

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR NICOLE MURATI FERRER

POLICE COMMISSIONER CHRISTOPHER BURKE

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: October 5, 2016

TIME: 3:00 p.m.

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P R O C E E D I N G S

October 5, 2016, 3 p.m.

CHAIR NICOLE MURATI FERRER: For the record, Costa and Clover, we are going to be calling you together so that we can start maybe moving up. That would be great. And Ms. Boyer, you may want to pull up a chair.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Before we get started, if anyone has a cell phone on, we would appreciate it if you would turn it off.

This is the License Commission hearing agenda, October 5, 2016. It's 3 p.m. we are in the Michael J. Lombardi Building, 831 Mass. Ave, Basement Conference Room.

Before you are the Commissioners: Chair Nicole Murati Ferrer and Commissioner Chris Burke.

If anybody is going to testify, would you please stand and raise your --

CHAIR NICOLE MURATI FERRER: We are being tape recorded and audio recorded, for the record. Thank you.

VIOLATION: COSTA FRUIT AND PRODUCE

VIOLATION: CLOVER FAST FOOD

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Costa Fruit and Produce due to alleged violation of the Cambridge Municipal Noise Control Ordinance 8.16.080(E) on August 28th, September 4th, 17th and 18th.

Violation Clover Fast Food at 302 Elm Street due to alleged violation of the Cambridge Municipal Noise Control Ordinance 8.16.080 on August 28th, September 4th, 17th and 18th.

Stand and raise your right hands if you are going to testify please.

(All parties sworn)

CHAIR NICOLE MURATI FERRER: Good  
afternoon.

Could you please state and spell your  
names for the record, from my left to my right,  
please.

CHRIS GRUBBER: Good afternoon.

My name is Chris Grubber, G-R-U-B-B-E-R.  
I work with Clover. I'm the senior logistics  
manager.

ANDREA BOYER: Andrea Boyer, B-O-Y-E-R.  
Chief Investigator, Cambridge License Commission.

CHRIS ANDERSON: Chris Anderson,  
A-N-D-E-R-S-O-N, for Clover Fast Food.

BRAD WOODGATE: Costa Fruit and Produce.  
W-O-O-D-G-A-T-E.

CHAIR NICOLE MURATI FERRER: W-O-O --

BRAD WOODGATE: D-G-A-T-E. Woodgate.

SETH McCULLOUGH: Seth McCullough, Costa Fruit. M-C-C-U-L-L-O-U-G-H.

CHAIR NICOLE MURATI FERRER: Sir?

MICHAEL NOLL: Michael Noll, N-O-L-L. I live at Elm Street.

CHAIR NICOLE MURATI FERRER: Usually I would call you separately but because they are at the same location and relating to the same thing, we are going to hear everything together so people don't have to explain themselves twice.

We'll start with Ms. Boyer and then Mr. Noll and then we'll go Clover and Costa.

ANDREA BOYER: Clover first?

CHAIR NICOLE MURATI FERRER: No. Costa. Costa is first.

Just give me your testimony as to both.

ANDREA BOYER: Very good. The previous history of Costa Food and Produce, a letter was

sent on June 30, 2016 to Costa Fruit and Produce reps explaining allowable times of deliveries and loading and unloading because they had delivered at 5:45 on a weekday, which is not to take place before 7 a.m.

The reason we are here at the October 5th hearing is based on alleged deliveries, loading and unloading on the following dates and times: Sunday, August 27th at 6 a.m. by Costa Fruit and Produce, Sunday, September 4th at 6:55 a.m. by Costa Fruit and Produce, Saturday, September 17th at 8 a.m. by Costa Fruit and Produce and Sunday, September 18th at 6 a.m. by Costa Fruit and Produce.

In accordance with the Cambridge Noise Ordinance 8.16.080, non-measured noise, paragraph E, loading and unloading may not take place before 9 a.m. on a Saturday or Sunday or a

holiday.

Since the notification of the hearing, one delivery allegedly took place to Clover on Saturday, September 24th at 8:50 a.m. by Costa Fruit and Produce.

CHAIR NICOLE MURATI FERRER: And these other delivery dates that you are talking about, Sunday, August 27th, September 4th, September 17th and 18th, all of these were at Clover?

ANDREA BOYER: Yes, ma'am.

CHAIR NICOLE MURATI FERRER: And did you witness the 27th, the 4th, the 17th, the 18th or the 24th?

ANDREA BOYER: I did not.

CHAIR NICOLE MURATI FERRER: How did we come about knowing about these?

ANDREA BOYER: A complainant from the neighborhood who sent pictures as well.

CHAIR NICOLE MURATI FERRER: Is that Mr. Noll?

ANDREA BOYER: Yes, ma'am.

CHAIR NICOLE MURATI FERRER: Mr. Noll, if you can come up, please.

Good afternoon, Mr Noll.

Please tell us what you observed on those days.

MICHAEL NOLL: So exactly what Andrea described on the -- I had the -- Sunday, August 28th. Maybe that was the 27th. Sunday, September 4th, September 18th were 6 a.m. deliveries.

I wasn't home on September 11th, so I don't know if there was one that day.

And then also 8 a.m. on September 17th.

In addition, on September 24th at 8:30 p.m., Clover truck that blocked Elm Street for

about ten minutes until there were cars lined up behind it honking their horns.

CHAIR NICOLE MURATI FERRER: That blocked the street?

This is aside from the 8:50 a.m. delivery?

MICHAEL NOLL: That's right.

This was in the evening.

It's probably not a noise violation, but it was disruptive to the neighborhood.

And then September 29th at 7:30 p.m., a Clover truck honked its horn as it was driving down Elm Street to signal to open the door, and the door wasn't open, the driver got out and banged on the overhead rolling door multiple times.

Another issue that I didn't originally report when it happened, August 1st, two Clover

employees tore apart some pallets starting at around 9:30 until about 10 p.m. And I sent a video to Investigator Boyer.

I didn't send it at the time because I thought it was an one-off issue, you know, no big deal.

But, after all these other events, I sent her that video. And on that video you can hear, you know, breaking of wood, banging to tear apart the pallets.

So it's been about four years we have been asking for your help, and it is pretty disappointing this continues.

So I just would like to know what we're going to do about it to put a stop to this, especially the 6 a.m. deliveries.

CHAIR NICOLE MURATI FERRER: Thank you, sir.

Is there any other resident here?

(No response.)

CHAIR NICOLE MURATI FERRER: Costa?

SETH McCULLOUGH: Again, Seth McCullough,  
Director of Transportation, Costa Fruit.

We did get an initial letter June 8th.

It was addressed to the salesperson and  
that eventually made its way to our office. And  
honestly, I thought we were in control with  
compliance.

Obviously, we slipped a little on the  
weekends.

I think I was kind of shooting for the 7  
a.m. kind of forgetting the weekends are 9 a.m.

I'll point out that between the initial  
letter on June 8th until the date -- I believe it  
was September 24th, was the last date, or maybe  
18th, one of those dates, we made 102 deliveries

to this location. We got four complaints. I mean, again, we may have slipped outside of the window.

We can continue to keep it on track, but --

CHAIR NICOLE MURATI FERRER: You are not even close to the 7 a.m. when it is a 6 a.m. delivery.

SETH McCULLOUGH: No. But since we got the letter, I don't think there were --

CHAIR NICOLE MURATI FERRER: I mean, you got the letter. You are saying -- who is Jeffrey Mushen (phonetic)?

SETH McCULLOUGH: He's the salesman.

CHAIR NICOLE MURATI FERRER: Okay. So you must have gotten the letter after June 30th.

SETH McCULLOUGH: Yeah, June 8th, I think it was.

CHAIR NICOLE MURATI FERRER: The letter is dated June 30th, and it was sent via email and first class so maybe you are thinking July 8th.

SETH McCULLOUGH: Could be, yeah.

CHAIR NICOLE MURATI FERRER: Since July 8th, you have four deliveries before the allowable time.

And then after the hearing notice, you have at least one delivery before the allowable time.

SETH McCULLOUGH: The hearing notice just came out last week, right?

CHAIR NICOLE MURATI FERRER: September 21st.

SETH McCULLOUGH: So two weeks ago.

CHAIR NICOLE MURATI FERRER: Yes.

SETH McCULLOUGH: I don't think we have been outside the window.

CHAIR NICOLE MURATI FERRER: September  
24th at 8:50 a.m.

SETH McCULLOUGH: I would have to check  
to see what day of the week.

CHAIR NICOLE MURATI FERRER: That is a  
Saturday.

BRAD WOODGATE: Before the -- it is 9:00  
on Saturdays.

SETH McCULLOUGH: It was 8:50.

CHAIR NICOLE MURATI FERRER: Yeah. It  
may seem little to you, sir, but it is not little  
to the residents, and it's not little to us when  
we are, you know, tasked with enforcing a law  
that's very clear. And that was, quite frankly,  
very well spelled out in the letter that was sent  
to you.

SETH McCULLOUGH: Yep, yep, yep.

CHAIR NICOLE MURATI FERRER: Have you

spoken to your drivers at all about this?

SETH McCULLOUGH: Absolutely. 100 percent.

CHAIR NICOLE MURATI FERRER: What do they say?

SETH McCULLOUGH: They say "Okay. We won't go in."

BRAD WOODGATE: Can I say something?

CHAIR NICOLE MURATI FERRER: Absolutely.

BRAD WOODGATE: I'm Brad Woodgate, the vice president of the company.

First of all, I just want to apologize to the residents and Clover and the City of Cambridge for the situation.

I wasn't brought into this situation until last week and I found out that we had all these situations and miscommunication on our part where the original notice went to one of our

salesman who didn't -- it is still our company. We didn't deal with it properly.

Seth and I went over and met with Chris last week. And I certainly understand what the rules and regulations are and we will adhere to them.

We've made different arrangements, the way we handle our drivers, and if they have to wait outside of the City of Cambridge on the weekends especially, they'll do that. They all know what to do. Everyone is onboard. And, you know, we did get there early. We certainly apologize for it.

And we -- I believe that we've made sufficient arrangements to make sure it doesn't happen again.

CHAIR NICOLE MURATI FERRER: Ms. Boyer, since that letter in June, have you spoken to

anyone at Costa with regard to this matter?

ANDREA BOYER: No, I had not.

The person that was -- the contact that was given to me was given to me through Clover.

CHAIR NICOLE MURATI FERRER: Okay.

Questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

So what would your plan for corrective action be if it happens again?

Obviously, you get a letter and you get a notice, you understand what the restrictions are and then you've got occurrences that take place after that.

What corrective -- what steps for corrective action are you going to take?

SETH McCULLOUGH: In terms of?

POLICE COMMISSIONER CHRISTOPHER BURKE:

Intake, in terms of --

SETH McCULLOUGH: All the drivers have been told, if you happen to be running before, wait, find someplace out of the way, out of the neighborhood, don't go in until 9:00. We actually did that last Sunday.

BRAD WOODGATE: We rerouted the trucks and that shouldn't happen.

SETH McCULLOUGH: Well, yeah.

We've got a routing system that gives us estimated time of arrival for each location.

So we kind of -- we just planned it better, you know, to not get there within those times.

POLICE COMMISSIONER CHRISTOPHER BURKE:  
How many drivers do you have?

SETH McCULLOUGH: 50.

POLICE COMMISSIONER CHRISTOPHER BURKE:  
How many?

SETH McCULLOUGH: 50.

BRAD WOODGATE: We only have certain drivers in Cambridge, the way we route it.

And what we've done is, if the window is 7:00 on the weekdays, we don't plan to be there at 7.

I think Chris can probably tell you, we have been there 7:30, 7:45.

7:00 doesn't give us enough room for -- you know, the driver could be running ahead ten minutes and it would be a disruption.

So we're routing it more towards the 7:30. On the weekends 9:30, quarter of ten.

We have control of the way we route them. And our dispatch times are regulated also.

CHAIR NICOLE MURATI FERRER: Clover?

CHRIS ANDERSON: So I think from last time that we met and from the last disciplinary

hearing, we have taken massive action to change a lot of the things with our vendors and training with our employees.

We have changed management with -- in our logistics department to Chris Grubber, who's managed 14 Chipotles in his previous tenure.

And I think that all our vendors have complied with what we've asked them in delivery time windows.

I was unaware of the early deliveries with Costa until I got a note from Ms. Boyer about -- asking for Jeff's contact information to send them a letter of notice.

At that point, I reached out to Costa, reinforcing our needs, and the rules of the City of Cambridge.

And then I was unaware of the other four early deliveries noted on this piece of paper

until we received the summons.

Those deliveries came in before my kitchen management team was in place and received those deliveries, so I was unaware of those until we received the letter.

But since then we have had a meeting with Costa and had some pretty firm words and repercussions if this continues to happen because we can't compromise our operations and our relationship with the City of Cambridge.

CHAIR NICOLE MURATI FERRER: Ms. Boyer, do you have the statement of reasons?

I thought I had them in my file.

(Complying.)

CHAIR NICOLE MURATI FERRER: I'll tell you why I was asking for the statement of reasons, Mr. Anderson, is because I had memory that it was you that was here in front of us

telling us that you would be personally responsible for what was happening at this location.

That you were going to take immediate steps to make sure that these things would not happen again, and yet, here we are, again, with not one, not two, but five deliveries.

We have the same issue with regard to the knocking on the door for opening.

We have the same issue with regard to the blocking of the streets and the honking of the horn, and quite frankly, I mean, I don't know what to say other than if this is the way that you are going to be operating in the City of Cambridge, maybe we need to take further action.

CHRIS ANDERSON: I believe from where we were in the past to where we are now is massive

improvement and change.

And I think we are operating extremely clean in our space.

Again, I don't know the context of what blocking the street means. Was there somebody in front of the Clover vehicle?

I can't really speak to what that is.

I mean, it could be in the middle of the street for any given reason, if someone was in front of them blocking our operations, but --

CHAIR NICOLE MURATI FERRER: Yeah, but what concerns me is that you said that you were going to be on top of this and yet you tell me right now that you had no idea about these four early deliveries until you got a call from Ms. Boyer asking you for Costa's information.

I mean, don't tell me that you were going to be responsible for this situation and then not

be present and not even know what is going on there.

CHRIS ANDERSON: So that particular -- when Ms. Boyer brought that to my attention and then two other deliveries on that, my manager alerted me and I talked to Costa about those, and that's what rendered the meeting from us last week in this letter.

Every other one of our vendors is in compliance with this except Costa. So I have taken huge, huge measures to make this happen for us and I'm willing to go the next step if this can't be resolved with Costa to have further repercussions with our relationship.

CHRIS GRUBBER: Chris, you --

CHRIS ANDERSON: We also updated our security system with cameras. We've installed a key fob service on our door.

THE REPORTER: I'm sorry, can you say it again? We installed a what?

CHRIS ANDERSON: Security cameras. And we have added key fobs on our door now.

THE REPORTER: Key?

CHRIS ANDERSON: Key fobs, F-O-B. Which -- so we eliminate drivers knocking on the garage door and being let in, and it gives full access to our employees at the time of operations.

CHAIR NICOLE MURATI FERRER: Questions?

POLICE COMMISSIONER CHRISTOPHER BURKE: What about the other issues that were raised with respect to the pallets and the breaking of pallets, and although that's not really why we are here, I think that it is a concern of the neighborhood with respect to the noise generated from that establishment.

What corrective action are we going to take on that front?

CHRIS ANDERSON: We are as conscious as possible with the noise that we are generating. But there's been noise generating from the building. We have to operate as a company.

But anything that's unreasonable, or outside of the limitations of what the law says, we'll be fully conscious of that and making sure that we manage those situations.

POLICE COMMISSIONER CHRISTOPHER BURKE: Is it necessary to bust up pallets?

CHRIS ANDERSON: I -- again, I have to know more about the context of that situation to really --

CHAIR NICOLE MURATI FERRER: I think he said pallets between 9 p.m. and 10 p.m. on August 1.

CHRIS GRUBBER: Commissioner Burke, I don't know what the noise was, I think perhaps the noise was misinterpreted.

We are a very conscientious company when it comes to the environment and all of our pallets are recycled and we pay to have them picked up and recycled.

And I think Mr. Noll, obviously, heard something, but I don't believe it was breaking of the pallets. That's not a practice that we do.

CHAIR NICOLE MURATI FERRER: Ms. Boyer?

ANDREA BOYER: I was able to see the video and it's somewhat cut off at the end, so that you can't see many pallets being broken up, but it is definitely a pallet being broken.

The other thing I would like to bring up and I know only because I know Mr. Noll may, is A. Russo & Sons picked up -- delivered at Clover

as well on Saturday the 24th before 9 a.m.

CHAIR NICOLE MURATI FERRER: This is a different delivery company?

ANDREA BOYER: Yes, ma'am.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE: No.

CHAIR NICOLE MURATI FERRER: Anything else?

This is how I would vote. For Costa, I would vote a violation for all four instances of August 28, September 4, September 17 and September 18 and I would issue a fine of \$300 for each for a total of \$1,200.

POLICE COMMISSIONER CHRISTOPHER BURKE: I would agree with that.

CHAIR NICOLE MURATI FERRER: So that's

that.

You will be receiving a letter and a statement of reasons as it relates to our decision.

With regard to Clover, I would again find a violation on the 28th, the 4th, the 17th, the 18th, and I would also issue a fine of \$300 for each. And then I would also say that because this is another violation and in our previous statement of reasons we said that any further violations we'll impose the days that we put in abeyance, which are eight days, and I would say they have to serve the eight-days suspension as well.

POLICE COMMISSIONER CHRISTOPHER BURKE: I would concur with that assessment.

CHAIR NICOLE MURATI FERRER: So violation \$1,200. And the rest of the suspension of the

eight days will be imposed, and you will receive a statement of reasons. Thank you. You are all set.

APPLICATION: BOSTON FOOD COOPERATIVE, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Boston Food Cooperative, Inc., holder of an all alcoholic beverages package store license at 580 Massachusetts Avenue has applied for a change of officers and directors.

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

MARK CUTLER: Mark Cutler, M-A-R-K  
C-U-T-L-E-R.

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

Your relation to the Boston Food Cooperative?

MARK CUTLER: Director of operations.

CHAIR NICOLE MURATI FERRER: And this is just an internal change, from what I understand from the application, correct?

MARK CUTLER: Yes.

CHAIR NICOLE MURATI FERRER: And I think I was able to see everything in the e-portal.

Just to confirm, you filled out everything and submitted all the paperwork including the corporate vote and everything.

MARK CUTLER: Yes. That's how we found out we needed to change the officers. They change so often, so ...

CHAIR NICOLE MURATI FERRER: Okay.

Any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

None.

CHAIR NICOLE MURATI FERRER: Anyone in

favor of this petition.

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: I vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE: Agreed.

CHAIR NICOLE MURATI FERRER: Granted. Thank you.

APPLICATION: CANTABRIDGEAN HOSPITALITY, INC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Transfer of common victualler all alcoholic beverages license from Cantabridgean Hospitality, Incorporated, 657 Mass. Ave to A.W. Chen, Inc., Marc Shulman as proposed manager.

Applications have been submitted for a change of location from 675 Mass. Ave to 907 Main Street and to amend the premise description.

The proposed location is described as restaurant consisting of dining room and kitchen, approximately 900 square feet, with one entrance and one exit.

Applicant is seeking entertainment license for live music and/or vocalists without amplification and two TVs.

CHAIR NICOLE MURATI FERRER: Thank you.  
Good afternoon.

State and spell your name for the record.

ATTY JAMES RAFFERTY: Good afternoon,  
Madam Chair and Commissioner. My name is James Rafferty, R-A-F-F-E-R-T-Y. I'm an attorney with an office at 675 Massachusetts Avenue in Cambridge.

Seated to my left is Marc Shulman,  
M-A-R-C.

MARC SHULMAN: S-H-U-L-M-A-N.

ATTY JAMES RAFFERTY: As noted in the advertisement, Mr. Shulman is the manager and he's also the -- a shareholder and officer of the corporation.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTY JAMES RAFFERTY: Madam Chair, this is an application seeking to transfer the license that was last active, frankly, when it was at the All Asia restaurant establishment that no longer exists physically.

The license had been transferred to a location on Prospect Street where Mr. Chen (sic) had been hoping to open a new restaurant and spend a considerable amount of effort and resources to do so.

But that did not succeed. The license has been inactive for a period of time. So they have concluded that they would like to transfer the application to the existing restaurant that Mr. Shulman and his wife, Ms. Chen, have been operating for years called the Dumpling Room, which is located down the street on Mass Avenue across from the Lafayette Square Firehouse.

So the application would not involve the change of the premises of the Dumpling Room. The capacity would remain the same. The hours of operation would remain the same.

But, as noted, there's a request for an entertainment license to allow opportunities for instrumental/vocalist performers. No amplification and two televisions.

CHAIR NICOLE MURATI FERRER: Okay. What is the public need for the liquor license at this

location?

ATTY JAMES RAFFERTY: Well, the public need is related to the historical use of the license. The license is in existence.

It is a -- the Dumpling Room has become an increasingly popular dining destination. And this license will allow those diners at the Dumpling Room to be able to enjoy an alcoholic beverage, a beer or wine, with their meal.

It is consistent with the overall standards associated with the transfers of existing licenses in that the license itself would not in any way increase the number of licenses in the Central Square area or the City as a whole.

CHAIR NICOLE MURATI FERRER: Just for the record, the hours of operations currently at the Dumpling Room?

MARC SHULMAN: 11 a.m. to 10 p.m., seven days a week.

CHAIR NICOLE MURATI FERRER: What is your capacity?

MARC SHULMAN: 30.

ATTY JAMES RAFFERTY: It is 30.

CHAIR NICOLE MURATI FERRER: I did see that in the entertainment sign-offs, it said that the live music or vocalist was a one-person guitar, once a week.

MARC SHULMAN: Yeah, acoustic maybe once a month.

CHAIR NICOLE MURATI FERRER: I'm sorry. Once a month. And that's what we are looking for basically?

MARC SHULMAN: Yeah, essentially, we have this loyalty club called the Dumpling Warrior Club, [dumplingwarrior.com](http://dumplingwarrior.com), and it allows our best

customers to come in on a special evening and have entertainment and taste new menu items. So we're doing a launch of taste testing for members.

ATTY JAMES RAFFERTY: I think it's fair to say that due to the popularity of that, it could expand so that's why we've asked for the license. The application calls for a license, I believe, seven days a week, but I think the live music portion of the -- of the instrumental portion would be more consistent with the description certainly in the early going of the -- of this entertainment. It is probably in the neighborhood of once a month.

CHAIR NICOLE MURATI FERRER: Then you said two TVs, correct?

ATTY JAMES RAFFERTY: Yes.

CHAIR NICOLE MURATI FERRER: Mr. Shulman,

I see you have been the manager of record on a liquor license before, is that correct?

MARC SHULMAN: This one.

CHAIR NICOLE MURATI FERRER: Okay. And you answered that you had no suspensions but then you disclosed some discipline stuff.

Is that because there wasn't actual discipline, Mr. Rafferty or --

ATTY JAMES RAFFERTY: There was an issue --

CHAIR NICOLE MURATI FERRER: I'm wondering whether the license was actually suspended or not and maybe out of an abundance of caution you guys disclosed the issues.

ATTY JAMES RAFFERTY: I think there might have been a suspension. And I think that's why we answered it that way.

CHAIR NICOLE MURATI FERRER: Because --

so he answered, or you answered, "yes, he's been the manager of record before." "No, no disciplinary issues." But then in the later papers, it talks about the service of a minor and not cooperating with the police.

ATTY JAMES RAFFERTY: I would need to review the records, but my memory, because I represented -- and this was at the All Asia. Do you recall whether any of --

MARC SHULMAN: It was probably 2004, beginning when we had the license.

ATTY JAMES RAFFERTY: I apologize.

I recognize there may be an inconsistency.

I think the reason we disclosed it is we were mindful. I had direct knowledge of the history, it was then many years ago. But I have to check.

CHAIR NICOLE MURATI FERRER: So let's double check that.

ATTY JAMES RAFFERTY: I will do that.

CHAIR NICOLE MURATI FERRER: And get back to us on that.

ATTY JAMES RAFFERTY: I assume that the best source for that, I can go upstairs. Would that be readily available?

CHAIR NICOLE MURATI FERRER: I couldn't see with the -- that's why I didn't know which license it was on because I couldn't see based on what I could print from the ABCC e-portal which license he managed before. And that's why I couldn't double check and that's why I'm asking you.

But, yes, if it was this particular license that you held in Cambridge, then, yes, upstairs would be the best place to check it

out.

ATTY JAMES RAFFERTY: We are referring -- we call it this license, but this license was for many years at the All Asia restaurant, and that's the disciplinary matter that is referred to in the application as well as the response by Mr. Shulman.

CHAIR NICOLE MURATI FERRER: Okay. And since you said it was the beginning, I'm assuming we learned our lesson.

MARC SHULMAN: Yes.

ATTY JAMES RAFFERTY: It had something to do with -- All Asia, if I may, was very much a nightclub with a lot of live performers in high, high capacities and I think it was an issue around effective management of the establishment when the entertainment, frankly, proved to be more popular than the venue was able to

accommodate.

CHAIR NICOLE MURATI FERRER: And again, only because we couldn't really open it, did you attach the proof of citizenship?

ATTY JAMES RAFFERTY: I can say unequivocally if we are required to do it, we did it because I had a very long meeting today and I said I cannot appear before this Commission further and not have everything in perfect order.

I will say, I'm sure you are finding the same thing, the inability for the applicant to then have a hard copy of what they filed, because I said "Just give me a copy of what we submitted" and the process at the moment doesn't allow for that, so we -- we summarized what we submitted but once we file on-line --

CHAIR NICOLE MURATI FERRER: Yes, it's gonna be a bumpy road for the next couple months

until they figure out the kinks for sure.

ATTY JAMES RAFFERTY: Unfortunately, they have chosen such a professional licensing authority to embark on this.

CHAIR NICOLE MURATI FERRER: I so need the floor plan for where the entertainment is gonna be.

ATTY JAMES RAFFERTY: We discussed that. There is not going to be a stage. There's just a location where he anticipates the individual would stand. You told me, right in that location.

MARC SHULMAN: Yeah.

ATTY JAMES RAFFERTY: Right there. Can I have him initial that?

CHAIR NICOLE MURATI FERRER: Absolutely.

(Mr. Shulman complies.)

CHAIR NICOLE MURATI FERRER: And Mr.

Shulman, for the record, are you up to date with the rules and regulations of this board and the ABCC and the laws of the Commonwealth of Massachusetts with regards to the sale and service of alcohol?

MARC SHULMAN: Yes, I am.

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

MARC SHULMAN: Yes, I do.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:  
None.

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

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in

opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: I would vote to grant, but I will hold the approval being sent up until we can confirm that, and otherwise, I know you can't make changes after submission, but we can put it certainly in the Form 43.

POLICE COMMISSIONER CHRISTOPHER BURKE:  
Agreed.

CHAIR NICOLE MURATI FERRER: Granted.

And then the entertainment granted with regard to live musical instruments, just one-person guitar.

ATTY JAMES RAFFERTY: Single. Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

APPLICATION: BMR-SIDNEY RESEARCH CAMPUS, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: BMR-Sidney Research Campus, LLC has applied for a flammables license at 40 Erie Street for 1,000 gallons of Class 1. 200 gallons of Class 2. 200 gallons of Class 3 and 40 pounds of flammable solids.

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

SALVATORE ZINNO: Good afternoon.  
Salvatore Zinno, Z-I-N-N-O, from Biomed Realty.

THE REPORTER: Salvatore, spell your first name.

SALVATORE ZINNO: Sure.  
S-A-L-V-A-T-O-R-E.

JENNIFER REILLY: I'm Jennifer Reilly,  
R-E-I-L-L-Y. From Safety Partners Incorporated.

CHAIR NICOLE MURATI FERRER: Jennifer, I didn't catch your last name.

JENNIFER REILLY: Reilly, R-E-I-L-L-Y.

CHAIR NICOLE MURATI FERRER: Thank you.

And tell us about your application.

SALVATORE ZINNO: So this is -- there are two buildings actually on a single parcel, 40 Erie and 200 Sidney.

This application is specific to 40 Erie Street. 40 Erie Street and Sidney as well as 21 Erie was previously occupied by Vertex. It was a single-tenant campus. Since then we have --

THE REPORTER: Would you please raise your voice. I can't hear.

SALVATORE ZINNO: Sure.

I was saying, 40 Erie and 200 Sidney and 21 Erie was previously occupied by Vertex Pharmaceuticals. They are now in the Seaport. It was a single-tenant building, a single-tenant campus at the time.

We've since re-leased the building to eight tenants, and so now we are going through the process of updating the flammable quantities via the license in process.

CHAIR NICOLE MURATI FERRER: So you are not really changing anything in terms of the building structure or anything of that nature?

SALVATORE ZINNO: It was always a lab use. Lab and office use. That's correct.

CHAIR NICOLE MURATI FERRER: These are all being stored inside the premises?

SALVATORE ZINNO: Correct.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE: No questions.

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

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Please, sir, come up and state and spell your name and also where you reside.

DONALD GROSSMAN: I am Donald Grossman, G-R-O, double S, M-A-N. 179 Sidney Street. Cambridge.

I live and work there. It is a commercial building. I had written a letter yesterday. It is probably in the record.

Let me just preface my remarks by saying that I think Biomed is a great neighbor and they are doing a great job with the property and the improvements and I appreciate that.

My only concern is sort of a collateral

one that there's a parking garage at 47 Erie Street, which has -- has only space of queuing inside the garage, and it is a 440-space garage, according to their records, services 21 Erie, 40 Erie, 200 Sidney and I think another property on Albany Street.

During the morning rush hour, there's substantial queueing outside of the garage and it makes Erie street between Sidney Street and Albany Street virtually impassible at times.

So my concern is strictly that if you have -- if it is within your purview to remedy that queueing problem, because I think if emergency vehicles needed to get out of 240 Erie, the shortest path is across Erie Street at that point, and it will not be passable during the morning rush hour when you have cars coming in at three or four cars a minute on average and

substantially more at other times.

CHAIR NICOLE MURATI FERRER: So with all due respect, Mr. Grossman, I understand what you are saying, but that has nothing to do with the current application before us.

You've, obviously, now voiced your concern and seeing how the Police Commissioner is here you can follow up in terms of his side whether there's public safety concerns with regard to that and I'm sure the applicant has heard your concerns and they can try and figure out whether there's anything they can do on their end.

But unless you have a specific objection to the flammables at 40 Erie Street --

DONALD GROSSMAN: As I said, it is not my liability. It's theirs. If some emergency vehicle needs to get through and can't, then they

are putting their property and their tenants at risk, so that's my concern.

CHAIR NICOLE MURATI FERRER: Thank you.

DONALD GROSSMAN: Thank you.

CHAIR NICOLE MURATI FERRER: I did notice that the application does not have the Fire Department's sign-off.

Have you not obtained that yet?

JENNIFER REILLY: We have applied for the permit.

CHAIR NICOLE MURATI FERRER: And you still owe --

JENNIFER REILLY: I don't think we received that permit yet. But we applied for it.

CHAIR NICOLE MURATI FERRER: So I would defer voting on this matter until we get the Fire Department sign-off and permit issued.

JENNIFER REILLY: Actually, I have it

right here.

CHAIR NICOLE MURATI FERRER: According to the permit, you have zero in class 3. And 400 in Class 2. So if you can fix that, your application has 200 and 200.

JENNIFER REILLY: I think it combines Class 1.

CHAIR NICOLE MURATI FERRER: The amount, you are fine. But in terms of the class --

JENNIFER REILLY: Class 2 and Class 3 are considerable combustibles, and they total the 400 in the combustibles, versus flammables for the 1,000 gallons. I think that's --

CHAIR NICOLE MURATI FERRER: Do you have the hearing fee?

SALVATORE ZINNO: No. We do have the certified mail receipts.

CHAIR NICOLE MURATI FERRER: I would vote

to grant. Obviously, the license can't issue until you pay the hearing fee and license fee.

SALVATORE ZINNO: Okay.

POLICE COMMISSIONER CHRISTOPHER BURKE: I would agree with that.

I would like to address the queueing problem just for the record.

While it may pose a momentary delay for traffic in general, I think with respect to emergency vehicles and sirens, any motorist or operator will be required to pull over and get out of the way if an emergency vehicle activated its lights and sirens.

I get the gist and understand the concerns, but I don't see that necessarily as an issue that would prevent granting the license.

CHAIR NICOLE MURATI FERRER: Thank you.

JENNIFER REILLY: So it is granted

pending receipt of the fee?

CHAIR NICOLE MURATI FERRER: Yep.

SALVATORE ZINNO: The certified mail receipts --

CHAIR NICOLE MURATI FERRER: Ms. Lint.

APPLICATION: EXCHANGE COFFEE HOUSE, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Exchange Coffee House Incorporated has applied for a new common victualler license to be exercised at 1295 Cambridge Street to be open seven days per week between 6 a.m. and 6 p.m. with a seating capacity of 20 inside.

Christine Chan, proposed manager of record. Premise is described as first floor kitchen, prep area, service counter and bathroom, basement storage and warewashing.

CHAIR NICOLE MURATI FERRER: Good

afternoon. Please state your name for the record.

CHRISTINE CHAN: Good afternoon.

Christine Chan, C-H-A-N.

CHAIR NICOLE MURATI FERRER: Thank you.

Ms Chan, tell us about Exchange Coffee House.

CHRISTINE CHAN: I'm looking to open a cafe and health bar at 1295 Cambridge Street. It used to be Sandy's Market. It has been vacant for a while. And about 1200 square feet. Looking to open the place where people come in and serve coffee, juices, smoothies, healthy salads.

CHAIR NICOLE MURATI FERRER: Okay. All of sudden when you said "health bar," I'm like are you going to have, like, aerobics while they drink their coffee. And is it going to be called

Exchange Coffee House?

CHRISTINE CHAN: Exchange Cafe and Health Bar.

CHAIR NICOLE MURATI FERRER: Do you mind putting that over here and the d/b/a on that.

(Complying.)

CHAIR NICOLE MURATI FERRER: We are missing your application fee.

CHRISTINE CHAN: Okay. Should I pay that upstairs?

CHAIR NICOLE MURATI FERRER: Yes.

Are you going to have any entertainment, like background music or anything?

CHRISTINE CHAN: Music, like Pandora.

CHAIR NICOLE MURATI FERRER: Background, below conversational level?

CHRISTINE CHAN: Yes.

CHAIR NICOLE MURATI FERRER: Any

questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

No questions.

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

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

Sir, please come up and state and spell your name for the record and also where you live.

GIOVANNI BERLANDASCORVA: I am Giovanni.  
G-I-O-V-A-N-N-I is my first name. Last name is  
B-E-R-L-A-N-D-A-S-C-O-R-V-A.

I'm the resident and owner of the house on 7 Oakland Street.

I don't have any concern about the request being made. I just want to get some assurance about the plan for the removal of the

trash from the premise. And I'm saying that because the ongoing restaurant has a weekly removal of their trash barrels, they get emptied twice a week and it happens very early in the morning. Sometimes at 5:30. Sometimes at 4:00. Last week it was 4 a.m. And it wakes me up every time.

So I would like to know if there's a plan, what is the plan for the trash removal for the cafe, and I want to say that I'm in favor of it being open in the location because it's been closed for a while.

CHAIR NICOLE MURATI FERRER: Off the top of my head, I don't know what zone this place is at.

But if you want to leave your email or phone number with Ms. Lint, we can figure it out. Because depending on the zone, trash can be

picked up at any time for commercial, so, you know, that could be 5 a.m. and depending on other zones, it depends.

So we'll look into it. Thank you.

Did you make that change?

(Complying.)

CHAIR NICOLE MURATI FERRER: Thank you.

Is that Exchange Cafe 1 Health Bar or just like a line.

CHRISTINE CHAN: A line.

CHAIR NICOLE MURATI FERRER: Do you mind if I go like this?

CHRISTINE CHAN: Sure.

CHAIR NICOLE MURATI FERRER: I would vote to grant, and even though we don't have an actual application here for background music, I would grant as well for the background music at below conversational level.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Agreed.

CHAIR NICOLE MURATI FERRER: Granted.

CHRISTINE CHAN: Thank you very much.

CHAIR NICOLE MURATI FERRER: Then,  
obviously, pending the fee --

CHRISTINE CHAN: Certainly.

CHAIR NICOLE MURATI FERRER: -- payment.  
Thank you.

APPLICATION: MUSEUM OF SCIENCE

EXECUTIVE DIRECTOR ELIZABETH LINT: Museum of  
Science, Incorporated, holder of a common  
victualler all alcohol license at 214 Monsignor  
O'Brien Highway has applied for a change of  
officers and directors.

CHAIR NICOLE MURATI FERRER: Good  
afternoon. Please state and spell your name for

the record.

JOHN SLAKEY: Sure. John Slakey,  
S-L-A-K-E-Y.

CHAIR NICOLE MURATI FERRER: S-L-A-K?

JOHN SLAKEY: K-E-Y.

CHAIR NICOLE MURATI FERRER: Thank you.  
These fans are really loud, so it's kind of hard  
to hear you guys. It is SLAY-kee?

JOHN SLAKEY: SLAY-kee.

CHAIR NICOLE MURATI FERRER: Mr. Slakey,  
this is internal changes. There's no other  
changes with regard to this, right, this is just  
to come into compliance with an officer change?

JOHN SLAKEY: Yes.

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

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in

opposition to this petition?

(No response.)

POLICE COMMISSIONER CHRISTOPHER BURKE:

No questions.

CHAIR NICOLE MURATI FERRER: I would vote  
to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Agreed.

CHAIR NICOLE MURATI FERRER: Granted.  
Thank you.

APPLICATION: CLUBE DESPORTIVO FAIALENSE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Incorporated has applied for an entertainment  
license at 1121 Cambridge Street for dancing by  
patrons and live musical instruments and/or  
vocalists with amplification.

CHAIR NICOLE MURATI FERRER: Second call.

APPLICATION: HELMAND BOSTON, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Helmand Boston, Incorporated,  
holder of a common victualler all alcoholic  
beverages license at 143 First Street has applied  
for a change of officers, directors, new  
stockholder, and transfer of stock.

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

ATTY SHAWN McCORMACK: Good afternoon.  
This is Shawn McCormack.

That's S-H-A-W-N M-C-C-O-R-M-A-C-K. I'm  
an attorney with an office at One Boston Place in  
Boston. I represent Helmand.

CHAIR NICOLE MURATI FERRER: Thank you.

This is, again, internal changes? No  
change of --

ATTY SHAWN McCORMACK: That's correct. I am -- I want to actually make a note. We, I think, we made a mistake on the e-portal. This is, I believe, a leased premises and I think we clicked "own."

CHAIR NICOLE MURATI FERRER: I saw that.

ATTY SHAWN McCORMACK: So I did want to bring that to your attention.

CHAIR NICOLE MURATI FERRER: I'm not quite sure that it makes a difference with regard to this transaction, but, then again, I don't know how the system is sort of digesting that information. So there may be a little back and forth. Just a head's up.

ATTY SHAWN McCORMACK: I would be happy to provide anything needed, anything additional.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

No questions.

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

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone in opposition to this petition?

(No response.)

CHAIR NICOLE MURATI FERRER: I vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE:  
Agreed.

CHAIR NICOLE MURATI FERRER: Granted.

ATTY SHAWN McCORMACK: Thank you.

ADMINISTRATIVE MATTERS

ALEX TANNENBAUM

EXECUTIVE DIRECTOR ELIZABETH LINT: Alex

Tannenbaum on behalf of Naco Taco, holder of license numbers ACH10129 and VIC10218 has applied for a one-day extension to their existing license on Saturday, October 15, 2016 from 4 p.m. until 1 a.m. for an event for the Boston Winter Film Festival.

They plan to close off a portion of Village Street, a private way owned by MIT. They have received permission from MIT.

This is similar to the event they did over the summer.

CHAIR NICOLE MURATI FERRER: Yeah. And this is to extend for liquor and food, correct?

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Correct.

CHAIR NICOLE MURATI FERRER: Okay. Will add the ACH number. I would vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Agreed.

CHAIR NICOLE MURATI FERRER: Granted.

LIKICA GRCEVA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Likica Grceva on behalf of the Windsor at  
Cambridgepark has requested changes to OAP10053  
and GAR10037 from Hanover Cambridgepark to  
Windsor at Cambridgepark.

CHAIR NICOLE MURATI FERRER: Granted.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Agreed.

CALLIE CHAPMAN

EXECUTIVE DIRECTOR ELIZABETH LINT:

Callie Chapman on behalf of the Studio @550, a  
nonprofit 501(c)3 corporation has requested that  
the License Commission waive the annual fee for

her entertainment license.

CHAIR NICOLE MURATI FERRER: I would defer on that. I don't know. Let me read the letter first.

THE TAXI SCHOOL BOARD

EXECUTIVE DIRECTOR ELIZABETH LINT: The Taxi School Board has submitted a letter proposing that the License Commission adopt a provisional Hackney license.

This would allow new drivers to apply for a provisional Hackney license, so long as the applicant has a letter of support from a Cambridge taxi owner.

The owner must assure that the applicant will receive on-the-job training and must attend Cambridge taxi school at the next available scheduled class. Once the applicant has

successfully completed a class, they will receive an annual license.

CHAIR NICOLE MURATI FERRER: So just as an update, I do know that the agreement with the taxi school has been signed. So it will be in existence at least for the next, quote/unquote, school year.

I don't have an issue with these, quote/unquote, temporary licenses.

But I do have some concerns, one of them being, you know, I think even though, yes, this is helpful for taxi drivers that are going to a company, this doesn't really help the taxi driver who doesn't want to work for a company because this is sort of requiring them. I think it just needs a little finesse from us in terms of --

POLICE COMMISSIONER CHRISTOPHER BURKE:  
Right. Right.

CHAIR NICOLE MURATI FERRER: --- in terms of how we would do it.

I do note for the record that we do not have anyone asking or waiting, is that correct?

EXECUTIVE DIRECTOR ELIZABETH LINT: We gave an application out today but other than that --

CHAIR NICOLE MURATI FERRER: He hasn't filled it out or anything of that nature?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIR NICOLE MURATI FERRER: Okay. I think we can definitely defer this to the 12th and see if -- you know, we can look into it. We can also talk to our Hackney officers because they probably have some good input as to this as well.

POLICE COMMISSIONER CHRISTOPHER BURKE: I would agree with that.

CHAIR NICOLE MURATI FERRER: Okay.

BOARD OF LICENSE COMMISSIONERS WILL DISCUSS AND  
VOTE ON CHANGES TO ALL CATEGORIES OF  
ALCOHOL-RELATED LICENSING FEES FOR 2017

EXECUTIVE DIRECTOR ELIZABETH LINT: The  
Board of License Commissioners will discuss and  
vote on changes to all categories of  
alcohol-related annual licensing fees for 2017.  
The board may discuss changes to all other  
licensing fees as well.

CHAIR NICOLE MURATI FERRER: So we talked  
a little about this a few weeks ago.

So I went back, I looked at other  
municipalities, and municipalities, for example,  
like Somerville have this process where they pay  
an initial fee, which tends to be higher, X  
amount of fee and the renewal is lower.

So what I would propose is that any new license, you know, any alcohol-pouring license, whether it's a CV, all alcohol, or a GOP all alcohol pouring license, they would have a new license fee of \$7,000, which is kind of in between that number that was established in 2008. Between the \$7,810 and the \$6,320. And then any renewal fee would be \$4,000. This is just for all alcohol.

So right now, anyone that has a license right now, all alcohol licenses, whether it's a restaurant all alcohol or a GOP all alcohol, the renewal fee for 2017 and forward would be \$4,000 per year.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Okay.

CHAIR NICOLE MURATI FERRER: Then any license that we grant-- and again, these

wouldn't -- they would all go in effect January 1. And then -- well, for renewal season, obviously, so in November, I guess. But the new license would go in effect January 1, so any new license that we grant, not a transfer license, because these don't have a fee associated unless the other person has paid for the license, would be \$7,000.

Then with beer and wine, whether it is a restaurant malt and wine or a GOP malt and wine, I would say that the new license fee would be \$4,000, which is again kind of like in between or actually, the lower of the two numbers of the 2008 proposal, and then the renewal fee would be \$2,200. And just, again, like I said last time, the original fees haven't gone up since 1993.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Right.

CHAIR NICOLE MURATI FERRER: The new fees haven't gone up since 2008. If you calculate it, it is not that much.

And then the GOP malt only would stay the same. We actually don't have any of those, so it is neither here nor there.

The package stores would all become just one fee. Whether it is a new fee or a renewal fee would be \$400. The package stores would have -- whether it is a new or a renewal fee, \$1,800. The club all alcohol, whether it's a new or renewal fee, would be \$2,800. The club malt and wine, whether it's new or renewal, would be \$1,800.

The VFW, whether new or renewal, would be \$2,000.

And the educational all alcohol, new and renewal, would be \$4,000. And educational malt

and wine, whether new or renewal, would be \$2,200.

And hotels with less than 100 rooms, the new and the renewal fee would be \$5,900. And the hotels with more than 100 rooms, new or renewal fee, would be \$6,500.

I would also say that we should -- I believe that currently the practice has been that we pro rate liquor license fees throughout the year depending on when they get their license, and I think we should pro rate any license fee in the calendar year if it's 101 dollars or more annually. If the license fee for the year is 100 or less, it doesn't get pro rated. But if it's 100 dollars or more -- if it's more than 100 dollars, it should be pro rated.

Some of our fees are significant. I'm mostly thinking about entertainment fees. It

makes no sense to charge a full year fee for those. That would be my vote.

POLICE COMMISSIONER CHRISTOPHER BURKE: I would agree with your assessment with those numbers. I think they are reasonable.

KIMBERLY COURTNEY: Excuse me Madam Chair, may I ask for a clarification?

Did you say that the transfer licenses would have no fees?

CHAIR NICOLE MURATI FERRER: We are -- okay, so we are adopting the proposed new alcohol fees, and then with regard to prorating, we are prorating any fee that -- any annual fee that's over \$100. Anything else, that's prorated.

When a liquor license transfers during a calendar year, if the annual fee -- what I'm proposing is, that if the annual fee for that liquor license has already been paid by -- if I'm

transferring my license to you and I've already paid the annual fee for that license, there will be no further fee for that license other than, obviously, the hearing fee and the advertisement fee. If, for example, I know we sometimes allow people to pay half the liquor fee in November and the other half, you know, during the year, if that second portion of the payment hasn't been paid, it, obviously, has to be paid at the time of the transfer.

So, let's, say I owe \$4,000 for my malt and wine, I pay \$2,000 in November, and then I transfer it to you in, I don't know, March, you're responsible for the other \$2,000.

POLICE COMMISSIONER CHRISTOPHER BURKE: I would agree.

CHAIR NICOLE MURATI FERRER: But if I paid the \$4,000, when I transfer it to you, all

you have to pay is the advertisement and the hearing fee.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Right.

CHAIR NICOLE MURATI FERRER: Okay.

That's what we're adopting.

NICK VAMVAKAS:

EXECUTIVE DIRECTOR ELIZABETH LINT: Nick

Vamvakas on behalf of the Prospect Apartments, OAP10063, located at 264-266 Harvard Street has filed a waiver for failure to timely renew their license.

CHAIR NICOLE MURATI FERRER: Violation warning.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Agreed.

NICK VAMVAKAS

EXECUTIVE DIRECTOR ELIZABETH LINT: Nick Vamvakas on behalf of the Clinton Apartments, OAP10064, located at 260 Harvard Street has filed a waiver for failure to timely renew their license.

CHAIR NICOLE MURATI FERRER: Violation warning.

POLICE COMMISSIONER CHRISTOPHER BURKE: Agreed.

MALT & WINE LICENSES WITH OR WITHOUT ENTERTAINMENT  
ALEXANDRA LEE

EXECUTIVE DIRECTOR ELIZABETH LINT: Alexandra Lee has applied for a malt and wine license.

CHAIR NICOLE MURATI FERRER: Time out. I don't have the one days.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm sorry.

Alexandra Lee has applied for a malt and wine license to be exercised at The Atrium, 100 Technology Square on October 19 from 5 p.m. to 9 p.m. for a food festival with 500 expected.

CHAIR NICOLE MURATI FERRER: Granted.

ADAM AVELAR

EXECUTIVE DIRECTOR ELIZABETH LINT: Adam Avelar on behalf of Bowery Cambridge LLC doing business as The Sinclair, holder of an all alcoholic beverages restaurant license has applied for malt and wine to be exercised at the parking lot on Church Street on October 9 from 12 p.m. to 6 p.m. for Oktoberfest with 150 expected.

CHAIR NICOLE MURATI FERRER: Do you know who owns this parking lot?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes,  
I do.

CHAIR NICOLE MURATI FERRER: But this is  
not the -- this parking lot is not attached to  
the premises, right?

EXECUTIVE DIRECTOR ELIZABETH LINT: It is  
across the street.

They do it there every year, okay.

CHAIR NICOLE MURATI FERRER: You said it  
went through Special Events?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: Granted.

JAAP OVERGAAG

EXECUTIVE DIRECTOR ELIZABETH LINT: Jaap  
Overgaag, holder of an all alcoholic beverages  
restaurant license has applied for a malt and  
wine license to be exercised at Charlie's

Kitchen, 10 Eliot Street on October 9 from 12 p.m. to 6 p.m. for Oktoberfest with 150 expected. Same situation.

CHAIR NICOLE MURATI FERRER: Wait. Don't they have a license?

EXECUTIVE DIRECTOR ELIZABETH LINT: But it is outside.

CHAIR NICOLE MURATI FERRER: But it is in front of their restaurant.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's along the sidewalk.

CHAIR NICOLE MURATI FERRER: But in front?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah.

CHAIR NICOLE MURATI FERRER: So denied. And they can submit it as an extension of premises. We can't give them a special license.

Do you have a problem with extending the

premises provided that they give us the sidewalk permit?

ATTY JAMES RAFFERTY: The festival is Monday.

CHAIR NICOLE MURATI FERRER: Sunday.

POLICE COMMISSIONER CHRISTOPHER BURKE: Yeah, I would move that along.

CHAIR NICOLE MURATI FERRER: You have no issue as long as they get the sidewalk.

POLICE COMMISSIONER CHRISTOPHER BURKE: Yeah.

CHAIR NICOLE MURATI FERRER: Okay. So denied as to giving them a special one day.

Approved with regard to an extension of premises provided that they give us the sidewalk obstruction approval and the diagram.

PAUL CLARK

EXECUTIVE DIRECTOR ELIZABETH LINT: Paul

Clark has applied for a malt license to be exercised at Forest City, 64 Sidney Street on October 23 from 8 a.m. to 12 p.m. for a road race with 1,500 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

PATRICK LEE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Patrick Lee, holder of an all alcoholic beverages restaurant license has applied for a malt and wine license to be exercised at Grafton Street, 1230 Massachusetts Avenue on October 9 from 12 p.m. to 6 p.m. for Oktoberfest with 200 expected. This is the same thing.

CHAIR NICOLE MURATI FERRER: So.

ATTY JAMES RAFFERTY: May I be heard?

CHAIR NICOLE MURATI FERRER: Sure.

ATTY JAMES RAFFERTY: They are not --

CHAIR NICOLE MURATI FERRER: State your name.

ATTY JAMES RAFFERTY: I'm sorry. James Rafferty.

This location is not contiguous. It is occurring on JFK Street, but the Harvard Business Association assigns locations on the street, and these are not contiguous to the premises. They are in the street.

In this case, if they are in the same location that they have been assigned in the past, they will be up at the corner of Mount Auburn Street in front of Tasty Burger.

CHAIR NICOLE MURATI FERRER: Okay, this is not happening at 1230 Mass. Ave?

ATTY JAMES RAFFERTY: 1230 Mass. Ave is the applicant's address as the application calls for.

CHAIR NICOLE MURATI FERRER: Yeah. Then the location is a sidewalk. So that's why I'm asking.

ATTY JAMES RAFFERTY: I think technically the locations are -- sidewalk is probably not correct. It is actually street. They put -- it will be one of many fenced-in areas on the streets, particularly that stretch of JFK, historically has had a couple of them.

I don't know how many applications you've received on that.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think there were four. Three or four.

CHAIR NICOLE MURATI FERRER: Okay. So let's do this. This is what I propose. It's not

contiguous to licensed premises, Section 14,  
license granted. Contiguous extension of  
premises granted.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Granted.

ATTY JAMES RAFFERTY: Thank you.

OLIVIA HUANG

EXECUTIVE DIRECTOR ELIZABETH LINT:

Olivia Huang has applied for a malt and wine  
license to be exercised at MIT Media Lab, 75  
Amherst Street on October 15 from 9 p.m. to  
midnight for a formal dance with 250 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

ALL ALCOHOLIC BEVERAGES LICENSES WITH OR WITHOUT  
ENTERTAINMENT

NICOLA WILLIAMS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Nicola Williams has applied for an all alcohol  
entertainment license for live music to be  
exercised at Forest City, Landsdowne Quad,  
University Park on October 15 from 3 to 7 p.m.  
for a fundraiser festival with 300 expected.  
That went to Special Events.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

SONIA SANTOS

EXECUTIVE DIRECTOR ELIZABETH LINT: Sonia

Santos has applied for an all alcohol with  
entertainment license to be exercised at St.  
Anthony's Parish Hall, 400 Cardinal Medeiros on

October 29 from 7 p.m. to 12 p.m. for a dinner dance with 250 expected. Also went to Special Events.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

#### ENTERTAINMENT LICENSES ONLY

KRISTINE POIRIER

EXECUTIVE DIRECTOR ELIZABETH LINT:

Kristine Poirier has applied for an entertainment license to provide amplification system for a fundraiser/casino event at Cambridge Marriott on 50 Broadway on October 15 from 6:30 to 10:30. 200 expected.

CHAIR NICOLE MURATI FERRER: Granted.

JULIE BARRY

EXECUTIVE DIRECTOR ELIZABETH LINT: Julie

Barry on behalf of Jenny McBride has applied for an entertainment license for an Inmanween event at Vellucci Plaza, Inman Square, 1407 Cambridge Street on October 28 from 1 p.m. to 8 p.m. with 75 people expected.

CHAIR NICOLE MURATI FERRER: Did that go through Special Events?

EXECUTIVE DIRECTOR ELIZABETH LINT: It did not. Julie is with the Arts Council.

CHAIR NICOLE MURATI FERRER: Oh, that explains it. Granted.

JULIE BARRY

EXECUTIVE DIRECTOR ELIZABETH LINT: Julie Barry on behalf of Jenny McBride has applied for an entertainment license for an Inman Hoedown event at Springfield Street and Springfield Street parking lot behind Ole restaurant on

November 13 from 10 a.m. to 6 p.m. with 500 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

STEVEN KURLAND

EXECUTIVE DIRECTOR ELIZABETH LINT:

Steven Kurland has applied for an entertainment license for live music at Zavoo patio, 350 Third Street on October 5, 12, and 19 with rain dates of October 26, November 3 and November 10 from 4 p.m. to 9 p.m. with 150 expected.

CHAIR NICOLE MURATI FERRER: Granted.

MAYA FRENCH

EXECUTIVE DIRECTOR ELIZABETH LINT: Maya

French has applied for an entertainment license for live music at Forage Restaurant, 5 Craigie

Circle on October 30 from 5 p.m. to 11 p.m. with  
40 expected.

CHAIR NICOLE MURATI FERRER: Granted.

AUSTIN CHANG

EXECUTIVE DIRECTOR ELIZABETH LINT:

Austin Chang has applied for an entertainment  
license for a cultural/social event at Student  
Organization Center at Hilles, 59 Shepard Street  
on November 5 from 6 to 8 with is 20 expected.

CHAIR NICOLE MURATI FERRER: Granted.

MELISSA FRAITAG

EXECUTIVE DIRECTOR ELIZABETH LINT:

Melissa Fraitag has applied for an entertainment  
license for a wedding reception at Commonwealth  
Cambridge, at 11 Broad Canal Way on October 15  
from 5 p.m. to 1 a.m. with 105 expected.

CHAIR NICOLE MURATI FERRER: Granted.

KALINA SCHLONEGER

EXECUTIVE DIRECTOR ELIZABETH LINT: You  
have some add-ons.

Kalina Schloneger on behalf of the MIT  
concert office has applied for a one-day  
entertainment license to be exercised on October  
8 from 7 p.m. to 10 p.m. at the Wong Auditorium  
with 30 expected.

CHAIR NICOLE MURATI FERRER: Granted.

RICHARD CAMBRIELLO

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Richard Cambriello doing business as Daddy's  
Bonetown Burgers has applied for a peddler's  
license to be exercised on October 6 at 555  
Technology Square from 11:30 to 1:30.

CHAIR NICOLE MURATI FERRER: Granted.

LEO MANNING

EXECUTIVE DIRECTOR ELIZABETH LINT: Leo Manning on behalf of Hallamore Corporation has applied for a special noise variance to be exercised at 43 Vassar Street from November 5 through -- October 5 through October 8 from 6 p.m. to 5 p.m. for a crane and drilling equipment.

CHAIR NICOLE MURATI FERRER: So based on a request that we received from Public Works Department, I would change the start time to 7 p.m. But other than that, I would grant.

POLICE COMMISSIONER CHRISTOPHER BURKE: Agreed.

CHAIR NICOLE MURATI FERRER: Okay.

PROGRESSIVE CREDIT UNION

EXECUTIVE DIRECTOR ELIZABETH LINT:

Progressive Credit Union notified the Hackney  
division of the License Commission that M/W PR  
Incorporated is purchasing the medallion 125.

CHAIR NICOLE MURATI FERRER: Is that it?  
Is this it?

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's one of them.

CHAIR NICOLE MURATI FERRER: Did you go  
through this to make sure that they have -- that  
they don't have the early penalty payment?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah.

CHAIR NICOLE MURATI FERRER: Yes?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.  
It's their standard.

CHAIR NICOLE MURATI FERRER: Granted.

PROGRESSIVE CREDIT UNION

EXECUTIVE DIRECTOR ELIZABETH LINT:

Progressive Credit Union has notified the Hackney division of the License Commission that Yahveh Raah, Inc. is purchasing medallion 244.

CHAIR NICOLE MURATI FERRER: Same with this one?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yup.

HAFEZA MORESHEAD

EXECUTIVE DIRECTOR ELIZABETH LINT:

Hafeza Moreshead, a Cambridge resident, asked for a letter for Massport to be able to operate as a livery driver there.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: And the minutes, September 13.

CHAIR NICOLE MURATI FERRER: I move to

approve.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Approve.

CHAIR NICOLE MURATI FERRER: Approved.

EXECUTIVE DIRECTOR ELIZABETH LINT: And I believe Mr. Rafferty has some information for you.

ATTY JAMES RAFFERTY: Can I approach on the transfer?

CHAIR NICOLE MURATI FERRER: Certainly.

ATTY JAMES RAFFERTY: Thanks, again.

James Rafferty.

CHAIR NICOLE MURATI FERRER: For the record, this is on the Shulman matter.

ATTY JAMES RAFFERTY: Correct. The transfer to Dumpling Room, our records and my office were able to confirm that in June of '04, there was a suspension given to the A. W. Shen

doing business as All Asia.

It involved a failure to cooperate with the police concerning an assault and overcrowding. And there was a suspension.

Did I understand, Madam Chair, that your review of the on-line application indicates that we answered the application negatively to that question.

CHAIR NICOLE MURATI FERRER: Yeah. So let me --

ATTY JAMES RAFFERTY: Because that came as a great surprise when I told my office. And the question they had asked is whether the question got modified and continues to include suspension. And we can't -- apparently, we can't see the question or what we submitted.

CHAIR NICOLE MURATI FERRER: Let me see if I can find it.

"Have you ever been the manager of record with a license with regard to alcoholic beverages?"

"Yes."

"If 'yes' has the license to sell ever been suspended revoked or cancelled?"

"No."

ATTY JAMES RAFFERTY: And excuse me, that's from the on-line application?

CHAIR NICOLE MURATI FERRER: From the on-line.

ATTY JAMES RAFFERTY: And I'm looking at the manager's application.

CHAIR NICOLE MURATI FERRER: And later in the manager application "Do you have direct ownership?" "Yes." Blah, blah, blah, blah, blah.

"Prior disciplinary action" and it's

there. And it came up there. So clearly it was answered in one portion. So, again, I'm not quite sure how you, as an applicant, can see it.

ATTY JAMES RAFFERTY: At the moment, apparently, once it's submitted, we don't have the ability to see it because I just called back and said "Well, can't you see what we answered?" And because of the -- some push back, that "No, we know about the suspension and I noted it on the application." But it appears that we did it incorrectly.

CHAIR NICOLE MURATI FERRER: Okay.

ATTY JAMES RAFFERTY: And then should we take some effort to correct that in some way?

CHAIR NICOLE MURATI FERRER: No, that will not work.

Not from my perspective. But it won't work from the ABCC's portal perspective. What

I'll do is I'll make a note here on the approval in the Form 43, to put a note that there has been a suspension of the license.

ATTY JAMES RAFFERTY: Right.

CHAIR NICOLE MURATI FERRER: So I'm not quite sure how all of this will shake down, but at least you know it and then you know what is coming.

ATTY JAMES RAFFERTY: I guess another way to say it is, the manager's application response is correct. The transfer application response is incorrect.

CHAIR NICOLE MURATI FERRER: Hold on. No. It's actually -- hold on. I think it's actually the other way. Yeah. Because this is the record -- I don't know. I don't know how it came about like this.

I have two different printouts, and quite

frankly, I can't tell you which one is what because they get printed out to --

ATTY JAMES RAFFERTY: Madam Chair, are you reading off this license summary report? Is that what you get?

CHAIR NICOLE MURATI FERRER: Yes. License summary report. That's the one that says -- that's the one that says that the license has not been suspended, revoked or cancelled.

But then in the record details that we get as the approving municipality, it shows that there was an answer inserted at some point with regard to prior disciplinary action.

ATTY JAMES RAFFERTY: So before I institute any disciplinary proceedings at my office, it may well be that the filing was correct and maybe our client and manager application isn't, but at any rate, we -- there

was a June '04 suspension when this license was actually owned -- it was owned by a prior -- no, I take that back. It is the same entity that owns it.

He was the manager at the time as well. There's no attempt to disavow any responsibility for that history.

That's the history, both him as a manager and the license when it was at a different location, being operated in a very different venue style.

CHAIR NICOLE MURATI FERRER: Thank you. Then we had a second call.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah. But --

CHAIR NICOLE MURATI FERRER: Second call for Clube Desportivo.

We are done for the day. Thank you.

(Meeting adjourned.)

# ERRATA SHEET

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

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

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## CERTIFICATION

Commonwealth of Massachusetts

Norfolk, ss.

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

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 10th day of October, 2016.

---

Jill Kourafas  
Certified Shorthand Reporter  
License No. 14903  
Notary Public

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