

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

DATE: October 19, 2016

TIME: 3:00 p.m.

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P R O C E E D I N G S

October 19 2016, 3 p.m.

CHAIR NICOLE MURATI FERRER: Just to let you guys know we have really loud fans in front of us so if you can project your voices and speak loudly, that would be awesome. Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT:

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

This is the License Commission hearing agenda for Wednesday, October 19, 2016, 3:07 p.m. We are in the Michael J. Lombardi Building, 831 Mass. Ave, Basement Conference Room.

Before you are Commissioners Chair Nicole Murati Ferrer and Commissioner Christopher Burke. This meeting is being audio taped and videotaped.

INFORMATIONAL: UNO RESTAURANTS, LLC

D/B/A UNO CHICAGO GRILL

EXECUTIVE DIRECTOR ELIZABETH LINT: The first matter is informational.

Uno Restaurants, LLC, doing business as Uno Chicago Grill, holder of a common victualler all alcoholic beverages license at 22 JFK regarding the closure of the restaurant pursuant to General Law Chapter 138 Section 77.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state your name and spell it for the record.

GEORGE HERZ: My name is George Herz, H-E-R-Z, I'm senior vice president and general counsel of Uno Restaurants, LLC.

CHAIR NICOLE MURATI FERRER: Thank you. And Mr. Herz, this location closed in September

of this year, is that correct.

ATTY GEORGE HERZ: August 28, and we thereafter -- well --

CHAIR NICOLE MURATI FERRER: Go ahead.

ATTY GEORGE HERZ: Thereafter we engaged Atlantic licensing broker on September 2 to sell the license specifically, Mr. Dan Newcomb (phonetic), who, I believe, you must have prior experience with on this board. And to that end, today I brought a letter and a copy of the engagement agreement with Atlantic for your records.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTY GEORGE HERZ: I have been in contact with Mr. Newcomb, about his efforts with respect to selling the license.

And what I'd ask for, or request, of the Board for consideration is that we be able to

report back either 120 days, or I be able to submit a letter of intent with respect to the prospective sale to the Board, and answer any questions at that time.

CHAIR NICOLE MURATI FERRER: So you guys are planning to sell the license, not relocate it in Cambridge.

ATTY GEORGE HERZ: At this time, that's the option we're looking at.

CHAIR NICOLE MURATI FERRER: So I would vote to give a six-month period and then do a cancellation hearing in six months and we can revisit the issue then.

POLICE COMMISSIONER CHRISTOPHER BURKE:
Agreed.

CHAIR NICOLE MURATI FERRER: So in six months. Thank you.

ATTY GEORGE HERZ: Thank you very much

for your consideration. Have a wonderful day.

CHAIR NICOLE MURATI FERRER: You too.

INFORMATIONAL: JFS GROUP, LLC

D/B/A FIRE & ICE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Informational: JFS Group, LLC, doing business as Fire & Ice, holder of common victualler, all alcoholic beverages license at 50 Church Street regarding a closure of the restaurant pursuant to General Law 138 Section 77.

CHAIR NICOLE MURATI FERRER: Good afternoon. State your name.

JOHN SCHALL: My name is John Schall and I'm the owner of JFS Group.

CHAIR NICOLE MURATI FERRER: And Schall is S-C-H.

JOHN SCHALL: S-C-H-A-L-L.

THE REPORTER: S-C-H?

JOHN SCHALL: A-L-L.

CHAIR NICOLE MURATI FERRER: Mr. Schall, you guys closed on September 11 of this year, is that correct?

JOHN SCHALL: September 11 was our last day, correct.

CHAIR NICOLE MURATI FERRER: And what is the plan.

JOHN SCHALL: Right now, I mean I'm in discussions with the existing landlord right now about doing something else in that space other than Fire & Ice.

And so I have not sort of pursued anything with respect to selling the license.

And even if I end up not doing something in that space, something will be done in that space, so I'm assuming that the person that would

come in for that space would be interested in the license as well, so ...

CHAIR NICOLE MURATI FERRER: Okay. Right now you are still just evaluating your options.

JOHN SCHALL: I have been selling all of the equipment out of the space, and we had an auction last week, and I'm selling other stuff now.

So the -- if you know anybody that wants a ten-foot diameter grill. It is a unique piece of equipment.

CHAIR NICOLE MURATI FERRER: Maybe the Fire Department.

POLICE COMMISSIONER CHRISTOPHER BURKE: Sure.

JOHN SCHALL: I have a really amazing piece of equipment in there that --

CHAIR NICOLE MURATI FERRER: Okay. So I

would say a cancellation hearing in six months
and we can reevaluate then.

JOHN SCHALL: Spectacular.

CHAIR NICOLE MURATI FERRER: Thank you.

JOHN SCHALL: Thank you very much.

VIOLATION (CONTINUED): BRAD BRILLIANT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: Continued from September 13, 2016,
Brad Brilliant due to alleged violation of
Cambridge Municipal Code 8.16.060(B.

Before you sit down, I'll swear you in.
Raise your right hands.

(Parties sworn)

CHAIR NICOLE MURATI FERRER: Thank you.
Good afternoon.

Please state and spell your names for the
record.

BRAD BRILLIANT: My name is Brad
Brilliant. B-R-A-D B-R-I-L-L-I-A-N-T.

RITA RICHMOND: Rita Richmond,
R-I-C-H-M-O-M-D.

CHAIR NICOLE MURATI FERRER: Ms.
Richmond, just so you know, my fan is like right
here and I literally cannot hear you.

I remember your name from last time, so
if you can speak up when you speak, that would be
great. Thank you.

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

CHAIR NICOLE MURATI FERRER: Thank you.
And so we had heard this before and we
continued it to kind of give Mr. Brilliant some
time to figure out what was going on. And can
you give me an update where we are at now?

BRAD BRILLIANT: Absolutely.

And tell me if I'm too quiet, okay?

I have been working with Andrea to resolve the problem.

My AC consultant Harry Basey, H-A-R-R-Y B-A-S-E-Y, and I have investigated compatible 4-ton units. But we haven't found any that were compatible with the system and actually would be underneath the nighttime decibel rating unfortunately, which is 50DB. I'll get to that.

I've looked into sound blocking materials. And I have some information I can pass onto you about those.

There were a few that stood out as being a little better than others, but then I also met with a builder that Andrea had suggested, Stephen M. Ryan, S-T-E-P-H-E-N M. R-Y-A-N, on October 11.

And he told me about another job he did in Cambridge about noise insulation and I have pictures up here for you guys, and he basically mentioned this product that he got, thank you, from Home Depot called "Roxul," which is a sound-absorbing material.

He suggested that I experiment with it because he wasn't sure if it would work or wouldn't work, he said he was able to get it to work well with the other one.

So I bought some, and there's a receipt for it in there, and I enlisted my dad, and we basically put up nonframed insulation around. And I have a sound meter from a friend of mine to use.

And we were able to get it down to 50.8 decibels is the best that we were able to do with the experimentation. But of course it is not

framed and it would blow over and we would not leave it at that.

So I believe that with this material, if we did framing, we could probably get closer at this.

I know if we were at the daytime rating, that I could get it down to the daytime decibel ratings, and I believe I could do the nighttime.

CHAIR NICOLE MURATI FERRER: I'm sorry, Ms. Boyer, remind me, 50 is in this area.

ANDREA BOYER: Yes.

BRAD BRILLIANT: 50 is the nighttime. And 60 is the daytime.

ANDREA BOYER: If I can elaborate.

We met at the location a few times.

And Ms. Richmond also mentioned a couple units that were in the vicinity for us to take a look at.

Unfortunately, they are not compatible. They are more the split duct units. They were not going to work for the 40-ton unit. And so we did measurements -- I did measurements from the ground to the fence, from the fence to the ground to many -- in another area of the home in hopes that the contractor or the HVAC installer could have given us another 4-ton unit to do actually do readings of at an already-installed location.

Unfortunately, there are no 4-ton locations installed in Cambridge or even in Boston at this time that we had an example for.

So we weren't able to do that.

Which led me to Stephen Ryan, who is the builder that did a large job on Havenhill Road.

At that time, there were units that were literally on the fence line.

And let me show you these pictures so you

can see.

They are literally on the fence line. And he built an enclosure with the Roxul on the inside with the emergency fencing covering it and holding it. Roxul is weather-proofed so it can actually get wet.

With that enclosure, it brought levels from 61.9 down to 49.6, literally right on the lot line.

It was my hope that by introducing Stephen Ryan to Mr. Brilliant that they would be able to come up with a solution.

CHAIR NICOLE MURATI FERRER: So when you mentioned that you put in the temporary stuff. Is it your plan to do something more along these lines or --

BRAD BRILLIANT: Well, it was very temporary because we just experimented with it.

It is not there now.

But, yes, I thought something using the Roxul would be nice because I can get it at Home Depot. And if it is not -- if it doesn't absorb enough, I can put another layer on as opposed to some of these other options where it is not guaranteed it will work that way.

I'm thinking of doing that.

And I was hoping, we need a few -- I want to be able to test it when we can run the AC and run it at low to ensure that it will be quiet enough, but I don't know if we really have enough time. We're really nearly past, except for today, I guess, maybe the cooling season.

So I was hoping I could do this in the beginning of spring when it probably is going to be warm enough that we can run that stuff at load.

But I think we have a good methodology at least of dealing with this. I can make these in advance and place them.

CHAIR NICOLE MURATI FERRER: What would be your second -- if it doesn't work, what is your next step?

Because I agree with you. We are at the tail end, which is why we only continued it for a short period of time because we knew we were short on the season.

But what I don't want to have happen is that we continue this all the way to the spring and then the entire next season we're spent looking for options.

BRAD BRILLIANT: You know, I'm confident this will work.

If this one doesn't work, we can try -- you know, I can go buy the other ones.

I talked to Stephen -- which Stephen?

The contractor.

CHAIR NICOLE MURATI FERRER: Stephen

Ryan.

BRAD BRILLIANT: Stephen Ryan about

moving it.

He was not very positive about the idea of moving it around.

So, I think that, in that, just stacking up these things I'm pretty confident that will work.

Does anybody have other suggestions about--

ANDREA BOYER: Plan B would be to move the unit even at one time he had committed to maybe getting a second unit, a different unit.

THE REPORTER: Andrea, I can't hear you.

ANDREA BOYER: I'm sorry. Possible

moving the unit, would have to be the next plan to get it further away from the lot line.

BRAD BRILLIANT: And I would like to get a unit that would actually be the quieter, which hopefully will be coming out but I haven't found it yet.

CHAIR NICOLE MURATI FERRER: Ms. Richmond, do you have anything to add.

MS. RICHMOND: No. I would just like to reiterate I am an elderly person, I'm 85 years old, I am newly retired and I've lost an entire summer of being able to sit outside and just read or whatever. And I think I've been patient during these three months.

I would be patient as long as I can have some idea that this is not going to continue on another summer.

If you postpone everything until April,

which is the spring, it can be delayed for further amendments, further purchases. And I just feel that it is not fair that I have to go through another summer of what I have. And that's my only comment.

CHAIR NICOLE MURATI FERRER: Questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

Well, I would agree with Ms. Richmond's assessment.

If it doesn't work in the spring and plan B doesn't work, what is plan C?

BRAD BRILLIANT: You know, I guess I do not have a plan C at this time.

ANDREA BOYER: The Board can vote actually, as they have in the past, you cannot use the unit until it is actually fixed in the April, if that's necessary.

CHAIR NICOLE MURATI FERRER: I was going

to get to that in a second.

ANDREA BOYER: Sorry.

CHAIR NICOLE MURATI FERRER: But I don't know --

POLICE COMMISSIONER CHRISTOPHER BURKE:
That would be our plan C.

I'm wondering if you might have a plan C.

CHAIR NICOLE MURATI FERRER: I mean I know, this is a rental unit for you, correct.

BRAD BRILLIANT: That's true.

CHAIR NICOLE MURATI FERRER: I mean, I am certainly not a fortune teller and can't see the future and we vote on the facts based before us for a particular situation and we take everything on a case-by-case basis.

But if there is the trend that continues with this, I would tell you I wouldn't even get to a plan C.

I think I would be closer to telling you if you can't resolve, if you need to shut it off until you can. So that's something to think about when you talk to your tenants, just as an FYI.

BRAD BRILLIANT: So you are saying I might have to tell the tenants if we can't resolve this, they may not be able to use the AC?

CHAIR NICOLE MURATI FERRER: Yes.

BRAD BRILLIANT: Okay. I hope we'll be able to resolve this.

CHAIR NICOLE MURATI FERRER: And I mean, I think we have seen some very good fixes with the Roxul, so I think this is a good plan. I think it is a solid plan. And I hope it works for everyone.

But I agree with Ms. Richmond, I am definitely not letting this be two seasons in a

row.

BRAD BRILLIANT: I understand. It is not my intention.

CHAIR NICOLE MURATI FERRER: So we'll continue it to the spring?

POLICE COMMISSIONER CHRISTOPHER BURKE: Yes.

CHAIR NICOLE MURATI FERRER: Do you want to put an actual date, when is the actual -- spring for me, spring is in July.

EXECUTIVE DIRECTOR ELIZABETH LINT: April.

POLICE COMMISSIONER CHRISTOPHER BURKE: You are asking me?

CHAIR NICOLE MURATI FERRER: April 15?

EXECUTIVE DIRECTOR ELIZABETH LINT: I think it is the 20th.

CHAIR NICOLE MURATI FERRER: See in the

calender. We'll move it to April. An April hearing. April 2017 hearing.

When we figure out the exact date, we'll send you a hearing notice.

BRAD BRILLIANT: That sounds great.

CHAIR NICOLE MURATI FERRER: And hopefully before then Ms. Andrea Boyer can get it. And even though if it's not particularly super hot, if the weather is good, you build the thing out and you turn the AC on and we try and tackle this before the actual hot season starts.

BRAD BRILLIANT: I think that's great.

As long we can actually just run it at load, I'm happy to go through it. I just don't want to have to run it, not really work and have to do it again.

CHAIR NICOLE MURATI FERRER: Thank you.

VIOLATION: NATIONAL TIRE AND BATTERY

EXECUTIVE DIRECTOR ELIZABETH LINT:

Violation: National Tire and Battery holder of a garage license No. 10069 at 2501 Mass. Ave due to alleged violation of Cambridge noise ordinance 8.16.080(E) loading and unloading on September 19, 2016 at approximately 5:45 a.m.

CHAIR NICOLE MURATI FERRER: Good afternoon.

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

SHAUN CULLEN: Shaun Cullen, S-H-A-U-N C-U-L-L-E-N.

OFFICER CARL PILGRIM: Carl Pilgrim.
Officer Carl Pilgrim.

CHAIR NICOLE MURATI FERRER: I'm sorry, your last name.

OFFICER CARL PILGRIM: Pilgrim. Like the

guys on. Mayflower P-L-I-G-R-I-M.

CHAIR NICOLE MURATI FERRER: Thank you.

ANDREA BOYER: Andrea Boyer, B-O-Y-E-R.

CHAIR NICOLE MURATI FERRER: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: Raise
your right hand.

(Parties sworn)

CHAIR NICOLE MURATI FERRER: Officer
Pilgrim, why don't we start with you.

OFFICER CARL PILGRIM: On the 19th of
September about 5:45 a.m. we are we received a
call for -- we received a call for an unwanted
person seeing that -- the reporting person
observed the person urinating in her backyard.

So we went off to the address and went
around and we didn't find any evidence of such.

But one of the things I observed was an
18-wheeler parked on the side of Clarendon Ave,

right by NTB, the truck was not idling. There was nothing going on at the time.

And we had the radio, we called the --

THE REPORTER: Officer, could you speak up. I have a fan right over my head.

OFFICER CARL PILGRIM: Not a problem.

I observed a truck, an 18-wheeler, parked outside of NTB, at the corner of Mass and Clarendon, on Clarendon, parked on the side of the road, and it was not idling. There was no activity, unloading or unloading, at the time.

And I asked the radio room to call the RP to see if he they wanted to speak us to us and point out where this incident took place.

And when the RP came out, the reporting person came out, she stated to us that it was just the guys -- she thought the guys in the truck were working or doing something and saw

them move. And we said we didn't see that. And then she said "Check over here in their parking lot" and we looked. And there was nothing.

So we were getting to leave, and then she brought up the fact that the truck showed up just a few minutes earlier and the beeping warning, signal warning for the truck backing up, had awakened her.

I asked her how long did it go on for. She said "Maybe a couple minutes they just backed up and they parked."

And I said "Well, they are not doing anything right now. I don't observe any noise violations of any kind." And then she went on to say there was ongoing matter between her and NTB.

And after that -- we were actually there for a while. At some point the, the gentleman

exited the truck, they went in the back and they rolled tires down the driveway. The reporting person, actually her back was towards them, and they actually unloaded all the tires out of the back of the building without making any noise whatsoever. So there was no noise violation there.

She didn't even know they did it until I told her "Well, they just picked up their load. So if you are telling me the only noise that woke you up was a truck backing up, I understand it was loud, but you do live in a city" is what I explained to her. "And it may be a little loud sometimes" and she said she that understands that but this happens every week and that was her complaint that I had to deal with at that night.

CHAIR NICOLE MURATI FERRER: Okay. Ms. Boyer, do you have anything to add?

ANDREA BOYER: Not about that location.

We did have a conversation after the fact, and --

CHAIR NICOLE MURATI FERRER: By "we" you mean?

ANDREA BOYER: I'm sorry. Officer Pilgrim and I. We had a discussion based on the fact that what was being loaded and unloaded were the tires, but then actually, in accordance with the noise ordinance, it is plainly audible at a distance of 50 feet, so there's a fine line there that it may not necessarily be a violation because it wasn't plainly audible at a distance of 50 feet but with the back-up alarms, I think Officer Pilgrim actually spoke with NTB about finding a solution going forward, which I think would be a good if he was able to speak about that.

CHAIR NICOLE MURATI FERRER: So Officer Pilgrim, you witnessed the loading and unloading of the tires?

OFFICER CARL PILGRIM: I witnessed the loading of the tires, yes, and so was the RP. And she was unaware it happened.

CHAIR NICOLE MURATI FERRER: About how far away were you?

OFFICER CARL PILGRIM: That wall to that wall.

CHAIR NICOLE MURATI FERRER: You couldn't hear anything?

OFFICER CARL PILGRIM: No.

CHAIR NICOLE MURATI FERRER: Mr. Cullen?

SHAUN CULLEN: So this was brought to my attention.

We hired a third-party company not associated with our company to remove our scrap

tires from the building.

Once it was brought to my attention, I sought to contact them regarding the issue. See if we could find resolution. And I understand noise issues. We'll start doing work after seven a.m. so there's no noise complaint. I contacted them. They weren't easy to get hold of them initial. But I was able to reach them and got a response back to them yesterday. And I was able to speak to the transportation manager, Shawn Thomas (phonetic) from Lakin Tire.

We did discuss the incidents, and I told him -- I did go through my records of the past six months when we do have tire pickups. It varies from two times a month to sometimes three times a month.

The past six months, there's only been one other occasion aside from September 19 where

they have arrived prior to 7 a.m. and that was on August 30, at 6:10 a.m.

But there was only two incidents I have seen before 7 a.m. of pickups.

I don't directly control when they do pick-up, as they are a separate corporation, but I did speak to the transportation manager and assured him it would not be acceptable going forward if they arrived prior to 7 a.m.

They would have to schedule an arrival time after 7 a.m.

I did receive a letter from him stating he was aware and he actually was contacted. His corporate office contacted him that the Cambridge police department did reach out to him regarding this issue.

And he said he's working diligently to ensure it doesn't happen by making notes on the

drivers' routes as well as speaking to the driver that usually has this route regularly.

My understanding is they do come from West Haven, Connecticut, which is roughly a three-and-a-half-hour drive. So the exact arrival time is not always accurate. But he said he would certainly work on making sure that they didn't start doing any work until after 7 a.m. going forward.

And he said, you know, please keep him updated. That he did speak with corporate but also the driver directly and had notes on the account so that if any other driver receives the routes who is not the usual driver there will be notes on the account they should not arrive prior to 7 a.m.

CHAIR NICOLE MURATI FERRER: So, I'm sorry, because I'm not quite sure -- I know where

your place is. I'm trying to think of the area and I'm not quite visualizing it.

Is there any way to park the -- to not have the truck use the signal-- backing-up signal because it seems like this is what is waking up --

OFFICER CARL PILGRIM: That's a safety violation. It is a safety violation for the truck.

It has to have that alarm on at all times, whenever it is operating. To disable that would be a very hefty fine of some sort.

CHAIR NICOLE MURATI FERRER: Yeah.

OFFICER CARL PILGRIM: So they can't turn it off. They can't disconnect it.

CHAIR NICOLE MURATI FERRER: Is there any way not to back up in that area.

SHAUN CULLEN: Unfortunately, not.

OFFICER CARL PILGRIM: It goes up into Somerville into a more narrow street.

That end of Clarendon Ave is actually pretty wide but the street is very narrow coming out of the Somerville side and there's no way for that truck to come in even at, I want to say -- Broadway Street, I think, is the top of the street.

There would be no way that a truck of that size would be to turn down and even make it down safely at the top of the Clarendon Ave.

The easy -- in all honesty, I would assume that the reason why those trucks, they come that early, is because in order to back up into Clarendon Ave, they have to come across Mass. Ave to make a straight line to back up, so that they are off to the side of the road, and to do that at, you know, seven in the morning, would

cause a traffic nightmare more than we already have up there just for the two minutes or minute-and-a-half it takes to back up.

So I think it is easier for all parties involved when that truck shows up, before the traffic gets heavy, and they can exit and cut across Mass. Ave.

I believe that's why they were doing it.

However, we understand that they -- you know, they are agreeing not to do it. So I don't think that's going to be an issue. We'll deal with the traffic when that comes up and see how that works out.

POLICE COMMISSIONER CHRISTOPHER BURKE:

So, Officer Pilgrim, you said you were dispatched at 5:45 a.m.?

OFFICER CARL PILGRIM: It was around there, sir. It's hard to --

POLICE COMMISSIONER CHRISTOPHER BURKE:

So --

OFFICER CARL PILGRIM: 5:28. The call came in at 5:28, however long it took them to get that call out to us.

POLICE COMMISSIONER CHRISTOPHER BURKE:

So you arrive on scene, you have a conversation with the resident that called?

OFFICER CARL PILGRIM: Yes.

POLICE COMMISSIONER CHRISTOPHER BURKE:

You have a conversation with the driver?

OFFICER CARL PILGRIM: Yes.

POLICE COMMISSIONER CHRISTOPHER BURKE:

You said you were there for a period of time.

OFFICER CARL PILGRIM: We were there for a while.

POLICE COMMISSIONER CHRISTOPHER BURKE:

And so was the car parked on --

OFFICER CARL PILGRIM: It looks like 6:02
we cleared.

POLICE COMMISSIONER CHRISTOPHER BURKE:
Was the truck parked on Clarendon?

OFFICER CARL PILGRIM: On Clarendon.

POLICE COMMISSIONER CHRISTOPHER BURKE:
Where were the tires located?

OFFICER CARL PILGRIM: Can you see the
back of the building there?

If you are looking at the -- facing Mass.
Ave, towards the front of the building, they were
all the way down to the left side, the back of
the corner of the parking lot.

POLICE COMMISSIONER CHRISTOPHER BURKE:
So that would be this area right here?

OFFICER CARL PILGRIM: Yes.

POLICE COMMISSIONER CHRISTOPHER BURKE:
So how was your attention drawn to them moving

the tires?

OFFICER CARL PILGRIM: When the guy got out -- when the two guys exited the cab is when I saw them get out.

I thought they were going to come over and talk to us. They didn't they went back to the building.

POLICE COMMISSIONER CHRISTOPHER BURKE: So the tire were stacked out, they didn't have to go inside?

OFFICER CARL PILGRIM: They didn't go inside.

SHAUN CULLEN: We have a locked-up enclosure out back, a fence area, but they don't access to the building for secured reason, as they are not a part of our company. We just hire them out so they don't have access to that.

CHAIR NICOLE MURATI FERRER: Is the

report here by any chance?

MABROUKA BOUKRAA: Yeah. Well, our mother is the one he's referring to. My sister actually has a video of the day in question and what was going on.

CHAIR NICOLE MURATI FERRER: I'm sorry ma'am. Can you -- do you both mind standing up and raising your right hands and stating your names for the record.

(Parties sworn)

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

MABROUKA BOUKRAA: My name is Mabrouka. First name M-A-B-R-O-U-K-A. Middle initial M. Last Boukraa. B-O-U-K-R double A.

HALIMA BOUKRAA: I'm Halima, H-A-L-I-M-A. Last name B-O-U-K-R-A-A.

CHAIR NICOLE MURATI FERRER: Thank you.

You were saying, Ms. Boukraa.

MABROUKA BOUKRAA: On the date in question, I actually was not there, my sister and my mother were there. We have a video.

However, I have seen the photos. Clarendon Ave at this point is not a large street. It is one lane each side.

And this truck was parked in front of a fire hydrant in front of the sign saying No Stopping Any Time.

What they have been doing is -- we've lived there over 20 years and we know it happens from time to time but this is the most recent of outbreak, I guess.

They -- I understand there's traffic on the street. However, there are many places in Cambridge. I noticed just last night the Tedeschi's at the corner of Broadway and Prospect

Street, which I think is far busier than our interaction, they have a sign No Deliveries Before 7 a.m. No Dump Trucks. Nothing like that.

Clearly, if they can do it, we can do it. What these contractors have been doing is parking there at whatever time they feel like arriving or whatever time they are able to arrive. Waiting a little bit, and they begin either -- they actually came back on Monday prior to 7 a.m. when an officer came out and spoke to them. And they either reverse the truck into the parking lot or they just roll the tires, there's like a dumpster area, that, as Mr. Cullen said, is unlocked, they take old tires out and put new tires in.

I mean, I don't think from the time they -- it is not like at seven there's this massive amount of traffic. They have come right

at seven in the past and they don't have any issues parking or doing their deliveries.

So I just don't understand why that would be a -- something that we could work with, like deliveries before seven.

HALIMA BOUKRAA: There's a parking lot in the front of the establishment.

So it is actually the employee parking lot in the back they are delivering to.

And there's a chain lock on the fence that's left unlocked the night before so that they can come and do the deliveries.

So there are other options.

They could deliver to the front. They could keep the gate locked until 7 a.m. when an employee arrives to greet them.

So, as we said, this happened again just this past Monday.

MABROUKA BOUKRAA: And I did actually speak with another employee of NTB and he profusely apologized. I understand they are not ordering the truck to come at this time. It is kind of out of their hands. It is a supply chain thing, but my dad is retired, he's elderly, I don't think we should be woken up once a week, God knows what hour, and disrupted by the --

CHAIR NICOLE MURATI FERRER: I'm sorry, did you say want to show you us the video.

HALIMA BOUKRAA: Sure.

(Playing video)

This is when Officer Pilgrim responded. This is kind of dark. But you can see delivering the tires. There's the truck. This was taken from my driveway. Can you see it is pretty close to our house?

POLICE COMMISSIONER CHRISTOPHER BURKE:

Is this your house?

HALIMA BOUKRAA: Right there, yes.

POLICE COMMISSIONER CHRISTOPHER BURKE:

And this is your --

HALIMA BOUKRAA: They are parked right there. And sometimes they go into the parking here to deliver tires.

CHAIR NICOLE MURATI FERRER: And so were you awake that night as well?

HALIMA BOUKRAA: I was awakened by the sound the truck reversing into the street.

CHAIR NICOLE MURATI FERRER: Any questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:
No.

CHAIR NICOLE MURATI FERRER: Okay.
Anything else? Anything to add?

SHAUN CULLEN: Not that I can think of.

CHAIR NICOLE MURATI FERRER: Did you say you have a letter.

SHAUN CULLEN: I have a letter from the transportation manager, yes, describing it. That was an email. I spoke to him yesterday on the phone, and I made sure he sent me an email yesterday as well.

POLICE COMMISSIONER CHRISTOPHER BURKE: So with respect to the pick up the tires, are you the customer?

SHAUN CULLEN: Yes.

POLICE COMMISSIONER CHRISTOPHER BURKE: So you are the customer and they are providing a service to you?

SHAUN CULLEN: Yes.

CHAIR NICOLE MURATI FERRER: I would like to take this under advisement. I want to also take a quick look at our ordinance because the

actual loading and unloading and the way the ordinance is phrased, I'm not quite sure. I want to take a look at it.

POLICE COMMISSIONER CHRISTOPHER BURKE: I would agree with that.

CHAIR NICOLE MURATI FERRER: Okay. We'll take it under advisement and we'll vote during our next meeting on the matter.

And, sir, Mr. Cullen, we are still owed some papers to complete your renewal.

I know you filed it, and I know it has been paid. But we have yet to receive the workers' compensation affidavit and the registration form.

I will tell you that we will need that by tomorrow morning or I will send our inspectors to shut you down for operating without a license.

SHAUN CULLEN: I do apologize.

I was in contact directly with my corporate office and I did arrive personally to pick up the forms and I was told by them they mailed this all directly.

I had not heard any word from them that there was any issues or anything was not filed properly or given to you, so I do apologize for that.

I will contact them today, as soon as I get back, to start at that process.

CHAIR NICOLE MURATI FERRER: You can go to Mr. Clark upstairs and he will show you exactly what is missing.

SHAUN CULLEN: So the workers' compensation and affidavit and the registration?

CHAIR NICOLE MURATI FERRER: That's correct.

SHAUN CULLEN: I will take care of that.

HALIMA BOUKRAA: Thank you.

APPLICATION: BARISMO, INC.

D/B/A BARISMO

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Barismo, Incorporated, doing business as Barismo, holder of a common victualler license at 235 Third Street has applied for a change of operating hours from 7 a.m. to 7 p.m. seven days a per week to 7 a.m. to 11 p.m. seven days per week.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your names for the record.

JAIME VANSCHYNDEL: My name is Jaime Vanschyndel, V-A-N-S-C-H-Y-N-D-E-L.

CHAIR NICOLE MURATI FERRER: S-C-H --

I'm so slow when people spell their names.

THE REPORTER: Spell it again. And just spell your first name because it can be spelled --

JAIME VANSCHYNDEL: Jaime, J-A-I-M-E.
Last name V-A-N-S-C-H-Y-N-D-E-L.

YARA OSLER: And I'm Yara Osler. It's Y-A-R-A. And Osler is O-S-L-E-R.

CHAIR NICOLE MURATI FERRER: Thank you.
Take a seat.

Tell me what is the public need for the change in hours. We are just increasing from 7 to 11, correct?

YARA OSLER: Yes. So we sublease -- we're Cove and we sublease from Barismo. And we have a shared work space, so there's been demand from our members and from the local residents

that are requesting for us to extend our hours until 11.

And this would be for members so they can keep working after leaving work in our space.

CHAIR NICOLE MURATI FERRER: Wait. You are what again?

YARA OSLER: Cove-

CHAIR NICOLE MURATI FERRER: You are Cove, not Barismo?

YARA OSLER: Yes.

JAIME VANSCHYNDEL: We have a shared space. We run a cafe and Cove operates a co-working space and tiered office space.

CHAIR NICOLE MURATI FERRER: But you are Barismo and you are Cove?

JAIME VANSCHYNDEL: Yes.

CHAIR NICOLE MURATI FERRER: Okay.

I note you have had no issues at this

location, is that correct?

JAIME VANSCHYNDEL: Yes.

CHAIR NICOLE MURATI FERRER: Questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

No questions.

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

(No response.)

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

(No response.)

I would vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE:
Grant.

CHAIR NICOLE MURATI FERRER: Granted.

APPLICATION: STOKED PIZZA BROOKLINE, LLC

D/B/A STOKED WOOD FIRED PIZZA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Stoked Pizza Brookline, LLC, doing business as Stoked Wood Fired Pizza Company has applied for a vendor/peddler license to operate a mobile food truck at The Plaza at Harvard University Science Center, 1 Oxford Street on Mondays and Tuesdays from 11 a.m. to 9 p.m. and Wednesdays from 3:30 p.m. to 9 p.m.

CHAIR NICOLE MURATI FERRER: Good afternoon.

State and spell your name for the record.

TOIRM MILLER: Sure. My name is Toirm Miller. First name is T-O-I-R-M. Last name M-I-L-L-E-R.

CHAIR NICOLE MURATI FERRER: Thank you. You may sit down, Mr. Miller.

And Stoked Wood Fired Pizza, how are you making the pizza?

TOIRM MILLER: In an Italian wood-burning oven.

CHAIR NICOLE MURATI FERRER: Inside the truck?

TOIRM MILLER: Yup.

CHAIR NICOLE MURATI FERRER: And are you currently operating? You are, yes.

TOIRM MILLER: Since 2014.

CHAIR NICOLE MURATI FERRER: Where are you right now?

TOIRM MILLER: Where are we in Cambridge?

CHAIR NICOLE MURATI FERRER: Yes.

TOIRM MILLER: Nowhere at this time.
Just Harvard.

CHAIR NICOLE MURATI FERRER: We did note like a problem with the letter but I see that

Harvard corrected it.

TOIRM MILLER: Okay, is that the letter from Laura?

CHAIR NICOLE MURATI FERRER: Yes.

Originally the agreement said from October 2016 to August of 2016. So we figured it was probably a mistake.

TOIRM MILLER: Thank you for catching that.

CHAIR NICOLE MURATI FERRER: It goes from August 16, 2016 through August 31, 2017.

TOIRM MILLER: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you have another application?

TOIRM MILLER: Do I have one on me?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.
No.

TOIRM MILLER: Have I put in another

application?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

TOIRM MILLER: No.

CHAIR NICOLE MURATI FERRER: You said you've operated before in Cambridge, correct?

TOIRM MILLER: Yes, we have.

CHAIR NICOLE MURATI FERRER: I couldn't find anything, but just for the record, do you know or are you aware of any complaints filed against you while you operated within the City of Cambridge.

TOIRM MILLER: We have not been informed of any complaints.

CHAIR NICOLE MURATI FERRER: Do you have a state peddler's license?

TOIRM MILLER: I do.

CHAIR NICOLE MURATI FERRER: We'll need a copy of that.

TOIRM MILLER: I believe it is in there.

CHAIR NICOLE MURATI FERRER: Did I miss
it?

EXECUTIVE DIRECTOR ELIZABETH LINT: It
may be upstairs.

CHAIR NICOLE MURATI FERRER: It is not in
here but we can check it.

Questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:
No questions.

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

(No response.)

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

(No response.)

CHAIR NICOLE MURATI FERRER: I vote to
grant.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Agreed.

CHAIR NICOLE MURATI FERRER: Granted.

TOIRM MILLER: Thank you very much.

Thanks for your time.

APPLICATION: ORANGE BLOSSOM, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Orange Blossom Incorporated has applied for an open air license at 1280 Cambridge Street for six vehicles.

MARK ROMANO: Hello.

CHAIR NICOLE MURATI FERRER: Good afternoon.

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

MARK ROMANO: Mark Romano. M-A-R-K.
R-O-M-A-N-O.

THE REPORTER: R-0?

MARK ROMANO: R-O-M-A-N-O. Just like the cheese.

CHAIR NICOLE MURATI FERRER: Mr. Romano, this is parking for your guests, correct?

MARK ROMANO: Yes.

CHAIR NICOLE MURATI FERRER: And to confirm, it will be at 1280?

MARK ROMANO: That's correct, yes. Cambridge Auto Center across the street.

CHAIR NICOLE MURATI FERRER: What is East Coast Grill's address?

MARK ROMANO: 1271.

CHAIR NICOLE MURATI FERRER: Okay, that's why it's here.

MARK ROMANO: I'm sorry about that.

CHAIR NICOLE MURATI FERRER: That's fine because it is actually correct.

MARK ROMANO: Okay.

CHAIR NICOLE MURATI FERRER: So the parking registration you have the 1280 and over it asks for the business address and your address is 1271.

All right, but we're licensing the 1280 space.

MARK ROMANO: That's correct.

CHAIR NICOLE MURATI FERRER: It is only six?

MARK ROMANO: I think from what I found in the research in the past, they needed six and they have 15 basically.

There should be a letter in there from Brian Matthews, the property manager over there, stating how much I pay -- I'm paying in rent.

Is there one in there?

It's probably in the liquor license

application. I can get another copy for you.

CHAIR NICOLE MURATI FERRER: We don't need it.

Questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:
None.

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

(No response.)

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

(No response.)

CHAIR NICOLE MURATI FERRER: I vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE:
Agreed.

CHAIR NICOLE MURATI FERRER: Granted.

I'm going to note here that it is for the

space at 1280 rather than changing the application because that would be incorrect.

All right. Thank you.

MARK ROMANO: Thank you.

APPLICATION: GREENSAIL, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Greensail, LLC has applied for an open air parking lot license at 7 Douglas Street for 48 parking spaces.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Could you please state your name for the record.

PAULA TURNBULL: Paula, P-A-U-L-A.
Turnbull, T-U-R-N-B-U-L-L.

EXECUTIVE DIRECTOR ELIZABETH LINT: This is one of the ones that we tracked down the new

ownership.

CHAIR NICOLE MURATI FERRER: Okay. Ms. Turnbull, how are you.

PAULA TURNBULL: Good.

CHAIR NICOLE MURATI FERRER: I see that you work for NCP Management Company?

PAULA TURNBULL: I'm actually Greensail.

CHAIR NICOLE MURATI FERRER: Okay. And Greensail, LLC, is that the owner of now the lot?

PAULA TURNBULL: Yes.

CHAIR NICOLE MURATI FERRER: Did you bring a completed application because I have one that's missing a lot of information.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Someone came in this morning and filled in --

CHAIR NICOLE MURATI FERRER: So, for example, I need to know who is the manager. What

is their contact. What is the address of the licensee.

PAULA TURNBULL: Okay, I can give you all of that. Sorry about that.

There's no on-site manager.

CHAIR NICOLE MURATI FERRER: Is this like an automated parking lot?

PAULA TURNBULL: Just a parking lot behind the building. It is not automated.

CHAIR NICOLE MURATI FERRER: What's the business -- what is the purpose of the parking lot?

PAULA TURNBULL: It's to service the building that's adjacent.

CHAIR NICOLE MURATI FERRER: So it is quasi-private, so it is not a public parking lot?

PAULA TURNBULL: No.

CHAIR NICOLE MURATI FERRER: So who would

be the manager like if there's an issue? --

PAULA TURNBULL: That would be NCP Management.

CHAIR NICOLE MURATI FERRER: So why don't we do this, why don't you take this back while we take the next hearing. And you tell me who is going to be the licensee, whether it is going to be Greensail or NCP Management. If it is Greensail, I need Greensail's information here.

And then if NCP is just the management company, then put that in the area where the application asks for the manager, and then just write a note because I know that our application currently says the "on-site manager," you can just put a note in and say they are not on site.

I just need this application to look a little better, so I know exactly what we're looking at. Thank you.

Second call.

APPLICATION: TRANSFER THE COMMON VICTUALLER ALL
ALCOHOLIC BEVERAGES LICENSE FROM MOKSA, LLC TO LA
FABRICA CENTRAL, LLC
D/B/A LA FABRICA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Transfer of common victualler all
alcoholic beverages license from Moksa, LLC at
450 Massachusetts Avenue to La Fabrica Central,
LLC, doing business as La Fabrica, Nivia Pina as
proposed manager at the same location.

Application has also been made for a
pledge of license.

The proposed hours of operation are
Sunday through Wednesday at 10 a.m. to 1 a.m. and
Thursday, Friday, Saturday and the night before a
legal holiday from 10 a.m. to 2 a.m. with a

seating capacity 253 (165 seats inside and 56 patio seats on private patio and 32 patio seats on the public sidewalk) and standing for 315 on total occupancy of 480.

The premises is described as all rooms located on the ground floor with two entrances on Mass. Ave. One entrance on the sidewalk on Mass. Ave. And the second entrance onto a private patio space along the entrances to the Central Square Theater. There's also an exit in the rear on Green Street.

The leased premises is about 8,115 square feet of improved space that includes a front bar/lounge area, a dining room with a small bar area, a full kitchen of approximately 2,116 square feet, function room space with a stage and a large bar area of approximately 1,586 square feet, a small office space, a coat room, and two

male and female water closets.

Second patio on the city sidewalk in front of the establishment of 32 seats.

Applicant is also seeking an entertainment license for dancing by patrons, comedy show, live music with amplification, dancing exhibition, floor show, magic show, karaoke, audio below, at or above conversation level, 9 TV video screens, a radio, one cinema screen and a DJ.

CHAIR NICOLE MURATI FERRER: Good afternoon.

Please state and spell your names for the record.

ATTY WARREN TOLMAN: Sure. Good afternoon.

Thank you, Madam Chair.

My name is Warren Tolman, T-O-L-M-A-N.

I'm an attorney representing La Fabrica Central

NIVIA PINA: Nivia Pina. P as in Peter,
I-N-A.

THE REPORTER: Can you speak up, please.

NIVIA PINA: Nivia.

N, as in Nancy, I-V, as in Victor, I-A.
Pina, P, as in Peter, I-N-A.

GIOVANNA HUYKE: My name is Giovanna
Huyke. G-I-O-V-A double N-A. H-U-Y-K-E.

CHAIR NICOLE MURATI FERRER: H-U-Y?

GIOVANNA HUYKE: K-E. Sorry.

RAFEL RUIZ: R-A-F-E-L. Last name is
R-U-I-Z.

CHAIR NICOLE MURATI FERRER: You may all
take a seat. Thank you.

Mr. Tolman, do you want to start or do
you want me to start my questions?

ATTY WARREN TOLMAN: Whatever you want.

I do have some comments that might clarify things.

You have done more than one hearing, so...

CHAIR NICOLE MURATI FERRER: Go ahead.

ATTY WARREN TOLMAN: Okay, so on behalf of Nivia Pina, who is the manager of the LLC, and also her husband Hector Pina, who currently runs three restaurants in Boston. Hector, who is also here, has been running a restaurant The Merengue on Blue Hill Avenue for 22 years. And they want to come across the river.

And so as Elizabeth read, they request the approval of the transfer and -- from Moksa, LLC to them at 450 Mass. Ave.

The requests include what Elizabeth has read, and I think is someone who is familiar with Cambridge, is a neighbor.

I think the community will be excited about bringing this restaurant and this approach to Central Square.

I think, as you will see in tab 11, many others share the enthusiasm, including the Central Square Business Association.

They want to have a very family friendly atmosphere with a cultural -- to add to the cultural identification in Central Square.

Currently with over 330 restaurants in Cambridge, as you well know, there's really only one that has a Puerto Rican cuisine.

Izzy's is probably the closest to what we have been. We have a Caribbean, Cuban, Puerto Rican Dominican flare that we have -- would like to bring to Central Square.

We are aware of issues with our predecessor, and I think, given the approach and

the clientele, the family atmosphere, that we want to bring to Central Square, I think that the way in which Nivia and Hector approach all their restaurants is reflective of that.

They also expect to have somewhere in the order of a 60 percent food/liquor ratio, 60/40.

Which is, obviously, very different than what was there before. Because it wasn't a restaurant first and foremost.

We want to strengthen Central Square and we are excited about that.

To do this, Hector and Nivia have the Merengue restaurant in the South End, and Dona Habana, which is on Methadone Mile. It is right in the heart of the Methadone Mile, so called, in Boston, and it's already done a nice job of trying to clear up that area a little bit, certainly in front of the restaurant.

All three establishments have bars.

And notably, over 22 years, since Merengue but all the three of the bars have no violations, no issues, no over-serving. All of their personnel have requisite training and then some.

And they are also noted for giving back to their community and giving back to Boston. I have seen it as someone who has worked in Boston and represented Boston as well as Cambridge, their approach to giving back as well as working with the community.

So we want to have a restaurant -- they want to have a restaurant that will draw upon the existing -- some of the existing restaurants and it will be an attraction for people to come to listen to some live jazz.

We recognize that the theater is next to

us. And the theater is a growing and vibrant part of Central Square, has about for nine years, and Kathy I know who is here, and we want to add to that. I think if we work on a cooperative atmosphere, we can do that.

And as such, we will not, and we will agree in writing, to not start any live jazz prior to the hour of 11 p.m., so as not to interfere with the theater's great performances.

We want to draw from Monk Fish, from Little Donkey, from Cuci Cuci, the Middle East and have people come by after they dine to walk down and be entertained.

We have attracted the noted chef Giovanna Huyke, who is here. She flew up from Puerto Rico to be here. She has a vision for her menu. The first draft of the menu is in your booklets. And I'm going to ask Giovanna to speak for a second

and just in a minute.

But we're excited about the restaurant and the entertainment component of that.

We also recognize there have been, as I'm sure the Commissioner knows very well, some issues with our predecessors.

We want -- we have retained noted Boston security specialist, Rafael Ruiz, who is, amongst other things, was the assistant night commissioner in Boston, deputy superintendent -- or superintendent of the night command.

He's served our community, our city, our capitol city very, very well.

He's reviewed the security plan. He helped develop the security plan. He will be looking at the egress, he will work with the staff, and he'll train and the like. And we, obviously, Commissioner, would have our own

details on Thursday, Friday, and Saturday.

And then, obviously, would work with the other businesses like the Middle East on the other days.

And I can go through the layout. The restaurant, as you see, we have, obviously, notified, and I think done the requisite things you requested, to notify the abutters and the like.

But I'll just take a minute for Giovanna to talk about a little about the cuisine because it's an important part of the flare that we want to bring to Central Square.

GIOVANNA HUYKE: With three Caribbean islands that were started with a Spanish cuisine, so we have kind of like the same nature but we kind of grew up a little bit differently.

We want to bring that food here to the

community so they can really taste our flavor.

But also we are very conscious about everything that's going on in the modern world.

Most of our cuisine has evolved a little.

There's been a constant with traditional, and so they're gonna be available for all the different things that are going on right now in cuisine, like farm to table, like trying to be a little bit healthier, and having a conscience about our allergies and all the other things that are going on in our cuisine.

But we want to bring some of what is happening in our islands that is not visual here in Cambridge. And I think it's a really nice area to start, just bringing the flavor of all of our traditional food but in a different way, the a mixture of the three.

CHAIR NICOLE MURATI FERRER: Am I

remembering correctly you did have a TV show in Puerto Rico?

GIOVANNA HUYKE: Yes, I did.

And I just came from Washington and I had three years in a restaurant there.

CHAIR NICOLE MURATI FERRER: For the record, I have seen her show.

POLICE COMMISSIONER CHRISTOPHER BURKE: For the record, the menu section was the first one I opened.

(Laughter.)

CHAIR NICOLE MURATI FERRER: Okay, so I mean, I think I get the gist of what we're going for in terms of the restaurant and whatnot.

Are we -- I'm wondering, I'm only wondering, because I read this and it looks exactly like what Monroe had in terms of description of hours and space and everything

else.

Are you really seeking to open at 10
a.m.?

NIVIA PINA: For the -- well, for our
lunch, yes.

CHAIR NICOLE MURATI FERRER: So you are
going to be open for lunch and dinner?

NIVIA PINA: Yes.

CHAIR NICOLE MURATI FERRER: What time do
you plan to keep the kitchen open?

NIVIA PINA: 11.

ATTY WARREN TOLMAN: I didn't mention the
plans are to really brighten the interior up.

We have our interior designers Arturo and
Gloria Valasquez, who are also here, if you have
any questions about the layout, which you have in
your packet, and that's -- where is the layout?

CHAIR NICOLE MURATI FERRER: You know

what I don't have, I don't have the actual entertainment license, and I'm wondering what exactly -- I only knew that it was -- there was going to be some jazz based on some of the letters and support we received today.

But what exactly are you looking to do?

Are you looking to do jazz every night?

Or are you trying to expand that into something else?

Because I know you have dancing by patrons. I mean, I dance to everything but I know it is kind of hard to dance to jazz.

NIVIA PINA: I think the idea of the space is to have a -- from the entrance, I don't know if you guys, if you remember a place called Sophia's here, so it's that idea to have a live band when you come in and have dinner.

And then at 11 on Thursday nights and

Saturday nights, maybe the room will be used for entertainment.

But the idea is that is going to be an event room more than anything else. We have functions and other stuff like that. That would be our primary idea.

CHAIR NICOLE MURATI FERRER: So do you have a copy of the entertainment application at all?

ATTY WARREN TOLMAN: I'm just looking for it.

CHAIR NICOLE MURATI FERRER: Okay.

So we are asking for -- you are asking for a DJ and dancing and live music and everything, basically everything else that was there before, correct?

ATTY WARREN TOLMAN: Yeah.

We did that, you know, obviously, because

-- not because that's gonna be the primary focus.

The primary focus will be jazz, but we did that just to err on the side of being inclusive.

CHAIR NICOLE MURATI FERRER: Don't get me wrong, Counselor, I don't think it is wrong to have in Cambridge fun music and DJs and everything else.

I'm just trying to get a picture of what exactly this looks like.

NIVIA PINA: The first room will be our jazz room.

Then the middle room is our dining area. And then ceviche bar.

And then the end room, which is the one that we're thinking that will need it, we need a DJ, and all that type of entertainment.

And that's the one that is -- the theater

is on top of us. And we agreed not to have any club or whatever music after -- before 11 p.m.

CHAIR NICOLE MURATI FERRER: Do you recall submitting an entertainment application?

ATTY WARREN TOLMAN: Yeah.

Do we have that here?

ATTY ALEX RODRIGUEZ: We don't because of the -- so it's the new on-line.

CHAIR NICOLE MURATI FERRER: Could you state your name for the record?

ATTY ALEX RODRIGUEZ: Alex Rodrigues.
I'm an attorney.

THE REPORTER: Sir, could you please spell your first name and your last name.

ATTY ALEX RODRIGUEZ: A-L-E-X.
R-O-D-R-I-G-U-E-Z.

ATTY WARREN TOLMAN: Just like A Rod.

CHAIR NICOLE MURATI FERRER: So I know

that the ABCC application is on-line but the entertainment application is a local board application, so has not been filled out.

ATTY ALEX RODRIGUEZ: To my understanding, I'm not sure. I can't answer the question right now.

CHAIR NICOLE MURATI FERRER: I mean, you can just go up and fill it out if you want.

But what I'll need, and I'm not quite sure, I mean, you guys are -- from what I saw from the ABCC application, there's going to be a significant build-out on this space, am I correct?

NIVIA PINA: It's gonna be mostly decorations so we're taking everything out. It is too dark right now for my taste, and.

GIOVANNA HUYKE: It is more family oriented, so it has to be bright. I mean ...

CHAIR NICOLE MURATI FERRER: So when you do fill out the entertainment application, if we do grant this transfer and everything else, when you fill out the entertainment application, I did print out the floor plan from the ABCC one, but we need, in the floor plan, for you to specify where you would have that live band specifically, where the 7 TVs would be, or nine TVs, I can't recall how many there are here. And where the DJ's gonna be.

So all of that is in our entertainment application instructions, but we'll need that to be able to vote on that.

And I did have some procedural questions, Counselor.

I do note that you guys are seeking a pledge for a license from Mr. Chowdhury, is that right?

ATTY WARREN TOLMAN: Yes, it is.

CHAIR NICOLE MURATI FERRER: How do we get around Section 25 of 138?

Is it because the pledge is being done to him individually and he doesn't own any of his restaurants individually?

ATTY WARREN TOLMAN: I believe that is the approach. I need to confer with his counsel.

CHAIR NICOLE MURATI FERRER: Okay.

ATTY WARREN TOLMAN: I will do that.

CHAIR NICOLE MURATI FERRER: Okay.

And then my other question was in terms of the P&S, I see that the P&S is between Moksa and Merengue but Merengue is a different entity from La Fabrica Central?

ATTY WARREN TOLMAN: Yeah. Well, actually it will be La Fabrica Central, which will take ownership. Not -- Merengue is the

holding company that all the restaurants are under.

CHAIR NICOLE MURATI FERRER: Okay. So Merengue does have La Fabrica Central?

ATTY WARREN TOLMAN: Correct.

CHAIR NICOLE MURATI FERRER: Okay.

ATTY WARREN TOLMAN: I need to confirm that, but that's how the other restaurants in Boston are all held.

CHAIR NICOLE MURATI FERRER: I only ask because, again, I'm trying to figure out how we get around the nitty-gritties of 138 and 7 not being able to, you know, get loans from licensees or all -- you know, all that.

ATTY ALEX RODRIGUEZ: Excuse me.

So in response to that question, when the P&S was signed, La Fabrica hadn't been formed yet

but that will be updated with --

ATTY WARREN TOLMAN: So it will be with La Fabrica. Unlike the other restaurants, La Fabrica is a separate entity. So I stand corrected. Thank you.

CHAIR NICOLE MURATI FERRER: So the P&S is gonna be changed and it will be between Moksa and La Fabrica, LLC?

ATTY ALEX RODRIGUEZ: Yes.

CHAIR NICOLE MURATI FERRER: La Fabrica, LLC is Mr. Benzón (phonetic), Mr. Hector Pina and Nivia Pina. Is it Pino or Pina?

NIVIA PINA: Pina.

CHAIR NICOLE MURATI FERRER: Pina.

And Ms. Pina, I note for the record that you have been the manager of record on a liquor license before and have had no disciplinary issues with the local board or the ABCC, is that

correct?

NIVIA PINA: That's correct.

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

NIVIA PINA: Yes.

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

NIVIA PINA: Yes.

CHAIR NICOLE MURATI FERRER: Do you understand that currently there's a rule that requires you to go to 21 Proof training in Cambridge?

NIVIA PINA: Uh-huh yes, I do.

CHAIR NICOLE MURATI FERRER: Thank you.

Questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

None.

CHAIR NICOLE MURATI FERRER: Okay. So one thing I did not see in the application, and again I apologize, we have limited access right now to the ABCC portal stuff, is Ms. Pina's proof of citizenship. I didn't see it attached to the application. It wasn't listed as one of the documents that was attached.

ATTY ALEX RODRIGUEZ: A passport was uploaded and sent to ABCC.

CHAIR NICOLE MURATI FERRER: Okay.

ATTY WARREN TOLMAN: They are having issues with the portal as you may know.

CHAIR NICOLE MURATI FERRER: Oh, I know. Trust me. We know. Like I said, that's why I said I didn't know exactly where that stood but I

wanted to confirm. Okay.

I will note for the record that we have received letters and support from Councilor Kelley, Councilor Toomey, the Central Square Business Association, Mayor Simmons, Councilor Maher. That's it.

Anyone in favor of this petition?

CHAIR NICOLE MURATI FERRER: All right.

Oh, wow. Okay, this is what we'll do, if you can please step behind Mr. Ruiz, who, by the way, for the record, I also did recognize. His reputation precedes him.

State your name for the record, and if you are a resident, just tell us you are a resident and your support.

Thank you.

Oh, and just also as an FYI, the landlord submitted a letter in support of the application

as well.

Go ahead.

MINLETTY RUIZ: Minletty M-I-N-L-E-T-T-Y.

Ruiz R-U-I-Z.

CHAIR NICOLE MURATI FERRER: You are in support, Ms. Ruiz?

MINLETTY RUIZ: Yes.

CHAIR NICOLE MURATI FERRER: Are you a resident?

MINLETTY RUIZ: No, I'm not from Cambridge.

GENNY RENOSO: Genny, G-E-N-N-Y. Renoso, R-E-N-O-S-O.

CHAIR NICOLE MURATI FERRER: You are also in support?

GENNY RENOSO: Yes.

CHAIR NICOLE MURATI FERRER: Are you a resident?

GENNY RENOSO: No.

CHAIR NICOLE MURATI FERRER: Thank you.

JUNOT DIAZ: My name is Junot, first name J-U-N-O-T. Last name is D-I-A-Z. I am a resident of Cambridge. And I am here in support of the transfer.

I just am extremely excited to see one of the important cultures of Cambridge receiving a site where we can express and celebrate that culture, so I'm all in.

CHAIR NICOLE MURATI FERRER: Also a Pulitzer winner.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: Thank you.

MARJORIE LIU: My name is Marjorie M-A-R-J-O-R-I-E. Last name Liu, L-I-U. And I'm in full support.

CHAIR NICOLE MURATI FERRER: Are you a

resident?

MARJORIE LIU: Yes.

CHAIR NICOLE MURATI FERRER: Thank you.

GLORIA PORRAS-VELASQUEZ: Hi. My name is Gloria, G-L-O-R-I-A Porras, P-O-R-R-A-S hyphen Velasquez V-E-L-A-S-Q-U-E-Z. I'm not a resident but in support.

CHAIR NICOLE MURATI FERRER: Thank you.

ARTURO VELASQUEZ: My name is Arturo, A-R-T-U-R-O, Velasquez V-E-L-A-S-Q-U-E-Z. And I'm in support.

CHAIR NICOLE MURATI FERRER: Thank you.

Are you a resident, Mr Velasquez?

ARTURO VELASQUEZ: I'm not.

ELBA SANTIAGO: I am Elba Santiago.
Resident of Cambridge.

THE REPORTER: Elba, you have to spell --
spell your first name and last name.

ELBA SANTIAGO: Elba, E-L-B-A A --
S-A-N-T-I-A-G-O.

CHAIR NICOLE MURATI FERRER: Thank you.
You said you were a resident?

ELBA SANTIAGO: I'm from Cambridge and
I'm a resident for 50 years. I'm in support.

CHAIR NICOLE MURATI FERRER: Thank you.
You may all sit down.

Anyone else in support of this petition
aside from the chef who I saw raise her hand?

Anyone in opposition to this petition.

(No response.)

Thank you very much.

I would vote to grant this application.
I would hold the approval on the entertainment
until we actually have the application and the
floor plan, but I don't see an issue with it. I
just want to be able to have it physically with

me so that we can look at the floor plan but I don't see an issue granting that as well.

POLICE COMMISSIONER CHRISTOPHER BURKE: I agree.

CHAIR NICOLE MURATI FERRER: Granted.

ATTY WARREN TOLMAN: Thank you very much.

APPLICATION: Greensail

EXECUTIVE DIRECTOR ELIZABETH LINT:
Second call on Greensail.

PAULA TURNBULL: Paula Turnbull,
P-A-U-L-A T-U-R-N-B-U-L-L.

CHAIR NICOLE MURATI FERRER: Okay, so owner of Greensail NCP, basically, manager of the company?

PAULA TURNBULL: Yes.

CHAIR NICOLE MURATI FERRER: And so is the P.O. Box that you are giving me, is that

Greensail's address or NCP's address?

PAULA TURNBULL: It is both.

CHAIR NICOLE MURATI FERRER: So even though they are two different companies they are --

PAULA TURNBULL: They do the processing.

CHAIR NICOLE MURATI FERRER: That's fine. This is my issue, the license is going to Greensail, so literally, I understand that the management company is going to take care of everything but Greensail is the licensee and the person or the entity responsible for everything that happens there including renewals, so for example, if I have an issue and I send it to Greensail, and let's say that the NCP management goes out of business and that P.O. Box is gone, is it gone for Greensail and NCP or just NCP?

PAULA TURNBULL: It is just gone for NCP.

CHAIR NICOLE MURATI FERRER: So I need an address for Greensail is what I'm saying.

PAULA TURNBULL: I can give you another address.

CHAIR NICOLE MURATI FERRER: Again, I understand, we'll be sending it to NCP, but let me tell you that it has taken Ms. Lint over six months to get in touch with a lot of these companies, because that was how it was recorded with the management company rather than the owning entity and that's an issue.

PAULA TURNBULL: Okay.

CHAIR NICOLE MURATI FERRER: And so other than that, we are not -- you are not changing anything in terms of the amount of spaces or anything else, correct?

PAULA TURNBULL: That's correct.

CHAIR NICOLE MURATI FERRER: Okay.

Questions?

POLICE COMMISSIONER CHRISTOPHER BURKE:

None.

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

(No response.)

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

(No response.)

CHAIR NICOLE MURATI FERRER: I would vote to grant.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Agreed.

CHAIR NICOLE MURATI FERRER: I am just going to give this back to you so you can sign it right here so you can give us the address for Greensail.

PAULA TURNBULL: Thank you.

CHAIR NICOLE MURATI FERRER: We'll take a short break.

(Short recess taken)

CHAIR NICOLE MURATI FERRER: Back on.

ADMINISTRATIVE AGENDA

BOARD OF LICENSE COMMISSIONERS WILL DISCUSS REQUESTS BY CAMBRIDGE RESIDENTS FOR PERMISSION TO OPERATE LIVERY VEHICLES AT LOGAN AIRPORT

EXECUTIVE DIRECTOR ELIZABETH LINT: The Board of License Commissioners will discuss requests by Cambridge residents for permission to operate livery vehicles at Logan Airport as a matter of course.

CHAIR NICOLE MURATI FERRER: So these are the letters that we get that Massport won't give them a license until we clear them to get a license. So can we just do this as a matter of

course rather than putting it on the agenda?

POLICE COMMISSIONER CHRISTOPHER BURKE:

Agreed.

CHAIR NICOLE MURATI FERRER: That we just
send a letter.

POLICE COMMISSIONER CHRISTOPHER BURKE:

Yes.

CHAIR NICOLE MURATI FERRER: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: Thank
you. Makes my life much easier.

CHAIR NICOLE MURATI FERRER: It is also
good for them.

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 Kirsch Auditorium, 32
Vassar Street on November 4 from 3 p.m. to 9 p.m.
(sic) for a reception with 300 expected.

CHAIR NICOLE MURATI FERRER: Granted
except it is 6 p.m. not 9 p.m. It is right on
the agenda too.

EXECUTIVE DIRECTOR ELIZABETH LINT: The
next one is it -- did not apply. Tonya Smith is
off.

CHAIR NICOLE MURATI FERRER: She withdrew
it? Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.
She never put it in what I understand.

ENTERTAINMENT LICENSE ONLY

KENT HE

EXECUTIVE DIRECTOR ELIZABETH LINT: Kent
He on behalf of Hops n Scotch has applied for an

entertainment license for trivia at Hops n
Scotch, 1248 Cambridge Street on October 24,
October 31, November 7, November 14, from 6:50
p.m. until 9 p.m. with 40 people expected.

CHAIR NICOLE MURATI FERRER: Okay. He
also put here recorded music.

Granted.

CHUKWUNENYE ANAGBOGU

EXECUTIVE DIRECTOR ELIZABETH LINT:

Chukwuneny Anagbogu has applied for an
entertainment license for a party at MIT, 84
Mass. Ave on October 22, from 9 p.m. to 1 a.m.
with 500 expected.

CHAIR NICOLE MURATI FERRER: Granted.

MELISSA FEITAG

EXECUTIVE DIRECTOR ELIZABETH LINT:

Melissa Feitag has applied for an entertainment license for a social gathering at Commonwealth Cambridge, 11 Broad Canal Way from 4 p.m. to 10 p.m. with 75 expected.

CHAIR NICOLE MURATI FERRER: Granted.

ELIZABETH PARIZH

EXECUTIVE DIRECTOR ELIZABETH LINT: Elizabeth Parizh has applied for an entertainment license for a theatrical performance at MIT, Sala de Puerto Rico, 84 Mass. Ave on November 4, November 5, November 6, November 10, November 11 and November 12 from 8 p.m. to 11 p.m., except on the 6th, it will be 4 p.m. to 7 p.m. with 400 expected.

CHAIR NICOLE MURATI FERRER: Granted.

HOWARD GRANT

EXECUTIVE DIRECTOR ELIZABETH LINT:

Howard Grant has applied for an entertainment license for a concert at Longy School of Music, 27 Garden Street on October 24 from 6 p.m. to 10:30 p.m., 100 expected.

CHAIR NICOLE MURATI FERRER: Granted.

TERI TORCHIA

EXECUTIVE DIRECTOR ELIZABETH LINT:

Teri Torchia on behalf of Parents' Nursery School has applied for a vendor's permit to sell craft activities and pumpkins on October 22 from 10 a.m. to 1 p.m. That's part of the regatta.

CHAIR NICOLE MURATI FERRER: Granted.

KAYLA TIERNEY

EXECUTIVE DIRECTOR ELIZABETH LINT: Kayla Tierney, property manager, has applied for a change to an existing license/corporation, OAP10084 from Forest Street Associates, LP to 5527-16-19A Forest Street Cambridge, LLC. They gave us the necessary paperwork.

CHAIR NICOLE MURATI FERRER: Just for the record, OAP is an open air parking lot.

Granted.

ANH-PHI TRAN

EXECUTIVE DIRECTOR ELIZABETH LINT: Anh-Phi Tran on behalf of Zinnekan's has applied for an additional location to operate their food truck. They are requesting approval to vend on Saturday and Sunday from 3 p.m. to 9 p.m. at the Harvard Science Center Plaza. We have approval

from Harvard.

CHAIR NICOLE MURATI FERRER: Granted.

ROBERT MACLEAN

EXECUTIVE DIRECTOR ELIZABETH LINT:

Robert MacLean on behalf of Compliments Food has applied for an additional location to operate their truck. They are requesting approval to vend on Wednesday from 11 a.m. to 3 p.m. at the Harvard Science Center Plaza.

CHAIR NICOLE MURATI FERRER: Granted.

ANDREW WALLACE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Andrew Wallace on behalf of WorkBar has applied for a one-day wine and malt license to be exercised on October 24, 6:30 to 8:30 p.m. for a professional development event.

CHAIR NICOLE MURATI FERRER: Granted.

ANDREW WALLACE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Andrew Wallace on behalf of WorkBar has applied for a one-day wine and malt license to be exercised on October 26, from 7:30 to 9 p.m. for a play reading.

CHAIR NICOLE MURATI FERRER: Granted.

EDA ALGUR.

EXECUTIVE DIRECTOR ELIZABETH LINT: Eda

Algur on behalf of the Global Health Forum has applied for a one-day vendor's license to be exercised on October 22 from 3 to 7:30 p.m. for a fundraiser at Holden Chapel in Harvard Yard.

CHAIR NICOLE MURATI FERRER: Granted.

THOMAS LEE

EXECUTIVE DIRECTOR ELIZABETH LINT:

Thomas Lee on behalf of MIHNUET has applied for a one-day entertainment license for a concert to be exercised on October 22 from 7:30 to 9.

CHAIR NICOLE MURATI FERRER: Granted.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have two more. -- three. I'm sorry.

DAN MEYERS

EXECUTIVE DIRECTOR ELIZABETH LINT: Dan Meyers on behalf of Loyal Nine has advised the Commission they will be closed on the following days for private events. October 19, November 6 and December 16, 21 and 30.

CHAIR NICOLE MURATI FERRER: Board acknowledges.

MANOJKUMAR

EXECUTIVE DIRECTOR ELIZABETH LINT:

Manojkumar, Man Molehan (phonetic), on behalf of Indulge Indian Food Truck has requested permission to vend at 36 Cambridge Park Drive every Wednesday through the end of November from 11 a.m. to 2 p.m.

CHAIR NICOLE MURATI FERRER: Granted.

KEN ORINGER

EXECUTIVE DIRECTOR ELIZABETH LINT: And

Ken Oringer on behalf of MIT and Little Donkey has applied for a one day alcohol license on October 26, 2016 from 5 p.m. to 9 p.m. at 501-505 Mass. Ave for 100 to 150 people for senior-level MIT officers. It is not an extension of their premises. It is upstairs on licensed space.

CHAIR NICOLE MURATI FERRER: Granted.

Although I will say that I think if it is connected, like if it is the next floor up, it can be, but that's fine. Granted. I know that --

EXECUTIVE DIRECTOR ELIZABETH LINT: I went back and forth on that.

CHAIR NICOLE MURATI FERRER: Well, different boards view it in different ways. And I think -- that's fine. Granted.

One more thing.

Are we approving the minutes of October 5?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: Minutes of October 5 approved.

POLICE COMMISSIONER CHRISTOPHER BURKE:
Approved.

CHAIR NICOLE MURATI FERRER: Approved.

Thank you. Now we are done.

(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 24th day of October, 2016.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public

THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME IN ANY RESPECT UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER

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