CHAIR NICOLE MURATI FERRER: You have a pledge on the license or your client has a pledge on the license?

ATTY ANDREW UPTON: Yes.

FIRE CHIEF GERALD REARDON: I'm not clear what Mr. Tingles's testimony is going to add to this. He's not the pledge. He was not the recipient, he's not landlord and has no financial interest in this.

ATTY ANDREW UPTON: Because Mr. O'Sullivan was unable or unwilling to come,

we thought we would at least bring someone from the licensee in case you had questions for him.

FIRE CHIEF GERALD REARDON: Mr. Tingle, you're no longer employed by -- that's been dissolved?

GARRETT TINGLE: That's correct.

FIRE CHIEF GERALD REARDON: I understand he was manager of record. I don't know what testimony he could add to this particular one as not being a financial --

ATTY ANDREW UPTON: I'm not sure either and I'm prepared to give all relevant testimony.

FIRE CHIEF GERALD REARDON: I was just asking the question just in case I missed something.

CHAIR NICOLE MURATI FERRER: I understand that this other deal fell through.

Is this the only deal that has been had, the BonChon since 2013?

ATTY ANDREW UPTON: This is the only deal that resulted in an application to the Board.

There was considerable marketing efforts and other negotiations, but this is the only one that resulted in an application.

CHAIR NICOLE MURATI FERRER: What is the current effort now to put this license into use?

ATTY ANDREW UPTON: The current effort is they hired a reputable liquor license broker, and I have a letter from him describing his recent efforts.

I believe the Board is aware of Atlantic License Brokers and their efforts in Cambridge. They recently brokered the Takemura Restaurant license and sale to Ken Oringer. They were involved in the Hi-Fi license, sales that fell through, and the one that's currently pending to Wagamama that Attorney Crane just described. And they also did the sale for Man Ray. We thought

with that experience they were the best person to hire to market this license.

I spoke to the broker today who told me that he has two prospects of people moving to Cambridge, but we cannot represent that there's any deal pending because they're negotiating the leases, and since they would be in separate building, we're not privy to the lease negotiation.

Till that happens they don't want to sign an offer for the license. So I say that to let the Board know that we're making a good faith effort to dispose of the license.

It's a valuable asset and we would like to sell it as soon as we can. It was unfortunate so many months were taken up with the BonChon group, and had they hold us there was such internal dissension among them when we started, we might never have gone down that road, but what

is done is done with them.

CHAIR NICOLE MURATI FERRER:

Commissioners?

FIRE CHIEF GERALD REARDON: So where this is a pledge, I assume there's financial obligations to the landlord that this represents?

ATTY ANDREW UPTON: Yes.

FIRE CHIEF GERALD REARDON: In part or in whole or...?

ATTY ANDREW UPTON: I'm not sure if there are other debts from Mr. O'Sullivan given the history of the operation, it would not shock me.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have --

CHAIR NICOLE MURATI FERRER: There's some money owed to the city. Again, it's not significant when you consider what this transaction is, but there's money owed.

ATTY ANDREW UPTON: We would be more than

happy to pay any and all creditors when we receive payment for the license. Absolutely.

CHAIR NICOLE MURATI FERRER: You two know the history behind this better than I do at this point.

POLICE COMMISSIONER ROBERT HAAS: What's the duration of the agreement with the broker?

CHAIR NICOLE MURATI FERRER: July 28. His assignment began January 28 through July 28 of this year. Six months basically.

ATTY ANDREW UPTON: Of course, the broker doesn't get paid unless he makes a deal. It's totally on commission. We feel he had a good incentive.

FIRE CHIEF GERALD REARDON: I would have to take the stance I just did for previous 90 days to come back with some sort of a bona fide application and deal. It has been out there for quite awhile.

POLICE COMMISSIONER ROBERT HAAS: Where does 90 days take us? I'm not inclined to go beyond the expiration of the broker's agreement.

FIRE CHIEF GERALD REARDON: It would be prior to.

POLICE COMMISSIONER ROBERT HAAS: Prior to, okay.

CHAIR NICOLE MURATI FERRER: For a moment there, I had a brain freeze. I am like, what month are we in.

POLICE COMMISSIONER ROBERT HAAS: Right now there's a line in the sand with respect to the agreement with the broker, and I don't think we're talking much more beyond 90 days, and I would not -- at this point in time, I think if it goes beyond that, I would be hard pressed to reconsider another extension at this point given the amount of time that this has license has been held inactive, and all the other issues that are

associated around this particular license.

I would -- I don't know if you want to extend it another month.

FIRE CHIEF GERALD REARDON: I guess my thing is it puts far more pressure on to broker the license before that ends.

Again, if someone came in, we would have to take it on a case-by-case basis if there was -- if they needed small amount time to consummate an application and finish the deal.

POLICE COMMISSIONER ROBERT HAAS: I'm afraid if we said 90 days there's a broker agreement that wouldn't keep the landlord from coming back in saying I still have a broker still trying to broker deals. I think if the broker's relationship with the landlord ends July 28 then to me, that's kind've a drop dead date in terms of -- they would have to renegotiate an extension to that broker, or find another broker and I

would think that would change the complexion of whether or not you want to extend the license any further or extend the inactive status any further.

FIRE CHIEF GERALD REARDON: Someone could come in with a one-year broker license. And we gave 90 days on the other one which it's somewhat similar and it's getting a little stale out there in terms of being on the market.

I think the closer to the deadlines, the closer everyone gets to get more aggressive getting the deals done.

ATTY ANDREW UPTON: Understood. And for the record, the listing agreement does say that no fee will appeal to the broker if the license is sold to one of agent's existing tenants or there assignees.

So I mention that to say that not only does the broker have an incentive to sell, the

landlord has some incentive to participate in the marketing because he could save ten percent if he sold it to somebody. We're talking somewhere between \$200 and 300,000 of value and I'm trying to collect from these guys on a debt that's three or four years old. We have every incentive in the world to sell this. We're anxious to do so.

FIRE CHIEF GERALD REARDON: I'm still with the 90 days.

CHAIR NICOLE MURATI FERRER: 90 days.
Conciliation hearing in 90 days.

ATTY ANDREW UPTON: Thank you very much.

EXECUTIVE DIRECTOR ELIZABETH LINT: The actual matter was actually --

CHAIR NICOLE MURATI FERRER: Disciplinary hearing for Ms. Mitchell. Ms. Mitchell submitted a letter that states she will no longer be operating her business at 10 Pleasant Street as of yesterday. License cancelled.

DISCIPLINARY:**SURYA BINAYAK, INC D/B/A CITY LIQUORS**

EXECUTIVE DIRECTOR ELIZABETH LINT: Last but not least, disciplinary pursuant to General Laws Chapter 138, Sections 23 and 63, as to Surya Binayak, Inc doing business as City Liquors, holder of an All Alcoholic Beverages Package Store License at 620 Cambridge Street for alleged violations of Cambridge Municipal Code Noise Ordinance 8.16.060-Measured Noise Disturbance.

CHAIR NICOLE MURATI FERRER: Good evening. Please state and spell your names for the record.

BINOJ PRADHAN: My name is B-for boy-I-N-O-J, last name P-for Peter-R-A-D-for David-H-A-N-for Nancy.

ANDREA BOYER: Andrea Boyer, investigator for the City of Cambridge License Commission.

CHAIR NICOLE MURATI FERRER: Ms. Boyer, why don't you start with your testimony, please?

ANDREA BOYER: On February 5, 2016 we received a noise complaint from a Mr. Alvin Kim on HVAC units on the rooftop of City Liquors located at 62 Cambridge Street.

I have a picture I would like to give to the Board. That's the location of the units.

CHAIR NICOLE MURATI FERRER: Thank you.

ANDREA BOYER: I performed noise readings to see if the units are in violation on February 9, 2016.

As seen in the picture Unit No. 1 showed that it was 57 decibels, so 57.6 DBAs. Unit No. 2, went on actually was louder than the other unit and somewhat in some ways kind've like the dominant source of noise. It was 62.7 or 62.9 DBA. These readings were taken from the second floor of No. 8 Fulkerson Street.

Since they were violations of the Cambridge noise ordinance which was daytime and nighttime, I contacted the owner, Mr. Pradhan, to see -- to let him know there were violations and what the readings showed.

He put up baffling of the units in Units 1 and 2.

CHAIR NICOLE MURATI FERRER: These are new?

ANDREA BOYER: That's a new baffling put around the units. I performed second readings on March 16, 2016. Unit No. 1 was now out of violation which showed 47.9 to 48.1 DBAs and the second unit was 55.2 to 55.4 which was still a violation of the nighttime noise ordinance.

I contacted the owner again and he added Roxul insulation to the interior of the wall.

It was at that point, that he was going to contact me to let me know when it was done.

I performed new readings on March 20 once that was installed, and the readings came down to 51.7 to 52.0. I let him know he was very close, but it was still a violation.

He said he was going to add another layer of Roxul insulation and possibly a rooftop. Based on that information, I told him to watch the live load that will be on the roof. And I contacted Inspectional Services to see if a permit had been pulled to put the structure up. He told me the permit had not been pulled to put a structure on the roof. And when Michael Grover checked to see about the refrigeration units, it was found that a permit was not pulled for the refrigeration unit either.

Michael Grover put a stop order on the work yesterday. I have not tested to see if the new Roxul has actually brought into -- where we are right now is it's not in compliance, but the

building application is in, but a structural engineer is still pending and he'll be in on Thursday.

CHAIR NICOLE MURATI FERRER: So he'll be in this Thursday?

ANDREA BOYER: Yes.

CHAIR NICOLE MURATI FERRER: Provided they approve whatever it is that they want to do, they will be able to do it and then you will be able to figure out whether or not they're now in compliance based on that?

ANDREA BOYER: Yes. Still the inspection for the refrigeration unit as well.

FIRE CHIEF GERALD REARDON: What is the material that the board is made out of? Is that plywood?

BINOJ PRADHAN: Yes. It's like three-inch plywood to keep the Roxul intact so it doesn't fly away. That's all we did was use

metal brackets and put up plywood and Roxul.

FIRE CHIEF GERALD REARDON: You have the Roxul sandwiched in between the two three-eighths?

BINOJ PRADHAN: Yes.

FIRE CHIEF GERALD REARDON: You're going to put another layer of Roxul and move it?

BINOJ PRADHAN: We added a layer because that was a two-inch Roxul and that's what we use essentially. We put another layer of Roxul, and she hasn't done a testing yet.

FIRE CHIEF GERALD REARDON: Is that the same cavity as the first one?

BINOJ PRADHAN: Yes.

FIRE CHIEF GERALD REARDON: It is.

BINOJ PRADHAN: We put it right in the front. The Roxul is covered by something, right, the new layer?

BINOJ PRADHAN: Yes.

FIRE CHIEF GERALD REARDON: You moved it?

BINOJ PRADHAN: Yes.

FIRE CHIEF GERALD REARDON: Has anyone looked at the AC Unit No. 2 to see if there's something --

BINOJ PRADHAN: I have two companies come over there and what they said, it's mechanical things and sometimes when the manufacturer they cannot get it a hundred percent the same because one's louder than the other one. You look if the compass was loose and everything. Nothing was loose. It was the way the one unit versus the other unit one is louder than the other one.

FIRE CHIEF GERALD REARDON: Are they both the same BTU capacity?

BINOJ PRADHAN: Same horsepower, everything the same.

FIRE CHIEF GERALD REARDON: So when you talk about now putting a roof on it, you're going

to cover these?

BINOJ PRADHAN: What we did was we didn't put like a roof, we just put like a small piece because what happened was, as you can see on the picture, it's basically standing so what we did was we put a little bit so the noise can get deflected rather than traveling straight up.

FIRE CHIEF GERALD REARDON: Because you don't want to block the top.

BINOJ PRADHAN: We took just a little bit off it.

FIRE CHIEF GERALD REARDON: Did you do it at an angle or a square?

BINOJ PRADHAN: Square.

FIRE CHIEF GERALD REARDON: Angle is better for acoustics.

CHAIR NICOLE MURATI FERRER: Are you a resident?

Can you step up and spell your name for

the record?

ALVIN TAN: Good evening. My name is Alvin Tan, A-L-V-I-N, T-A-N.

CHAIR NICOLE MURATI FERRER: Mr. Tan, are you like the next door neighbor to this?

ALVIN TAN: Yes, I am. I'm the resident at Fulkerson Street, the second floor of that building.

CHAIR NICOLE MURATI FERRER: Can you tell us about what you know about this?

ALVIN TAN: Yes, ma'am. I have prepared a statement and if you would like I can read the statement to you.

CHAIR NICOLE MURATI FERRER: It's up to you. Sure.

ALVIN TAN: Chairperson, Members of the Board, good evening, I'm Alvin Tan. I'm the resident at Fulkerson Street here in Cambridge, Massachusetts. I'm here to testify my experience

living with the noise that has been produced by City Liquors and its harmful effects it had has on my health.

On December 27, 2016, I came back to my apartment from vacation. And then when I entered my apartment, I discovered a profoundly loud and disturbing noise coming from outside my window. I realized the noise was coming from HVAC units that were installed right outside my window over the fall. Since that day, I have been continuously harassed by the noise. I rented my apartment because of its peaceful and quiet surroundings. However, now, the quiet enjoyment of my room has been violated by this noise.

FIRE CHIEF GERALD REARDON: Sir, were these newly added while you were on vacation?

ALVIN TAN: They were added over the fall, but they were not operational.

FIRE CHIEF GERALD REARDON: Okay.

ALVIN TAN: I came back from my vacation in December, on December 27. I discovered them to be in operation and the sound was there.

So since then, I have been unable to rest, unable to work in my room, unable to attend proper sleep. I have initially tried to stop the noise using foam earplugs, even extensive noise cancelling headphones; however, the sound continues to over power even these measures. Moreover, the noise has severely affected my physical and mental well-being. It has affected my ability to study and work as a student as a doctoral candidate at MIT. I have been diagnosed by MIT medical department as suffering from severe sleep deprivations. Symptoms including daytime irritability, depression, lethargy and difficulty focusing and concentration. These were the conditions of my health while I was preparing for my doctoral examination in

February. And these conditions continue to this day.

I have a letter from MIT medical about my sleep deprivation. It's in the file otherwise I will be able to provide a copy of that letter. I have copy with me here.

I would like to further state that I am dissatisfied with the handling of this issue by City Liquors. City Liquors ensured me of solutions and timelines that they have not delivered on. I was promised by the owner, Mr. Binoj Pradham, the noise issue will be fixed by March 10. To date the noise has not been addressed to a satisfactory manner. Instead of addressing the problem at the source by perhaps repairing the offending unit or replacing it with a quieter model, they erected a barrier of wood panels held together by duct tape.

I would like to formally request City

Liquors to take measures that effectively address the root of the problem rather than to built paltry measures that do not effectively address the problem that only result in margin reductions in noise.

On February 23, I spoke to Mr. Pradhan, and he told me in addition to the noise barriers, the units will be repositioned to face away from my window.

I understand that he also told Ms. Andrea Boyer of this plan.

Later on March 9, I asked Mr. Pradhan if the units are being moved. He told me that, and I quote, "It will be a pain in the ass."

Furthermore when I requested that the noisiest unit be turned off so I can have some relief from the noise, Mr. Pradhan told me "We can't do that. It will ruin the beer."

I would like to emphatically say that

City Liquors cannot be allowed to continue to violate my health and well-being in the interest of beer. It is patently unjust and harmful to my well-being for them to continue to violate my well-being and health while they fumble around for a solution to the noise.

Madam Chairperson and respected Members of the Board, if I may, I would like to request your office to order City Liquors to turn off their offending unit or cease operations until an effective solution to the noise has been attained. This will provide me with much needed respite from the noise and allow me to recover to a natural state of health.

I have been without proper sleep for three months now. There is not a single day in the year 2016. It has affected my day-to-day living.

And Madam Chairperson and Members the

Board, I hope you will consider my request. I am happy to defer to your opinion. Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

FIRE CHIEF GERALD REARDON: So, sir, have you noticed any decrease in the noise since some of these mitigations have been done?

ALVIN TAN: Between the measures have taken, I have not noticed much of a noticeable decrease of the noise, including today. I don't know if there's a decrease in the noise compared to the previous time Ms. Andrea Boyer took a reading.

FIRE CHIEF GERALD REARDON: Okay. And for City Liquors, I assume, these were in -- they were on 24/7?

BINOJ PRADHAN: They don't run 24/7. They're run based on when needed.

FIRE CHIEF GERALD REARDON: I understand. But they're liable to cycle to maintain

temperature.

BINOJ PRADHAN: One thing we did was the unit that was making the most noise we delayed it so it would start only in the next day rather than running in the nighttime. It only starts in the a.m. They did the same with the a.m./p.m. when the second unit start because at night we need to run both the units. It's only the daytime when people open the door, that's when it's needed most.

So the one that makes the most noise doesn't kick on in the nighttime, but kicks on in the daytime? But the one that's the lowest noise which is at 47 below the 50, is the one that runs in the nighttime.

And to answer his question, like the day when he came to my liquor store and mentioned the problem, I went to his apartment, knocked on the door and went inside. He offered me a water and

we together listened to the problem.

I told him I understand your problem because the first time when he contacted because I was not in my business because my grandfather passed away, I just opened a business and another business, I was so busy with that, he left a note on my business with my employee. I wasn't aware of that. But the second time when he came to my liquor store and he was talking to my employee and I talked to him. And he said, "You have a problem here, here's a letter." And he just walks out. I followed him. I went to his apartment, knocked on his door. I say hi. I do this my myself. He showed me the noise and I told him "I'm willing to work with you."

Since then I have been on the roof every time finding the solution to his problem immediately like putting metal brackets, putting insulation board. I have been in touch with

Andrea and she has been helping me with what I need to do. I did all the necessary steps to block the noise from him. I have not spend a less day helping to reduce the noise. So I have been on top of this. Every time I did something, I contacted Andrea. "Can you do a check?" She has been coming on Sundays checking it, and the last time when we had just above 51, I told her that I'm going to do a double there, I put a plywood rooftop, and after that she has not come because that was just done last Sunday.

So for my side, I have been on top of this. And like she was saying, one of the units is at 47 and the other unit is at 51. I have been on top of this every day to help reduce this noise.

FIRE CHIEF GERALD REARDON: So the noisier unit, how long has it been since you put it on daytime only? Unit 2, you changed it so it

doesn't run at night?

BINOJ PRADHAN: Yes. Unit 1 is the one that only -- that's the most noise. It's supposed to turn on in the morning at 7:00. After that it runs through the day, but Unit No. 2, which is the 47 one that she measured, that's 24 hours.

FIRE CHIEF GERALD REARDON: How long since you made the change to turn off the noisy one at night?

BINOJ PRADHAN: That's been, I would say, Friday or Saturday. I'm not sure.

CHAIR NICOLE MURATI FERRER: Of this last week?

BINOJ PRADHAN: Last week. And the second layer I put it was on Monday. In the snow day, by the way, when we had the snow, I still contacted my contractors, and I said, "Listen, I need this thing done. I had them on the roof. I

put that layer and I emailed her saying I did this things and I sent an email so she could get time to come check it to reduce that 51 to less than 50.

CHAIR NICOLE MURATI FERRER: I'm sorry. Ms. Boyer, what exactly did ISD put a stop on?

ANDREA BOYER: They need to have a structural engineer for what has been put up, the boards, and so forth, but they just put that up, but they need to approve it. There's no, from what Michael Grover stated, that goes all the way down to the roof line, so any wind and so forth -- and for him to put a partial cover over that which happened in another situation almost creates a perfect wind to pull it off and they didn't want to be responsible for that. They need the structural engineer to approve that piece before or take it apart.

FIRE CHIEF GERALD REARDON: There's two

facts, one of which is the dead load on the roof, and the issue of wind safety making sure it's not going to come off as a projectile?

CHAIR NICOLE MURATI FERRER: Uh-huh.

FIRE CHIEF GERALD REARDON: That's probably not a very long time-consuming thing for an engineer.

BINOJ PRADHAN: To keep on that, the guy that actually did the insulation was a contractor that has a lot of experience. He has been doing this for 30 years. He looked at the joists and he said the load we put in should not be a factor. He pulled a permit, but the building inspector wants a structural engineer to get an affidavit which I actually contacted him. He will be here on Thursday at 1:30. He was going to give us his opinion on if that's okay or not and he can give us an affidavit.

FIRE CHIEF GERALD REARDON: Regardless of

the contractor's experience, what they need on there professional engineer stamp that certifies --

BINOJ PRADHAN: I have him on schedule. His name Bou Marji pp. He was coming on this Thursday at 1:30 to inspect the joists and approve that. I'm on top -- I have been on top of this every day.

FIRE CHIEF GERALD REARDON: What have you done to keep the Roxul from getting wet?

BINOJ PRADHAN: It's waterproof.

FIRE CHIEF GERALD REARDON: Are you using the fiber or the rigid board?

BINOJ PRADHAN: The fiber.

FIRE CHIEF GERALD REARDON: Okay.

BINOJ PRADHAN: And Andrea, she gave me -- what do you call it -- the specification of the Roxul to put on the roof. She told me "This is the Roxul you have to use." I did ask her if

it was waterproof, and she said it was waterproof. I went to Home Depot, got the Roxul, verified with Home Depot it was waterproof and we put that up.

ALVIN TAN: May I add to that? I would like to say if there's any work since Sunday, I am not aware of it because it has not resulted in any detectible reduction in noise.

Also, I still do hear the sounds going on and off at night and it's preventing me from sleeping so it does not make sense for me to hear the noisier unit has a changed cycle.

CHAIR NICOLE MURATI FERRER: For the record, the initial putting of these on the roof was that approved? Did permits get pulled for that?

ANDREA BOYER: No. That's what is also pending with Frank Atchue in Inspectional Services. The gentleman was going to speak with

him, but I have not gotten the word it has been pulled or not.

BINOJ PRADHAN: I spoke with Frank this morning and then I spoke with the -- Temperature Control who has been doing business for 40 years. They went around on all the restaurants. He works in Cambridge. His name is Frank. He was -- he does most of the restaurants in Cambridge. And I asked him -- I asked him, "Do you pull a permit?" And he says "In my past 48 years of my experience, an air conditioning unit" which is only a 5-ton unit, he has never pulled a permit. He doesn't see where he needs to pull a permit for a condenser unit for a restaurant or convenience store. He said they always change this machine every time when he -- when it goes bad, he puts a new one. And he said in 48 years of experience, he never pulled. I hired the right people to do the right thing. He was the

one -- Temperature Control, it's his license. He put that in. He put that in. They're the ones who put that in. I contacted him and told him Frank is looking for the plumbing inspector. He said he would contact him. So I don't know if he has done that or not.

From my side, I have done what a homeowner should do is hire the right people to -- the right licensed people to do their part.

FIRE CHIEF GERALD REARDON: He would have had at the very least to pull the electrical permit.

BINOJ PRADHAN: Yes, we have the electrical permit. You can call the electrical inspector. He was the one that takes all those units on the roof. We have the electrical permit. I have him sign off on it. So I have done all from my side as a homeowner hiring the right people to do the thing. So I was not aware

of the noise ordinance. I never knew about the ordinance for the noise. I didn't know there were people to do that, and I hired the people to do the right thing.

ALVIN TAN: I find -- may I speak?

CHAIR NICOLE MURATI FERRER: If you have anything else to add, sure.

ALVIN TAN: Yes, ma'am. I find the argument that the right people have been hired to be a very suspicious argument because if that's the case why then is there a violation in the first place, and why then has there not been a satisfactory reduction in noise?

FIRE CHIEF GERALD REARDON: So you do know that there's X amount of noise under the noise ordinance that is allowable so if this -- if these systems drop below the level, you probably still will hear noise that may be legal noise under our noise ordinance.

ALVIN TAN: Ms. Andrea Boyer informed me of that point.

FIRE CHIEF GERALD REARDON: Okay.

ANDREA BOYER: One more thing. If you can see, I don't know who has the picture, but the other four units that are not on yet.

CHAIR NICOLE MURATI FERRER: The ones in the back over here?

ANDREA BOYER: That's correct. Those are air conditioning cooling, but that could be part two of a problem.

CHAIR NICOLE MURATI FERRER: Because these will be on in the summer.

BINOJ PRADHAN: Yeah. She did mention that to me, and I acknowledged that there's four units on that. We have a permit for that. It's right here. I have all the permits. That's been inspected. It's right here. It says clearly right here, HVAC unit. I have done -- for that

one, it has been done. Like I said, I hired the right people to do this stuff. The refrigeration guy said in the 40 years of working in this business industry, he has ever been pulled a permit to put a condenser unit on the roof. Yes, I was aware of an HVAC unit that you need a permit. We hired the right people to do it. They did it and they signed off. I have all the permits right here. Copy of it. So the only thing that was not pulled permit was two condenser units on the roof for the refrigeration, and he's aware of it now and I told him to contact the inspector immediately.

CHAIR NICOLE MURATI FERRER: How long have you had these cooling units there?

BINOJ PRADHAN: Which one?

CHAIR NICOLE MURATI FERRER: The four, the four that won't go on until the summer?

BINOJ PRADHAN: Over a year now. Because

two were existing because they used to be a dance studio on the second floor. Two used to be on the roof and we added two more because we converted the dance studio to apartments, and that's why there were two more units added to it, but they're smaller in size for horsepower because the unit there before used to do -- two units did the whole place. When we add the two more units, they're small size because they're only two and a half ton units. This one that he's complaining about is six horsepower.

And like I was telling Andrea, so when that kicks in, we'll do a noise reading, I'll let her know if that needs to be addressed and we'll address that.

CHAIR NICOLE MURATI FERRER: Quite frankly, because on everything here I would like to take this under advisement and figure out exactly from ISDD -- they're supposed to be there

on Thursday, and I will get a little more information and consider whatever they bring back to us before we take any action on that. That would be my inclination with regard to this situation.

BINOJ PRADHAN: I told Michael Grover on Thursday once I get the structural engineer affidavit, I will see him.

FIRE CHIEF GERALD REARDON: So once you get the structural engineer, okay, and assuming you can add the additional Roxul --

BINOJ PRADHAN: I added Roxul.

CHAIR NICOLE MURATI FERRER: He did everything. It just hasn't been permitted.

BINOJ PRADHAN: What happened was, as you know, it's hard to make -- get legal people, architects, structural engineers to pick up their phone. When I called them, I called -- even with him, I called in front of him numerous times and

finally the guy picked up one time and I put him on the speaker phone. The guy who actually put in the unit never picked up the phone. The other guy that actually picked up the phone he came to do the test.

Finally, the guy that -- after I called, I said, "The city inspector is looking for you to answer my call." He called back. He was going to be in touch with Frank, the plumbing inspector, and like I said, I'm getting on top of this. I will do everything by the code because we already pulled the permits for the building and I have that, and I don't know if she has it, but I have the building permit right now.

ALVIN TAN: I don't find that to be believable.

CHAIR NICOLE MURATI FERRER: Unless you have any facts to add, I understand what your position is, and at this point, I think we get

it, and unless you have any other facts, I think we're all set with regard to testimony, unless Commissioners have any further questions?

FIRE CHIEF GERALD REARDON: I have no further questions.

POLICE COMMISSIONER ROBERT HAAS: No further questions.

CHAIR NICOLE MURATI FERRER: I vote to take this under advisement.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIR NICOLE MURATI FERRER: We'll take it under advisement.

Thank you.

Do we have any minutes to approve?

EXECUTIVE DIRECTOR ELIZABETH LINT:
February 23.

CHAIR NICOLE MURATI FERRER: I read them for last time, so...

Motion to approve minutes?

FIRE CHIEF GERALD REARDON: Seconded.

CHAIR NICOLE MURATI FERRER: All in
favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR NICOLE MURATI FERRER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR NICOLE MURATI FERRER: It's
approved. We're done.

Good evening.

(Meeting was adjourned)

ERRATA SHEET

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

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

CERTIFICATION

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, a Notary Public in and
for the Commonwealth of Massachusetts, do hereby
certify:

That the hearing herein before set forth
is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set
my hand this 25th day of March, 2016.

Jill Kourafas
Certified Shorthand Reporter
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