

CAMBRIDGE LICENSE COMMISSION HEARING
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR NICOLE MURATI FERRER

FIRE CHIEF GERALD REARDON

SUPERINTENDENT CHRIS BURKE

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: Tuesday, March 8, 2016

TIME: 5:30 p.m.

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P R O C E E D I N G S

March 8, 2016

ONE-DAY LICENSES TO BE VOTED UPON BY THE BOARD

EXECUTIVE DIRECTOR ELIZABETH LINT: Good evening. This is the hearing of the License Commission on Tuesday, March 8, 2016. It's 5:36 p.m. We're in the Michael J. Lombardi Building, 831 Mass Ave, Basement Conference Room.

Before you are Commissioners Chair Nicole Murati Ferrer and Chief Gerald Reardon.

The first matters are one-day licenses.

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

(Superintendent Christopher Burke arrives.)

CHAIR NICOLE MURATI FERRER: For the record, the hearing is being audio and video recorded.

EXECUTIVE DIRECTOR ELIZABETH LINT: We also have Superintendent Chris Burke.

First matter: Shelley Neill has requested a license to have a concert at the Multicultural Arts Center, 41 Second Street, on Friday, March 25, 2016, from 7 to 10:00 p.m., with less than 100 people expected to attend.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: Anya Alexandra Bear, on behalf of MIT, has requested a license to have a fundraiser at MIT, 77 Massachusetts Avenue, on March 18, 2016, from 6:30 to 10:30 p.m., with 200 persons expected to attend.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: Jennifer Smith has requested a license to have a Dance Concert at MIT, 77 Massachusetts Avenue, on Sunday, March 13, 2016, from 3:00 to 6:00 p.m.,

with 850 persons expected to attend.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: Karla Franco, on behalf of Wistia, has requested a license to host Picnic and Games at Pacific Street Park, 17 Tudor Street, on June 7, 2016, from 3 to 10:00 p.m., with 200 persons expected to attend.

CHAIR NICOLE MURATI FERRER: You did confirm they have the park permits?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, they do.

CHAIR NICOLE MURATI FERRER: And in the park permits do they have the signature from the police and everything?

EXECUTIVE DIRECTOR ELIZABETH LINT: The park permit, I don't believe is signed off by the police. It is granted by Public Works.

CHAIR NICOLE MURATI FERRER: Okay. Let's

defer on this because we don't have any input from the police on it. Because they didn't sign it. They didn't have it. I didn't know if they went through special events, but if they didn't, if it's just a park permit then --

EXECUTIVE DIRECTOR ELIZABETH LINT: It's just a park permit.

CHAIR NICOLE MURATI FERRER: Let's defer that. There's plenty of time for that one to be heard next.

EXECUTIVE DIRECTOR ELIZABETH LINT: Jennifer Novotney, on behalf of MIT Museum, is having a Science Discussion at MIT, 265 Massachusetts Avenue, on April 16, 2016, from 6:30 TO 8:30 p.m., with 75 persons expected to attend.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: Laura Zaganjori, is having a Technical Conference at

MIT, Room 10-140, 77 Massachusetts Avenue, on April 20, 2016, from 8:30 a.m. to 8:00 p.m. (with alcohol only served from 6:00 p.m. to 8:00 p.m.), with 140 persons expected to attend.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Administrative Matters. In response to cease and desist order --

CHAIR NICOLE MURATI FERRER: How about these?

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh, I'm sorry. Because I don't have these.

The garment district is applying for a wine and malt license on March 24 from 6:00 to 9:00 -- we could actually put this on the next agenda.

CHAIR NICOLE MURATI FERRER: That was actually on the agenda that was posted on Friday.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

CHAIR NICOLE MURATI FERRER: Are you not working off of Friday's agenda?

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm working off the one I was given.

CHAIR NICOLE MURATI FERRER: Thursday.

EXECUTIVE DIRECTOR ELIZABETH LINT: Just working off what I was handed.

CHAIR NICOLE MURATI FERRER: That was posted on Thursday. No, I just have -- don't you remember that's the one that -- the one we posted on Thursday? That's the one that went on and then the matter that was continued, the disciplinary matter continued was taken off.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Right.

CHAIR NICOLE MURATI FERRER: But it didn't make the agenda. Then you know what?

That one has time for --

EXECUTIVE DIRECTOR ELIZABETH LINT: That has time.

CHAIR NICOLE MURATI FERRER: Let's not vote on it.

EXECUTIVE DIRECTOR ELIZABETH LINT: This does not have time.

Cambridge Public Library has given permission to the Harvard Graduate School of Education to use the library and provide alcoholic beverages at their event on March 18. Rebecca's Cafe is the caterer. There will be 55 people expected to attend and we do have all the sign-offs.

CHAIR NICOLE MURATI FERRER: 4:30 to 7:30 p.m., granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: And CRVB New England given permission to compliment food truck to the park at 150 Cambridgepark Drive

commencing on Wednesday, starting tomorrow from 11:00 a.m. to 2:30 p.m. until August 31. This would replace their location at 32-34-36 Cambridgepark Drive.

CHAIR NICOLE MURATI FERRER: Do we know where they're moving?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't.

Bartending Service of New England is requesting a wine and malt license on March 17, 2016, a conference reception at Harvard University, the northwest building for 300 people from 7:30 until 9:00 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: Bartending service of New England is requesting a wine and malt license on March 18 from 7:00 to 9:00 p.m. at Harvard University northwest building for 300 people.

CHAIR NICOLE MURATI FERRER: Granted.

ADMINISTRATIVE MATTERS:

EXECUTIVE DIRECTOR ELIZABETH LINT: In response to Cease and Desist Order for operating without a Common Victualer License, Hearthstone Partners doing business as Cusi, 290 Main Street, completed process to obtain a valid 2016 Common Victualer license and submitted a Waiver of Rehearing for its Failure to Timely Renew the 2016 License.

CHAIR NICOLE MURATI FERRER: Do you have the stuff in there? Based on fact they don't show up at the original hearing and they had done the same thing last year, I vote for one day for served.

FIRE CHIEF GERALD REARDON: Second.

CHAIR NICOLE MURATI FERRER: Violation Monday suspension.

EXECUTIVE DIRECTOR ELIZABETH LINT: The next matter is the used car dealer that's been

continued to March 22.

Request for Change of Corporate Name (for tax purposes only – all individuals are the same) and Change of manager on Common Victualer License from Go Go Curry USA, Inc, Kazuko Nagao, manager d/b/a Go Go Curry at H Mart to Go Go Curry Cambridge, LLC, Milafior Evangelio, manager, doing business as Go Go Curry, 581 Massachusetts Avenue.

CHAIR NICOLE MURATI FERRER: Do you have it over there?

EXECUTIVE DIRECTOR ELIZABETH LINT: I do.

CHAIR NICOLE MURATI FERRER: Granted.

So is that it for administrative matters?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: We'll recess until 6:00 p.m.

(Recess began at 5:48 p.m.)

(Recess ended at 6:00 p.m.)

EXECUTIVE DIRECTOR ELIZABETH LINT:

We're going to go back on the record after a recess.

APPLICATION:

**OLE MEXICAN GRILL OF MASS II
D/B/A OLE MEXICAN GRILL**

First matter is the Application: Ole Mexican Grill of Mass II, doing business as Ole Mexican Grill, holder of a Common Victualer All Alcoholic Beverages License at 11 Springfield Street has applied for a Transfer of Stock and to Pledge said license.

CHAIR NICOLE MURATI FERRER: Good evening.

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

CHAIR NICOLE MURATI FERRER: So I did have a question about this. I realized that a lot of these documents are old. This is an old

settlement agreement, and by "old," I mean sometime last year. Did this happen throughout that -- this part didn't get filed in and now we're correcting it or...?

ATTY ANDREW UPTON: It has been an ongoing process. There's a settlement between some disputing parties. One party was doing some type of culinary research in Mexico and gone for a long time.

But they have still the operative documents, and I believe all the numbers line up. It has taken a long time, as you can see, by the dates on the form to get all the parties in the right place to do the deal.

CHAIR NICOLE MURATI FERRER: And then there's no exchange of money between the Ramos brothers.

ATTY ANDREW UPTON: No, I don't believe so.

CHAIR NICOLE MURATI FERRER: And the pledge for funds is \$150,000. What is the purpose of the pledge?

ATTY ANDREW UPTON: The purpose is renovations and upgrade.

CHAIR NICOLE MURATI FERRER: Is the operation going to be the same?

ATTY ANDREW UPTON: Yeah, there's no change in the floor plan, the operation, the menu, the manager. It will be the same tomorrow as it was yesterday. It will continue to make the guacamole at the table.

CHAIR NICOLE MURATI FERRER: That's good.
Any questions?

FIRE CHIEF GERALD REARDON: No questions.

SUPERINTENDENT CHRISTOPHER BURKE: None.

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

Anyone in opposition to this petition?

FIRE CHIEF GERALD REARDON: Second.

CHAIR NICOLE MURATI FERRER: All in
favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR NICOLE MURATI FERRER: Aye.

Granted.

**APPLICATION:
TRANSFER FROM HOTEL TRIA TO
HOTEL TRIA (DIFFERENT LOCATION)**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: 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, at the same address, four-story building,
with a function room on the first floor, 121
guest rooms located on the 2nd, 3rd, and 4th

floors, and pool area on the first floor, with one entrance and three exits, total square footage of approximately 23,700, Sharad Chand as proposed manager of record. An application has also been made for an Entertainment License for: Pool/Billiard Table; Music playing below conversation level; and three TVs.

CHAIR NICOLE MURATI FERRER: For the record, the entertainment license also says three video games and pinball machines, is that accurate?

ATTY ANDREW UPTON: That's correct.

CHAIR NICOLE MURATI FERRER: I want that clear for the record.

ATTY ANDREW UPTON: Good evening, Madam Chair, superintendent, chief. Again, Andrew Upton, U-P-T-O-N. With me is Sharad Chand, S-H-A-R-A-D, C-H-A-N-D, the proposed manager of record.

This is the Best Western Tria over by Fresh Pond. Ownership has changed and the new proposed manager will hopefully change. Other than that there's no changes in the operation at all.

We're hoping no one will really experience any difference. It is a new ownership group and they're putting in a new manager.

CHAIR NICOLE MURATI FERRER: Now, can you explain to me why we're doing this -- why we're doing it this way, that the license is going to be in the name of basically the people that are going to manage the hotel, but not really the owners of the hotel if I understand the paperwork correctly?

ATTY ANDREW UPTON: That's correct.

This is a new approach that has recently been blessed by the ABCC, where we establish a concessionaire entity, and that's the entity that

holds the license.

CHAIR NICOLE MURATI FERRER: Is this the new concessions license or provision or something that they came up with?

ATTY ANDREW UPTON: It's not a new license. It's a new way of doing it because there are so many hotel transactions going on right now, and typically hotels are owned in some part by investment groups which could be public employee pension funds, hedge funds, private equity under firms and these entities have so many individual investors, it's impossible to get the CORI and PIF from all the levels up the corporate level.

Instead of going straight up the chain, we go sideways and perform the concessionaire entities which is typically owned by similar individuals who have the management contract for the hotel, but they have a side company that

holds the liquor license, we disclose them and their operation and responsibility, but since the funds technically go sideways and paid back to the management company, they don't flow up to the entities which are the pension funds, the star wards, the hedge funds which have dozens and dozens and sometimes hundreds of people.

That means we don't have to disclose all of those individuals at the top because technically they're not getting revenue from the sale of alcohol.

CHAIR NICOLE MURATI FERRER: Okay. What happens -- not that I'm wishing this upon you -- but what happens if it closes down, shuts down? Bankruptcy or whatever? What happens to that license?

I mean, in theory the people, these two people own the license, so are they able to sell

the license?

ATTY ANDREW UPTON: They do own the license, this group, but this group has a right of occupancy and a right to operate on the hotel premises that's tied into the management agreement.

So it's almost as if the management company had the license like it does in so many other hotels.

They essentially have a deal to be there with the management company, and if things were to go south, that deal ties them up enough that they couldn't just sell the license out from under them.

FIRE CHIEF GERALD REARDON: My question is the same. Who actually tenders the license in that situation? I mean, in theory I can't -- it's -- they're tied at the hip. But at the end of the day, who tenders the license if it's

Chapter 11 or close down or something happens?

Who has the fiduciary gain for that license at the end of the day.

ATTY ANDREW UPTON: I would say the concessionaire is the owner of the license. So if there was some type of debt, the management company would probably look to them to satisfy the debt or to get the resources if the loan were sold.

FIRE CHIEF GERALD REARDON: So is this an around about way a pledge?

Explain the difference between this being a pledged license.

ATTY ANDREW UPTON: It's not a pledge because there's no consideration. No loan for the license. They're setting up a special purpose entity to hold the license.

FIRE CHIEF GERALD REARDON: So in theory

at the end the day, they couldn't go after the license if they have no corporation?

ATTY ANDREW UPTON: Yeah.

The lender who lends to the owner or to the operator is not asking for a pledge here because unlike in the City of Boston, the City of Cambridge requires direct privity between the two. And I believe we had this at the Marriott two years ago -- Ms. Lint can correct me if I'm wrong -- where a pledge was denied based on that same theory.

Interestingly enough, we had a sister hotel in the City of Boston where the pledge was approved. So I think it depends on the will of the local board.

CHAIR NICOLE MURATI FERRER: But you're basically saying that Kacarla (phonetic) and Murray are the owners of the license, but they're the management company basically?

ATTY ANDREW UPTON: They have a contract with the management company.

They also happen to work for the groups that owns the management company and are part of the it.

CHAIR NICOLE MURATI FERRER: And the management company has an agreement with the actual owners of the hotel?

ATTY ANDREW UPTON: Right. Almost every hotel has an ownership group and hires a management group.

We just added this third entity that holds the license.

CHAIR NICOLE MURATI FERRER: Okay.

FIRE CHIEF GERALD REARDON: So the billiard table is going in the lounge area?

SHARAD CHAND: That's correct.

FIRE CHIEF GERALD REARDON: Same with the -- you're taking an existing space part of the

lounge and adding this?

SHARAD CHAND: In the lounge area there's a breakfast area and small little bar area essentially and that's where the television will be at.

CHAIR NICOLE MURATI FERRER: To confirm during the break we established that there's going to be food room service and alcohol room service?

ATTY ANDREW UPTON: As there is now.

CHAIR NICOLE MURATI FERRER: Yes.

ATTY ANDREW UPTON: Yes.

CHAIR NICOLE MURATI FERRER: You have never been the manager on a liquor license before, correct?

SHARAD CHAND: I have. I have been a manager of a liquor license in Boston at the Boxer Hotel and also in Brookline.

CHAIR NICOLE MURATI FERRER: So you have

never been the manager on a license that has been suspended before? There we go.

SHARAD CHAND: Right.

CHAIR NICOLE MURATI FERRER: Got it. And are you up to date with the rules and regulations with regard to the sale and service of alcohol?

SHARAD CHAND: Yes.

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

SHARAD CHAND: Yes.

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

SHARAD CHAND: Yes, I am.

CHAIR NICOLE MURATI FERRER: Still a US citizen?

SHARAD CHAND: I am.

CHAIR NICOLE MURATI FERRER: I would like to take this under advisement so I can digest all

the information that Mr. Upton has given us with the three different entities.

Are you guys okay with that?

FIRE CHIEF GERALD REARDON: Second.

CHAIR NICOLE MURATI FERRER: Under advisement. Thank you.

Anyone in favor of this petition?

Anyone in opposition to this petition?

Mr. Upton, if you want to say something?

ATTY ANDREW UPTON: If you're interested in discussing this further perhaps with the ABCC, Renatta Thomas is the deputy director who we dealt with on these, and the last two approved on this basis were the Ultima Hotels in Westboro and somewhere else near there which I can get to you.

CHAIR NICOLE MURATI FERRER: That's fine. I just had a lot of questions coming in and I just want to digest what I'm hearing.

ATTY ANDREW UPTON: We're certainly glad to respond to any follow-up.

CHAIR NICOLE MURATI FERRER: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: What date do you want it on for?

CHAIR NICOLE MURATI FERRER: I don't know yet.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

CHAIR NICOLE MURATI FERRER: We'll let Mr. Upton know.

ATTY ANDREW UPTON: Thank you very much.

**APPLICATION:
E KENDALL B, LLC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: BMR-650 E Kendall B, LLC, holder of a garage with Additional Flammables License at 650 E Kendall Street has applied to amend the existing license from 555 parking spaces, 5,550

gallons of Class 1 in the tanks of autos only;
779 gallons of Class 1; 3,112 gallons of Class 2;
and 166 gallons of Class 3, to add an additional
183 parking spaces and 1,830 gallons of Class 1
in tanks of autos only.

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

THOMAS SVIRSKY: My names is Thomas
Svirsky, S-V-I-R-S-K-Y. I am representing Biomed
Realty to work for Cosentini Associates,
C-O-S-E-N-T-I-N-I.

So 650 East Kendall is an existing
building. Six stories of office lab with two
stories of mechanical penthouse. Below grade is
six stories of parking.

Currently there's two levels of vacant
parking.

This is an amendment to those two levels
of vacant parking to now be occupied. This will

increase the parking about 183 parking spaces,
and as Ms. Lint says, 1,830 gallons.

FIRE CHIEF GERALD REARDON: Does this
open up all of your floors now --

THOMAS SVIRSKY: Yes.

FIRE CHIEF GERALD REARDON: And for the
record maybe you just can go through the other
existing -- the Class 1, 2 and 3?

THOMAS SVIRSKY: So the Class 1, 779
gallons is in the tenant space.

There's a 3,040 diesel storage tank on
Level P6.

There's a generator with 71 gallons in
the mechanical penthouse.

And then one gallon of Class 2 in the
tenant space as well as 166 gallons of Class 3 in
the tenant spaces 1 through 6.

CHAIR NICOLE MURATI FERRER: I know you
went through all of it, but between the

application and some of the paperwork, we realized that some of them have listed stuff that -- let me step back.

You're licensed for everything that you have disclosed and then some, so what I want to figure out is really what you have. And I know you just it, but I'm looking at the license right now and I have 550 garage spaces?

THOMAS SVIRSKY: Yes.

CHAIR NICOLE MURATI FERRER: Those exist?

THOMAS SVIRSKY: Yes.

CHAIR NICOLE MURATI FERRER: 5,550 gallons in tanks of cars only?

THOMAS SVIRSKY: Yes.

CHAIR NICOLE MURATI FERRER: 779 gallons of Class 1?

THOMAS SVIRSKY: Yep. That's in the tenant spaces, 1 through 6.

CHAIR NICOLE MURATI FERRER: 3,112

gallons of Class 1 and 2?

THOMAS SVIRSKY: Just Class 2.

CHAIR NICOLE MURATI FERRER: Just Class
2.

THOMAS SVIRSKY: That includes the diesel
generator storage. The generator in the
penthouse and one gallon in the tenant spaces.

FIRE CHIEF GERALD REARDON: So the 71
gallons is the day tank on the roof for the
generator?

THOMAS SVIRSKY: Yes.

CHAIR NICOLE MURATI FERRER: 166 gallons
of Class 3A and 3B?

THOMAS SVIRSKY: Yep. In the tenant
spaces, yes.

CHAIR NICOLE MURATI FERRER: What we're
adding is 1,880 gallons?

THOMAS SVIRSKY: 1,830.

CHAIR NICOLE MURATI FERRER: Do you mind

just crossing that in there and initialing that?

That's all you're adding.

THOMAS SVIRSKY: That's all we're adding.

CHAIR NICOLE MURATI FERRER: Thank you.

Questions?

FIRE CHIEF GERALD REARDON: No. All set.

CHAIR NICOLE MURATI FERRER: Questions?

SUPERINTENDENT CHRISTOPHER BURKE: No
questions.

CHAIR NICOLE MURATI FERRER: Grant it.
Do you second?

FIRE CHIEF GERALD REARDON: Yes.

CHAIR NICOLE MURATI FERRER: All in
favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

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

Anyone in opposition to this petition?

I vote to grant.

THOMAS SVIRSKY: Ms. Lint, I have the white slips and green cards.

EXECUTIVE DIRECTOR ELIZABETH LINT: Thank you.

**APPLICATION:
CHECKRAISE, LLC
D/B/A LORD HOBO**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Checkraise, LLC doing business as Lord Hobo, holder of a Common Victualer All Alcoholic Beverages License at 92-92A Hampshire Street has applied for a Transfer of Stock and New Stockholder.

CHAIR NICOLE MURATI FERRER: Good evening. Would please state your name for the record?

ATTY ANNE VIGORITO: A-N-N-E, V-as in Victor-I-G-O-R-I-T-O, attorney at law for 424

Broadway, Somerville, Massachusetts.

RICHARD DIGIROLAMO: Richard DiGirolamo,
DI-capital-G-I-R-O-L-A-M-O.

DANIEL LANIGAN: Daniel Lanigan,
L-A-N-I-G-A-N.

CHAIR NICOLE MURATI FERRER: You
corrected this. Do you mind putting it -- I'm
sorry -- on the second copy as well?

ATTY ANNE VIGORITO: Yes.

CHAIR NICOLE MURATI FERRER: Tell us a
little about that transaction, counselor.

ATTY ANNE VIGORITO: Good evening, Anne
Vigorito, on behalf of Richard DiGirolamo.

This is a transaction between him and
Checkraise LLC.

Mr. Lanigan, who is a sole manager and
member of that LLC, is here as well. The other
members have sold their interest and the sole
members and sole -- the sole members will be Mr.

Lanigan and DiGirolamo.

Mr. Lanigan will remain as the sole manager and own 50 percent of said stock each.

The terms pursuant to the agreement, is the total payment of \$600,000, \$500,000 being paid by Mr. DiGirolamo and \$100,000 being paid by Mr. Lanigan by promissory note with \$250,000 installments to be paid on the anniversary of the transaction.

CHAIR NICOLE MURATI FERRER: Great. And I do notice that we did get the sources of the funds and Ralph DiGirolamo submitted the affidavit that says that he had no interest in the license, is that correct?

ATTY ANNE VIGORITO: That's correct.

CHAIR NICOLE MURATI FERRER: Any questions?

FIRE CHIEF GERALD REARDON: No questions.

CHAIR NICOLE MURATI FERRER: Anyone in

favor of this petition?

Anyone in opposition to this petition?

I vote to grant.

FIRE CHIEF GERALD REARDON: Second.

CHAIR NICOLE MURATI FERRER: All in
favor? Aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR NICOLE MURATI FERRER: Granted.

ATTY ANNE VIGORITO: Thank you very much.

APPLICATION:
BAJA TACO COMPANY, LLC
D/B/A BAJA TACO TRUCK

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Baja Taco Company, LLC doing
business as Baja Taco Truck, 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 2:30 p.m.

CHAIR NICOLE MURATI FERRER: Good evening.

Please state your name for the record.

BRYAN PEWGH: Bryan Pewgh, B-R-Y-A-N, P-E-W-G-H.

CHAIR NICOLE MURATI FERRER: Now, the company is Baja Taco Company?

BRYAN PEWGH: Yes.

CHAIR NICOLE MURATI FERRER: The company is Baja Taco Truck?

BRYAN PEWGH: Yes.

CHAIR NICOLE MURATI FERRER: Is it with a J or H?

BRYAN PEWGH: J. B-A-J-A.

CHAIR NICOLE MURATI FERRER: Do you mind if I make the change here?

BRYAN PEWGH: Go for it.

CHAIR NICOLE MURATI FERRER: Tell us a

little about your operation.

BRYAN PEWGH: We're a taco truck. All our recipes is developed from California, so we basically copied California Taco Shops.

All my favorite places I grew up eating and brought it here to the east coast. Time you guys have California food out in Cambridge and Boston and our commissary kitchen is over in Dorchester in Commonwealth Kitchen and so the truck starts there every day and ends there every day.

All our dishes are there and our food is prepped there and we warm it up there and bring it on the truck and bring it out and sell it. And it's really good food.

CHAIR NICOLE MURATI FERRER: If you do say so yourself.

BRYAN PEWGH: I eat it too much maybe.

FIRE CHIEF GERALD REARDON: Are you

taking anyone else's space or are you in addition to?

BRYAN PEWGH: A couple doors down and moving up to this space here I believe they had some trucks there previously.

I believe we're taking some old space, but I'm not positive of that.

FIRE CHIEF GERALD REARDON: So you were down further?

BRYAN PEWGH: We were at Vecna.

CHAIR NICOLE MURATI FERRER: And then the hours, are they going to be 11:00 to 2:30 or 11:00 to 3:00?

I saw some places it said 3:00 on your inspection form.

BRYAN PEWGH: They gave us -- I think in the letter they offered was till 3:00. We generally -- we should probably leave at 3:00. Generally, we're there just until 2:00.

Having a little flexibility is good.

CHAIR NICOLE MURATI FERRER: Any questions?

FIRE CHIEF GERALD REARDON: No.

SUPERINTENDENT CHRISTOPHER BURKE: No questions.

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

Anyone in opposition to this petition?

I would vote to grant it until 2:30 because that's what the letter from the Five Star World Service gives you to.

All in favor?

FIRE CHIEF GERALD REARDON: Second.

CHAIR NICOLE MURATI FERRER: Granted.

BRYAN PEWGH: I'm all set?

CHAIR NICOLE MURATI FERRER: Yes.

BRYAN PEWGH: Have a nice evening.

APPLICATION:
THELONIOUS MONKFISH, LTD
D/B/A THELONIOUS MONKFISH

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Thelonious Monkfish, Ltd doing business as Thelonious Monkfish, holder of an All Alcoholic Beverages Restaurant License and Entertainment License at 524-526 Massachusetts Avenue, has applied to change their closing hour from 11:00 p.m. seven days per week to 1:00 a.m. seven days per week.

ATTY KEVIN CRANE: Good evening, Madam Chair. My name is Kevin Crane, K-E-V-I-N, C-R-A-N-E, and I represent the licensee.

JAMME CHANTLER: Jamme Chantler, J-A-M-M-E, C-H-A-N-T-L-E-R.

CHAIR NICOLE MURATI FERRER: Thank you.
Do you want to start?

ATTY KEVIN CRANE: I have, first of all,

all the notices and affidavit. Just as background, my client has been in business at the 524 location for just over five years.

He started out with a beer and wine license and a couple years was upgraded an all alcoholic beverages license by this Board, and then about a year and a half ago, he took over the space next door, he renovated it at 526 Mass Ave, and again was approved by the Board.

So he's expanded his business, and he's looking to expand the hours from 11:00 p.m. closing to 1:00 a.m. There have been no problems at all with this location over the five years that they have been licensed.

He does find at 11:00 at night there's still a demand for his product by the public, and he would like to go to 1:00 and possibly put a second small jazz -- a piano jazz group, but not person on, to play with the band in the band

area.

I know there has been some question raised about rodent infestation by an abutter. I think that issue has been resolved.

If you want me to expound upon it, I will. But I will just say for present purposes that my client's trash is all located within the basement of these premises.

There's nothing outside. It gets -- the trash gets picked up twice a week. The cardboard gets picked up twice a week as well from Save Our Stuff.

I spoke with the inspector, Kristin Fernandez, and she told me that she described it as -- it would be a whole block problem, any rodent infestation, and there are a number of other restaurants on the block, and she said to me specifically that Thelonious Monkfish was not the source of any rodents as far as she was

concerned.

CHAIR NICOLE MURATI FERRER: For the record, we'll note that we did get information from ISD that the rodent problem was not -- it wasn't from this particular location, so we do have that on the record.

The public need for the extension of hours is basically that your customers are still asking to stick around and whatnot?

JAMME CHANTLER: Yes.

ATTY KEVIN CRANE: Speak up, Jamme.

CHAIR NICOLE MURATI FERRER: I see you, but she can't type your head nod.

JAMME CHANTLER: Yes. And then also generally we stop seating 15 minutes before we close, and a lot of people come in around that time and feel disappointed that they can't come in and dance.

CHAIR NICOLE MURATI FERRER: And so if

you were open until 1:00 a.m. until what time do you plan to serve food?

JAMME CHANTLER: I think probably until 12:00, and then after that, we might offer a very truncated menu of maybe appetizers.

CHAIR NICOLE MURATI FERRER: Questions?

FIRE CHIEF GERALD REARDON: So someone who comes in and seats at 12:00 would still be served?

JAMME CHANTLER: Probably if that -- I'm not sure how it goes because I never owned a restaurant that stayed open that late. So I think probably, but...

FIRE CHIEF GERALD REARDON: If you have the food service it's concurrent with the alcohol sales, it doesn't have to be the very end, but...

JAMME CHANTLER: Yes. Definitely. I think that generally speaking we try to sell

food. That's what our main business is.

And when -- even when we got the full liquor license, we expected that people would be eating when they would drink.

FIRE CHIEF GERALD REARDON: What time do you stop food service now at the present hour?

JAMME CHANTLER: 10:45 on Friday and Saturday. 9:45 on the other days. And when we stop selling food, we also stop selling alcohol at the same time.

CHAIR NICOLE MURATI FERRER: Questions?

FIRE CHIEF GERALD REARDON: I'm all set right now.

SUPERINTENDENT CHRISTOPHER BURKE: All set.

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

Anyone in opposition to this petition?

Ready to vote?

FIRE CHIEF GERALD REARDON: Uh-huh.

CHAIR NICOLE MURATI FERRER: I vote to
grant.

FIRE CHIEF GERALD REARDON: Second.

SUPERINTENDENT CHRISTOPHER BURKE: Second
that.

CHAIR NICOLE MURATI FERRER: All in
favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIR NICOLE MURATI FERRER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

ATTY KEVIN CRANE: Thank you.

Madam Chair, welcome.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTY KEVIN CRANE: I think I might have
the record more so than Rafferty as far as
appearing in front of the most chairpersons of
the License Commission, so welcome.

CHAIR NICOLE MURATI FERRER: Hopefully
you won't have that many more.

APPLICATION:
LOYAL NINE, LLC
D/B/A LOYAL NINE.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Loyal Nine, LLC doing business as
Loyal Nine, holder of a Common Victualer All
Alcoholic Beverages License at 660 Cambridge
Street has applied for an Alteration of Licensed
Premise to expand the outdoor patio and to extend
their closing hour of the patio from 10:00 p.m.
to 1:00 a.m.

DANIEL MYERS: Madam Chair and members of
the Commission, Daniel Myers, D-A-N-I-E-L,
M-Y-E-R-S.

I'm the manager of the all alcoholic
beverages license that's Loyal Nine, 660
Cambridge Street. I live at 175 Tremont Street.

I have first an affidavit as well as green slips for the Commission.

Just to give you a quick background about us, since we're last in front of the Commission some 18 months ago or so, we fully outfitted our restaurant space at 660 Cambridge Street and we have operated for about a year.

Looking back at the minutes from that hearing, pretty much everything that we hoped to do has come about and to fruition. We hired some 30-odd-employees most of who walk and bike to work.

We have been directly involved in the community and directly involved with the East Cambridge Planning Team, our neighborhood association and hosting quick-off events for CDD, the CHA holiday party and several other events like that.

During that year we have seen quite a bit

almost a foundation of a revitalization of the storefronts in East Cambridge, seven to nine or ten different businesses on our strip from Prospect towards Lechmere have opened. Curio Coffee, Lone Star Taco Bar, Kimchi Kitchen, two new boutique liquor stores arising and a few more. So with that past year behind us, we're delighted to be in front of the Commission with plans for outdoor seating for the area along the railroads where our restaurant is.

The application in front of you is twofold. First is an alteration of premises to increase the square footage to encompass the full length private driveway that is part of our leased premise that is directly running along the railroads. And the second is to expand the seating hours for the patio.

The extension of hours is truly and quite sincerely for dining. Our original hearing we

projected around a 70/30 split in food to beverage sales, and we're very happy that we've been able to achieve that in our first months of operation.

I don't even know that that 30 percent of large portion of that is coffee as we do operate as a coffee shop from 8:00 to 4:00 every day.

With that in mind, I would like to open before we discuss too much further even with a friendly amendment to adjust the application to close at midnight instead of 1:00 a.m.

CHAIR NICOLE MURATI FERRER: I was going to ask you about that because I saw for the record various letters in support came in for midnight and I was wondering had you amended your request at some point during presentations to the community?

DANIEL MYERS: When we first applied with the Commission, it was one 1:00 a.m. and before I

made it back to the restaurant to tell anyone we adjusted that to midnight.

It wasn't done reactionary, it was done only our side of things. We very much are a mom and pop company.

I'm here without my wife today because she's running the restaurant which is open.

So for us, frankly, when it comes down to us, we would like to close things down around midnight instead of the 1:00 hour.

CHAIR NICOLE MURATI FERRER: Your current hours of operation inside are those until 1:00 a.m.?

DANIEL MYERS: Yes.

FIRE CHIEF GERALD REARDON: This is the property to the right of yours that borders -- is it Pan Am's property, the railroad side?

DANIEL MYERS: Directly abutting the railroad alongside.

FIRE CHIEF GERALD REARDON: That's all part of the building owner's land that you lease, because they have a lot of right-of-way?

DANIEL MYERS: Yes. The space that we're looking to extend to is part of our original lease.

Just in the drawings we put forward we hadn't expected the patio to be -- for some reason for it to be so popular and such high demand for dining later in the evenings.

Guests come in at 8:30, 9:00, and we would like to expand that. And as you know, no application to change the entertainment license which is conversation below the level -- noise below the level of conversation, no increase to capacity or anything along those lines.

CHAIR NICOLE MURATI FERRER: And the public need is basically people keep wanting to sit outside?

DANIEL MYERS: We found that in the four or five months that we had our patio open for full service until that hour, almost every single night we were asking three or four groups of people that were very quietly dining on the patio to -- midway through their meal before the last course arrived, to kind've join us inside, and have to vacate the patio because it was 10:00 or something along those lines which presently the patio hours are closing at 10:00 Sunday through Wednesday and 11:00 p.m. Friday and Saturday. Thursday -- I'm sorry -- Thursday, Friday, Saturday.

CHAIR NICOLE MURATI FERRER: Questions?

FIRE CHIEF GERALD REARDON: No questions.

CHAIR NICOLE MURATI FERRER: Questions.

SUPERINTENDENT CHRISTOPHER BURKE: No questions.

CHAIR NICOLE MURATI FERRER: Anyone in

favor of these petitions?

Anyone in opposition to these petitions?

I vote to grant.

EXECUTIVE DIRECTOR ELIZABETH LINT: You do have numerous letters in support.

CHAIR NICOLE MURATI FERRER: I did mention he had letters in support.

FIRE CHIEF GERALD REARDON: Second.

CHAIR NICOLE MURATI FERRER: All in favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIR NICOLE MURATI FERRER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't know if I had an opportunity to review the minutes for February 9.

FIRE CHIEF GERALD REARDON: I'm fine.

EXECUTIVE DIRECTOR ELIZABETH LINT: They

need to be approved.

CHAIR NICOLE MURATI FERRER: Minutes of February 9, approved.

FIRE CHIEF GERALD REARDON: Second.

CHAIR NICOLE MURATI FERRER: All in favor?

FIRE CHIEF GERALD REARDON: Aye.

CHAIR NICOLE MURATI FERRER: Aye.

Minutes approved.

Any others ones?

I read the ones you sent today.

EXECUTIVE DIRECTOR ELIZABETH LINT: I bet he didn't.

CHAIR NICOLE MURATI FERRER: Did you review those?

FIRE CHIEF GERALD REARDON: I did not.

CHAIR NICOLE MURATI FERRER: So that's it.

We're adjourned. 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.

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 12th day of March, 2016.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public

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