

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

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

DATE: November 16, 2016

TIME: 3:04 p.m.

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P R O C E E D I N G S

November 16, 2016, 3:04 p.m.

CHAIR NICOLE MURATI FERRER: Good afternoon. A few things. Just if you have your cell phones on, please silence them.

Also, we have a couple of fans here, so it makes it really hard for us to hear. So, peanut gallery, please stay quiet, and if you need to discuss something with your counterpart, just go outside and talk about it.

Also, when you appear, if you could really project so we can hear, that would be great.

Third thing, I'm feeling sick, so if you can't hear me and I lower my voice during the hearing, just let me know 'cuz I know there are fans over there as well.

Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: Good afternoon. This is a meeting of the Cambridge License Commission, Wednesday, November 16, 2016. It's 3:04 p.m. We're in the Michael J. Lombardi Building at 831 Mass Ave, basement conference room.

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

The first matter, this meeting is being audiotaped and videotaped. Sorry.

VIOLATIONS:

SLW & P HONG KONG RESTAURANT, INC

First matter: S.L.W. and P. Hong Kong Restaurant, Inc holder of a common victualler all alcoholic beverages license at 1238 Massachusetts Avenue pursuant to, but not limited to, General Laws Chapter 138, Sections 23 and 64, permitting an illegality on the licensed premise to wit:

Distribution of narcotics.

CHAIR NICOLE MURATI FERRER: Anyone
testifying, please stand up and raise your right
hands.

(ALL PARTIES, SWORN.)

CHAIR NICOLE MURATI FERRER: Thank you,
Officers.

I don't know exactly how you want to
divide those seats, but feel free to take a seat.

Thank you.

If you could please state your names and
spell them for the record, that would be great.

ATTY KEVIN CRANE: Attorney Kevin Crane,
C-R-A-N-E, 104 Mt. Auburn Street, Cambridge,
Massachusetts for the licensee.

PAUL LEE: Paul Lee, last name, L-E-E.

OFFICER MATTHEW GRASSI: I'm Officer
Matthew Grassi of the Cambridge Police
Department.

THE REPORTER: Officer, just spell your last name for the record.

OFFICER MATTHEW GRASSI: G-R-A-S-S-I.

OFFICER NICK MOCHI: I'm Officer Nick Mochi, M-O-C-H-I, of the Cambridge Police Department.

DETECTIVE KEVIN DONOFRIO: Detective Kevin Donofrio, D-O-N-O-F-R-I-O, Cambridge Police.

CHAIR NICOLE MURATI FERRER: Thank you. Officers, I don't know who wants to start, but if you can just start with what happened, that would be great.

OFFICER MATTHEW GRASSI: I'll start. So on the night of October 5th, we got a call to respond to the area of Mass and Remington for a report of what's called a disturbance. They said that a woman who -- the person who called said a woman was inside that car. They said she was

freaking out, talking nonsense, and she might have been given what they referred to as drugged-up gummy bears.

When we responded, we noticed there were two gentlemen outside of this vehicle and a female inside the vehicle laying with the seat completely reclined with her feet up and the music at an unreasonably loud level.

The two people that were on scene stated that they repeatedly tried to knock on her window to try to wake her up or get her attention, and they were unable to.

So, at this time the ambulance arrived and my partner, Officer Mochi, were trying to attend to her. And I spoke to a gentleman by the name of Paul Cugini across the street. He stated he was the manager of the Hong Kong Restaurant where Nicole works.

CHAIR NICOLE MURATI FERRER: And Nicole

is the female in the vehicle?

OFFICER MATTHEW GRASSI: Yes, ma'am.

Nicole was the person in the vehicle.

So when I spoke to Mr. Cugini, he said that he was given what he called gummy bears from a friend, he stated a couple days ago. He didn't refer to when he actually got them. He said he'd been taking these gummy bears for the past couple days eating multiple gummy bears at a time and feel (sic-"felt") no side effects. He said they could have been laced with THC, but he did not -- he stated he didn't believe so because he had been eating them all day. He said he approximately took ten that day feeling no side affects.

At approximately 10:00 p.m. he gave Nicole two gummy bears because she asked for them believing they were actually gummy bears and he gave them to her.

He stated that he would not have given them to her if she had known they were laced with THC because he knows she does not drink or do drugs.

Once she ate these gummy bears, she started to feel numb, become unsteady on her feet and she just walked towards the front door and out towards her car.

Paul followed her, tried to get her attention, was unable to kinda grab her attention and tried to prevent her from getting in her car and driving away noticing the state this female was in.

Once she entered the car, Paul called Nicole's father, who called the uncle, who came and tried to get Nicole's attention to not to drive away.

CHAIR NICOLE MURATI FERRER: Who called the police?

OFFICER MATTHEW GRASSI: I believe it was Nicole's father.

And so, as I was talking to Paul, that's when Detective Donofrio showed up and I began speaking with him.

CHAIR NICOLE MURATI FERRER: Okay. Officer, do you have anything else to add?

Why don't we let them, if that's okay, counsel.

OFFICER NICK MOCHI: Thank you.

Upon our arrival, Officer Grassi, as he stated, the female there identified as Nicole Murphy was in her vehicle, a white Jeep parked on the right side of the road on the corner of Mass and Remington.

The Jeep was on. The music was on so loud that the reverberation from the base and the treble from the music to be felt through the glass and through the metal of the motor vehicle.

That's how loud the music was.

I attempted to bang on the glass with my fist. It didn't work. I tried banging my baton, didn't work. She wasn't responding to any verbal stimulus whatsoever.

At this point I had requested that Officer Grassi speak with Mr. Cugini across the street. So we try and raise her. While he was getting his side of the story, I eventually was able to wake her up. She then exhibited -- let me backtrack.

Through my training and experience, I'm a drug recognition expert. By my observations, performing sobriety tests and basic signs and symptoms and observations of an individual, I can tell whether or not they are under impaired or under the influence of one of several categories one which include marijuana or tetrahydrocannabinol, THC.

This individual, this female exhibited significant signs of manic behavior. Her pupils were completely dilated. She continued to speak in circles when trying to speak to her. Her mania would go from very high to very low to in extreme fear of Mr. Cugini, for whatever reason whatsoever. Trying to get a statement from her was very difficult at which point she then rolled up her window again on me while speaking to her in full sentence, she rolled the window up on me and then locked her vehicle.

At this point, Cambridge Fire personnel and professional paramedics arrived on scene. Because of her excited, not necessarily appearance, but demeanor, based on being a police officer, she exhibited fear because of that.

Cambridge Fire and Professional Ambulance were able to bring her out of the motor vehicle and put her in the gurney or the stretcher and

bring her to the ambulance.

During that time, while she was being brought to the ambulance, the music was still loud. The heat was on full blast, even though it was October, it was still relatively decent out. And she was brought to the ambulance. At which point, once she was brought to the ambulance, I entered the ambulance and she said surprisingly "Hi."

I was, "Hi. Do you remember me?"

She said, "No."

I said, "Okay. Do you remember me talking to you, me banging on your door, me banging on your window?"

"No."

"Do you mind if I take a look at your eyes real quick?"

Again, her eyes were completely dilated. By "dilated," I mean that there was no -- it was

all pupil, there was no cornea, which is indicative of either an associated anesthetic, stimulant or marijuana, THC, type of drug.

She was then transferred to, I believe, Cambridge City Hospital.

To answer your question prior to, the person that called initially was her father.

Her father called her uncle. Her uncle was the individual that was on scene. Her uncle's name, I believe, is Paul Murphy.

Paul Murphy was the individual that we initially spoke to to get the basic story as to why she was in this condition.

Before getting into the catatonic or unconscious state that she was in, she explained to her Uncle Paul -- again, this is the third person -- that she took a gummy or a gummy bear from Paul -- later identified as Paul Cugini, who was the manager of the Hong Kong -- that he gave

her one of the gummy bears. This is why she was in this state.

When she would observe Paul, she would again go into very manic behavior.

She would be terrified of him. She didn't want anything to do with him. The quotes in my report is "Please keep Paul away from me, I'm afraid of him." At that point that's the other reason why we pulled on the side street with Officer Grassi to minimize any emotional trauma that was going to be given to her.

CHAIR NICOLE MURATI FERRER: Thank you.

Detective?

DETECTIVE KEVIN DONOFRIO: Detective Kevin Donofrio.

At the request of the patrol division, we were dispatched to the call just at Mass and Remington. Upon arrival, I met with Officer Grassi and Mr. Cugini. He identified himself as

the manager of the Hong Kong Restaurant.

Once I got a basis of the story from Officer Grassi, I advised Mr. Cugini of his Miranda rights verbally and from a card that I carry. He acknowledged those rights, that he understood them. I then began a conversation with him regarding what happened. He was very evasive in the beginning. He came up with multiple stories as to what happened. And after a short time, he finally admitted that he had distributed two marijuana gummy bears to the victim who is also an employee of the Hong Kong.

At that time, he was placed under arrest for distribution. He was transported to the Cambridge Police Department where he was booked, processed and interviewed.

During that interview, or at the conclusion of that interview, I contacted Mr. Lee at his home. He is the owner of the Hong Kong.

And he immediately responded to the restaurant to meet us.

We went back to the restaurant. We interviewed employees that were still there.

Mr. Lee gave us full access to the business, including the areas that belonged to employees.

Our purpose was to check for more contraband, and to see if anybody else had obtained any of these gummy bears and was suffering the effects of that. We found none of that.

CHAIR NICOLE MURATI FERRER: So, the manager, Paul, he admitted to you that he knew that they were laced with marijuana?

DETECTIVE KEVIN DONOFRIO: Yes. And after he was bailed and released from the Police Department, he returned to the scene on Mass Ave where he obtained the original packaging of those

gummy bears and he came back to the Police Department and turned them into us.

This is a professionally manufactured gummy bear with clear markings on that it contains 15 percent levels of THC on it. And those items were entered into evidence.

And as of 4:00 a.m., I believe it was that morning, the victim was released from the Cambridge Hospital to the custody of her father.

CHAIR NICOLE MURATI FERRER: And did he tell you where he provided -- where these gummy bears were provided to her, inside the premises?

DETECTIVE KEVIN DONOFRIO: Yes.

CHAIR NICOLE MURATI FERRER: Questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:
Officer Donofrio -- Detective Donofrio, could you just give some background with respect to your investigative abilities, and how long you have been in the narcotics unit?

DETECTIVE KEVIN DONOFRIO: I have been with the Police Department almost 28 years.

I have been assigned to the special investigations unit for over 14 years, been involved in a variety of complaints and cases and circumstances involving all types of narcotics, businesses and the effects of things like that.

We were trained by the Drug Enforcement Administration, Massachusetts District Attorney's Office and private organizations on drug recognition and awareness and things of that nature.

POLICE COMMISSIONER CHRISTOPHER BURKE:
So at the conclusion of your initial investigation, the night manager was placed under arrest?

DETECTIVE KEVIN DONOFRIO: Yes.

POLICE COMMISSIONER CHRISTOPHER BURKE:
You interviewed him that evening?

DETECTIVE KEVIN DONOFRIO: Yes.

POLICE COMMISSIONER CHRISTOPHER BURKE:

And he was bailed out and then he contacted your office after he was bailed?

DETECTIVE KEVIN DONOFRIO: Yes, sir.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Can you relate that conversation?

DETECTIVE KEVIN DONOFRIO: He initially called the dispatch center and they transferred him down to Sergeant Garabina's (phonetic) office -- he's the supervisor of the SIU -- and then he indicated that he had obtained the original packaging from the gummy bears that he had thrown out prior to our arrival, and he wanted to turn it in to us for the purpose of evidence, and see if there was anything in there that could have a side effect on the victim.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Did he provide any other information with respect

to where he got the product from?

DETECTIVE KEVIN DONOFRIO: He did.

He initially tried to blame his brother, then a cousin.

And we went through a variety of stories with him. And his final story was that he obtained the gummy bears from another employee that worked at the Hong Kong.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Did you have occasion to speak with that employee at all?

DETECTIVE KEVIN DONOFRIO: Yes, I did.

When we responded back to the Hong Kong with Mr. Lee, we spoke to that employee. And he allowed us to search him. And he had no knowledge of how Mr. Cugini had obtained those gummy bears.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Based on you initial conversation and interview

with Mr. Cugini and your subsequent conversation with him when he returned to the station with the product packaging, did you find the information that he provided to be creditable?

DETECTIVE KEVIN DONOFRIO: The initial information, no.

He was -- again, he had a variety of stories that he was telling us. But the fact that he came back two or three hours later with packaging that related to the event, I found that to be very credible.

POLICE COMMISSIONER CHRISTOPHER BURKE:
Can you tell me what the status of this case is in court? Has it been to court yet?

DETECTIVE KEVIN DONOFRIO: It has gone to court, he has been arraigned, and the case is continued until December 2nd of this year.

POLICE COMMISSIONER CHRISTOPHER BURKE:
All set.

CHAIR NICOLE MURATI FERRER: Counselor?

ATTY KEVIN CRANE: Officer Grassi, did I understand your testimony to be that when you spoke with Mr. Cugini that night that he said that Nicole Murphy didn't know that there might have been something in the gummy bears?

OFFICER MATTHEW GRASSI: That's what he told me, yes.

ATTY KEVIN CRANE: Thank you.

And, Officer Mochi -- Mochi, sorry -- could you just explain to me a little bit more of what THC is?

OFFICER NICK MOCHI: THC is the active ingredient in marijuana.

THC or tetrahydrocannabinol is the active agent that the individual gets high off of. It then metabolizes up into your body and it becomes cannabidiol. The cannabidiol is then digested through the body and passes through the

liver. THC is what gets you high. It is the feeling that you get. It is only produced by the female marijuana plant or cannabis plant. The male version of the plant doesn't produce any THC whatsoever. It's only the female plant.

ATTY KEVIN CRANE: Is this -- would this be considered recreational marijuana?

OFFICER NICK MOCHI: As far as?

ATTY KEVIN CRANE: The ingredient in THC.

OFFICER NICK MOCHI: THC, as far as a recreational marijuana, prior to the demobilization at that time, as far as I'm aware, in Massachusetts does not permit, or did not permit the use or distribution of recreational marijuana in that manner.

ATTY KEVIN CRANE: I don't disagree with you, Officer.

Detective Donofrio, once you contacted Paul Lee, would you characterize his cooperation

or noncooperation with you?

DETECTIVE KEVIN DONOFRIO: Extremely cooperative.

ATTY KEVIN CRANE: How did you contact Mr. Lee?

DETECTIVE KEVIN DONOFRIO: I called him at his home. Actually, it might have been his cell phone. It's the emergency contact he provided to the police dispatch.

ATTY KEVIN CRANE: Now, when you went back to the Hong Kong and interviewed the other employee of Hong Kong that supposedly had given the gummy bears to Mr. Cugini, you didn't find anything on him, did you?

DETECTIVE KEVIN DONOFRIO: No, sir.

ATTY KEVIN CRANE: So, Mr. Cugini's direction, as far as that employee, would you consider to be not credible?

DETECTIVE KEVIN DONOFRIO: I considered

it to be unfounded.

ATTY KEVIN CRANE: Thank you.

I have nothing further of the officers.

CHAIR NICOLE MURATI FERRER: Do you want to have your client testify?

ATTY KEVIN CRANE: Sure.

Can you please state your name for the record?

PAUL LEE: Sure. Paul Lee.

ATTY KEVIN CRANE: Mr. Lee, could you explain your position with the Hong Kong Restaurant?

PAUL LEE: Currently I'm president and owner of the Hong Kong Restaurant.

ATTY KEVIN CRANE: Are you the manager of record?

PAUL LEE: Yes, I am.

ATTY KEVIN CRANE: On the night in question, were you contacted by the Cambridge

Police?

PAUL LEE: Yes, I was.

ATTY KEVIN CRANE: And what did you do after you were contacted by the police?

PAUL LEE: I got dressed and went right to the restaurant.

ATTY KEVIN CRANE: How long had Nicole Murphy been working for you?

PAUL LEE: About five or six months.

ATTY KEVIN CRANE: Is she still employed?

PAUL LEE: Yes, she is.

ATTY KEVIN CRANE: Has she recovered?

PAUL LEE: Yes, she has.

ATTY KEVIN CRANE: Mr. Cugini, what is his status now with the Hong Kong Restaurant?

PAUL LEE: He is no longer employed there.

ATTY KEVIN CRANE: Did you talk to him after the incident?

PAUL LEE: I did.

ATTY KEVIN CRANE: After that discussion, did you terminate him?

PAUL LEE: I told him that let's wait overnight and I'd call him the next day and that's exactly what I did.

ATTY KEVIN CRANE: You terminated him the next day?

PAUL LEE: Yes.

ATTY KEVIN CRANE: And, Mr. Lee, have there been any disciplinary proceedings brought against the Hong Kong in the last ten years?

PAUL LEE: Not that I know of.

ATTY KEVIN CRANE: And how long have you and your family been associated with the Hong Kong Restaurant?

PAUL LEE: My mother and father started it in 1954, so 62 years.

ATTY KEVIN CRANE: How long have you been

the manager of record?

PAUL LEE: Probably over 20 years.

ATTY KEVIN CRANE: I have no other questions.

CHAIR NICOLE MURATI FERRER: Mr. Lee, did you learn from the detective who Mr. Cugini claimed to have given him the gummy bears or from anyone?

PAUL LEE: The officer, the -- Detective Donofrio mentioned that. He mentioned that it was -- it might have been the doorman, but there's no --

CHAIR NICOLE MURATI FERRER: Did you speak to the doorman at all about this incident?

PAUL LEE: No. I let him speak to the doorman.

CHAIR NICOLE MURATI FERRER: Have you spoken to your employees -- aside from Nicole Murphy and then you fired Paul, have you spoken

to any of your employees about this incident?

PAUL LEE: No, I haven't.

CHAIR NICOLE MURATI FERRER: So have you taken any measures to ensure that there's no further distribution of drugs inside your premises?

PAUL LEE: It's well-known amongst the employees that this is not -- drugs are not tolerated. So I know that the License Commission gave a poster that we put up, and then he -- Paul Cugini is the assistant manager, and the manager, Chris Parks, knows that's something we do not tolerate at all in the restaurant.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Just so I'm clear, Mr. Lee, were you at any time aware that the doorman -- it was alleged that the doorman provided the product to the night manager?

Is this the first time you're hearing it

today?

PAUL LEE: No. No.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Were you aware of it when Detective Donofrio spoke with your employees that morning?

PAUL LEE: I believe he mentioned it that night.

POLICE COMMISSIONER CHRISTOPHER BURKE:

What action, if any, did you take in -- with respect to having a conversation with the doorman?

PAUL LEE: With the doorman, I didn't have any conversation, but we have been monitoring it and making sure that there's nothing further going on, or if it's true or not true, because these are just allegations, and I can't -- I wouldn't want to fire someone based on an allegation. I would want to fire someone based on the truth.

CHAIR NICOLE MURATI FERRER: How long has the doorman been with you?

PAUL LEE: Probably two or three months. Last four months maybe.

CHAIR NICOLE MURATI FERRER: And you have not spoken to him about these allegations?

PAUL LEE: No, I haven't.

CHAIR NICOLE MURATI FERRER: And you haven't spoken to any of your employees about anything regarding any drugs inside your premises?

PAUL LEE: Yes, I have spoken to them.

CHAIR NICOLE MURATI FERRER: After this incident?

PAUL LEE: Yes, but not in a -- I didn't call any type of meeting or anything, but I did speak to different individuals about it.

CHAIR NICOLE MURATI FERRER: And said what?

PAUL LEE: That, you know, it's -- this is not tolerated.

CHAIR NICOLE MURATI FERRER: And was one of those employees the doorman?

PAUL LEE: No, it wasn't.

CHAIR NICOLE MURATI FERRER: Can I ask why not?

PAUL LEE: I spoke to Chris Parks, who is the manager, and I let him know that he should talk to the employees about this, that it is definitely something we do not tolerate at the Hong Kong.

CHAIR NICOLE MURATI FERRER: I mean, I don't dispute that you have an extraordinary unblemished record, but this is a really big allegation and a really big incident inside your premises, definitely involving two employees, maybe even more. And even though I know you have other managers, you are the manager of record,

you are the owner, this is your license, your business. I really think it is incumbent upon you to talk to your employees and make this a priority. I mean, this is a really big deal, you know...

POLICE COMMISSIONER CHRISTOPHER BURKE: I mean, I would really tend to agree. I think you had -- you had information with respect to the role the doorman may have played.

I think certainly I'm concerned that there's potentially three of your employees during open hours engaged in an illegal transaction that resulted in the woman bartender becoming sick. I'm concerned that the night manager was involved with dispensing the drugs to the bartender, and while the testimony of the officers indicated that the night manager was initially evasive in his story of where he got the drugs, I think after he recovered the

packaging, and the last conversation that he had with Detective Donofrio, he was very specific on where he got it, and I would think that would lend some credibility into the allegation that the doorman played a role.

I certainly credit your responsiveness and cooperation with respect to immediately responding and working with the detective and making your employees accessible, but I'm concerned that three employees -- potentially three employees -- could be engaged in that type of behavior. You discharged one, you kept one, and you didn't even speak to the third one. I am very concerned about that.

CHAIR NICOLE MURATI FERRER: Anything else, counselor?

ATTY KEVIN CRANE: Well, just, I guess in closing, I think that we had one employee who has been discharged, and was definitely involved.

I'm not going to sit here and say there's not substantial evidence to find a violation.

As far as the doorman is concerned, I think Mr. Cugini was -- is pointing fingers at whoever, from the brother to the doorman and then and, you know -- then there's some unknown person that's given it to him.

And although he did come back and maybe saw the light at some point and came back to the police station with the bag, but I wouldn't put much credible evidence on him -- on his testimony.

As far as the doorman, there's no evidence that he was actually involved in it other than Mr. Cugini saying he was, and then Detective Donofrio followed up and did not find any basis for the doorman being involved.

Nicole Murphy, she was the victim here from the testimony I heard. So I think we're

dealing with one employee that's been discharged. I'm not going to minimize the offense here. I have advised my client as such.

Again, I don't think there's any basis for saying there's not substantial evidence for a violation.

And I do think my client will need to step up, as far as talking directly with some of these employees to make them aware that it's a very serious matter and not to be tolerated.

As far as the chain of command there goes, I do believe that my client should talk to these employees directly.

As far as disposition, it -- of the case, I just note that the disciplinary history here has been excellent the last ten years.

There was a period before that when there were some incidents. Mr. Lee stepped up and really cleaned the place up. And I think that

should be recognized as far as any sort of disposition goes.

CHAIR NICOLE MURATI FERRER: Detective, quick question. Have you spoken to Ms. Murphy?

DETECTIVE KEVIN DONOFRIO: No.

I spoke with her father the next day and he gave me an update on her condition.

CHAIR NICOLE MURATI FERRER: And either of the patrolman, have either of you spoken to Ms. Murphy after that night?

OFFICER MATTHEW GRASSI: I have not.

OFFICER NICK MOCHI: No, ma'am.

CHAIR NICOLE MURATI FERRER: And, Mr. Lee, you haven't spoken to Ms. Murphy about this?

PAUL LEE: In terms of the incident?

CHAIR NICOLE MURATI FERRER: Yes.

PAUL LEE: No, I haven't. I've just checked as to her well-being.

ATTY KEVIN CRANE: Is there any particular reason why you haven't talked to her?

PAUL LEE: She was -- it was made known to me she was very, very embarrassed about the situation, so I didn't want to bring further embarrassment to her by sort've further bringing it up and putting the spotlight on her again.

CHAIR NICOLE MURATI FERRER: I mean, unfortunately, I think that's part of your job, especially to protect your business, your license, your employees, and, quite frankly, the public well-being. I mean -- yeah, I mean, I would take this under advisement because quite -- I mean, I -- I have no doubt, but, in my mind, this is a violation. I'm just -- I want to think about the type of disciplinary action considering the record for the past ten years, the unblemished record for the past ten years. So I just need a little more time to kinda digest that

portion. But I do find a violation. It's just a matter of, you know, what action I would recommend after that.

But I do -- Mr. Lee, I don't know how to say this without being more open and honest about this, you need to go back to your place -- you need to go back to your place now and talk to your employees. Putting up a poster is not enough. Having another manager do this for you is not enough. And whether an employee is embarrassed about conduct in which she either knowingly or not knowingly participated in, yeah, that's neither here nor there.

If you can't really do the tough job that it takes to tackle these issues, then you need to get someone that can.

POLICE COMMISSIONER CHRISTOPHER BURKE: I agree with your assessment.

I believe there are sufficient facts to

support the violation, and we'll take it under advisement.

CHAIR NICOLE MURATI FERRER: I think our next hearing is the 7th, so we will probably vote on it then.

ATTY KEVIN CRANE: Thank you.

CARLOS & MARIO'S AUTO REPAIR

EXECUTIVE DIRECTOR ELIZABETH LINT: The second matter is Violation: Carlos and Mario's Auto Repair, holder of Garage License 10119, for alleged violation of Cambridge Municipal Code 8.16.080(G), noise from the premise being plainly audible from a distance of 50 feet, on October 11th, 2016 at or about 11:30 a.m.

Whoever is going to testify, please raise your right hand.

(ALL PARTIES, SWORN.)

CHAIR NICOLE MURATI FERRER: Thank you.
Good evening or good afternoon.

Could you please state your names for the record?

ATTY JAMES RAFFERTY: Good afternoon, Madam Chair, James Rafferty with -- an attorney with offices at 675 Massachusetts Ave in Cambridge. And I'm appearing on behalf of the garage licensee holder, Carlos and Mario's Auto Repair.

Seated to my left is Robert Pimentel, P-I-M-E-N-T-E-L.

And to his right is his brother Mario, to my right, spelled P-I-M-E-N-T-E-L.

They are the principal owners of the auto repair.

ANDREA BOYER: Andrea Boyer, B-O-Y-E-R, investigator for the City of Cambridge License Commission.

CHAIR NICOLE MURATI FERRER: And, sir, behind the attorney, I'm sorry, your name?

GEORGE CHICHIRAU: Yup. My name is
George Chichirau, a resident of --

THE REPORTER: George, you have to spell
your last name for the record, please.

GEORGE CHICHIRAU: Of course. George as
in George, and Chichirau as in C-H-I-C-H-I-R-A-U.

THE REPORTER: I'm sorry, George. C-H-I?

GEORGE CHICHIRAU: C-H-I, again, R-A-U.

THE REPORTER: R-A-U?

GEORGE CHICHIRAU: Yes.

CHAIR NICOLE MURATI FERRER: Thank you.
Go ahead, Ms. Boyer.

ANDREA BOYER: So we're here based on a
complaint of the bay doors and being able to
plainly audibly hear the work inside of the auto
repair shop a distance of 50 feet. The previous
history in the summer of 2015 a complaint was
called into the office saying work taking place
inside of CLM was allegedly audible to residents

that live on Elm Street.

I spoke with the owner at that time. We had a verbal agreement that the best solution would be to keep the three bay doors closed while work was transpiring and to keep the three bay doors on Webster Street open instead.

CHAIR NICOLE MURATI FERRER: Was the owner Mario or Robert --

ANDREA BOYER: Yes.

CHAIR NICOLE MURATI FERRER: Okay. Thank you.

THE REPORTER: Andrea, would you do me a favor? Would you speak up?

ANDREA BOYER: Sorry. Did you catch that last stuff?

THE REPORTER: Go right ahead.

ANDREA BOYER: All was okay until June 16 when another complaint was made and I investigated the work site.

On June 10, 2016 I determined that the work was plainly audible with a distance of 50 feet. At that time a warning letter was sent to the business. I spoke with one of the owners, Robert, regarding the letter, and he stated he would address the problems with his employee. The warning letter was sent on July 28, 2016 and it was attached to the note that I gave to you in the folder. It's the one I sent to Attorney Rafferty as well.

I received another complaint that noted that although August was better, the bay doors were open again. I went to the location on October 11, 2016 and a heard the sound of the air gun was plainly audible a distance of 50 feet from the business. Please note that the door's closed while I was at the location and the noise was not audible when the doors were closed.

The hearing notification letter was sent

and the owner called me immediately with solutions for the staff to police the door better which would be stated at the hearing.

CHAIR NICOLE MURATI FERRER:

Mr. Chichirau, do you want to talk to us about this as well? You're a neighbor, you said?

THE REPORTER: Chair, would you mind if they came closer to me instead of all the way --

CHAIR NICOLE MURATI FERRER: No, that's fine.

THE REPORTER: Sir, could you come over here and speak just because it's easier for me to hear. I appreciate it. Thank you.

GEORGE CHICHIRAU: I'm good over here.

CHAIR NICOLE MURATI FERRER: You sure?

GEORGE CHICHIRAU: Yup. Absolutely.

I'm part of the homeowners association that goes from 300 through 312 on Elm Street that contains four apartment buildings, most of which

are directly across the street from the garage.

And a number of us have had problems with the noise. Definitely all of us have windows facing directly on the street, that would include me, but it includes other people, the testimony of which I can read. But they are mostly at work. So like I am -- I'm the homeowner guy that came here today. Wes Mason of 307 Elm Street complained. He's a renter. He complained to the apartment owner. He said that something should be done about the fact that he's frustrated by the level of noise from the automotive shop across the street. The noise seems to originate from sources including, but not limited to tow trucks and other vehicles honking, often many discreet honks or long sustained honks to see whether the shop should open the garage door. But more often high-powered loud air tools and other tools are audible when the garage doors are

open.

As a resident of 309, this is again my problem. During warm months of the year, the garage doors are mostly open. And if you agree, I mean, many of us have made videos of what it looks like so you can watch the situation from the window.

May I press play?

CHAIR NICOLE MURATI FERRER: Yes, you can.

Mr. Rafferty, you can see from there?

ATTY JAMES RAFFERTY: Not really.

(Playing video.)

GEORGE CHICHIRAU: That's -- I would like to point out that this is not even the window closest like to the automotive store.

ROBERT PIMENTEL: Is that the window or the driveway?

ANDREA BOYER: It's 50 feet.

GEORGE CHICHIRAU: And, yeah, I mean, I can stop whenever you want me to.

Either me, or a number of residents, just when we came in, arrived like early morning or evening, and we took these videos, ten, 20-seconds long, you know, on a certain date and -- yep, I think the problem is pretty obvious.

I can keep playing.

CHAIR NICOLE MURATI FERRER: That's fine. That was good enough. Thank you.

GEORGE CHICHIRAU: Thank you.

CHAIR NICOLE MURATI FERRER: Is there any other resident here to speak on this matter?

Mr. Rafferty, do you have any questions for Ms. Boyer?

ATTY JAMES RAFFERTY: Not really questions, thank you, but just kind of a statement on behalf of the licensee.

I am familiar with -- and have been

educated about the history and the level of cooperation the chief investigator demonstrated. She did come up with what seems like a practical solution, that is, to the extent practical ',the overhead door would be closed.

But there's an element of reality to this business. It has been there for more than 20 years.

Webster Avenue, as I'm sure Superintendent Burke and others would know has historically --

CHAIR NICOLE MURATI FERRER: Commissioner Burke.

ATTY JAMES RAFFERTY: Commissioner Burke. I apologize.

It has -- Webster Avenue is a series of automotive uses, tow companies. There's a lot of automotive-related activity on the street. So it is an environment where there is a range of

activity, and as I said, the Pimentel family has operated there for more than 20 years. They employ more than 20 people. They are one of the few auto repair garages in left in Cambridge.

The ordinance, however, is -- the language does contain wording that is challenging. I would say audible 50 feet from the property line for an automotive repair garage, that's a tough standard, but it would appear that it occurs -- to the extent it occurs, the use of the air gun, which was clearly audible in the neighbors's video, there would seem to be the principal source of the noise that exceeds that level. And that's a gun that's relied upon to remove wheels from vehicles and not all that often.

CHAIR NICOLE MURATI FERRER: Can I stop you for a second?

ATTY JAMES RAFFERTY: Sure.

CHAIR NICOLE MURATI FERRER: I have been to this area because I like to know what I'm looking at. I like to know what the business is like, and I have been down Webster Street and I've been down Elm Street. I've actually walked the area. I was actually across and I hear -- well, I couldn't hear your Elm Street doors open and close, because they are actually pretty quiet, which is awesome, but I could hear the noise when the doors are open, and as soon as you closed the doors, I could certainly not hear the noise, and I was probably at a distance of 50 feet.

ATTY JAMES RAFFERTY: Just so you --

CHAIR NICOLE MURATI FERRER: Hold on a second. The history of this garage, if I understand it correctly, counselor -- and you and your clients can correct me if I'm wrong -- is that it used to not have these doors on Elm

Street, is that correct?

MARIO PIMENTEL: It's always there.

CHAIR NICOLE MURATI FERRER: The garage building itself was expanded a couple years ago. That might be the truth.

CHAIR NICOLE MURATI FERRER: And the extra three doors on Elm Street were put in?

MARIO PIMENTEL: No. The one door that's on the actual -- the only door that we keep open on that side is actually the middle door. That's the one you're hearing. The one on the right-hand side, that door has always been there.

CHAIR NICOLE MURATI FERRER: Okay. Well, I disagree that you only keep that one door open because when I went, three doors were open on Elm Street and no doors were open on Webster Street.

MARIO PIMENTEL: That one on the inspection bay because the inspection comes this way, there's no need for us to open that door.

We did tell employees, and we're aware of that, and, you know, we tell them every day. I mean, they know that we're here. And that we need to keep those doors closed. And we'll do everything possible to make sure that they are closed.

ATTY JAMES RAFFERTY: Since they received the notice, they have --

CHAIR NICOLE MURATI FERRER: Before that. The 2015 agreement that was reached or where discussions were had with these doors and whatnot, was it -- is it my understanding that cars are supposed to enter through Elm Street -- no, enter through Webster Street and then just exit through Elm Street?

MARIO PIMENTEL: The way the lifts are designed, it is designed that way. It goes in this way. So it would be harder to come through Webster Avenue. That means we would have to

change --

CHAIR NICOLE MURATI FERRER: So you enter through Elm and you exit through Webster?

MARIO PIMENTEL: That's correct.

ROBERT PIMENTEL: It's at a 45-degree angle, so when you come in --

CHAIR NICOLE MURATI FERRER: Yeah, I saw the bays.

ROBERT PIMENTEL: And that first door that you saw, that building, we no longer use that building. That's just for parking cars now because it's -- because of the all condos going up. So we did keep that door open, but that building itself is only to park cars. There's no -- we don't use any air tools in there. There's -- nobody works in there.

CHAIR NICOLE MURATI FERRER: What is the purpose of having the door open all day?

ROBERT PIMENTEL: Air flow.

CHAIR NICOLE MURATI FERRER: Huh?

ROBERT PIMENTEL: Air flow.

ATTY JAMES RAFFERTY: Air flow.

MARIO PIMENTEL: Sometimes in the summertime it gets kinda hot. And, you know, when you have -- you find one of your mechanics opens the door and you walk in there and somebody is using an impact gun, you're like, "What are you doing? That door is supposed to be closed." I mean, we never had that issue before. Now that it has become an issue, we're addressing it.

I even got a picture to where I went out and got signs. I put signs on the door saying, you know, "PLEASE KEEP DOORS CLOSED." I mean, I've got a picture of it.

And also that door that you're talking about, the one in the middle, also it's an overhead door that's very expensive. It's called called Rytex, which is -- as soon as you pull up,

instead of the mechanic just holding it and then waiting for the car to come in and you gotta to hold the button, so what happens is -- it's almost like Herb Chambers -- you pull up, it goes up, and as soon as you go in, it goes right back down again. So you don't need anybody. But it is made from Rytec. But it is kind of an expensive door, so...

CHAIR NICOLE MURATI FERRER: Listen, the doors on Elm are incredibly awesome, and I think you should tell your neighbors about it because they certainly need to install a very quiet door like yours.

MARIO PIMENTEL: I just need that door --

CHAIR NICOLE MURATI FERRER: But I think that door -- I mean, I think this is a very simple solution. This seems to be a matter that has been going on forever. And it seems to be a simple solution in terms of keep the door closed

because, quite frankly, it's not that the noise is muffled. It's literally that you cannot hear the noise. So, you know, it's incredible because sometimes when the door is closed, you can still hear some noise and it's kinda like, oh, well, it's less annoying. So it's like a very loud noise to no noise.

So I don't understand how, you know, and I know your counsel made like this little face when I said forever, but, you know, when it has been going on since 2015 and we're now entering 2017 and it is the same complaint, I think it is a pretty obvious --

ATTY JAMES RAFFERTY: Well, I made this face because I didn't want to interrupt while you were speaking.

CHAIR NICOLE MURATI FERRER: Yeah.

ATTY JAMES RAFFERTY: But I think the record of the licensee wouldn't be would be

consistent with the forever characterization, but the point being the solution -- the remedy that has been identified --

CHAIR NICOLE MURATI FERRER: To put a condition on the license that the doors on Elm Street have to be closed.

ATTY JAMES RAFFERTY: Well, I was going to say the remedy that was identified with regard to -- well, let's think for a second, though. The doors closed are an appropriate remedy for noise, but if there's no noise occurring, the opening of the door being open, so it is clearly related to the volume of the noise. The point is that the licensee has, I think, become renewed in its awareness of the importance of this issue, it has had a staff meeting and educated everyone.

I want to say upfront, the Commission has been cooperative from the start. The approach here feels like the discipline that Commissioner

Breen used to talk of where they were given an opportunity to create a solution, they have done that.

I think -- I was only giving some context because, frankly, the neighborhood around them has changed in the last 20 years. And if anyone knows that neighborhood, they'll recognize that the addition of residents on that street has obviously led to a heightened attention to a municipal ordinance that they are compelled to comply with.

So the licensee is prepared to keep the door closed.

The door is -- gets opened, obviously, when vehicles have to come in to be serviced, and sometimes you can coordinate -- my client tells me to get all work to stop, but that is slightly impractical when the door is open and a car comes in.

If there's noise going on, it's not always possible to interrupt another mechanic and say "Stop working" because the door is about to go up, but that's the charge he --

CHAIR NICOLE MURATI FERRER: And, quite frankly, I don't think anyone would expect for any of the employees to stop working while a car comes in.

ATTY JAMES RAFFERTY: Right.

CHAIR NICOLE MURATI FERRER: And the minute that it takes for the door to go up, a car to come in or the door to come down, or the two minutes it takes, but keeping the door open for 30 minutes at a time while you're working on vehicles, that's an issue.

MARIO PIMENTEL: I think our Rytac door might be the solution for that. We're getting a price for the overhead door. I know it's very expensive, but I think that's probably the only

way to go because sometimes if he's in the office, or if I'm in my office and one of the mechanics happens to open the door and somebody is using the impact wrench for whatever, a minute, and that door is open, we'll be in the same situation.

So I think we might have to spend some more money and maybe invest in a door like that where --

CHAIR NICOLE MURATI FERRER: I think if you spend money on a door, you have to make the door as good as the one you have now. I cannot keep reiterating that. Not only does that door not make any noise when it goes up and down, it's fantastic, but it also buffers the noise completely.

ATTY JAMES RAFFERTY: The doors is only effective when it's down.

CHAIR NICOLE MURATI FERRER: Yes, but you

don't -- you don't --

ATTY JAMES RAFFERTY: But my point is I think my client --

CHAIR NICOLE MURATI FERRER: Counsel, you don't know how much noise some of these other up and down doors make --

ATTY JAMES RAFFERTY: Oh, I understand.

CHAIR NICOLE MURATI FERRER: -- which is what I'm saying to your client, and what I'm also saying --

ATTY JAMES RAFFERTY: I appreciate the suggestion and I --

CHAIR NICOLE MURATI FERRER: -- to your client is that if he's going to change any door, for him to make sure that, one, it's a quiet door because otherwise you're going to have the same issue that you have now, and, two, that if you change the door, that the door you put in is a door like yours that you have now that actually

completely takes away the noise when it's down.

That's -- what you do in your business, that's on you. But I'm just telling you the very good of the current door that you have now.

Anything else?

ATTY JAMES RAFFERTY: Nothing.

CHAIR NICOLE MURATI FERRER: Questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

None. I agree with your assessment.

CHAIR NICOLE MURATI FERRER: So I would find a violation. I would issue a \$300 fine and I would actually add a condition on the license that the doors on Elm Street have to remain closed with the exception of when they have to be open for vehicles to come in or out, or when there's no audible noise at 50 feet of --

ATTY JAMES RAFFERTY: Right. And the only qualification to that, and I know there are times before work gets started during the day or

even during parts of the day, where there is no work going on and they explained to me that having the door open allows fresh air in and light to come in. It's a health benefit for the employees.

But the door -- when work is going on, audible work, obviously, the doors should remain closed because they would continue to face exposure to violations of the noise.

And I think it would be productive, and I know -- I have spoken to my clients and they are happy to have some regular interchange with the condominium association.

So if things -- in business, we all know that the best intentions of management sometimes stumble in execution and there could be a particular worker one day who wasn't attentive to that, and the association --

CHAIR NICOLE MURATI FERRER: I already

asked you if you had anything else. I was voting.

ATTY JAMES RAFFERTY: Oh.

CHAIR NICOLE MURATI FERRER: But, yes, counselor.

ATTY JAMES RAFFERTY: I was suggesting -- I wanted to let the residents know that the Pimentels are really responsible people, and if they gave them their phone numbers, you could give them a call and you'll find that they'll work with you very closely on these issues.

CHAIR NICOLE MURATI FERRER: So the gentleman right behind you seems to be of the owners association, so you guys might want to speak after the hearing.

ATTY JAMES RAFFERTY: We'll do that. Thank you for that suggestion.

CHAIR NICOLE MURATI FERRER: With that said, violation, \$300 fine and a condition on the

license that the doors on Elm Street should be closed while audible work is being performed.

POLICE COMMISSIONER CHRISTOPHER BURKE: I agree.

CHAIR NICOLE MURATI FERRER: Okay.

That's the vote.

ATTY JAMES RAFFERTY: Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

CAPIZZI AND CO, INC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Capizzi and Co., Inc, holder of leaf blower license 10006 for alleged violation of Cambridge Municipal Code 8.16.081(E), using unapproved leaf blowers and (F), using two leaf blowers in a 10,000 square foot lot on October 18, 2016 at 1:27 p.m.

ANTHONY CAPIZZI: My name is Anthony Capizzi, owner and operator of the Capizzi --

THE REPORTER: Anthony, you have --

ANTHONY CAPIZZI: I'm sorry. Anthony C. Capizzi, C-A-P-I-Z-Z-I, owner and operator of Capizzi and Company.

CHAIR NICOLE MURATI FERRER: Mr. Capizzi, could you please stand up and raise your right hand?

EXECUTIVE DIRECTOR ELIZABETH LINT: Took the words right out of my mouth.

(ANTHONY CAPIZZI, SWORN.)

CHAIR NICOLE MURATI FERRER: Thank you. Ms. Boyer, you're still under oath.

ANDREA BOYER: Yes.

CHAIR NICOLE MURATI FERRER: Go ahead.

ANDREA BOYER: Andrea Boyer, B-0-Y-E-R, licensing investigator City of Cambridge License Commission. We're here based on the alleged leaf blower violation that allegedly occurred on October 18, 2016 at approximately 1:27 p.m., the leaf blower usage at 121 Brattle Street, two

blowers side by side.

Mr. Capizzi stated on the application that they have five leaf blowers altogether, four of which do not meet the specifications in Cambridge and would not be used in Cambridge and one Echo ECWPB460 which they have approval to use. Here are the pictures.

ANTHONY CAPIZZI: Just so you all know, the property is bigger than 10,000 square feet. It's actually 42,000 square feet, but being side by side, I understand that that's a violation so --

ANDREA BOYER: And also for the Board, on your application, you had stated that you were only going to be using one leaf blower and that is allowable.

ANTHONY CAPIZZI: Right. That particular day, two went out -- three probably went out that day. And one might have been in the trailer and

the two were out there. So I understand that, and I try very hard to stay on top of these people, my employees, to do the right thing. I just went out and I bought two more 50-65 decibel low backpack blowers used in the City of Cambridge as well.

So I'm trying -- it cost me \$1,000, and that's my problem, and that's what I have to do to do business in the City of Cambridge. I get that.

So, am I wrong? Yes, I was wrong. I was using the wrong blowers and they were too close together, so, yes, I was wrong.

CHAIR NICOLE MURATI FERRER: Did you talk your employees about that?

ANTHONY CAPIZZI: I certainly have.

CHAIR NICOLE MURATI FERRER: What did they say?

ANTHONY CAPIZZI: They were going to be

more compliable and pay closer attention to what I ask of them and what they should be doing in the city.

CHAIR NICOLE MURATI FERRER: So now you have about seven blowers?

ANTHONY CAPIZZI: I will not be using the other five. They do not comply with your regulations.

CHAIR NICOLE MURATI FERRER: No, I know that. I'm assuming that I know that, and that that's going to be the case. No. I was just wondering if you're going to keep the other ones on the shelf, because if you're going to use them, then I would suggest you put like a big stamp on the ones that you can't use in Cambridge because I'm assuming you don't always service Cambridge the same day and you might go to different municipalities.

So, for your employees, one thing that we

have suggested to companies is that to make sure if there are other blowers in their arsenal that they can't use in Cambridge, that they clearly put a sticker and mark the ones that can be used in Cambridge, because when you're doing something in a hurry to get to 15 lawns a day, you're just going to pick up the first one.

ANTHONY CAPIZZI: No. They're all -- I'm carefully watching what blowers go out where every day now.

CHAIR NICOLE MURATI FERRER: Okay.
Anything else?

POLICE COMMISSIONER CHRISTOPHER BURKE:
No.

CHAIR NICOLE MURATI FERRER: Are you saying that for us?

ANTHONY CAPIZZI: I'm sorry?

CHAIR NICOLE MURATI FERRER: Is that for our benefit?

ANTHONY CAPIZZI: It's for everybody's benefit. I just happened to get caught that day. But there's always somebody around the corner, down the street that is doing the same thing and nothing happens.

ANDREA BOYER: It has happened.

ANTHONY CAPIZZI: I hope so.

CHAIR NICOLE MURATI FERRER: I encourage you to thumb through the agendas between June and the present day, and you will see how many other companies we have brought in front of us and how many other companies have received fines.

ANTHONY CAPIZZI: Okay.

CHAIR NICOLE MURATI FERRER: Because, trust me, you're not the first one, and we have very active people out there in Cambridge that tell us every time a leaf blower company is violating the law and every time we are responding to it.

ANTHONY CAPIZZI: I'm just crying a little bit, that's all.

CHAIR NICOLE MURATI FERRER: I find a violation on both counts and I issue a \$300 fine for each.

POLICE COMMISSIONER CHRISTOPHER BURKE: Agreed.

CHAIR NICOLE MURATI FERRER: So violation \$300 fine for each for a total of \$600.

You will receive a statement of reasons.

ANTHONY CAPIZZI: Okay.

CHAIR NICOLE MURATI FERRER: Thank you.

ANTHONY CAPIZZI: Thank you.

JM HORTICULTURE, INC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: JM Horticulture, Inc, holder of leaf blower permit 1004, for alleged violation of Cambridge Municipal Code 8.16.081(F), using more than one leaf blower in a 10,000 square foot lot

on October 24, 2016 at approximately 1:48 p.m.

CHAIR NICOLE MURATI FERRER: Good
afternoon.

JOSEPH MINER: Good afternoon. My name
is Joseph Miner, M-I-N-E-R. And JM Horticulture
is my company. I'm president and owner.

EXECUTIVE DIRECTOR ELIZABETH LINT: Could
you raise your right hand?

(JOSEPH MINER, SWORN.)

ANDREA BOYER: Andrea Boyer, B-0-Y-E-R,
chief investigator for the Cambridge License
Commission.

Another leaf blower complaint allegedly
that there were two leaf blowers being used side
by side on Ellsworth Street on October 24th at
approximately 1:48 p.m. Previous histories, they
have been permitted since 2008, and there are no
previous complaints against this company.

Sir, here is a picture of the alleged --

CHAIR NICOLE MURATI FERRER: Mr. Miner?

JOSEPH MINER: Yes. I was a little bit shocked when I got the notice on Wednesday because I had not heard about this. My employees did not tell me.

I have been very strong in telling them at the beginning of the season about the Cambridge leaf blower laws.

A little push back because as Tony Capizzi mentioned about other people are doing it quite frequently. You're catching up, which is great. I'm an environmentalist. My training has been in environmental studies in college. That's what my degrees were years ago. But I started this company about ten years ago as sort of a retirement project. My first client was Graham Gund, and I just have a list of very upscale clients, Yo Yo Ma, Graham Gund, Susan Paine, and we try -- I try to be as perfect as we can be.

We're totally organic. And the issue here was the crews split into three. There were six people and they split into three and two went over to this property.

And it's my fault. I did not -- I should have -- I should have a couple weeks in the season told them -- they're fairly intelligent people that -- but they said, "Well, it's not being enforced." And I went down the street, they're, you know --

CHAIR NICOLE MURATI FERRER: I take offense to that, really.

JOSEPH MINER: I know you do.

CHAIR NICOLE MURATI FERRER: I take such offense.

JOSEPH MINER: I actually went --

CHAIR NICOLE MURATI FERRER: I am so busy, and you have no idea how many hours Ms. Boyer has spent on these matters.

JOSEPH MINER: I'm sure. But I went down Brattle Street the day after I got the notice, I just probably --

CHAIR NICOLE MURATI FERRER: File it. File a complaint.

JOSEPH MINER: I called in -- I called to the -- I called in actually because I was so upset, and there was nobody in the License Commission. They said, "Call the Police Department." The lady that answered said, "They probably have a permit," and she said, "You know, people have to make a living."

CHAIR NICOLE MURATI FERRER: You can email us at license@cambridgema.gov.

JOSEPH MINER: Okay.

CHAIR NICOLE MURATI FERRER: No, I'm serious. And anyone out there who is listening to me, and anyone that's sitting over here and anyone that's gonna see this video, any complaint

can be filed at license@cambridgema.gov. You can email us the pictures. You can send us the videos. We receive plenty of them and we act upon all of them.

JOSEPH MINER: So what I did after that, I downloaded -- I have Portuguese workers and Cambodian workers -- I downloaded the best -- downloaded the best practices. They all had that the next day. And I told them they don't want to lose their license. Five of my guys just bought houses within the last year and "You need your employment." I pay really high. Most of the profits go to the employees.

Here's the picture of the blowers which are three Echo. One is of them is newer. There are three battery-powered ones, which I'm excited about, and I am pleased that there's a backpack battery-powered one coming out in December -- I've ordered two -- and they can last for

approximately 45 minutes to an hour. And they're almost as powerful as the Echo, but certainly for Cambridge's small properties, they're really adequate.

CHAIR NICOLE MURATI FERRER: Thank you.

I find a violation and issue a \$300 fine.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Agree.

CHAIR NICOLE MURATI FERRER: A violation \$300 fine. We'll take that and put it in your file, and you will receive a statement of reasons with our vote.

Thank you.

APPLICATIONS:

DANA MASTERPOLO

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Dana Masterpolo, on behalf of Bantam Cider Company has applied for a Farmer Winery License to sell at the Cambridge Winter

Farmer's Market from December 10, 2016 through
March 15, 2017 from 10:00 a.m. until 2:00 p.m.

CHAIR NICOLE MURATI FERRER: So we vote
on the -- usually without having the licensee
come in because these are allowed by law since
they have all their -- I looked that they had all
the paperwork, but in case anyone was confused,
is anyone here to speak in favor of this
petition?

(No response.)

CHAIR NICOLE MURATI FERRER: Anyone here
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.

ELM STREET, LLC, D/B/A LONE STAR TACO BAR

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Elm Street, LLC doing business as Lone Star Taco Bar, holder of a common victualler all alcohol license at 635 Cambridge Street has applied for a change of manager to Brian Beattie. An application has also be filed for a change of closing hour to 2:00 a.m.

CHAIR NICOLE MURATI FERRER: Good afternoon. Could you please state and spell your names for the record?

ATTY LESLEY ST. GERMAIN: Good afternoon, Madam Chair, LESLEY ST. GERMAIN, L-E-S-L-E-Y, S-T-period-G-E-R-M-A-I-N.

AARON SANDERS: Aaron Sanders, A-A-R-O-N, S-A-N-D-E-R-S.

BRIAN BEATTIE: Brian Beattie, B-R-I-A-N, B-E-A-T-T-I-E.

CHAIR NICOLE MURATI FERRER:
Ms. St. Germain, I looked at the on-line record,

and I did not see Mr. Beattie's proof of citizenship. Do you have it with you?

ATTY LESLEY ST. GERMAIN: I'm not sure if I have a copy of it, but --

CHAIR NICOLE MURATI FERRER: If you do not have it with you today, I ask that you email it to us. Because if we do approve this application, we'll have to amend your application by attaching that to our Form 43, otherwise, it will be kicked back.

ATTY LESLEY ST. GERMAIN: Yeah, he will get that right back over to you.

CHAIR NICOLE MURATI FERRER: Thank you. I'm sorry. If you want to say something, go right ahead.

ATTY LESLEY ST. GERMAIN: All right. Thank you.

Madam Chair and Commissioner, we're here, as you mentioned, on behalf of Elm Street, LLC

doing business as Lone Star Taco Bar. With me is the owner, Aaron Sanders, and the preferred manager of record, Brian Beattie.

If I could first begin with Brian's credentials. We're applying for Brian as our manager of record. He has been with the company for approximately two years, but has over 20 years in the food and beverage industry, including at a number of bars and restaurants throughout the Greater Boston area. Brian is TIPS certified. He is a resident of the Commonwealth and a citizen of the United States. He's familiar with the rules and regulations of this Commission as well as the ABCC and the Commonwealth.

CHAIR NICOLE MURATI FERRER: Mr. Beattie, have you been an approved manager of record before?

BRIAN BEATTIE: I have never been a

manager of record.

CHAIR NICOLE MURATI FERRER: And have you -- how long have you worked for this company?

BRIAN BEATTIE: A little over two years.

CHAIR NICOLE MURATI FERRER: I know your counsel just said that you were familiar with our rules and regulations. Do you understand that we expect you to stay up to date with those rules, laws and regulations with regard to the sale and service of alcohol?

BRIAN BEATTIE: Yes, I do.

CHAIR NICOLE MURATI FERRER: And because I don't have it, are you a US citizen?

BRIAN BEATTIE: Yes, I am.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTY LESLEY ST. GERMAIN: Separately we're also here for an application to extend the closing hours of the restaurant, including the patio until 2:00 a.m. We have been in operation

at this location for approximately a year and a half, and given the location and the lack of other restaurants operating in the area and in the immediate area and specifically the lack of other restaurants serving food late in the evening, we feel that there is a public need.

We would continue to operate our kitchen up until 1:30 a.m., if this were granted. This is a food-oriented restaurant. We're in no way trying to change the operation, but, instead, are responding to the requests we've heard from a number of our patrons, all of whom live in the community.

Aaron and his partners also own a restaurant in Boston, the same concept, where they do have a 2:00 a.m. license, and have been operating that restaurant with a 2:00 a.m. close for quite some time without incident. So they are very sensitive to and familiar with the

challenges of operating with a 2:00 a.m. close.

CHAIR NICOLE MURATI FERRER: But, if I'm not mistaken, it's in Brighton.

AARON SANDERS: Yes, ma'am.

ATTY LESLEY ST. GERMAIN: And, again, this is -- this will remain a food-focused concept.

The applicant has collected a number of signatures from Cambridge residents -- and if I could -- approximately 273 signatures in support.

CHAIR NICOLE MURATI FERRER: I'm sorry. This says 2:00 a.m. weekend license Thursday, Friday and Saturday and Sunday before a Monday holiday to serve until 1:30. Are you not looking for the 2:00 a.m. seven days a week?

ATTY LESLEY ST. GERMAIN: We are looking for the 2:00 a.m. seven days a week. There was some uncertainty that it might be acceptable under the existing regulations, but our customers

who have signed that petition, many of them specifically requested they would like to see it seven days a week.

CHAIR NICOLE MURATI FERRER: I'm sorry. You said you would keep the kitchen open until 1:30?

ATTY LESLEY ST. GERMAIN: To 1:30.

CHAIR NICOLE MURATI FERRER: Mr. Sanders, remind me, have you had any disciplinary issues with this Commission or this Board?

AARON SANDERS: No, ma'am.

CHAIR NICOLE MURATI FERRER: Questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:
No questions.

CHAIR NICOLE MURATI FERRER: Anything else?

ATTY LESLEY ST. GERMAIN: No.

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

So, okay, yes. Don't be shy. Please come up. If you're in favor, if you don't mind standing up and -- standing to the left of Ms. St. Germain here, and if you can please state your name, and if you're a resident, you can tell us if you're a resident and whether you're in support of this petition and why.

Thank you.

CASEY KEENAN: Casey Keenan, C-A-S-E-Y, K-E-E-N-A-N. I'm a Cambridge resident. I'm also an employee of the restaurant. And I have lived in that neighborhood of Cambridge for 15 years in Inman Square or East Cambridge, and there's a lack of late night venues to get food until late at night, and I'm in support of extending the hours on the weekend.

CHAIR NICOLE MURATI FERRER: Thank you.

On just the weekends or the seven days a week?

CASEY KEENAN: I wasn't aware that Cambridge was going to pass this seven-day-a-week 2:00 a.m. case, so I was only aware that we were applying for 2:00 a.m. extension for Thursday, Friday and Saturday.

CHAIR NICOLE MURATI FERRER: I may be ignorant on this, but I don't know what you're all referring to in terms of a 2:00 a.m. thing, but let's put that aside. Would you be in support of seven days a week or just the weekend?

CASEY KEENAN: Yes. Seven days.

CHAIR NICOLE MURATI FERRER: Thank you.

HEIDI SMITH: Heidi Smith.

THE REPORTER: Spell your first name and last name.

HEIDI SMITH: It's H-E-I-D-I, S-M-I-T-H. And I'm a resident of Cambridge and of the neighborhood where Lone Star is located and feel the same way that there's a need for late night

food in the area. They have been there for a little over five years now and I support this.

CHAIR NICOLE MURATI FERRER: Thank you.

MACEO GILLEECE: My name is Maceo Gilleece, M-A-C-E-O, last name G-I-L-L-E-E-C-E.

I'm a resident of Cambridge, from Cambridge. My mom is from Cambridge. And she goes to Lone Star, one of the few newer restaurants that my mom and a lot of locals support.

I am also a bartender, not at Lone Star, but at a place that closes their kitchen at 11:00, and a lot of people come in and they ask for food during the week. I'm able to send them to Lone Star on the weekends, I have to send them to Dunkin' Donuts, which is great, but, you know, I would rather have a taco than a doughnut. And I think they should be open until 2:00 on the weekends. If at all possible, seven days a week

would be even better.

Thank you very much.

CHAIR NICOLE MURATI FERRER: Thank you.

MICHAELA SHERIDAN: My name is Michaela Sheridan, M-I-C-H-A-E-L-A, S-H-E-R-I-D-A-N. I'm technically a Somerville resident, a ten-minute walk from Lone Star, and in support of affordable good food until 1:30 a.m.

CHAIR NICOLE MURATI FERRER: Would you be amenable to that until 2:00 a.m. seven days a week?

MICHAELA SHERIDAN: Seven days a week, yes.

CHAIR NICOLE MURATI FERRER: Thank you.

KELLY ROONEY: Kelly Rooney, K-E-L-L-Y, R-O-O-N-E-Y. Cambridge resident. Also for late night food.

CHAIR NICOLE MURATI FERRER: Late night food and the alcohol?

KELLY ROONEY: And the alcohol.

CORY BUONO: First name is Cory, C-O-R-Y, last name Buono, B-U-O-N-O. I live right on the Somerville/Cambridge line and have been there a few years, worked in this neighborhood for over ten, reiterating everything that's been said. It would be great to have a late night option seven nights a week. I've worked with other restaurants before, a similar situation there where the kitchen closes at 11:00, people come in right afterwards trying to get something, especially if you're closing those restaurants, to go to those restaurants and trying to find something late night to eat, it would be a great option to have. It has been great to be in that neighborhood. I think they have -- they have been well received. Full support seven days a week.

CHAIR NICOLE MURATI FERRER: Thank you.

JESSICA SPONZA: Jessica Sponza,
J-E-S-S-I-C-A, S-P-O-N-Z-A. I'm a Somerville
resident, but on the border, close about a
ten-minute walk to Lone Star. And couldn't say
it any better than everyone already has and I'm
in support of seven days a week.

CHAIR NICOLE MURATI FERRER: Thank you.

KAITLIN SULLIVAN: Hi, I'm Kaitlin
Sullivan, K-A-I-T-L-I-N, S-U-L-L-I-V-A-N. And
I'm also in support of the 2:00 a.m. license
seven days a week. I live in Somerville on the
Cambridge border, about ten minutes away from the
restaurant as well. I also have worked for them
for about three years, which includes the other
location, and I'm witness to the benefits of
having late night food there as an option. I
think it's great for the community to have that,
not only for the folks who live in that area, but
for the folks who work there as well as a late

night option. As Maceo had said, some people get out at 11:00, and it's a good direction to put people in.

CHAIR NICOLE MURATI FERRER: Thank you.

Anyone else?

Anyone else in opposition to this petition?

(No response.)

EXECUTIVE DIRECTOR ELIZABETH LINT: We did get some letters.

CHAIR NICOLE MURATI FERRER: Yes. I do want to say for the record we received a letter from the East Cambridge Business Association, they say 2:00 a.m. -- they support a 2:00 a.m. license Thursday through Saturday nights.

And then we have a letter from Councillor Timothy Toomey that says that he is in support to extend their weekend hours to 2:00 a.m.

CHAIR NICOLE MURATI FERRER: Anything

else, counselor?

ATTY LESLEY ST. GERMAIN: No.

CHAIR NICOLE MURATI FERRER: Ready to
vote?

POLICE COMMISSIONER CHRISTOPHER BURKE:
Yes.

CHAIR NICOLE MURATI FERRER: So I would
vote to grant the change of manager.

And we will just not send this over until
you send us, via email, his proof of citizenship
so we can add it. And with regard to the 2:00
a.m., I, quite frankly, have no issue granting it
seven days a week, but I'll defer to your
judgment.

POLICE COMMISSIONER CHRISTOPHER BURKE:
No, I agree too.

CHAIR NICOLE MURATI FERRER: So granted
for 2:00 a.m. license with a kitchen open until
1:30 a.m. seven days a week.

ATTY LESLEY ST. GERMAIN: Great. Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Including the patio?

CHAIR NICOLE MURATI FERRER: Including the patio.

POLICE COMMISSIONER CHRISTOPHER BURKE:
Yes.

ATTY LESLEY ST. GERMAIN: Thank you very much.

SONESTA INTERNATIONAL HOTEL CORP

D/B/A ROYAL SONESTA HOTEL

EXECUTIVE DIRECTOR ELIZABETH LINT:
Application: Sonesta International Hotel Corp doing business as Royal Sonesta Hotel, holder of an innholder's all alcohol license at 40 Edwin Land Boulevard has applied for a change of beneficial interests to appoint a new corporate officer.

ATTY STEPHEN MIANO: Good afternoon.

CHAIR NICOLE MURATI FERRER: Good afternoon. Would you please state and spell your names for the record?

ATTY. STEPHEN MIANO: My name is Stephen, spelled with a P-H, Miano, M-I-A-N-O.

MICHAEL MEDEIROS: And Mike Medeiros, Michael, M-I-C-H-A-E-L, Medeiros, M-E-D-E-I-R-O-S. I'm the general manager at the Royal Sonesta.

CHAIR NICOLE MURATI FERRER: Thank you. You can take a seat. All right. This is an internal change, is that correct?

ATTY. STEPHEN MIANO: That's correct.

CHAIR NICOLE MURATI FERRER: And the structure, but nothing else is changing?

ATTY. STEPHEN MIANO: Nothing is changed other than that.

CHAIR NICOLE MURATI FERRER: What is the

Sonesta's phone number, please?

MICHAEL MEDERIOS: 617-806-4200.

CHAIR NICOLE MURATI FERRER: I don't know if this was an entry error or an E-portal kink which there seems to be a few, but the business information for the Royal Sonesta right now, the number is the ABCC's own phone number. So you may want to look into that and you may want to change that. I don't know if you renewed your license yet. If you have not renewed your license, I know that you have an opportunity to change the phone number there, or maybe this was just when whomever was doing this application they entered it and they entered the wrong phone number. I'm not sure. But just take a look at that. We will certainly amend it on the Form 43 that we send up.

ATTY. STEPHEN MIANO: Thank you.

CHAIR NICOLE MURATI FERRER: But just as

an FYI, we wanted to flag it for you.

Do you have any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

None.

CHAIR NICOLE MURATI FERRER: Do you want to say anything else?

ATTY. STEPHEN MIANO: I have nothing to add.

CHAIR NICOLE MURATI FERRER: Okay.
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.

POLICE COMMISSIONER CHRISTOPHER BURKE:
Approved.

CHAIR NICOLE MURATI FERRER: Granted.

ATTY. STEPHEN MIANO: Thank you very much.

GOLDEN MOUNTAIN, LLC

D/B/A SQUEAKY BEAKER CAFE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Golden Mountain, LLC doing business as Squeaky Beaker Café has applied for a new common victualler license at 675 W. Kendall Street to be open Monday through Friday between 7:30 a.m. and 5:30 p.m. with a seating capacity of 16 inside and eight seats on an outdoor patio on private property, Chantha Mao, proposed manager of record. Premise is described as: Restaurant with service counter along window, two tables with eight chairs and a kitchen.

CHAIR NICOLE MURATI FERRER: Before I say good afternoon, please state your names -- what happened to No. 8 on the agenda?

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh,

I'm so sorry.

CHAIR NICOLE MURATI FERRER: Okay. We'll go back to 8 --

EXECUTIVE DIRECTOR ELIZABETH LINT: I just --

CHAIR NICOLE MURATI FERRER: We'll go back to 8, but we're at 9 and we skipped one. We're sorry, we'll --

EXECUTIVE DIRECTOR ELIZABETH LINT: My eyes just went down.

CHAIR NICOLE MURATI FERRER: I'm sorry. Would you please state your name for the record?

ANDREW CHOOK: Andrew -- Andrew Chook, C-H-0-0-K, last name.

She's my mother-in-law. She doesn't speak much English.

CHAIR NICOLE MURATI FERRER: And her name?

ANDREW CHOOK: Chantha Mao,

C-H-A-N-T-H-A, last name M-A-O.

CHAIR NICOLE MURATI FERRER: Thank you.

Can you tell us what Squeaky Beaker Cafe will be?

ANDREW CHOOK: I'm sorry, the address?

CHAIR NICOLE MURATI FERRER: What is Squeaky Beaker Cafe?

ANDREW CHOOK: It's a sandwich shop and cafe.

CHAIR NICOLE MURATI FERRER: Any type of -- just regular sandwiches or is there a special niche to them or...?

ANDREW CHOOK: To me, is it a regular sandwich shop. But we have like the soup that they keep changing every day for the soup. Always make it fresh.

CHAIR NICOLE MURATI FERRER: And it's 675 West Kendall Street? Are you taking over a space, or are you creating this space for your sandwich shop?

ANDREW CHOOK: Taking over the space.

The space is already built.

CHAIR NICOLE MURATI FERRER: 7:30 a.m. to 5:30 and only on the weekdays?

ANDREW CHOOK: Yes, only on the weekday.

CHAIR NICOLE MURATI FERRER: And is your mother-in-law going to be working there or...?

ANDREW CHOOK: Yes, uh-huh, she is.

CHAIR NICOLE MURATI FERRER: You as well?

ANDREW CHOOK: Yes, I will be the manager over there.

CHAIR NICOLE MURATI FERRER: Anyone else with an interest in this license?

ANDREW CHOOK: One of my son, maybe he come, you know, help me sometimes.

CHAIR NICOLE MURATI FERRER: So family business?

ANDREW CHOOK: Family business, yes.

CHAIR NICOLE MURATI FERRER: Any

questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

No.

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: Will you be seeking to have music in the background?

ANDREW CHOOK: No, just soft, soft music.

CHAIR NICOLE MURATI FERRER: Soft music.

ANDREW CHOOK: Inside.

CHAIR NICOLE MURATI FERRER: Okay. Yep. So even though we did not get an entertainment license, I would grant this CV with music below conversational level.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Agreed.

CHAIR NICOLE MURATI FERRER: Granted.

Thank you.

PRESIDENT AND FELLOWS OF HARVARD COLLEGE

D/B/A LOEB DRAMA CENTER

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: President and Fellows of Harvard College doing business as Loeb Drama Center, holder of a common victualler all alcohol license at 64 Brattle Street has applied for a change of officers and directors.

CHAIR NICOLE MURATI FERRER: Good afternoon. Could you please state and spell your name for the record?

ALEXANDRA OFFIONG: Alexandra,
A-L-E-X-A-N-D-R-A, Offiong, O-F-F-I-O-N-G.

CHAIR NICOLE MURATI FERRER: Ms. Offiong, this is just an internal change to the fellows, the structure inside, correct?

ALEXANDRA OFFIONG: Yes.

CHAIR NICOLE MURATI FERRER: There are no changes to the operation?

ALEXANDRA OFFIONG: None at all.

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: Grant.

CHAIR NICOLE MURATI FERRER: Granted.
Thank you.

ALEXANDRA OFFIONG: Thank you very much.

BENNETT STREET EATERY, LLC

D/B/A LES SABLONS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Bennett Street Eatery, LLC doing business as Les Sablons has applied to transfer the common victualler all alcohol license held by Conductors Restaurant, LLC at 112 Mount Auburn Street to Bennett Street with hours of 11:30 a.m. to 1:00 a.m. Monday through Wednesday, 11:30 a.m. to 2:00 a.m. Thursday through Friday, and 10:00 a.m. to 2:00 a.m. on Saturday and 10:00 a.m. to 1:00 a.m. on Sunday with seating for 139. John Phillip Shorey Gregory as proposed manager of a premise described as: Restaurant consisting of 8,030 square feet, dining area and bar on the first floor with additional dining area and bar on the second floor. Storage in basement. An application has also been filed for an entertainment license to include CD/computerized digital media playing music at or above conversation level.

CHAIR NICOLE MURATI FERRER: Also, for the record, there's a pledge on this license as well.

ATTY JAMES RAFFERTY: Thank you.
Cambridge Trust Company.

CHAIR NICOLE MURATI FERRER: Would you please state your name for record?

ATTY JAMES RAFFERTY: Thank you. Good afternoon, Madam Chair and Commissioner Burke, James Rafferty on behalf the applicant. Seated to my left is Shorey Gregory, G-R-E-G-O-R-Y. Mr. Gregory is the proposed manager at the license and a principal of the LLC that will own the restaurant.

The premises are a historic building in Harvard Square that's never before had a license. If you had not had an opportunity to view it, it was part of the -- actually built in 1912, which was then called the Boston Elevated Railroad, and

it served as the conductors building and it ceased operations. It has been boarded up to since 2000. But the landlord, the Carpenter Company, restored the building, received an award last year from the Historical Commission for their restoration work in preserving the building and has entered into an agreement.

The application is actually a transfer of a license from an entity called Conductors Restaurant, LLC. Conductors Restaurant, LLC never operated at this location. They had intended to go in there, but before the building renovations were completed, a new venture was attracted to the location. So Mr. Gregory is part of an enterprise known as HSBG, which is the parent company of Bennett Street Eatery, and the four individuals there are experienced licensees and operators, Garrett Harker, Jeremy Soul, William Bennett and Shorey Gregory. And

collectively in various collections, own a series of restaurants, two notable ones in Boston, Row 34.

I keep wanting to say "God bless you," but I apologize for your difficulty.

And Island Creek Oyster. This is going to be an oyster restaurant. That's the theme.

One of the more distinctive characteristics of the building is its narrowness. It's only 20 feet wide. So that footprint limits a lot can go on there.

The cooking is going to be occurring in the basement and there will be dining rooms and bars on each of the two floors. It's right across the street from the Charles Hotel, and it's expected to be a well-patroned establishment, not only for Harvard Square, but for hotel guests as well.

And the operators have experience in the

oyster business, frankly, the oyster restaurant business. So the Island Creek Oyster product that people have come to experience and enjoy, both in Boston and now in Burlington, will be served here.

Les Sablons is a French word and I am sure you all know the meaning, so I won't bother to but --

SHOREY GREGORY: It means the sand.

ATTY JAMES RAFFERTY: The sand. I didn't know that. I didn't think you wanted sand in the oysters.

SHOREY GREGORY: You don't.

ATTY JAMES RAFFERTY: So we have submitted our application on-line. I have painstakingly reviewed everything.

CHAIR NICOLE MURATI FERRER: Are you sure?

ATTY JAMES RAFFERTY: I tell you, I

happened to be at an event last night with Treasurer Goldberg, and I had the opportunity to tell her that the Cambridge License Commission was doing yeoman's work as a guinea pig and her effort to -- and she said we deserved high praise. I told her that we were on the front lines of technology.

But I think we got everything, but as I told my office, if I go over there now and find out something -- now, what is it that you're holding up there, Madam Chair?

CHAIR NICOLE MURATI FERRER: So one question. We have the CORI request forms for the ABCC, they were not in the electronic record, so I'm assuming you were one of the ones that had hiccups in terms of that and that's why we have the paper ones. If we do, and only if, you want to change the one for Mr. Harker because his date of birth I'm sure is not October 31, 2967.

ATTY JAMES RAFFERTY: You know, I hate when you're always right like that. I don't even know Mr. Harker's background, but I'm willing to bet that's true.

SHOREY GREGORY: He's always been ahead of his time.

ATTY JAMES RAFFERTY: But I do --

CHAIR NICOLE MURATI FERRER: You may want to check because --

ATTY JAMES RAFFERTY: We have the hard copies here too. And I do know that I was told that there were one to two items that wouldn't be accepted, couldn't get accepted on-line and we filed a hard copy, so...

CHAIR NICOLE MURATI FERRER: It very well could be the CORI stuff. I know there have been some kinks with attachments to the ABCC website, so, you know, that very well could have been, and I know that when the ABCC has been contacted,

they have been told to submit it to the local board as a hard copy, which is fine. But if that's the case, then I think you need to submit a corrected CORI for Mr. Harker.

ATTY JAMES RAFFERTY: I'm looking right at it. There it is. 2967. I have yet to achieve a perfect score in my application.

CHAIR NICOLE MURATI FERRER: I have faith that you will.

ATTY JAMES RAFFERTY: Thank you. I aspire to have a star on my homework someday when I leave here.

CHAIR NICOLE MURATI FERRER: The other thing, Mr. Rafferty, even though I enjoy a blank check, I'm assuming you didn't mean to give us a blank check.

ATTY JAMES RAFFERTY: We wouldn't ordinarily do, but we usually put a payee in there. We didn't put the payee in?

CHAIR NICOLE MURATI FERRER: You put the City of Cambridge.

ATTY JAMES RAFFERTY: Yeah.

CHAIR NICOLE MURATI FERRER: With that said, Conductors, the current license that you're seeking to transfer is in significant arrears. So apparently the second half of the payment for the renewal -- yep -- of \$3,905 is owed. And then the renewal fee for this year obviously. The license needs to be renewed.

ATTY JAMES RAFFERTY: Wouldn't want to let that go by you.

CHAIR NICOLE MURATI FERRER: No. So the total amount is \$7,905.

ATTY JAMES RAFFERTY: We can probably get a copy of that upstairs.

CHAIR NICOLE MURATI FERRER: Yes. And I believe that a bill was created and maybe emailed.

EXECUTIVE DIRECTOR ELIZABETH LINT: But there's no one upstairs that can give him --

CHAIR NICOLE MURATI FERRER: We can -- well, you can go upstairs and I can keep calling the agenda and you can help Mr. Rafferty with that because we don't want you to leave with that because, quite frankly, I will not be voting on this until that money is paid.

ATTY JAMES RAFFERTY: Understood. Thank goodness they're not opening next week. I mean, they expect to open in March. But obviously that's an obligation of the current licensee. I have a relationship with the current licensee as well, so I'm confident that I can get that check to you. That's obviously not -- but is the Commission yet accepting the payments for next year, or has that started or...?

CHAIR NICOLE MURATI FERRER: Yes. We're in November.

ATTY JAMES RAFFERTY: We're not arrears in that one. They should have received the renewal authorization.

CHAIR NICOLE MURATI FERRER: They should have everything. But let's just make sure since you have both of them, I don't want this to get lost in the shuffle like other times.

Mr. Shorey Gregory?

SHOREY GREGORY: Yeah.

CHAIR NICOLE MURATI FERRER: I do note for the record that you have been the manager on the liquor license before and have had no disciplinary issues with the Board or the ABCC, is that correct?

SHOREY GREGORY: Yes, that's correct.

CHAIR NICOLE MURATI FERRER: Are you up to date with the rules and regulations of this Board, the ABCC and the laws of the Commonwealth of Massachusetts with regard to the sales and

service of alcohol?

SHOREY GREGORY: I am.

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

SHOREY GREGORY: I do.

CHAIR NICOLE MURATI FERRER: Are you a US citizen?

SHOREY GREGORY: Yes, I am.

CHAIR NICOLE MURATI FERRER: That was actually uploaded.

ATTY JAMES RAFFERTY: There were only two things that weren't we were told and then we were advised to file --

CHAIR NICOLE MURATI FERRER: The pledge is to a bank, is that correct?

ATTY JAMES RAFFERTY: Cambridge Trust Company. And we have a copy -- I have hard copies of them if you want of the note and the

pledge.

CHAIR NICOLE MURATI FERRER: I was able to download those and read those on-line that was perfect. Thank you.

And the entertainment is for the music at conversation level or above conversation level?

ATTY JAMES RAFFERTY: Yes.

CHAIR NICOLE MURATI FERRER: No TVs.

ATTY JAMES RAFFERTY: No TVs. I did have an opportunity to have a conversation with Mr. Gregory while we were here, and he did ask me a relevant question given his expected patronage from hotel patrons and international guests, he said, "Would it be possible for our license to have a 2:00 a.m. seven days a week?"

And I said, "Well, I will ask the Chair that," because I think if this location would be well-served for that and...

CHAIR NICOLE MURATI FERRER: I think if

you can prove the need as to why a license is needed for 2:00 a.m., I don't see a reason why not. And I'm assuming that the need is what you articulated in terms of patronage of the hotel and areas around?

ATTY JAMES RAFFERTY: It's the hotel. It's is the university population. It's demographic. It's the high level of tourism. It's the theater that's getting out now in these areas at 11:00 and some of them have entertainment venues. So there is demand and there's no question, and, frankly, at the hotel they do open. I know the Noir is open until 2:00 a.m. and they do do a business. So Mr. Gregory asked me. And I thought it's was quite compelling. And I listened to the prior case. He informed me that the kitchen would remain open, and it's the nature of the oyster business that it's doesn't -- it's a popular late night

food item, and the keeping -- remaining open till 2:00 a.m. they think would service the demand -- a demand for a late night food product.

CHAIR NICOLE MURATI FERRER: So you would keep serving food?

SHOREY GREGORY: Yes.

CHAIR NICOLE MURATI FERRER: Until then. What would late night be in terms of the food?

SHOREY GREGORY: Half an hour before closing.

CHAIR NICOLE MURATI FERRER: Until 1:30 basically?

SHOREY GREGORY: Yes.

CHAIR NICOLE MURATI FERRER: So are you officially asking to amend your client's application to a 2:00 a.m. closing?

ATTY JAMES RAFFERTY: Yes, this is official. Yes.

CHAIR NICOLE MURATI FERRER: Well, the

good news is since I will not be voting on this until at least the payment -- past due payment is paid, I will -- I would suggest to keep the record open. We do not meet until December 7, so we'll keep it open until then in case anyone from the public has any opposition or support to submit in terms of that amendment of the 2:00 a.m.

And if we receive any oppositions, we will make sure that Ms. Lint sends it to your client, so your client will have an opportunity to ponder if need be.

But with that said, I would take it under advisement, but I would still ask: Is there anyone in favor of this petition?

(No response.)

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

(No response.)

CHAIR NICOLE MURATI FERRER: So we'll defer until December 7.

ATTY JAMES RAFFERTY: Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

SHOREY GREGORY: Thank you.

CAKEWALK BAKERS, LLC

D/B/A FLOUR BAKERY & CAFE

CHAIR NICOLE MURATI FERRER: Application: Cakewalk Bakers, LLC doing business as Flour Bakery and Cafe, has applied for a new common victualler license to be exercised at 40 Erie Street, to be open seven days per week between 7:00 a.m. and 8:00 p.m. with a seating capacity of 35 inside, Joanne Chang, proposed manager of record. Premise description: Retail space with approximately 2000 square feet with café and counter. Two exits.

Good afternoon. Would you please state and spell your name for the record?

JOANNE CHANG: Hello, Joanne Chang,
J-O-A-N-N-E, C-H-A-N-G.

CHAIR NICOLE MURATI FERRER: Ms. Chang,
I'm sorry, we misspelled your name on the agenda.
Joanna. Joanna. Welcome back.

JOANNE CHANG: Thank you.

CHAIR NICOLE MURATI FERRER: Another
location I see.

JOANNE CHANG: Yes.

CHAIR NICOLE MURATI FERRER: Same concept
I'm assuming as everywhere else?

JOANNE CHANG: Exactly.

CHAIR NICOLE MURATI FERRER: Are you
taking over a space?

JOANNE CHANG: No. It was -- I don't
know what it was before. But it's at the base of
a big office building. But I think it was -- I
mean, it was brand-new when we got it.

CHAIR NICOLE MURATI FERRER: Okay. It's

a big office building and you're down there in the service --

JOANNE CHANG: Yes.

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

(No response.)

CHAIR NICOLE MURATI FERRER: I'm sorry. Do you have any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE: No questions.

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

Sir, if you could please state and spell your name for the record and if you're a resident just tell us.

SALVATORE ZINNO: Sure. I'm actually with Biomed. I'm the building owner. My name is Salvatore Zinno, S-A-L-V-A-T-O-R-E, Z-I-N-N-O. And just a comment on the previous question.

It's -- it was two buildings previously occupied by Vertex in Cambridgeport. Now we have converted to a campus and retail space on Erie Street and Joanne has agreed to operate the retail space for us.

CHAIR NICOLE MURATI FERRER: Looking for good foods for those Biotech people?

SALVATORE ZINNO: It's sort've an underserved area, so we're really excited.

CHAIR NICOLE MURATI FERRER: Thank you. Anyone else 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.

POLICE COMMISSIONER CHRISTOPHER BURKE:
Approved.

CHAIR NICOLE MURATI FERRER: Granted.

Thank you.

CAMBRIDGE LODGING, LLC

D/B/A HOTEL MARLOWE

CHAIR NICOLE MURATI FERRER: Application:

Cambridge Lodging, LLC doing business as Hotel Marlowe, holder of an innholder's all alcohol beverage license at 25 Edwin Land Boulevard has applied for an alteration of licensed premise to add a permanent bar fixture in the hotel lobby and two patios in the outdoor and a courtyard area. Proposed premise description is: 161,000 square feet hotel. Basement for storage. First Floor is restaurant, reception, lobby with bar, lounge. Second floor meeting rooms. Third floor through eight floor consisting of 265 guest rooms, 350 square feet outdoor patio and 3,485 square feet courtyard area.

Good afternoon. Would you please state

and spell your names for the record?

ATTY ANDREW UPTON: Good afternoon, Madam Chair and Commissioner. Andrew Upton, U-P-T-O-N, for the applicant. And with me is the manager of record, Joseph Capalbo, C-A-P-A-L-B-O.

CHAIR NICOLE MURATI FERRER: Thank you. Go ahead, Mr. Upton.

ATTY ANDREW UPTON: Joe has been the manager for some time. He has an excellent record.

The Hotel Marlowe has also been in operation for many years, and to meet the demands of the customers and the ever evolving hotel business, they would like to put through a permanent bar into the lobby as well as to license the two side patios.

Obviously, you can probably get a drink at the restaurant and bring it anywhere on the premises, but in order for patrons to take a seat

to meet someone at night to do any business and have a glass of wine, and for us to be able to control and monitor the process, they'd like to have a bar in the lobby in order to do that.

CHAIR NICOLE MURATI FERRER: How many seats will the bar have?

JOSEPH CAPALBO: The bar itself will have four seats which is -- it would be 24 seats.

CHAIR NICOLE MURATI FERRER: And the patio is -- how many seats does the patio have?

JOSEPH CAPALBO: The patio -- the smaller patio that's 350 square feet has about 25 seats.

And then the patio, the larger courtyard, there are about 20 seats currently, but the goal there would be to eventually be able to have receptions as well as a separate meeting space, so not necessarily seats.

CHAIR NICOLE MURATI FERRER: Do you get -- and I tried looking this up before the

hearing, but I couldn't actually find it, do you get the CI from ISD with capacity for that area, do you know? Do they break it down for capacity of the courtyard?

JOSEPH CAPALBO: Yes.

CHAIR NICOLE MURATI FERRER: Do you know what the capacity of that is?

JOSEPH CAPALBO: Off the top of my head, I do not.

CHAIR NICOLE MURATI FERRER: Do you have any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:
No questions.

CHAIR NICOLE MURATI FERRER: Anything else, Mr. Upton?

ATTY ANDREW UPTON: That's all.

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.

POLICE COMMISSIONER CHRISTOPHER BURKE: Approved.

CHAIR NICOLE MURATI FERRER: Thank you very much.

ATTY ANDREW UPTON: I have the abutters notice. Should I leave them on Ms. Lint's chair?

CHAIR NICOLE MURATI FERRER: Yes.

DARK RIDE MEDIA, LLC

D/B/A THALIA THEATRE

CHAIR NICOLE MURATI FERRER: Dark Ride Media, LLC d/b/a as Thalia Theatre has applied for a new common victualler wine and malt license to be exercised at 288 Green Street, basement, with hours of 12:00 p.m. to 1:00 a.m. seven days

per week and seating for 32. Alex Newman, as proposed manager of record a premise described as: Approximately 5,500 square feet throughout six rooms all basement level with one entrance and two exits. Application has also been filed for an entertainment license to include: Comedy show; reading of poetry and other works; live music and instruments without amplification; scripted plays and musicals; cinema screen; dancing exhibition; magic show, karaoke; one stage; CD/computerized digital media playing music at or above conversation level.

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

ATTY SEAN HOPE. Good afternoon, Madam Chair and Members of the Commission. For the record, Attorney Sean Hope, Hope Legal Law Offices in Cambridge. S-E-A-N, H-O-P-E.

With me is the petitioner, who is the manager of Dark Ride Media, LLC, Mr. Alex Newman.

ALEX NEWMAN: A-L-E-X, N-E-W-M-A-N.

ATTY SEAN HOPE: Yes. So the concept that we're applying for is a theater and rehearsal space. This is in the Greek-American Political Club. This is a basement location. This is a former location that had been a gathering space for the Political Club, and it had event space that had been unutilized in recent history.

The building itself also has that Havana Club, so that is a licensed premises location, but this is a separate portion. It has its own access and egress. This is in the Central Square Overlay District, and prior to coming to the Licensing Commission, we had to seek a variance. Under the Central Square Overlay District, there's a requirement that if a venue has alcohol

and live dancing, that it has to have an entrance fronting onto Mass Ave.

Part of our petition was that was an antiquated concept, but because it applied to Green Street, we had to go to the Zoning Board for a variance.

We had a strong showing of support from the Central Square Business Association, and the other neighboring theaters, some of which those letters reference the variance and the beer and wine that we're applying for today and were submitted, those letters of support as well as part of the filing.

Although the primary use is for theater space, it has 99 seats in that space, and a rehearsal space. Part of our entertainment package in the application is referencing that there will be other opportunities besides just what we traditionally thought as a theater to be

able to utilize this space. Because it's below grade, it doesn't have any windows, it lends itself for this theater-type space. We want the area to be dark, it muffles the sounds, and it lends itself to the seating arrangement we have.

The CV license and the beer and wine license are a specific area of the venue. And this is because in addition to the theater, we're going to serve light fare with a convection oven as well as the beer and wine.

If you look at other similar establishments in Central Square, ImprovBoston as well as Central Square Theatre, it has become a cultural norm to have often food and beer and wine while enjoying the theater experience.

Specifically because it's below grade, and it's particularly expensive to make it handicap accessible to bring the space up to code, it really is vital for the success of the

theater to be able to have this beer and wine and the food to complement, but also help offset the cost of really bringing this theater to Central Square.

I might also add in terms of a need, there are other theaters in Central Square. They all have beer and wine. Two of them I mentioned have beer and wine. And so, in order to remain competitive, we would also like to have beer and wine.

I would say that we expressed to the Zoning Board and to the Commission that we would only be receiving beer and wine during events so this is not something where food and beer and wine would be open to the public just to come in if there's not an event going on. That was particularly important, I think, as we're proposing to be open from 12:00 to 1:00, and this is not something where if there wasn't a theater

or an event going on, we would not be serving food nor beer and wine. I know this is a little different than a restaurant establishment that's open all the time, but this is a -- under the zoning accessory use and the primary use is the theater use.

CHAIR NICOLE MURATI FERRER: Just to be clear, to remain competitive is not something that we can consider in terms of establishing public need?

ATTY SEAN HOPE: Yes.

CHAIR NICOLE MURATI FERRER: So why don't we refocus the public need -- on this specific public need for this operation at this location?

ATTY SEAN HOPE: Yeah. To the Chair's point, one of the -- Central Square is a cultural district, and in order to have a cultural district, we believe that their theater would add to that cultural offering and diversity of

experiences. Right now, there are a lot of restaurants, as well as bars, and not as many theaters that have -- that allow for theater as well as rehearsal space, which is in significant short supply.

Also, the beer and wine specifically associated with the theater use is something that I do think there's a need for especially because there's not as many as other type of offerings.

I'm not sure if the need for the revenue is directly correlated, but in order for our theater to survive, we need to have other streams of income, and I believe beer and wine is something that would complement the theater experience as well as add to the diversity of the neighborhood.

CHAIR NICOLE MURATI FERRER: So, do you have, by any chance, sort've a floor plan?

ATTY SEAN HOPE: I do. I have --

CHAIR NICOLE MURATI FERRER: If I could have a floor plan because I was trying to envision what you're -- so I'm assuming this has two rooms basically, the theater area and then the other area where -- so are you not allowing the alcohol to go into the theater, is that how it's going to work?

ALEX NEWMAN: We were planning on allowing alcohol in the theater.

CHAIR NICOLE MURATI FERRER: Okay. Thank you.

ALEX NEWMAN: Madam Chair, the cafe area where alcohol is served does not have nearly the capacity of the theater, so it's really a service area, so if people want to enjoy their beverage, they take into the show. It is not our intention to open a bar or tavern. We're a theater.

CHAIR NICOLE MURATI FERRER: Actually, it's kind of a pet peeve of mine where you have

alcohol in an area outside in the theater and you can't bring it in and that's why I was asking. I wasn't trying to pick on you.

ALEX NEWMAN: No.

CHAIR NICOLE MURATI FERRER: Did you file this, the floor plan, because I didn't see it?

ATTY SEAN HOPE: I did. But I know that we filed the floor plan, but I know that with the entertainment application we brought this in late because we wanted to label the area where the entertainment would be.

CHAIR NICOLE MURATI FERRER: Okay. Yeah, I don't have it here. So can I keep this copy?

ATTY SEAN HOPE: You can keep it. It could've been my -- I know there's the on-line portion of the upload, I might have failed to bring in the hard copy.

CHAIR NICOLE MURATI FERRER: Mr. Newman, you seem so familiar to me. Did you try this

concept in Boston at some point?

ALEX NEWMAN: In Boston, no. But if you're a theater person, I mean, I'm part of the Boston theater community and a performer, so you may have seen me on stage at some point.

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

ALEX NEWMAN: That is correct.

CHAIR NICOLE MURATI FERRER: Can you tell me about your experience in the food and beverage industry, if any?

ALEX NEWMAN: Sure. I have been an executive chef. I've been a line cook. I've been a prep cook. I was a night manager at a nightclub in Providence, Rhode Island for four years. So, I mean, I have extensive both front-of-the-house and back-of-the-house experience.

CHAIR NICOLE MURATI FERRER: So, Mr. Hope, the seating for 32 is actually not appropriate, is that correct?

ATTY SEAN HOPE: Yeah. So -- well -- so in terms of the CV area which is only that front portion, that's going to be four tables and 32 seats. The 99 seats is not considered part of the CV area. It's part of the theater area.

CHAIR NICOLE MURATI FERRER: Are you bringing food into that area? So is it going to be like the Boston Opera House? You know how the Boston Opera House like the food is brought into the -- I mean, in theory, that's not their CV area, but people bring it into the -- and is that --

ALEX NEWMAN: That's our intention if our executive chef can come up with a menu that's not going to leave us, you know, constantly cleaning things up in the theater.

CHAIR NICOLE MURATI FERRER: I mean, I would just -- I think I would clean up a little bit this license description. I think it's a little confusing, quite frankly.

ATTY SEAN HOPE: Yeah.

CHAIR NICOLE MURATI FERRER: And, to be honest, yours was one of the ones in terms of the on-line applications that I couldn't really access. I was only able to access the transaction summary. I don't know exactly how you put in the description in the ABCC's description, but I would mirror, if the alcohol -- I mean, the fact that it being dispensed in an area, but it's being carried into different areas, then it needs to cover all the areas.

ATTY SEAN HOPE: Yeah. I think it programming -- I was more focused on the food area and --

CHAIR NICOLE MURATI FERRER: So I think we need to clean that up and I would, quite frankly, I think it would be easier, even if you put in the description that this is where the, you know, cafe is going to be in the front room type of thing, I think you should make it clear that it covers the entire premise. And I would make the description on both the alcohol and the CV the same.

ATTY SEAN HOPE: Yes, I can do that. I'm still getting use to the on-line application portion.

CHAIR NICOLE MURATI FERRER: I think everyone is. Sorry about that.

ATTY SEAN HOPE: But I will figure out to amend.

CHAIR NICOLE MURATI FERRER: You will not be able to amend.

ATTY SEAN HOPE: Okay.

CHAIR NICOLE MURATI FERRER: So what I would suggest is talk your client, look at this floor plan, clean up this description for us and email us the description. So that when -- if and when we approve this application, we can amend it with the Form 43 because the current ABCC system doesn't allow you to amend as an applicant.

ATTY SEAN HOPE: Yeah, okay.

CHAIR NICOLE MURATI FERRER: Mr. Newman, are you familiar with the rules and regulations of this Board and the laws of the Commonwealth of Massachusetts with regard to the sale and service of alcohol?

ALEX NEWMAN: I am.

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

ALEX NEWMAN: Absolutely.

CHAIR NICOLE MURATI FERRER: Are you a US

citizen?

ALEX NEWMAN: Yes.

CHAIR NICOLE MURATI FERRER: Are you able to attach the proof of citizenship?

ATTY SEAN HOPE: Yes, I did. In theory. He sent it and I put it as an attachment.

CHAIR NICOLE MURATI FERRER: Like I said, your record was one of the records I couldn't open. That happens sometimes. So that's why I'm asking.

ATTY SEAN HOPE: Okay.

CHAIR NICOLE MURATI FERRER: But if you didn't, then it's on you to fix that.

Any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

No.

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 want to note for the record that we received a letter from the Dance Complex in support of this petition, and we also received a letter in support from the Central Square Business Association.

EXECUTIVE DIRECTOR ELIZABETH LINT: And an e-petition.

CHAIR NICOLE MURATI FERRER: I was going to say, do you know what this is?

EXECUTIVE DIRECTOR ELIZABETH LINT: An e-petition.

ATTY SEAN HOPE: There's over 40 --

CHAIR NICOLE MURATI FERRER: Oh, it's an e-petition, okay, I see, in support as well of this application.

Did I say anyone in opposition? Yeah.
No one said -- I would vote want to grant, but I
would hold granting this until we clean up that
license description.

ATTY SEAN HOPE: Sure.

CHAIR NICOLE MURATI FERRER: I mean, we
can certainly vote on it now. I would vote to
grant the license. I would not send it up to the
ABCC until we clean up that license description,
if that's amenable. So granted?

POLICE COMMISSIONER CHRISTOPHER BURKE:
Yes.

CHAIR NICOLE MURATI FERRER: Granted.

ATTY SEAN HOPE: Thank you very much.

CHAIR NICOLE MURATI FERRER: Thank you.

Good luck.

ALEX NEWMAN: Thank you.

**KIM SMITH (PRESIDENT AND FELLOWS OF
HARVARD COLLEGE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Kim Smith, on behalf of the President and Fellows of Harvard College, Arts Café Barker Center has applied for an annual entertainment license at 12 Quincy Street for reading of poetry or other works, live musical instruments and/or live vocalists with or without amplification, one radio, one CD/computerized automatic device which play music below, at or above conversation level and one TV. Hours of operation are Monday through Friday from 9:00 a.m. until 11:00 p.m.

CHAIR NICOLE MURATI FERRER: Good afternoon. Could you please state and spell your names for the record?

KIM SMITH: Kim Smith, K-I-M, S-M-I-T-H.

BRANDON TILLEY: Brandon Tilley,
B-R-A-N-D-O-N, T-I-L-L-E-Y.

CHAIR NICOLE MURATI FERRER: Thank you.

Just one second.

So this -- did you not have any entertainment license? Were you just applying for one day?

KIM SMITH: Yeah, Brandon was applying for one-day licenses. When we opened the cafe, we just looked at it as a regular coffee shop, and it had gone under a remodel this past year. And once the remodel happened -- it's located in the Humanities Building on campus. It was thought that, you know, to make it more inviting to the community that poetry readings and written works would happen after the cafe closes.

And so, they tried that and then Brandon is the one that has been programming the ideas of some of the students on campus and he would come and get a one-day license, and I think this kind of blew up when the article hit the Crimson Magazine and Elizabeth called and said, "Hey,

what are you doing," and that was --

EXECUTIVE DIRECTOR ELIZABETH LINT: I think I was a little nicer than that.

KIM SMITH: No, you were. You were. And thank you.

We realized that we do need a year-round entertainment license in order to be able carry this off successfully.

CHAIR NICOLE MURATI FERRER: You're not open on the weekends?

KIM SMITH: No.

BRANDON TILLEY: The whole building is closed. It mostly an academic building.

CHAIR NICOLE MURATI FERRER: It's supposed to be?

BRANDON TILLEY: No. It's mostly on. It's a cafe, attended to for the English department, et cetera.

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: Any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:
No.

CHAIR NICOLE MURATI FERRER: I would vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE:
Grant.

CHAIR NICOLE MURATI FERRER: Granted.

CHEESECAKE FACTORY RESTAURANTS, LLC

CHAIR NICOLE MURATI FERRER: The Cheesecake Factory Restaurants, LLC, d/b/a The Cheesecake Factory, holder of a common victualler all alcoholic beverage license at 100

Cambridgeside Place has applied for a change of manager to Monique Aguilar.

Good afternoon. Could you please state and spell your names for the record?

ATTY MICHAEL BRANGWYNNE: Good afternoon, Madam Chair and Commissioner. My name is Michael Brangwynne, B-R-A-N-G-W-Y-N-N-E. I'm here with Monique Aguilar, that's A-G-U-I-L-A-R, who has applied as the new manager at the Cheesecake Factory at 100 Cambridgeside Place.

She meets all of the requirements under Chapter 138 for a manager of record on a liquor license.

She has approximately 12 years of experience at this location, and I believe other Cheesecake Factory locations as a manager. She's just not been a manager of record on a liquor license before, but she has served as a manager and is familiar with the laws around alcohol

service in Massachusetts.

She's also began the process of signing up for Cambridge's training program, the 21 Proof. She's happy to answer any questions, and that's what we've applied for.

CHAIR NICOLE MURATI FERRER: Ms. Aguilar, you have never been a manager of record on a liquor license before, correct?

MONIQUE AGUILAR: No, ma'am.

CHAIR NICOLE MURATI FERRER: Can you tell us about your experience in the food beverage industry?

MONIQUE AGUILAR: I have been in the industry since I was 15, so about 17 years now. I just took over as general manager of the Cheesecake Factory in Cambridge.

Prior that, though, I've worked in Cambridge at the same location for five years, and then worked in downtown Boston for a year and

a half. I was a server, cashier. I've done it all. And I have been with the company for 12 years now, so...

CHAIR NICOLE MURATI FERRER: Ms. Aguilar, are you familiar with the rules and regulations of this Board, the ABCC, and the laws of the Commonwealth of Massachusetts with regard to the sale and service of alcohol?

MONIQUE AGUILAR: Yes.

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

MONIQUE AGUILAR: Yes.

CHAIR NICOLE MURATI FERRER: Are you a US citizen?

MONIQUE AGUILAR: Uh-huh, yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: I was able to run a background on this. We did have one of our forms.

CHAIR NICOLE MURATI FERRER: Attorney, I will not try to --

ATTY MICHAEL BRANGWYNNE: Brangwynne. It's more difficult spelled than it is to say.

CHAIR NICOLE MURATI FERRER: It's quite intimidating.

Mr. Brangwynne, the Cheesecake Factory currently has unlicensed entertainment. They were inspected recently, so I don't know that they received notice yet. I thought that they had, but when I was reviewing this record, I saw that it hasn't gone out yet. But if the Cheesecake Factory remains your client, if you can tell them to look into that.

ATTY MICHAEL BRANGWYNNE: Yes. We'll address that right away. I'll get in touch with them as soon as I get back to the office.

CHAIR NICOLE MURATI FERRER: Thank you. Do you have any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

None.

CHAIR NICOLE MURATI FERRER: Okay. I would vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Granted.

CHAIR NICOLE MURATI FERRER: Granted.

ATTY MICHAEL BRANGWYNNE: Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

ADMINISTRATIVE:

JOSEPH OCHINO (AETNA CORP)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Joseph Ochino, on behalf of Aetna Corporation, has applied for a special noise variance to be exercised on November 29, 2016 from 3:30 a.m. to 7:30 a.m. for two bucket trucks with a boom, to install holiday display lights for the HSBA.

CHAIR NICOLE MURATI FERRER: Vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Agreed.

CHAIR NICOLE MURATI FERRER: Granted.

BOARD OF LICENSE COMMISSIONERS

EXECUTIVE DIRECTOR ELIZABETH LINT: The Board of License Commissioners will discuss Rule 5B.10 of the Rules and Regulations of the Cambridge License Commission pertaining to 21 proof training.

CHAIR NICOLE MURATI FERRER: So, this is the rule that says that everyone has to go to the 21 Proof.

I actually met with the people in Cambridge that do the 21 Proof training and I remember when we discussed this rule, I can't recall who from the Commission said -- I know it wasn't me -- but someone from the Commission, from the Board said that they thought that this 21 Proof was specific to Cambridge rules. So I

met with Natalie who is doing it for CHA and it's literally the same training as TIPS certification. So I spoke to her about it. I asked her as the person who trains under 21 Proof if 21 Proof is basically the parallel of TIPS and she said, "Yes." She said, "The only difference between her training and TIPS is that if someone asked her something specific" -- while she's here, she works for Cambridge and she knows that -- she says that it's -- and I looked at the entire training -- it's literally the same.

So what I would suggest, as I think I suggested when we first looked at the rules is that we do 21 Proof or a comparable nationally renowned or however we want to phrase it, but basically that TIPS certification is also appropriate only because I think that sometimes people come and they have years of experience and TIPS certification and why are we making them go

through another -- TIPS certification, for example, has to be -- it expires and you have to get it recertified, whereas the Cambridge one doesn't really have an expiration date. So in theory TIPS is even more one after the other I would say. I don't know. So I would say 21 Proof or TIPS certification, or if we want to add language like nationally known comparable or however, I don't really know how the right language is on that, but I would propose doing an advisory that that rule also includes these and I'm happy to draft that, and we can look at it again, but I wanted to know what your take on it was.

POLICE COMMISSIONER CHRISTOPHER BURKE: I mean, I would agree with that adjustment. It doesn't really make a lot of sense to have the same program that it really doesn't get you anywhere else.

CHAIR NICOLE MURATI FERRER: Okay. So I'll draft some language, and then bring it to the next meeting so we can -- just remind me, please.

Okay. Next?

COMMERCE BANK & TRUST COMPANY

EXECUTIVE DIRECTOR ELIZABETH LINT:

Commerce Bank and Trust Company, as secured party, has applied to transfer Medallion #202 to Garnax Taxi, Inc.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: I know on one of the others you had asked me about the one-year payback and all that. They're not putting any payment penalties in no matter what.

CHAIR NICOLE MURATI FERRER: Okay.

MALT AND WINE LICENSES WITH OR WITHOUT

ENTERTAINMENT:

BEN PERTLER

EXECUTIVE DIRECTOR ELIZABETH LINT: Ben Pertler has applied for a malt and wine license to be exercised at MIT, 292 Main Street, Cambridge, on 11/18/16 from 4:30 p.m. to 7:30 p.m. for a reception with 46 expected.

CHAIR NICOLE MURATI FERRER: Granted.

PAUL CLARK

EXECUTIVE DIRECTOR ELIZABETH LINT: Paul Clark has applied for a malt license to be exercised at Forest City, 38 Sidney Street, Cambridge, on 12/4/16 from 8:00 a.m. to 12:00 p.m. for a road race with 2200 expected.

CHAIR NICOLE MURATI FERRER: Did this go through special events?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, it did.

CHAIR NICOLE MURATI FERRER: Granted, police detail required.

ALL ALCOHOLIC BEVERAGES LICENSE WITH OR WITHOUT

ENTERTAINMENT:**HIGOR FONTOURA**

EXECUTIVE DIRECTOR ELIZABETH LINT: Higor Fontoura has applied for an all alcohol with entertainment license to be exercised at St. Anthony Parish Hall, 400 Cardinal Medeiros Avenue, Cambridge, on 11/19/16 from 7:30 p.m. to 12:00 a.m. for a fundraiser dinner/dance with 250 expected.

CHAIR NICOLE MURATI FERRER: Everybody seems to be in a water drought. This says the proceeds of which will help parish in northeastern Brazil to build an art --

EXECUTIVE DIRECTOR ELIZABETH LINT:
Artisan.

POLICE COMMISSIONER CHRISTOPHER BURKE:
Artisan.

CHAIR NICOLE MURATI FERRER: Thank you.
-- well to provide water in severe

drought. Granted.

SHANTELL WILLIAMS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Shantell Williams has applied for an
entertainment license for a social event at.

Student Organization Center at Hilles (SOCH), 59
Shepard Street, Cambridge, on 11/19/16 from 10:00
p.m. to 2:00 a.m. with 350 expected.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

CHOLTHANEE KOEROJNA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Cholthanee Koerojna has applied for an
entertainment license for mourning the loss of
H.M. King Bhumibol Adulyadej of Thailand with
amplification system at the corner of Bennett and
Eliot Street, Cambridge, on 12/5/16 from 9:00
p.m. to 9:45 p.m. with 200 expected.

CHAIR NICOLE MURATI FERRER: Granted.

KENT HE

EXECUTIVE DIRECTOR ELIZABETH LINT: Kent He, holder of an all alcoholic beverages license, has applied for an entertainment license for trivia at Hops n Scotch, 1248 Cambridge Street, Cambridge, on 11/21/16; 11/28/16; 12/5/16; 12/12/16; 12/19/16; 12/26/16 from 6:50 p.m. to 9:00 p.m. with 40 expected attendance:

CHAIR NICOLE MURATI FERRER: Granted.

VENDORS:**EDEM FAGBOLAGUN**

EXECUTIVE DIRECTOR ELIZABETH LINT: Edem Fagbolagun on behalf of Soulfood Christian Fellowship, has applied for a vendor's license to sell art, clothing, lotion, food and jewelry at Ticknor Lounge, Boylston Hall, Harvard Yard on 11/19/16 from 3:00 p.m. to 7:00 p.m. and 11/20/16 from 8:00 a.m. to 11:00 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

These are not in order, so call the next one.

JESS CHEROFSKY

EXECUTIVE DIRECTOR ELIZABETH LINT: Jess Cherofsky, on behalf of Cultural Survival, has applied for a vendor's license to sell crafts at Cambridge Rindge and Latin School in cafeterias and hallways on 12/10/16 and 12/11/16 from 10:00 a.m. to 5:00 p.m.

CHAIR NICOLE MURATI FERRER: Granted. Then -- they are -- they're paper clipped when they shouldn't be. So Jess Cherofsky, granted.

ASHANA ASFAW

EXECUTIVE DIRECTOR ELIZABETH LINT: Ashana Asfaw on behalf the Kuumbus Singers of Harvard College has applied for a vendor's permit to sell CDs, tee shirts, sweatshirts, sweatpants, and water bottles on November 19 at the Lowell Lecture Hall at 8:00 p.m.

CHAIR NICOLE MURATI FERRER: Is there one -- granted.

CAROLINE WALSH

EXECUTIVE DIRECTOR ELIZABETH LINT:

Caroline Walsh, on behalf of Musical Theatre Guild at MIT, has applied for a one-day entertainment license to be exercised on November 17 and 18, 2016 from 8:00 p.m. to 11:00 p.m., November 19, 2016 from 2:00 p.m. to 5:00 p.m. and 8:00 p.m. to 11:00 p.m. and November 20, 2016 from 2:00 p.m. to 5:00 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

MARTHA TORRES

EXECUTIVE DIRECTOR ELIZABETH LINT:

Martha Torres, on behalf of Novartis, has applied for a one-day wine and malt and entertainment license to be exercised on November 22, 2016 from 4:00 to 6:00 p.m. for a reception for 150 people at 181 Massachusetts Avenue.

CHAIR NICOLE MURATI FERRER: Granted.

MARTHA TORRES

EXECUTIVE DIRECTOR ELIZABETH LINT:

Martha Torres, on behalf of Novartis, has applied for a one-day wine and malt and entertainment license to be exercised on November 18, 2016 from 3:00 to 5:00 p.m.

CHAIR NICOLE MURATI FERRER: We have two.

Yep, you're right. I got it. Martha Torres has applied for two licenses, one for November 18, 2016 from 3:00 to 5:00, and one on November 22 from 4:00 to 6:00. They are both at 181 Mass Ave for a reception.

EXECUTIVE DIRECTOR ELIZABETH LINT: One is for 150 people and one is for 175 people.

CHAIR NICOLE MURATI FERRER: They are both granted.

BARBARA ELDERD

EXECUTIVE DIRECTOR ELIZABETH LINT: This

is the add on one. Barbara Elderd holder of a license number open air parking 1057 at 45 Webster Avenue is requesting a change to the license from Barbara A Elderd to Barbara A Elderd Family Trust.

CHAIR NICOLE MURATI FERRER: Granted.

LIZ SMITH

EXECUTIVE DIRECTOR ELIZABETH LINT: Liz Smith on behalf of the New Dance Complex holder of entertainment license 10055 has requested a change in hours from Friday 9:00 a.m. to 8:00 p.m., Saturday 9:00 a.m. to 6:00 p.m. and Sunday at 10:00 a.m. to 5:00 p.m. to Friday, Saturday from 9:00 a.m. to 11:00 p.m.

CHAIR NICOLE MURATI FERRER: I vote to grant. Granted.

LINDSAY ALLSOP

EXECUTIVE DIRECTOR ELIZABETH LINT:
Lindsay Allsop on behalf the Harvard African Law

Association has applied for a one-day entertainment license to be exercised on November 30, 2016 from 7:45 until 10:00 p.m. at Harvard Law School for a banquet fundraiser for 50 people.

CHAIR NICOLE MURATI FERRER: Granted.

APOORV KAUSHIK

EXECUTIVE DIRECTOR ELIZABETH LINT:

Apoorv Kaushik on behalf of the Harvard Indian Student Group has applied for a one-day wine and malt license and entertainment license for a party on November 19, 2016 from 8:00 p.m. to 1:00 a.m. for 300 people.

CHAIR NICOLE MURATI FERRER: Granted.

Police detail required.

SAMANTHA GLANCY

EXECUTIVE DIRECTOR ELIZABETH LINT:

Samantha Glancy on behalf the WH Glancy & Sons

has applied for a special noise variance to be exercised on November 19, 2016 from 7:00 a.m. to 4:00 p.m. to hoist an HVAC unit to the roof of 31 Ames Street and this will involve back-up alarms and truck engines.

CHAIR NICOLE MURATI FERRER: What day of the week is the 19th?

EXECUTIVE DIRECTOR ELIZABETH LINT:
Saturday.

CHAIR NICOLE MURATI FERRER: The variance is to start an hour earlier. That's allowed.
Granted.

TOPSFIELD BAKESHOP, INC

EXECUTIVE DIRECTOR ELIZABETH LINT:
Topsfield Bakeshop, Inc holder of a peddler license 10010 is requesting a change to their location for one day only from 3rd and Binney Street to 106 Vassar, MIT Museum on 11/25/2016 from 12:00 to 4:00 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: And did you have an opportunity to review October 19?

CHAIR NICOLE MURATI FERRER: I have something here. I don't know what this is. The Soulfood Christian Fellowship.

EXECUTIVE DIRECTOR ELIZABETH LINT: I called that one.

CHAIR NICOLE MURATI FERRER: That's because this was attached to that. That's an attachment.

EXECUTIVE DIRECTOR ELIZABETH LINT: Did you have an opportunity to review the October 19 minutes?

CHAIR NICOLE MURATI FERRER: I looked at them and they were fine with me.

POLICE COMMISSIONER CHRISTOPHER BURKE: Okay with me.

CHAIR NICOLE MURATI FERRER: Vote to

approve.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Approve.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Perfect.

(Hearing 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 21st day of November, 2016.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public

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