

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

LICENSE COMMISSION BOARD MEMBERS:

Richard V. Scali, Chairman
Robert C. Haas, Police Commissioner
Daniel Turner, Deputy Chief

STAFF:

Elizabeth Y. Lint, Executive Officer

- held at -

Michael J. Lombardi Municipal Building
831 Massachusetts Avenue
Basement Conference Room
Cambridge, Massachusetts 02139
Tuesday, May 12, 2009
6:09 p.m.

REPORTERS, INC.
CAPTURING THE OFFICIAL RECORD
23 Merrymount Road, Quincy, MA 02169
617.786.7783/FACSIMILE 617.786.7723
reportersinc.com

INDEX OF AGENDA PROCEEDINGS

<u>Agenda Matters</u>	<u>Page</u>
Application - Intercontinental Management Corp.	4
Application - Gold Rush MA, LLC	14/74
Application - Bangkok Spice, Inc.	15
Application - Bertucci's Restaurant	26
Application - Museum of Science	33
Application - Snowy Joey Frosty Ice Cream	38
Application - Stellar Restaurant Group	45/75
Application - United Waste Management of New England	46
Application - Day & Knight Transportation, Inc.	52
Application - Alpha Tau Omega	76
Discussion of Issue Brought by Member of the Public	124

P R O C E E D I N G S

MS. LINT: License Commission General Hearing, Tuesday evening May 12, 2009. It's 6:10 p.m. and we're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room. Before you are the Commissioners: Chairman Richard Scali, Deputy Chief Dan Turner, and Commissioner Robert Haas.

MR. SCALI: Good evening everybody. Our fire exits are here to the right and to the back to my left. That back door stays open at all times for fire exiting purposes.

Before we begin, motion to accept the minutes from our last meeting of May 7. Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Aye.

MS. LINT: If anyone has a cell phone on, please turn it off.

MR. SCALI: Let's begin.

MS. LINT: Application:

Intercontinental Management Corp., Nicholas Haney, has applied for an open air lot license at 675 Massachusetts Avenue/8 Temple Street for 17 spaces.

MR. SCALI: Take them all together. It's all the same people; right?

MR. HANEY: Correct.

MR. SCALI: Just take them all together.

MS. LINT: Intercontinental is also applying for 14 Temple Street for 15 space and 150 gallons of gasoline in tanks of vehicles only. They're also applying for an open air lot license at 123 Bishop Allen Drive/17-19 Essex Street/54-60 Prospect Street for 85 spaces. And also, an open air lot license at 123 Bishop Allen Drive/65 Prospect Street for 169 spaces.

MR. SCALI: Just tell us who you are for the record, please.

MR. HANEY: My name is Nick Haney and I'm from Intercontinental Real Estate Corporation.

That's H-A-N-E-Y.

Thank you Mr. Chairman and members of the Board. I'm here before you today representing Intercontinental. We are the management company for the Central Plaza facility.

Approximately a year ago, US Reef Central Plaza Massachusetts LLC purchased the property, and --

MR. SCALI: Tell me who that was again? Who purchased it?

MR. HANEY: It's US Reef Central Plaza Massachusetts LLC. So that is technically the owner and we are the management company for the owner.

MR. SCALI: So are you a management company running the day-to-day operations every day and US Reef Central Plaza is not there on a regular basis?

MR. HANEY: Correct. We are the management on behalf of them. So if there is a problem or an issue, it's Intercontinental that is the person that is dealing with it.

MR. SCALI: Are they the owners of the land, or are they leasing?

MR. HANEY: They own the land as well as the building.

MR. SCALI: There is only one issue -- well, when we get to it -- the issue of the garage portion should be in the name of the owner of the land, and not in a management company's name, but we can talk about that I guess in terms of how that will be done.

Tell us first about the first application, which is the open air license.

MR. HANEY: If I could, I was going to give you kind of an overview of how I came before you, if that's appropriate.

MR. SCALI: Sure, thank you.

MR. HANEY: Approximately a year ago, we purchased the property, or the LLC purchased the property and it was attempting to renew the licenses that had historically been issued to the property because of the change of ownership.

During the renewal process and working

with Adam Shulman of the Parking and Transportation in the City of Cambridge, we found some inconsistencies in the historic licenses that had been issued for the property in terms of how the property actually functions and how the property is actually striped.

So what I'm applying for is basically to renew the existing and historic operations of the property. I'm not proposing to change anything about how it functions; however, there were some inconsistencies in the previous licenses that we're trying to clear up. I don't know if you have the part of the application that Adam Shulman wrote a letter from the City of Cambridge to try to outline some of the inconsistencies.

MR. SCALI: Let me just ask you a few questions first. When did US Reef purchase the property?

MR. HANEY: Approximately a year ago. I don't have the exact date in front of me.

MR. SCALI: We're they informed at that point that they needed to apply for licenses?

Did the previous owners or the previous manager come in; did they talk to them about that issue?

MR. HANEY: I'm unaware. Again, I was given the task of renewing the existing licenses because of the change of ownership. I thought they were accurate and through consultation with Adam I found out that some of the numbers were not accurate. And I can explain which ones we found to be inaccurate, if that helps.

MR. SCALI: Just a few other questions. The use of these lots, are these for residential purposes? Are they for commercial parking?

MR. HANEY: These are all tenants of 675 Massachusetts Avenue and the adjacent buildings there. So some of them pay rent, or some of them have a lease for parking, and others, through their lease for the actual office, the parking is included. I included with the application a list of all the tenants that are in the Central Plaza buildings.

MR. SCALI: So are some spaces

available for the public to park in that they would lease out separately?

MR. HANEY: To my knowledge, there's no leases for outside.

MR. SCALI: So it's all through the building. You have to be in the building in order to lease a space outside.

MR. HANEY: To my information that's right.

MR. SCALI: When you were talking about this with Traffic and Parking, you discovered that the number of the spaces were incorrect?

MR. HANEY: Yes. There's two inconsistencies that jumped out. One was on the parcel that is labeled 101-113 Bishop Allen Drive, and 17-19 Essex Street; that's one parcel. The previous permit was for 106 spaces when in reality it's about 85 spaces when you actually count striped spaces. Adam went back and kind of checked some of the historic times that I believe the Fire Department had gone out and walked the site to verify the number of spaces, and it had always been

in the number of 80. So how previously it was issued for 106 is beyond my knowledge.

We are proposing to change that to the 85 spaces, which we believe is what is currently there if you were to visit the site today.

MR. SCALI: Okay.

MR. HANEY: The second inconsistency deals with 14 Temple Street. That, we couldn't find any history of a license being issued for it, and that is what is considered the open air parking garage. It is beneath the building but it is actually ventilated. It's not closed. While we're losing -- we're going from 106 to 85 spaces on the Bishop Allen Drive parcel, we're kind of picking up 15 spaces underneath the building.

But again, these are spaces that to the best of my knowledge, it's historically how it's always operated. It's not like we're planning to re-stripe something or move something around to create these spaces.

MR. SCALI: These garage spaces are covered by the building but open on three sides?

MR. HANEY: Correct.

MR. SCALI: Anything else you want us to know?

MR. HANEY: At this time, that's it. I'm open to any questions you may have.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: Fire Department is okay with this?

MR. TURNER: Yes.

MR. SCALI: Anybody from the public want to be heard on this? No hands. Any questions, Mrs. Lint?

MS. LINT: No. I spoke to Adam and he actually went and walked the lot, so he counted the spaces.

MR. SCALI: Deputy Chief, do we want to correct the garage license then to reflect that it's in the name of the actual -- it should be in the name of the landowner under a garage license.

MR. TURNER: Correct.

MR. SCALI: We need to amend that through a reapplication. We have to re-advertise it and put that through under the US Reef name.

MR. HANEY: Does that mean I'll have a second hearing?

MR. SCALI: We can put it on the agenda; you don't have to reappear if you don't want to. Since there's no one here objecting, you should be okay, but we just have to re-advertise it in the correct fashion.

MR. HANEY: Should I just follow up with Elizabeth to do that? What is the best process?

MR. SCALI: Yes.

MS. LINT: Either me or Chris.

MR. HAAS: Which property is this, Mr. Chairman?

MR. SCALI: This is No. 2 on the agenda, the garage license at 675.

Pleasure of the Commissioners?

MR. TURNER: Motion to approve.

MR. SCALI: Motion to approve on one,

three, and four; correct?

MR. HAAS: Yes.

MR. SCALI: On one, three, and four, moved.

MR. HAAS: Moved.

MR. SCALI: Seconded.

MR. TURNER: Second.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: So on the first, the third, and the fourth one, you're approved. You need to follow up with our office upstairs and make sure you have the license, pay the fees, have all your sign offs, and then reapply on the garage license, and we'll re-advertise it for you. It will be heard in June sometime.

MS. LINT: I think it's the 23rd.

MR. SCALI: Thank you.

MR. HANEY: Thank you very much.

MS. LINT: Application: Gold Rush MA, LLC, Gala Tressler, Manager, has applied for a Second Hand Goods license at 100 Cambridgeside Place.

MR. SCALI: Gold Rush? Not here. Second call. All right, next.

MS. LINT: Application: Bangkok Spice, Inc. d/b/a Montien Thai Restaurant, Sasirat Wyckoff, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 1287 Cambridge Street has applied to transfer said license to Inman Exchange, Inc. d/b/a The Ginger Exchange, Christine Chan, proposed manager. Proposed operating hours are 11:30 a.m. to 1:00 a.m. Monday through Wednesday, 11:30 a.m. to 2:00 a.m. Thursday through Saturday, and 11:30 a.m. to 10:00 p.m. on Sundays. Inman Exchange, Inc. is also seeking an Entertainment license at this location to include an audio tape machine/CD which may play music below, at, or above conversation level and three TVs.

MR. SCALI: Good evening.

MS. CONNOLLY-CIRIELLO: Good evening, Mr. Chairman, members of the Commission. I'm Kate Connolly-Ciriello, C-I-R-I-E-L-L-O, the attorney with Martha Kalina, and with me is Christine Chan.

MR. SCALI: So this is one of our weird licenses I guess that was a new license

issued for free, which we allowed to be transferred but not for sale. So we'll talk about that a little bit later but I just wanted to make sure that we have that on the record.

Tell us what you want to do in this location; what kind of restaurant you have; and what your experience is?

MS. CONNOLLY-CIRIELLO: I'll summarize and then I'll let Christine explain her experience and background. Basically as stated we're seeking an Entertainment license, and as you correctly mentioned already the parties all do understand that the alcohol license is a capped license: no value, no transfer.

I spoke today with --

MR. SCALI: It is transferable but not salable.

MS. CONNOLLY-CIRIELLO: Not salable, no value. So correct, no transfer for sale.

I did speak today with Bill Gosz who wasn't able to be here this evening, but just to confirm, he basically stated -- and said that I

could state for the record -- that there was an error on his part in circulating the wrong information, on the wrong page, and that page had been replaced. So we are currently negotiating and about to sign the purchase and sale agreement for the use of the property for this restaurant.

Construction is expected to be completed probably the end of July depending on the approvals that are received, obviously. It's anticipated -- the description that's already been given is accurate, but I'll let Christine add anything that might need to be added in terms of the menu and plans for the restaurant. It's proposed to have 80 seats, capacity 80, and there's parking. The purchase and sale is going to be commercial lease of the equipment and all the machinery and so forth within the building.

She has held a liquor license in the past. She has experience with restaurants, and I'm going to turn it to her to explain her personal experience.

MS. CHAN: I grew up in the restaurant

business all my life. Pretty much I was trained at Appleby's, TGI Friday's, working for those chains that have the restaurant and bar. Other experience includes working for Dunkin' Brands, the corporate office of Dunkin' Donuts, and owning my own restaurant in Burlington currently, going on almost three years.

MR. SCALI: What is the name of that restaurant?

MS. CHAN: The Ginger Pad in Wayside Commons.

MR. HAAS: That restaurant is currently open?

MS. CHAN: Yes.

MR. SCALI: You have a liquor license there.

MS. CHAN: Yes.

MR. SCALI: Beer and wine or full alcohol?

MS. CHAN: Full alcohol. And Asian food, and this location will also serve Asian food, sushi bar.

MR. SCALI: You're having a bar?

MS. CHAN: Yes.

MR. SCALI: How many seats at the bar?

MS. CHAN: We have 12 seats.

MR. TURNER: Mr. Chair, just to clarify, she said sushi bar, not --

MS. LINT: There's a bar as well.

MS. CHAN: There is a sushi bar and then there's --

MS. LINT: There's a 12-seat bar.

MR. SCALI: Sushi bar and separate bar.

MS. CHAN: Right.

MR. SCALI: One a.m. Monday through Wednesday, 2:00 a.m. Thursday through Saturday, and then 10:00 p.m. on Sundays. Is it currently a 2:00 a.m. license?

MS. CHAN: No, it's not.

MR. SCALI: So you're applying to extend the hours on that?

MS. CHAN: Yes, to match the restaurant next door. Just because we're a new

concept, we wanted to feel out what the business is like.

MR. SCALI: The only thing about that is that when you're changing the hours of a restaurant like this in a cap zone, you have to prove overwhelming neighborhood support, proof of need, and lack of harm. So you would need to submit that there's a need for that in this particular area, and that people want you to be open until 2:00 a.m. So I'm not sure you're prepared to do that tonight. If you didn't know those criteria before you may not have the documents you need.

Usually people bring in petitions or letters, or people to testify from the neighborhood that there's an overwhelming desire for this to be changed to 2:00 a.m. That means kind of canvassing the neighborhood, going to the neighborhood organization and presenting that. You may need more time to do that.

MS. CONNOLLY-CIRIELLO: We have not brought a petition of any sort.

One additional thing though, when you mentioned neighborhood I did want to mention that she is going to look into CLAB in terms of becoming a member of that association.

MR. SCALI: And the menu is a typical Asian menu?

MS. CHAN: Asian menu. We will have teriyaki items, some Asian stir-fries, noodle bowls, teriyaki bowls.

MS. CONNOLLY-CIRIELLO: If anyone wants to see the menu, we do have one as part of the application.

MR. SCALI: We need the abutter notifications.

MS. CONNOLLY-CIRIELLO: I have those right here. If you have the package, it's Item 14.

MS. LINT: I have it.

MR. SCALI: Tell me how you're financing this.

MS. CHAN: A gift from my father and personal savings.

MR. SCALI: So it's all cash

financing. You're not pledging the license or anything like that?

MS. CONNOLLY-CIRIELLO: Right.

MR. SCALI: It's not a pledgable license. You're not able to use it as collateral; there is no value to it. The purchase price that you have on there, you understand that that purchase price does not include the license.

MS. CHAN: Yes, sir.

MR. SCALI: You are paying that big amount without any ability to sell that license.

MS. CHAN: Correct.

MR. SCALI: Questions?

MR. TURNER: No questions.

MR. HAAS: What's the time on the current license?

MS. LINT: One.

MR. HAAS: Why do you want to play music above conversation level?

MS. CHAN: Just background music. That was the only category I could check. It was either "below, at" --

MR. HAAS: Your intention is not to play it louder than --

MS. CHAN: Right, it's just for atmosphere in the background.

MR. HAAS: What's at 1287 Cambridge, now?

MS. CHAN: They're doing the same thing.

MR. HAAS: Okay.

MR. SCALI: Montien is there now; right?

MS. CHAN: Yes.

MR. HAAS: What are their hours of operation?

MS. CHAN: Until 1:00.

MR. SCALI: Does anybody from the public want to be heard on this? No hands.

The 2:00 a.m. portion, is that very important to you right now?

MS. CHAN: No.

MR. SCALI: If you don't have your overwhelming neighborhood support, you are not

likely to get an extension like that. Although we would allow you to come back if you wish to maybe come back in six months or something and see how that would work. Is that acceptable?

MS. CHAN: Yes.

MR. SCALI: Pleasure of the Commissioners?

MR. HAAS: Approval.

MR. SCALI: Motion to approve.

MR. TURNER: Seconded.

MR. SCALI: And that's with the 1:00 a.m. license.

MR. HAAS: Yes.

MR. SCALI: With the ability to come back in the future for a 2:00 a.m. Moved, seconded. All in favor.

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye.

MS. LINT: Mr. Chair, 21-Proof training?

MR. SCALI: Yes. We also require any

new owners and managers, servers to go through our 21-Proof training, which is through the CLAB organization. You can contact Frank Connolly who will come out to your restaurant and do the training there for you, or you can go to him and do the training where he is. He'll make this as convenient as possible for you. If you are a member of CLAB, I think there's some kind of a discount as well for you to be able have money off on that training. But that's required before you open up, to have your staff go through that training.

MS. CHAN: All right.

MR. SCALI: Thank you very much.

MS. CONNOLLY-CIRIELLO: Thank you very much.

MS. LINT: Application: Bertucci's Restaurant Corporation, Eric Delorenzo, Manager, holder of a Wine and Malt Beverages as a Restaurant license and Entertainment license at 21 Brattle Street has applied to amend their Common Victualer license to include 12 non-alcoholic outdoor seasonal patio seats on the public sidewalk.

MR. SCALI: Before I forget, Mrs. Lint, on that previous application, just make sure you put in there, "Non-salable license" as well.

Good evening. Tells us who you are.

MR. DELORENZO: Eric Delorenzo, the Manager of Bertucci's at 21 Brattle.

MR. SCHWANKE: Brian Schwanke, Vice President with Bertucci's Corporation, office in Northborough.

MR. SCALI: This is to add on a patio, non-alcoholic, just food.

MR. SCHWANKE: Just food only.

MR. SCALI: On public property?

MR. DELORENZO: Yes.

MR. SCALI: Do you have your Public

Works Permission yet?

MR. SCHWANKE: We do.

MS. LINT: I don't have it, and I don't have abutter notifications.

MR. SCHWANKE: I apologize. I was supposed to bring those and I was in a hurry to get out of the office so I left them. I can get them to you tomorrow. Is that okay?

MS. LINT: Pleasure of the Commissioners.

MR. SCALI: Did you actually notify the abutters?

MR. SCHWANKE: Yes, we did. I have the green receipts; I just left them in my office.

MR. SCALI: Do you have any proof that you sent the abutter notifications at all, with you, the white slips or anything like that?

MR. SCHWANKE: No.

MR. SCALI: It's just that before we approve we have to make sure you've done that, that's all. So it's okay.

You did have your Public Works

permission?

MR. DELORENZO: We do have that, yes.

MR. SCALI: You don't have that with you?

MR. DELORENZO: It's posted in the restaurant.

MR. SCALI: We need a copy of that. Any reason why you chose not to do the alcohol?

MR. DELORENZO: I think mostly it's a matter of the process and the time. We're anxious to get the patio re-opened.

MR. SCALI: You could have done the alcohol and then opened with just the food alone until the alcohol came through. Not that we're pressuring one way or the other.

MR. DELORENZO: Those decisions are made above my pay grade I guess.

MR. SCALI: Tables and chairs that you're having out there; style and design as required by our policy?

MR. DELORENZO: Yes, and they're high-

quality and black wrought-iron.

MR. SCALI: You have to stay within the footprint of what is allowed by the Public Works Department.

MR. DELORENZO: Yes. It's five feet from the obstructions.

MR. SCALI: Umbrellas.

MR. DELORENZO: We have an awning, a retractable awning.

MR. SCALI: It just so happens there was a meeting today at the City Manager's office telling us to remind all of you who do have patios that you are responsible for the cleanup of that area, meaning cigarette butts. First of all, there's no smoking on the patios, just to make that clear, but if there's any trash or debris around your patio, you're responsible for the cleanup of that.

MR. DELORENZO: We think of it as part of the dining room.

MR. TURNER: Mr. Chair, have you seen the plot plan on this? Do you have a plot plan or

a diagram to submit?

MS. LINT: Of course. That I have.

MR. SCALI: Did Public Works actually come out and measure for you?

MR. DELORENZO: Mr. Best is around quite often. I mean the closest obstruction is a trash barrel so we stay within five feet of that.

MS. LINT: They do have it.

MR. SCALI: Anybody want to be heard on this matter? Ms. Jillson, please come forward.

MS. JILLSON: Good evening.

MR. SCALI: Good evening, how are you?

MS. JILLSON: Great. Denise Jillson, Executive Director of the Harvard Square Business Association, and we are of course in favor of this application. Bertucci's is a long-standing member of the Association and participates in all of our events, and is a very good community partner.

We actually encourage all of those businesses along Brattle Plaza, to the extent that they can, to have patios like Crimen Cafe and even out in front of Hidden Sweets, because it really

helps with the street performers. It has eliminated a lot of anxiety because it forces the street performers away from businesses and in front of the storefronts. So it's really been a wonderful -- we like to think of it as a natural barrier.

MR. HAAS: A buffer.

MS. JILLSON: It has eliminated untold anxiety. So it's really a very good thing and we encourage it, and we're delighted that they're petitioning tonight. Thank you.

MR. SCALI: Thank you very Ms. Jillson.

Anyone else want to be heard on this matter? No hands. Pleasure of the Commissioners?

MR. HAAS: Conditional approval.

MR. SCALI: Motion for conditional approval pending abutter notifications being presented. No smoking, stay within the footprint, responsible for cleanup. And that's 12 non-alcoholic seats. That's moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. DELORENZO: Once we submit the green cards, are we able to put the patio out immediately.

MR. SCALI: As soon as you produce your abutter notification to Mrs. Lint, and she has your sign offs, and we give you a new Common Victualer on there, then you can do it.

MR. DELORENZO: We would be able to get the new Common Victualer that day?

MR. SCALI: As soon as Mrs. Lint is able to do it for you. Maybe not immediately but within a day or so I'm sure.

MS. LINT: I don't actually do those.

MR. SCALI: Her staff will help you.

MR. SCHWANKE: I'll drop them off.

MR. SCALI: Thank you very much.

MS. LINT: Application: Museum of Science, William Ledbetter, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 2-14 Monsignor O'Brien Highway has applied for a change of manager from William Ledbetter to Peter Major.

MR. SCALI: Good evening. Just tell us your name.

MR. MAJOR: My name is Peter Major.

MR. SCALI: New manager?

MR. MAJOR: Wolfgang Puck Catering at the Museum of Science.

MR. SCALI: This is for not the whole museum itself, it's just for the restaurant portion.

MR. MAJOR: It's for the museum. They're transferring the license from William Ledbetter who was also the general manager of Wolfgang Puck Catering at the Museum of Science to myself. I took over for him.

MR. SCALI: The food service is throughout when you have the event, throughout the

building.

MR. MAJOR: Throughout the building, yes.

MR. SCALI: Because half of it is in Cambridge and half is in Boston. So you have a Boston hearing as well?

MR. MAJOR: I already had it.

MR. HAAS: Did they approve?

MR. HAAS: I'm still waiting.

MR. SCALI: Boston is slower than us. Tell us your experience in the catering/restaurant business.

MR. MAJOR: I've been in the business for 35 years, 38 years, give or take. In the last 11 years, I've been at the Museum of Fine Arts with Restaurant Associates as the director of catering and the regional director of catering. Prior to that I was at the Four Seasons Hotels for 13 years. My last position there was a banquet manager. Prior to that I worked in Harvard Square for a number of years at Pizzeria Uno, and -- I can't remember the other place.

MR. SCALI: You have quite a long history already.

MR. MAJOR: The Oxford Ale House.

MR. SCALI: That's going back a long way.

MR. MAJOR: That's going back a ways, yes.

MR. SCALI: Have you taken our 21-Proof training at all?

MR. MAJOR: I'm a TIPS certified trainer.

MR. SCALI: We require all of our new managers and we encourage the staff as well to go through our Cambridge-based training, which is 21-Proof. So Mr. Connolly will come out to you and train you on site, and your staff on site. If you're a member of our CLAB organization then you get a discount on that. I would encourage you to take advantage of that if you could.

MR. MAJOR: Sure. Is that something that I could become a certified trainer to do?

MR. SCALI: He can work with you on

that, yes. He certainly can train you or some of the staff to train your staff.

While I have you here, there was a question about the Museum of Science cab stands there on the property. I'm just wondering whether your cab stand, if you know, is in the Boston portion or the Cambridge portion?

MR. MAJOR: I'm sorry, I don't know.

MR. SCALI: Could you find out, because there are some cabbies in the City who were complaining that I think only Boston cabs get to frequent the museum, and of course, it is partially in Cambridge. So I'm hoping that there's a way to put some Cambridge cabs on the property.

Questions?

MR. HAAS: No question.

MR. TURNER: No questions.

MR. SCALI: Anyone from the public want to heard on this matter? Motion to approve.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye. Thank you very much.

MS. LINT: Application: Snowy Joey Frosty Ice Cream, Frank Saccetti, Manager, has applied for a mobile vendor's license to operate an ice cream truck from 11:30 a.m. to 8:30 p.m. from April 1, 2009 until November 1, 2009, seven days a week. Route is available for review in the License Commission.

MR. SCALI: Tell us your name please.

MR. SACCETTI: Frank Saccetti.

MR. SCALI: Since you already know we have a moratorium on peddler's licenses in the City, we do hear applications and sometimes someone is different, and new and exciting, and there's something we don't have in the City, so tell us what you want to do and then we'll go from there.

MR. SACCETTI: Basically sell soft serve ice cream, and sundaes, and milk shakes, and that type of thing, novelties in the Fresh Pond area of Cambridge. It seems to be pretty a good-sized neighborhood over there. I literally drove some of the streets myself and made out that route, which I took into consideration people's homes, and

streets, and parking issues, and things like that. It looked like a pretty good route as far as the number of people around and servicing that area with ice cream.

MR. SCALI: You're not going to stop at any one particular spot?

MR. SACCETTI: Drive down the street and see an open spot and pull over for a few minutes.

MR. SCALI: How are you different than our other ice cream trucks?

MR. SACCETTI: I would say some of the trucks in Cambridge are novelty trucks which just sell the bars. We have soft serve ice cream, so we do the vanilla, chocolate, mixed cones, and milk shakes, sundaes, banana boats, and that types of thing. It seems to be an adult and child type of thing that everybody loves.

MR. SCALI: It's 2:30 p.m. to 8:30 p.m. You're going to be going to Danehy Park too?

MR. SACCETTI: Only if it's accessible. The Parks Department, I'm going to

speaking to them about it and make sure there's availability. If there's no parking, I would imagine I would not stop in the parking lot, you know, safety. We won't stop in the street with any danger to anyone in the area, and stuff like that.

MR. SCALI: It might be a little competitive. We already have a couple that stop there already. That's my only worry really is there's so many -- the business is kind of split up and you may not get what you think you're going to get for revenue.

How long have you been in the business?

MR. SACCETTI: About 30, about 30 years. My family in the late '50s had bought six soft serve trucks. I think they were the first in the area to have soft serve trucks in the area. As a kid, you know, eight, ten years old I was working with them, and I've been pretty much in the food business all my life.

MR. SCALI: Are you from Cambridge?

MR. SACCETTI: Brighton.

MR. SCALI: Questions?

MR. TURNER: The only question I have of the applicant is, is the truck self-contained? In other words, do you have generators or any external --

MR. SACCETTI: There is a diesel generator that supplies the 220 power, and then it's all self-contained with the water for hand washing, refrigeration, freezers.

MR. TURNER: Do you know the size of the tank for the diesel generator, the fuel tank? I assume the vehicle itself is gas powered?

MR. SACCETTI: Correct, and the diesel tank is 25 gallons.

MR. SCALI: Anything else?

MR. TURNER: No further questions.

MR. HAAS: Where else are you operating now?

MR. SACCETTI: In Watertown and Belmont, so it's kind of a convenient type area.

MR. SCALI: A loop.

MR. SACCETTI: Exactly.

MR. TURNER: Mr. Chair, you said there is a moratorium for the peddlers. Is that all peddlers across-the-board, or just the food?

MR. SCALI: Any mobile trucks. I think there might be 30 of them in the City already. I mean over different periods of time and different spots. Some of them are stationery on private property, some of them have spots on the street that the City has given them, which we don't do anymore. That's being phased out, but there are some that still have those spaces. Others are like yourself and just kind of travel around from construction sites to playgrounds. There's quite a few already.

MR. SACCHETTI: I have a great track record. My first concern is public safety, and having a good repeat business, and that type of thing. That's really what comes first and then everything else seems to fall into place. I've had no other issues in Belmont or Watertown over the years.

MR. SCALI: No one is complaining

about you in Belmont?

MR. SACCETTI: No. I try to follow the rules. The music we keep to a minimum. You know, we'll come in one time and then shut it down.

MR. SCALI: You have that music going on outside that the kids hear and come running out.

MR. SACCETTI: Not the annoying one. These are tunes from the '30s. I think Strawberry Blond is the name of the music.

MR. SCALI: Back when I was a kid you could bring a dime out and get an ice cream. Can't do that anymore.

MR. SACCETTI: I remember those days too.

MR. SCALI: Anybody from the public want to be heard on this matter? No hands.

Pleasure of the Commissioners? Take the matter under advisement?

MR. HAAS: Yes.

MR. SCALI: I guess it's just a matter of whether we decide we're going to break the moratorium on this matter. Motion to take the

matter under advisement.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: We vote June 4 at 10:00 a.m. right here in this room. If you wish to be present, you may. If you don't want to be, it's okay too. Thank you very much.

MR. SACCHETTI: Thank you very much.

MS. LINT: Application: Stellar Restaurant Group, Inc. d/b/a Boloco, Israel Martinez, Manager, holder of a Common Victualer license at 71 Mount Auburn Street has applied for an increase of operating hours from 11:00 a.m. until 10:00 p.m. seven days per week to 7:00 a.m. until 2:00 a.m. seven days per week.

MR. SCALI: Boloco? No Boloc. Did they get notification?

MS. LINT: It went out April 24. It didn't come back.

MR. SCALI: Have you heard from them at all, Ms. Jillson?

MS. JILLSON: That's why I waited, because I thought they were coming.

MR. SCALI: We can do second call. Give them a few more minutes.

MS. LINT: Application: United Waste Management of New England, LLC, located at 155 Bodwell Street, Avon, Massachusetts, Joseph Balducci, applicant, has applied for a Disposal Company license in the City of Cambridge.

MR. PALO: Good afternoon, my name is Peter Palo, P-A-L-O, with United Waste. We bought Yes, LLC and Jetaway, the assets of Jetaway. Both previously had permits with the City of Cambridge.

MR. SCALI: Jetaway, and what was the other one?

MR. PALO: Yes, Y-E-S, LLC.

MR. SCALI: Does that ring a bell with you, those two?

MS. LINT: I have Yes. I don't have the other one.

MR. SCALI: I don't remember Jetaway, so I'm just wondering. Were they in Cambridge?

MR. PALO: I was told yes. It might have been -- we didn't buy the packer division. They might have had a MSW permit.

MR. SCALI: Where are you located?

MR. PALO: We're located in Avon, Massachusetts.

MR. SCALI: Do you have a regular route that you have through Cambridge that you bought?

MR. PALO: No. It's all temporary roll-off dumpsters, construction and demo.

MR. SCALI: All construction?

MR. PALO: All construction/demo, no trash.

MR. SCALI: Are you familiar with our noise ordinance in the City?

MR. PALO: No.

MR. SCALI: No loading/unloading before 7:00 a.m. or after 6:00 p.m. during the week. And on weekends, it's 9:00 a.m. to 6:00 p.m. Unless you're in a very business commercial oriented area where there is no designation in terms of it being under the noise ordinance, those are primarily the times when you can pick up and drop off, load and unload during the week days. Nothing before 7:00 a.m. and after 6:00 p.m.; not

before 9:00 a.m. on the weekends, or after 6:00 p.m. on the weekends.

MR. TURNER: And I assure you should this get approved that we do take it very seriously. We have had drivers arrested from resident's complaints.

MR. PALO: Our Operations Department abides by all the laws. They actually come from the Yes, LLC, which previously had a permit with the City. We actually did renew the permit but we don't know because we switched the name of the company that we had to go through this procedure in order to address that we are a new company and this is how we have to get a permit.

MR. SCALI: If you would inform your drivers too. Sometimes they think we fine you, your company. We also go after the drivers as well, and ticket them and it goes on their driving record. So if you could tell them that, they will realize that it will hurt them personally and not just you.

MR. TURNER: Mr. Chair.

MR. SCALI: Deputy Chief.

MR. TURNER: Is United affiliated with Waste Management at all, or is that a separate entity altogether?

MS. LINT: No. It's separate.

MR. TURNER: On all of your containers, do you have your company logo and contact phone number on the container?

MR. PALO: Yes.

MR. TURNER: Is that a 24-hour phone number?

MR. PALO: It is. We still do business under Yes, LLC and Jetaway, which they still have the markings on. We're in the process of painting them and putting the United Waste logo on it, and the telephone number.

MR. TURNER: So if I have a problem say at 3:00 in the morning, and we have a dumpster fire, or a complaint of a dumpster issue, and we need to call somebody to have it removed --

MR. PALO: It will be removed within an hour.

MR. TURNER: That number will work?

MR. PALO: Absolutely.

MR. SCALI: Concerns?

MR. HAAS: Any prior complaints with
Yes?

MS. LINT: I don't have any.

MR. SCALI: They're not familiar to us
at all, which means that they haven't been here
before with disciplinary matters, which is a good
thing.

Anybody want to be heard from the
public on this?

Pleasure of the Commissioners?

Motion.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: You'll get a letter in the
mail giving you all the instructions as to what to

do. Make sure you follow them. Come into our office and get your license.

MR. PALO: Thank you.

MS. LINT: Application: Day and Knight Transportation, Inc., Ahmed Gouda, Manager, has applied for a Jitney license to operate three 12-passenger vans on two routes from Logan Airport to hotels in Cambridge.

Before we get started Mr. Chair, Mr. Lee stated to me when he came in that he did not receive any notice about the hearing from our office, and that's because it was returned to us as "Undeliverable, with no forwarding address."

MR. LEE: What was the address you had on it?

MS. LINT: 315 Sargent Street.

MR. GOUDA: I'm still there.

MR. SCALI: Can I see it?

MR. LEE: We just got a phone call yesterday telling us, so we didn't know anything. But that is the address.

MR. SCALI: So 315 Sargent Street, Suite 49, Revere, 02151.

MR. LEE: You got it.

MR. SCALI: It says, "Return to

Sender. No such street." S-A-R-G-E-N-T?

MR. LEE: S-A-R-G-E-N-T.

MR. SCALI: I'll show it to you if you don't believe us.

MR. GOUDA: I can also show you some letters that arrived.

MR. TURNER: "No such street," there's a big sign coming off Route 1, "Sargent Street Exit."

MR. LEE: Yeah, I know.

MR. GOUDA: It's just confusing in the complex.

MR. LEE: It is a big apartment complex there. So maybe that's why.

MR. SCALI: Did you have the names, Madame Stenographer?

MS. OUELLETTE: Could they say them, please?

MR. SCALI: Tell us your name for the record.

MR. LEE: My name is Paul Lee, Manager of Day and Knight Transportation.

MR. GOUDA: My name is Ahmed Gouda, the owner of Day and Knight Transportation.

MR. SCALI: We have a very long history here, I know. I know you've been around the mulberry bush already with this, but tell us what happened.

MR. LEE: Basically we just had to bring in the letters with permission from the hotels that we want to do business with. We are still in the process of getting some of them. Some of them are on their way. Some of the ones are corporate owned and it can't be done because of the corporation.

And some of them just laughed at us saying, "You just drop people off at a hotel. What do you need our permission for?" So I had to explain about the Traffic Commission and the reasons why, and all that. Some of them are on their way, but we have got some. Mr. Carbone has offered for both of his hotels, and the Marlow Hotel.

MR. SCALI: You want to be at all the

hotels?

MR. LEE: Basically that's what we're trying to do, yeah.

MR. SCALI: I think maybe some of the Commissioners don't know what happened because you go back a long way. You applied to us a couple of years ago.

MR. GOUDA: Just last year, and I think it was July or August.

MR. SCALI: Of last year?

MR. GOUDA: Yes.

MR. SCALI: We had a hearing here and it was recommended to the City Council that you not be approved; am I right?

MR. LEE: That's correct.

MR. SCALI: And the City Council upheld that, and then you appealed to the DPU, and they approved it.

MR. LEE: They overruled it as a public convenience and necessity.

MR. SCALI: And you have been operating that route since --

MR. GOUDA: Since last August.

MR. SCALI: Where in Cambridge have you been operating?

MR. LEE: MIT, Le Meridien, and the Marriott Hotel.

MR. SCALI: Then you applied to the DPU again thinking you only had to go there; right?

MR. LEE: Well, we kind of got it screwed up a little bit. Alan Shuman had given approval of the routes. Thinking that we already had our Jitney, not knowing that it was a public convenience and necessity that the DPU gave us, we went to the DPU saying we got approved for the routes, so therefore, you know --

MR. SCALI: You went there first?

MR. LEE: Yeah, before we came to see you, which was the wrong way.

MR. SCALI: And the DPU sent you back to us?

MR. LEE: Correct. So now we have to go through the due process of everything over again.

MR. GOUDA: We don't ask for the Jitney, we ask them for just extend the route.

MR. SCALI: I asked Mrs. Lint about that. The issue really is that we don't recognize you as a Jitney because we didn't license you as a Jitney. You have to start from scratch again, unfortunately. You've already been operating under the DPU permission and you want to add on the other hotel.

MR. LEE: That's correct.

MR. SCALI: So we have the route, Mrs. Lint.

MR. LEE: There's two different routes.

MR. SCALI: Basically you want to go from Monsignor O'Brien Highway to the Hampton, the Holiday Inn, The Marlow, The Sonesta, and then to the Residence Inn, then to the Marriott, and down Broadway, Columbia and Massachusetts Avenue to Le Meridien, down Amesbury to the Hyatt, Memorial Drive to Land Boulevard and then crossing the O'Brien Highway and leaving Cambridge. That's

Route No. 1?

MR. LEE: That's Route No. 1.

MR. SCALI: Route No. 2 is -- this is a different design?

MR. LEE: Yes.

MR. SCALI: Starting at Cambridge via Massachusetts Ave. Bridge, Amesbury Street to the Hyatt, then to the Marriott, then Memorial Drive to JFK to Mount Auburn to the Inn at Harvard. These are different hotels, okay.

MR. LEE: The Hyatt might double. I think I doubled that.

MR. SCALI: To the Inn at Harvard, to the Irving House, to the Commander to the Charles, to the Harvard Square Hotel. How often are you going to run these?

MR. LEE: We go around Logan every half-hour on our present time slot at Logan Airport.

MR. SCALI: So every half-hour?

MR. LEE: Every half-hour from -- what are we doing, 10:00 now?

MR. GOUDA: It's 11:15 to -- but actually we don't do all those hotels in one time. Sometimes we have just two hotels, sometime we have three hotels. It depends on how many customers.

MR. SCALI: You don't stop every time?

MR. GOUDA: No.

MR. SCALI: You stop when they call you?

MR. GOUDA: No. If I have you for a hotel and I have someone for Hyatt Hotel, then I'm going to stop only two. I don't have to go to the other ones because I don't pick up from the other hotel, I just drop off. If I have five hotel drop-offs, I'll do the five hotels and that's it, and head back.

MR. SCALI: You're picking up at the airport; right?

MR. GOUDA: Yes.

MR. SCALI: And you're dropping off at the hotels. You're not picking up at the hotels?

MR. GOUDA: No.

MR. LEE: We don't want to take away

from the taxicabs or limo companies, but we just want to pick up at Logan Airport and provide a cheap, inexpensive, comfortable ride to all the hotels in Cambridge. We'll only pick up if the people that we dropped off request us to pick them up, which would come under our charter license.

MR. GOUDA: And that is once in a blue moon I get somebody calling me to come and pick them up in Cambridge.

MR. SCALI: And that's how it is now with the current route you have?

MR. LEE: That's correct, yes. Unless you refer us to keep by the route, which doesn't make sense in our eyes if that's what you would like. The City of Boston says, "If you're going to put a route down, then you do the route."

MR. SCALI: Well, that's the definition of a jitney is to follow a route.

MR. LEE: That's correct, right.

MR. GOUDA: That's true.

MR. LEE: I know it's a thin line, but whatever you would prefer, that's the way we would

work, of course.

You're not related to the Mr. Haas that was the Mayor of Revere for a while.

MR. HAAS: No.

MR. TURNER: Mr. Chair.

MR. SCALI: Deputy Chief.

MR. SCALI: Just out of curiosity, why we denied them the last time. I just don't recall. I recall the gentlemen; I don't recall the reason we recommended not approving.

MR. SCALI: I think it was because they didn't have permission from some of the hotels; right?

MR. GOUDA: No. I can tell you why we denied. We denied -- you was afraid that we taking the business from the taxi.

MR. LEE: And that's what we're trying to instill, not only at the hotels but in your minds, that is not our intent.

MR. HAAS: We had a whole host of applications at one time.

MR. GOUDA: Because of the taxis.

MR. TURNER: All the taxicab drivers were here objecting.

MR. HAAS: There were like three of four applications all at the same time.

MR. LEE: I don't remember anybody objecting, but I do remember at that period of time, you had a lot of jitney applications in here, and you couldn't just say yes to everybody. And I understand that. I hope that's different this time.

MR. SCALI: The reality is, and you should probably know, the DPU whenever someone appeals, normally grants these applications.

MR. LEE: We'd love to have the jitney. We don't want to have to go to the DPU. But that it -- it's like, you know --

MR. GOUDA: We don't picking anybody in City of Cambridge, we're dropping off. And City of Cambridge taxi, they can't go to the Logan Airport and pick up anybody.

MR. LEE: They can't go there, and we don't want to go here. It all works.

MR. GOUDA: The reason we don't pick up from Cambridge is because Cambridge, they don't have enough business to pick up from there.

MR. SCALI: I don't know about that. I'm sure there is plenty of business.

MR. GOUDA: They don't have enough business to take from them. Especially now, according what is the economy now, you can't take from them.

MR. SCALI: What do you charge?

MR. GOUDA: \$16.50.

MR. LEE: \$16.50 to East Cambridge. The center of Cambridge say is like the Radisson -- it's not the Radisson anymore, it's the Marriott Courtyard. That would be like \$18 for one person, and it's always like -- what did we figure out, \$7.00 for the second person? Yeah, the second person is always \$7.00 even in East Cambridge or central Cambridge, and Harvard Square is \$22 for one and \$7.00 for each additional.

MR. GOUDA: For the economy now, we do Hyatt for \$10.00. I do Hyatt for \$10.00, and MIT

\$8.00. I did for the student \$8.00.

MR. SCALI: That's why the cabs don't like you, you know that.

MR. GOUDA: I'm doing according how much you can afford.

MR. SCALI: Right. I realize you're being sensitive to the economy.

MR. LEE: The universities and such, it's only on our charter service, and that would be larger groups, not just one person, to pick up at the universities. But going to the universities, the same price I'm telling, so MIT is \$16.50 for a student. If it's Harvard University, it's \$22 for a student.

MR. TURNER: Mr. Chair, I like this concept of drop-off only. How does this work? If I get off say at American Airlines, I just come in from a flight, walk out the door with my bags, how do I know --

MR. GOUDA: We're standing in front of the door with a yellow sheet and you will see "Cambridge Hotel."

MR. TURNER: So if I get in your van with 12 other passengers, it's strictly Cambridge? You're not going to Boston; right?

MR. LEE: Strictly Cambridge. We don't even have a license in Boston.

MR. SCALI: You don't operate in Boston?

MR. LEE: No.

MR. GOUDA: But if you're going to Hyatt Hotel, and somebody want to go to Royal Sonesta, I have to drop the Royal Sonesta first.

MR. HAAS: Because of the route.

MR. LEE: Right. We would stick to the route according to all that, but if we have nobody going to the Marriott Courtyard, we're going to drive right past that street. Why should we pull in?

MR. GOUDA: If I don't have anybody, we don't stop. I just go straight and drop you at the Hyatt Hotel.

MR. TURNER: The route thing seems ridiculous considering the gas issues we're having

these days. If you told me if I was going to the last hotel on their route, I'd have to visit every hotel even though they're not going to stop --

MR. LEE: That would not be a convenience.

MR. SCALI: That's technically how they operate.

Any questions?

MR. HAAS: No questions.

MR. SCALI: Anybody from the public want to be heard?

What date did they apply, Mrs. Lint, because we have a timetable?

MR. LEE: DPU time.

MR. SCALI: We're required to hear it within 45 days and decide it within 60 days, meaning the City Council is required within 60 days. It should be on the front cover.

MS. LINT: It's not time stamped.

MR. SCALI: Is it dated?

MS. LINT: No, and his application has no date on it.

MR. LEE: What was the time or the date that you gave her the check?

MR. GOUDA: I have to check, but it's not been cashed yet. I don't know why.

MR. SCALI: The only reason I'm saying this is because I know the City Council is not meeting again until June 1, so I just want to make sure you're within that 60-day period of approval.

When do we vote? We don't vote until June 4, Commissioners.

MR. TURNER: So the first Council hearing would be the 8th.

MR. SCALI: Pleasure of the Commissioners?

MR. HAAS: I think the Deputy Chief is right. I think it's somewhat of a unique concept, and I think they are being sensitive to the taxicab operations in the City. We've already been overruled once. Why go through that process again?

MR. SCALI: My feeling has always been that the DPU approves them and then we have absolutely no control over them at all because

there's no license given by us at all, or permission by us. I know the cab industry is not too keen on it already.

MR. HAAS: They're operating in the City.

MR. SCALI: They're already there. Well, at some hotels but not all of them.

MR. GOUDA: You can call me too.

MR. LEE: If you need a ride.

MR. SCALI: That's the last thing I would you.

MR. GOUDA: The first thing I will say is what is your budget? If you say \$6.00, I go for that.

MR. SCALI: I understand what you're saying and that's precisely why the cabs are opposed. Because you can undercut them, they can't undercut their prices. They have to go by the meter rate.

MS. LINT: But the cabs can't pick up at the airport.

MR. SCALI: That's true too.

Pleasure of the Commissioners? Recommend?

MR. HAAS: Yes.

MR. SCALI: Motion by the Commissioner to recommend approval to the City Council.

MR. TURNER: Seconded.

MR. SCALI: With some conditions, if I could, Commissioners?

MR. HAAS: Yes.

MR. SCALI: That it is for dropping off --

MS. LINT: I'm sorry. It was filed December 11.

MR. SCALI: What date?

MS. LINT: No. I'm sorry. I'm looking at the wrong one. I don't have it.

MR. SCALI: Dropping off in Cambridge only; permission from the hotels needed. I'm not going to put in there that they have to follow the route. I don't think the Commissioners want that with regard to the route. Is it 11:15 a.m. to 12:00?

MR. GOUDA: We start at 11:15 or 10:15

to 12:30 at night.

MR. SCALI: So 10:15 in the morning?

MR. HAAS: 10:15 or 11:15.

MR. GOUDA: 10:15.

MR. SCALI: Until 12:30?

MR. GOUDA: Until 12:30 at night.

MR. SCALI: How many vehicles?

MR. GOUDA: Three.

MR. SCALI: What kind of vehicles are they?

MR. GOUDA: Ford Econo 350.

MR. LEE: Ford Econoline, 11 passengers.

MR. GOUDA: Actually it is 15 passenger but we take the last seats in the back so we can have enough room for luggage, so it's 11 seats.

MR. SCALI: So three vehicles, 11 passengers. If you could just put something in there, in the decision that this is due to the fact that Cambridge cabs cannot pick up at the airport, and that this service is for dropping off

in Cambridge from the airport.

Anything else Commissioners?

MR. HAAS: No.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: So this will go as a recommendation to the City Council. It will not be heard probably until June 1. And of course, again, you know if you want to be heard, you have to sign up to be heard before --

MR. LEE: June 1.

MR. SCALI: No. You have to sign up actually at the hearing for the City Council. There's a sign-up sheet. They will not call you up to speak. You have to sign up to speak at the beginning of the hearing and speak then. Then they'll just consider it during their meeting later on.

MR. LEE: Will we receive notice?

MR. SCALI: You will get a letter from us on the recommended approval. And then the City Clerk sends them notice about the hearing?

MS. LINT: Yes.

MR. SCALI: We probably should get a better address for you than what we have.

MS. LINT: That's the address.

MR. SCALI: Another address.

MR. LEE: It's on his license. He gets mail all the time.

MR. GOUDA: I can bring you a lot of mail in my car. And I want to find out. Could you give me this please, this envelope, so I can take it to the post office?

MS. LINT: Can I give you a copy of it?

MR. SCALI: We can't give you the original.

MR. HAAS: We can give him a copy of it though.

MR. LEE: But that would have been his mail.

MR. SCALI: But now it's part of our records.

MR. SCALI: Thank you very much.

MR. GOUDA: Thank you very much. Can I also find out why the check has not been cashed yet? You don't want it?

MS. LINT: I don't know why the check isn't cashed. It goes to City Hall. I can't answer that.

MR. GOUDA: But City Hall hasn't cashed it yet.

MR. SCALI: That was for what date, do you remember?

MR. GOUDA: It's been from March. Unless you don't need it.

MR. SCALI: We need it, believe me. We need every penny. If it doesn't go through, let us know. We'll track it down for you.

MS. LINT: I don't see the young lady from Gold Rush.

MR. SCALI: Second call on Gold Rush. No show.

Pleasure of the Commissioners on Gold Rush. To deny, reapply?

MR. HAAS: She'd have to reapply; right?

MR. SCALI: Need to reapply. Motion to reapply. See if they want to. Moved, seconded. All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Second call on Boloco.

MS. LINT: They're not here.

MR. SCALI: Motion for them to
reapply.

MR. HAAS: Yes.

MR. SCALI: Moved, seconded. All in
favor?

MR. HAAS: Aye.

MR. SCALI: Aye.

MR. TURNER: Aye.

MS. LINT: Application: Alpha Tau Omega Fraternity, Ovid Amadi, Resident Manager, has applied for a Lodging House license for 59 rooms and 49 occupants at 405 Memorial Drive.

MR. SCALI: The room quickly filled up with MIT people, I can see that. Good evening everybody. Tell us who you are.

MR. NORTON: My name is Shane Norton. I am President of the Alumni Board of the Alpha Tau Omega Fraternity.

MR. SCALI: President of the --

MR. NORTON: Alumni Board.

MR. BROWN: Duran Brown, the current President of Alpha Tau Omega.

MR. SCALI: So you're ready to reopen?

MR. NORTON: We are. It's been a long nine months or more, but we are back before you ready to reopen. We finished off the physical property improvements to the chapter. Renovation work was done on every single floor, touching all finishes, floors, walls, ceilings. Brought electrical, plumbing, all critical life-safety

systems up to applicable codes, and have received sign off from all applicable inspection services.

Replaced building smoke fire detection/suppression systems, sprinkler heads, and we're in the process now that the house is signed off of replacing all furniture.

MR. SCALI: I'm sorry to interrupt you. Before we go forward, is anybody here from the press. Is anybody recording anything?

UNIDENTIFIED SPEAKER: No, I'm not recording anything.

MR. SCALI: You're not allowed recordings or pictures.

Thank you very much. I'm sorry to interrupt you.

MR. NORTON: No, not at all.

The last part is replacing all furniture: desks, beds, wardrobes with fire code compliant models so nothing will be brought back into the chapter, into the building that doesn't fully meet the latest codes.

MR. SCALI: Does that include the roof

deck? Is that going to be used?

MR. NORTON: Right now there is nothing on the roof deck. It is still accessible but there's no furniture up there. There's certainly no (inaudible) or anything else up there that would be an issue.

MR. SCALI: Are you proposing that that be used?

MR. NORTON: As an accessible personal space, right now we have no plans to, but I don't know if we have committed to a long-term plan. But for the summer, no. We're clear on that.

MR. SCALI: First of all, questions on renovation and those kinds of issues. The Commissioners may have a lot of questions on supervision and responsibility.

MR. HAAS: I think it's all tied together. We have some -- as you know from the last experience we really have concerns about who's going to take responsibility for the building, maintain the building and not find it back in the condition that you found yourselves in. I defer to

the Chairman on those issues because I think it's critical.

MR. SCALI: I think part of our decision last time was that there wouldn't be students running it. The reality is that they're not experts in maintenance and repairs, and making sure the air-conditioning is working and that kind of thing. I always thought that was a little strange, but I know they want to give responsibility to students and make them upstanding citizens and adults, but I always thought it was a lot for them to have to maintain.

MR. NORTON: What we've tried to do is set up new systems, new rules, but also new ways to monitor them and increase our oversight of them and involvement with the undergraduates so that we maintain and insure that the house stays a safe and clean appropriate environment for undergraduates. And even more importantly, it does that the entire year so that there are no changes in enforcement, there's no changes in management from semester to semester to summer to winter to the main semesters

as well.

Some of the things we've done is we're working with the safety licensing inspection program at MIT to train, most importantly, the resident manager of the facility, but also the existing undergraduate house managers who work with him on the safety issues and maintenance issues of the chapter so that they know exactly what the rules are and what the expectations are for all of the different licensing inspections that go on in the chapter so that they can have a better understanding of what they need to self police on, beyond the obvious things.

Then anytime we have a new change in roles and responsibilities that training we'll go over again, but above and beyond that the resident manager is not an undergraduate, he's an adult, but sometimes they're students. It currently is a doctoral student but he's graduated three years ago. That person, his role with reporting has completely been revised to have greater oversight on the physical cleanliness, the safety aspects of

the house in terms of performing a walk-through of the facility once a week, and then submitting a report to us so that we know it's defined, we know what's gone on.

We've also increased the oversight on the chapter from having MIT, their administration -- you know, ideally as we go forward -- meet with the chapter in the chapter house once a month so that someone from the administration is in the building frequently. We've also set up clear lines of communication for the resident manager, also for the undergraduates as well so that if there is a concern about something that might be a safety issue, they know who to speak to from the Alumni Board, but also the MIT.

And then if there are concerns from a behavioral or a social issue that might also get them in trouble, they know who to speak to from the Alumni Board, again, as well as the administration both on the undergraduate self policing side and the administration side so that we don't have some of the issues before: Whose job is it to

communicate these kind of things, whose job is it to monitor these kind of things? And then when there is an issue, who do you communicate that to?

MR. SCALI: Walk me through this on how this works. The resident manager is hired by who?

MR. NORTON: Hired by the Alumni Board.

MR. SCALI: You have someone but you haven't put this person on the application; am I right?

MR. NORTON: Right.

MR. SCALI: Because you're just waiting to see?

MR. NORTON: His term from our standpoint from when we hired him is going to start on August 1st. Prior to that the house had its plumbing leak and was no longer livable. We have been waiting and we were told the appropriate procedure would be to get the Lodging license back and once you get it back, then have that person apply for resident manager. We have the person.

He is signed up. He's gone through the appropriate training within the Institute.

MR. SCALI: Where did you find him? What expertise does this person have in managing this building I guess is the question?

MR. NORTON: He is a former resident. He's a former member of the fraternity so he has an understanding and a familiarity with the particular issues of how it's run, how it's managed. He's a former President within the chapter so he had oversight in kind of all the operations.

When you do it, there is a detailed description of rules and responsibilities that this person is supposed to have that is campus-wide. MIT is involved in the hiring and set up of these people. And we have our specific rules, some of which I just mentioned for how we specifically want certain things to be handled.

Then beyond that MIT offers a house management seminar to keep you understanding who to contact, who to communicate, what to look for.

MR. SCALI: So the resident manager is

hired by the Alumni Board. They are paid for this and they get to live there on the premises.

MR. NORTON: Yes.

MR. SCALI: He's a former student.

MR. NORTON: There's no need to be a former student but he happens to be one.

MR. SCALI: Obviously this person is older than 21 and all that.

MR. NORTON: Yes.

MR. SCALI: So you hire this person and then there is a board of students who are underneath this resident manager, who are given responsibilities by the resident manager?

MR. NORTON: They have responsibilities within the chapter and the chapter has rules. There are certain people who are responsible for maintaining the weekly cleanup and there's another person or two who are responsible for more of the physical issues: working with any plumbers, electrical, Inspectional Services, those kind of things. He will now be coordinating with them to insure that above and beyond them doing

their jobs, they're doing them appropriately to meet all the inspectional requirements and such.

MR. SCALI: I still have a problem with making students responsible for all those things. They pay their dues and they're part of the house and they have responsibilities, but I guess these students are not experts in maintenance and cleanup and that kind of thing.

MR. NORTON: We don't expect them in any way to fix things, but more to be aware of them, and to communicate them if there's an issue. If they see a leak, they notice that the heat is not working, if they notice that something in the kitchen isn't working appropriately then they communicate that to the Alumni Board and to the resident manager. And because we have the longevity and the contacts and know how the processes are supposed to work, we then address the situation as needed.

MR. SCALI: Who selects the students for their jobs; is it an election?

MR. NORTON: It's an election, the

chapter.

MR. SCALI: So the residents select their board members to be President, Treasurer, or whatever.

MR. NORTON: Exactly, and those are due to their jobs. There's an undergraduate house manager, an undergraduate cleanliness cleaning manager.

MR. SCALI: When do you step in? When are you there?

MR. NORTON: We meet with the chapter six times a year and communicate -- we'll meet individually, outside of actually being in the facility, six times a year. So once a month we meet as a group and communicate with the chapter at MIT. Someone, whether it's the treasurer, alumni treasurer, the alumni property manager or myself communicate with the house or stop by the house every other week or so.

MR. SCALI: When is MIT administration involved? How often do they meet with them?

MR. NORTON: They meet within the

chapter once a month.

MR. SCALI: Who is that?

MR. NORTON: Usually it's the undergraduate assistant dean who works with the house just to make sure that they're --

MR. SCALI: The young lady who -- I've forgotten your name, I'm sorry. It used to be David Rogers and I still think of it as David Rogers.

MS. LINT: Ms. Miller.

MR. SCALI: Ms. Miller.

MR. NORTON: Then the chapter also has an administrative adviser, a faculty adviser that meet within the chapter on a periodic basis.

What we tried to do is set it up so there are alumni within the building very frequently so that there aren't any long periods where things could get lax, things could get lazy. We couldn't allow them to determine what is acceptable levels of cleanliness and safety.

MR. SCALI: So Mr. Brown, you're the new president as of when?

MR. BROWN: February.

MR. SCALI: This past February?

MR. BROWN: Yes, sir.

MR. SCALI: And your term runs until?

MR. BROWN: Next February.

MR. SCALI: What are your responsibilities as president? How do you see your role in the house?

MR. BROWN: My role next is to mostly just govern the house, act as the internal and external face of ATO, so I meet with the administration pretty regularly. I also oversee all the officers within ATO, myself and my vice president make sure each office is doing their office correctly, performing their office well, and also making sure to discipline brothers who are slacking off with offices or things like that.

So basically it's to oversee all the offices and make sure the house is running at a good operational level.

MR. SCALI: So the heating system goes out; there's a pipe leak. What's your

responsibility in the building when that happens?

MR. BROWN: The house managers or whoever sees the problem first will alert the house managers, and the house managers will look at it and then also contact the resident manager who lives in the house who is a graduate student who also coordinates with them to work out who we need to call to find out who needs to come in and fix it, and things like that to make sure it gets fixed as fast as possible.

MR. SCALI: Who are your house managers?

MR. BROWN: Names?

MR. SCALI: Are they selected already? Are they students who have already been elected?

MR. BROWN: Yes. We elect them in a formal house meeting and they run each term. There's usually two house managers for any particular term.

MR. SCALI: Questions?

MR. HAAS: If I recall correctly, aside from a number of issues that were going on

there I think when we spoke last time, primarily you were attributing a lot of the problems to guests outside the fraternity that were taking residence during the summer months I guess, and you felt that a lot of the problem rested with those folks. I'm just trying to figure out how you've changed that practice now so you don't find yourself in that situation again and all school year.

MR. NORTON: What we've done is two things: One, as we mentioned, for this summer we're not going to have roof access, which is an area where we've seen some more of the issues in the past.

Additionally, what we've tried to do is change the way the house operates so that it's not all of a sudden just one or two people who are in charge of everything in the summer, different from the semesters, and less oversight from the Alumni Board because -- those kind of things. What we're trying to do is change it so the summer will be seamless in terms of oversight, in terms of

monitoring, in terms of implementation of policies and procedures.

Most importantly, we've changed who we're going to let stay within the chapter. Because of the timing issues now, there will be just a very minimal population of residents in this summer.

MR. HAAS: You're planning to keep the resident manager all throughout the whole 12 months? What about the student house managers?

MR. NORTON: Right, and insure that he is in the building. We'll have new student house managers elected for the summer.

MR. HAAS: For this summer?

MR. NORTON: Mainly because we need someone we know is going to be there during the summer. So what we have is we have those defined roles and those are constant throughout the year. Then also like I said, being much more strict in terms of who we allow to be a resident outside of the school semesters.

MR. HAAS: Will you still allow folks

outside of the fraternity to come in and rent rooms?

MR. NORTON: What we have done is made sure that everyone who is outside the fraternity renting a room is sponsored by someone who is living within the house so that they have someone who is connected to the fraternity and can vouch for them. And more importantly from our stake, is responsible for them. So it's not someone who can disappear when there's a problem and no longer have any ties or any responsibilities.

If punishment needs to be from a do your work, pay your bill type things, follow the rules, we know we have someone who can not only vouch for them prior to, but follow up with them after the fact.

MR. SCALI: Did you have any more questions?

MR. HAAS: I guess the question more is to the Deputy Chief in terms of the frequency of inspections and things like that. Is there a regularly scheduled set of inspections that take

place for the fraternity house when a license is issued?

MR. TURNER: No.

MR. HAAS: And if not, should we make that a condition to make sure we don't find ourselves in this situation again?

MR. TURNER: Here's the difficult part. First of all, with regard to this application, yes, the Fire Department has inspected this location, has signed off on the certificate of occupancy sign off sheet. I do not know if that certificate of occupancy has been issued from Inspectional at this time.

MR. NORTON: It has.

MR. TURNER: It has. Yes, they've gone through and cleaned up the place.

With regard to the fraternity operating -- and my comments are not strictly related to 405 Memorial, but through experience, other fraternities and not only within MIT, other prominent universities as well -- I know where the Chairman is coming from when he says, adult

supervision. We don't want to say adult supervision because we feel MIT is certainly a responsible university that I believe can manage themselves. But I think historically, we do have issues with the frat houses where there is a gap between the students and some type of supervision.

I believe in this case, MIT has actually stepped up to the plate. They're going to step in and intervene and assist the frat houses on campus.

What makes it difficult as far as from public safety officials, generally when we get called it's on a long holiday weekend, generally in the summertime. The house managers are gone, it's the summer students that are in.

My concern is when you mention the heating not working, or a pipe leaking, what about the trash cans that are overflowing on all floors? What about the empty booze bottles strewn about the hallways, the popcorn, the trash, the mess? When you go in the bathrooms, they're a disgrace.

You go on the roof, you've got the

furniture up there, you've got the beer cans blocking the drains. That's what our concern is.

It's generally the Fire Department gets a call at 2:00 in the morning because the alarm is sounding because somebody was doing some horseplay, set off an alarm, or tripped a sprinkler head accidentally. We show up, we see these types of the living conditions, just poor sanitary living conditions. There's furniture in the hallways that came from a dumpster, or should be thrown in a dumpster. That's what the concern is.

Where does the house manager go for help? When the conditions start to get to that point, he needs to go to somebody for help. The Fire Department, Police Department, Inspectional Services, Sanitation; we're the last men that show up at the last minute after something bad happens. We need some intervention in between, and that would be my concern.

Again, I'm not pointing strictly to 405. This is not only MIT-wide but other universities as well. I've seen this happen all

over. So that's the concerns that I believe we have.

MR. NORTON: I think from our standpoint that's our concern as well. The Alumni Board, our primary goal is to insure that there is a safe and clean physical plant which the chapter can live in, and that the chapter operates in some way that sustains itself, more important, doesn't jeopardize the existence of the chapter.

Both of those situations came to the front last summer, from a physical standpoint as well as the existence of the chapter. So we've completely changed how we interact with the chapter in terms of -- you know, MIT has stepped up to say they're going to be there every month, we've stepped up to say we're going to be there more often.

We've created an alumni advisory board that's separate from ourselves that is a board of nine people that works with the resident manager. They align themselves and mentor each of the executive officers. And they meet with the

officers multiple times during each semester within the chapter, planning within the chapter. This past spring obviously was not within the chapter.

So that what we are hoping to do is have it so that there's never any gaps between when someone in there is taking a view of the situation and making sure that they aren't slowly allowing things to erode.

Because we think previously there have been a couple of things of a lax in oversight, of allowing things to slowly degrade to the point where each month or each semester it was only a little worse than before, but it was continually getting worse than before. And then allowing the physical plant to slowly degrade from the walls just looking worse, and the furniture looking worse, and it was almost a broken windows type thing where these little things kept piling up.

Now there's been a full slap in the face to the Alumni Board, to the undergraduates. We've got a new physical plant that's shiny and new from inside and outside, and now we know what the

baseline is and we've set up plans to make sure that there is no degradation going forward.

So our plan is to never have those gaps that allow little erosions so that when someone does come in new outside of it, who hasn't seen that slow erosion, isn't shocked by how could you let it get this way. That's our concern, is we never get to that point.

MR. TURNER: What becomes frustrating on our part is certainly we understand this is a very important time in their lives. We also understand that the academic stress on these kids has to be tremendous and they need a relief. We don't want you to run a prison; however, there is certain standards of living and sanitary conditions, life-safety conditions that -- again, just as you mentioned, one thing goes wrong and then it starts to snowball. We need somebody to just kind of catch that snowball midstream, and kind of step in and just straighten things out before the city officials go for some incident that's gotten out of control.

MR. NORTON: Historically, we have viewed it as we think you should clean it up. We think you should work on this area, and wow, I wouldn't feel comfortable living in here. But we let it kind of go at that, and now we know you can't just let it go. You have to say we don't think you should clean that room, we don't think you should get new furniture, we don't think you should replace where you hold your trash so you have two barrels there and not one, or do it every day and not every other day; it's you have to do that every other day.

MR. TURNER: Right. It's like the roof top, I can't think of a more prime piece of real estate in the city, especially on July 4, and certainly it's a great opportunity to go up there and have a great time, but just again, don't abuse it and start throwing the beer cans off the roofs and things of that nature, shooting fire works. It's at that point you start calling attention to yourselves. So I think constant policing -- I think MIT's involvement, the university itself,

they have the resources that will hopefully -- let's hope this works.

MR. NORTON: They have the resource, they have the proximity. We've worked with them every step of the way from the administration, but also the other independent living groups, the alumni groups and those independent living groups, working with them as well to figure out what are the best practices, what works, what doesn't work, how involved --

MR. SACALI: Is this change for all fraternities? Is it just you? I'm trying to figure out how involved MIT is.

MR. NORTON: MIT is encouraging all fraternities to develop these alumni boards, which I just mentioned that have mentors for the officers. Almost every house -- I think most of them have it and all the others are moving towards it so that they have this --

They have the alumni boards that have a focus of financial and property stability, but it's not a governance type thing. So they're

trying to move to set up a separate board, so all of those are doing it and moving into that.

I think there's been a much greater attention put on meeting and maintaining appropriate standards for inspection. They set up that safety licensing and inspection program where someone works for MIT and is -- I think he works for the independent living groups because we pay for him. He comes by and helps the houses with pre-inspection, you know, you need that light fixed, you need --

MR. SCALI: How often does that happen?

MR. NORTON: Traditionally, this person comes in before the inspections to meet with the house and go through it. What we're going to have him do is come by and train the house beforehand and do his pre-inspections on a regular basis, as opposed to your housing inspection is in May, your fire inspection is in June, and he only comes in right before those.

So we're going to have him by more

than that just because we think we need to train the brothers on what is and isn't okay. You can't have a bike in the hallway; you can't have a suitcase in the back hallway with all these fire things; you can't put your wardrobe near the sprinkler. Those are the kinds of things we need to take our time and re-educate them on what can and can't happen. The other houses I don't think have fallen that way so they may not really need that handholding.

MR. SCALI: I think some of them might be leaning in that direction from what we've seen.

MR. TURNER: Mr. Chair, just to answer Commissioner Haas' question. We do have a quarterly inspection program so the companies do visit the building four times a year. On any given chance, sometimes they might not be able to get in. It's generally during the daytime and if everyone is out at class, then they have to reschedule for a re-inspect. It's not a prearranged inspection.

Again, they might go in and note some deficiencies this month, and then to follow-up

again would be a call to try and get a hold of the house manager. With luck the house manager calls you back so you can explain what's going on. It's not a cat watching the mouse situation, if you will. It would be just by chance that we're just -- I think in this particular case there was an incident and we went down, and just all these conditions were compiled at once.

MR. HAAS: I'm just kind of curious as to whether or not if that's one of the requirements of the license is that you schedule a regular inspection. This is not about catching you doing something wrong, but just making sure that the house is being maintained in proper order.

The thing that concerned me the most was the life safety threats to the entire household. I think it's just fortunate that -- it was in tough shape -- it's fortunate nothing tragic happened because of the number of code violations that took place in the house. I just don't want to see you in that situation again.

MR. NORTON: As the property manager

of the facility, we'd welcome that.

MR. SCALI: That's your greatest asset is that building and if it disintegrates, you've got nothing.

MR. NORTON: We would definitely welcome that.

MR. HAAS: I understand what the Deputy Chief is saying. The last thing they want to be doing is chasing after you to try to get in the building and stuff like that. So it makes sense to me, and again, that's the purpose. Not to have a sneak inspection and catch you at something, it's just to make sure all the fire alarms are in good condition. Plus, city officials will make note of sanitary conditions and things like that and report it to the proper authorities if in fact that starts to develop. You made a significant investment so I think --

MR. NORTON: I know you mentioned there were some inefficiencies in communication. I would love to figure out a way in which we could limit that. If it's unannounced or unscheduled

inspection, maybe follow-up with us afterwards to insure that if it didn't happen, we schedule someone and know that we have this person there at a certain time. Or, if there's a follow-up, we know that they -- we will do whatever we can to make sure it doesn't take a month to resolve going back and forth with phone calls and voicemail and things like that.

MR. SCALI: I don't think it's the City's responsibility to have to worry about this. This is your responsibility.

MR. NORTON: We will not let those kind of things come into play anymore where there's callbacks and voicemail tag and things like that. So whatever we can do. And if it needs to stay unannounced, we fully understand that. But anything after that, we will make sure that it gets addressed.

MR. SCALI: I don't know if we're prepared to make any votes this evening, but I know that I'm going to make a number of suggestions and the Commissioners can discuss it if they like.

I think my initial suggestion is going to be that there be something in the order of monthly inspections by the Alumni Board or a person that you have, by the MIT administration, and the assistant deans, so that on a monthly basis you as an alumni board are there and that the MIT administration is there on a monthly basis. Six times a year or whatever that is, that once a month, I'm not sure if that's --

MR. NORTON: Every other month.

MR. SCALI: I think you should be there every month.

I'm also going to suggest to you that for now that the roof not be used. I don't think that they've earned that responsibility yet of being able to use that roof deck until things get themselves settled and in order. I think we would like to meet this resident manager, the person that you've suggested.

MR. NORTON: He's here if you would like to speak with him.

MR. SCALI: Well, he's not on the

application, so I don't know. This is not him?

MS. LINT: No.

MR. SCALI: This is the former manager; right?

MS. LINT: Yes.

MR. NORTON: Ovid Amadi.

MR. SCALI: Mr. Amadi.

MR. NORTON: Yeah, he's here.

MR. SCALI: Why don't you have him come forward. I know Ms. Miller is here too. You can come forward too.

Just tell us your name, please.

MR. AMADI: Ovid Amadi.

MR. SCALI: You understand the responsibilities with regard to being a resident manager?

MR. AMADI: Yes.

MR. SCALI: Basically, on a day to day basis it falls upon you to make sure that things are in running order; that things are not out of hand; that there's maintenance issues that you need to report to the proper people. Reporting to the

Alumni Board, reporting to the MIT administration, and controlling all these people that are in the building as well; that they're not out of hand, rowdy, throwing things off the roof, disconnecting things and putting things in the hallway.

All that kind of comes under your realm of duties, if you want to call it that, with help of course. Are you willing to take that on as a resident manager?

MR. AMADI: I am. And as Shane mentioned, when I was an undergrad I was President of ATO, so I do have experience with sort of trying to keep everything in check. I think now that I'm a few years out, the undergraduates have some respect for me in my position. I think it's certainly something that I'm capable of doing. And as we have a new sort of clean slate in which to sort of set a new standard for how we're going to operate, I think I'm definitely more than willing and capable of doing that with the undergraduates.

MR. SCALI: You feel you can speak to the students in a way that they're going to

understand you, and listen to you, and respect you, and all that in terms of the way that they're going to be able to operate in a professional and responsible fashion?

MR. AMADI: I really do.

MR. SCALI: Questions Commissioners?

MR. HAAS: No questions.

MR. TURNER: There are 59 rooms and 49 occupants?

MR. SCALI: Is that the same number you had before?

MR. NORTON: Fifty-nine rooms sounds high, actually. Forty-nine occupants, yes, but there's four, four, and two. so there's ten rooms on a floor. I guess four floors of ten, and then five bathrooms, a kitchen and a common room, basement. Yeah, it might be 59.

MR. TURNER: So you're listing all the rooms.

MR. NORTON: That would be everything, but there's only 49 occupants.

MR. TURNER: There's only one

individual assigned to a room? The last time I thought there was three or four crammed in there.

MR. NORTON: There are two rooms for three brothers, usually, where there's one room where the three of them will sleep, and then there's another room where the three of them will study, and then there are singles.

MR. SCALI: This should be listed by the number of bedrooms or rooms, and the total number of occupants in all the rooms.

MR. TURNER: You should be calling them suites, if you will.

MR. NORTON: So 49 occupants and there are -- 10 times 10, and eight on the fifth floor, because the fifth floor has a larger room.

MR. SCALI: So how many total?

MR. NORTON: There's 38 living room, suite, bedrooms.

MR. SCALI: Thirty-eight room?

MR. NORTON: Yeah.

MR. SCALI: And 49 people living there total?

MR. NORTON: Right.

MR. SCALI: Okay.

Ms. Miller, hello, how are you?

MS. MILLER: Hello, nice to see you again.

MR. SCALI: So tell us, how is this going to change your role and your responsibilities?

MS. MILLER: I can tell you that over the past nine months my office, and with the support of my supervisors, we've set out to both challenge and support the ATO organization with regard to their facility but also with regard to their past behavior, and future expectations for better behavior.

First and foremost, we have interviewed Ovid and we found him to be a suitable candidate. We asked him questions similar to yours about what he would do in situations regarding conflicts, behavior issues, and how he would approach people, and we found him a satisfactory candidate.

Following the CLC discipline hearing, we set forth an intervention with the chapter, the undergraduates, and the alumni where we asked for 15 different tasks, projects, and measurements for improvement. We found that they have accomplished those 15 metrics, so we very much support their being here and their petition.

You've heard one example of how they're going to have more direct one-on-one mentoring, and you've also heard that I will meet monthly with the undergraduate leaders of the chapter.

I wanted to speak just a little bit about the continued sanctions.

MR. SCALI: I'm sorry, before you go on, when you meet with them monthly, are you going to go out there monthly and meet with all of them, and look around, and go through the rooms and see what's happening and how clean they are?

MS. MILLER: I would expect to. Certainly I don't have inspectional credentials.

MR. SCALI: No, just a visual.

MS. MILLER: And I would expect to meet with the leaders, not the entire membership. But yes, with some privacy, but I will be there.

MR. SCALI: Not intruding on people's privacy, of course.

MS. MILLER: I did want to speak to the sanctions that the chapter is currently under from MIT and supported by their peers, the governing group of the fraternities.

There is a full ban on events with alcohol, either hosted or co-hosted by ATO. It's currently in effect. It went into effect about eight months ago, and it will remain in effect until February of 2010. They will not have alcohol events at that house.

MR. SCALI: So they can have events but not alcohol events?

MS. MILLER: Correct.

And from February 2010, until May 2010, so the spring semester a year from now, the organization may host events and they may have alcohol, but they may only have 30 guests per

party. We're hoping that the small number of guests helps integrate how they will manage the risk, and they can kind of step into responsibility.

At the conclusion of next year's spring semester, so May 2010, until September 2010, they may have no alcohol. So once again, this summer and next summer, no alcohol at the house.

After 2010 --

MR. TURNER: If I may interrupt, where do they go to vent? Where can they get alcohol? Before we lock down MIT's fraternity houses and these kids start running down through Central Square obtaining alcohol, and hitting all the establishments, and running loose throughout the City of Cambridge, how do they vent? Where do they go?

MS. MILLER: Certainly we have plenty of nonalcoholic programming on campus, so I'd hope they take advantage of that. The ones who are of age, we expect can go to any establishment. They know that their behavior when they come back needs

to be good. But yeah, we expect them to frequent -- there are two pubs on campus.

MR. TURNER: So you do have other avenue and places for them to --

MS. MILLER: The persons over 21 -- Duran, you're over 21. He can indulge, he can enjoy; I expect him to do it not in the house.

MS. LINT: Mr. Chair, if I may, I have a question as well, in terms of talking about only 30 guests once you can have an alcohol party. Experience tells me that some students are going to send out a blast either on their e-mails or their cell phones, and it's going to be "party at ATO." How are you going to monitor keeping 30 people out of the house?

MS. MILLER: We have a very stringent peer and administratively supported intervent board investigation process. Those blasts, I might not hear about them first, but I do hear about them. I get them too. I'm on Facebook, I'm on the e-mails.

So if there are any transgressions from these rules, they know that it may result in a

full suspension of the fraternity for a minimum of four years. We will not recognize the organization. We will ask that the license again be suspended. So we will follow up on any allegations if that happens.

But first and foremost, the students will know, and they do know of all of these restrictions, so if they send out that blast, they're responsible for their behavior.

MS. LINT: What I'm saying is it may not necessarily be them sending it out, but a friend hears that there's a party and out it goes.

MR. TURNER: The outsiders is the big concern, people who crash the party.

MS. MILLER: Yes, I agree.

At that point, our campus police will also know of all these restrictions, and we'll ask them to be monitors, if not on the premises, of course, in their regular routes.

After September 2010, the organization will regain all of their event hosting privileges. They must still, of course, follow all the

applicable city, state, federal laws, but they may host events with alcohol.

Again, we saw this as a progressive sanction to give them a little bit of responsibility and work their way into responsible management of events.

MR. SCALI: How has this affected your involvement with other frats? Have you changed this just for them right now? Or, have you gone through and changed the way you interact with the others? Because I know MIT has always said, it's not our property, we have no jurisdiction there. I guess that seems to be changing, which I'm hoping it is.

MS. MILLER: I believe it has. We have influence. I don't have the direct authority, but I have influence, and the campus has been influenced by this case.

Certainly ATO is the only group that currently that has these alcohol restrictions, the stringent ones, but the other groups have been advised very closely regarding their summer

resident policies.

We are universally looking at the resident manager/resident adviser job description to make sure that we add layers of oversight in this position, and that we get the most responsible people.

So it has certainly been influenced, the student behavior I think has been influenced too. The students' peers understand or they have some understanding of what has been going on, and so they know that they need to be aware of their responsibilities.

MR. SCALI: Questions?

Thank you Ms. Miller.

MS. MILLER: Thank you very much.

I appreciate it.

MR. SCALI: I think I, for one, would like to take the matter under advisement, Commissioners. What I would suggest, as I said before, and we can mull these over, and you can certainly comment on these if you'd like in the meantime is: Number 1, I'm going to suggest there

be conditions that no use of the roof be allowed at this time; that there be monthly inspections by the Alumni Board and MIT administration; and they you coordinate the quarterly inspections with the Fire Department; that you adhere to the conditions set by Ms. Miller's, the administrative band and restrictions that have been placed throughout this year and next year.

I tend to want to be more restrictive on the use of the alcohol and that kind of thing, but we've been down this road before legally in terms of restrictions, such as parties and alcohol. We had this issue with a fraternity at Harvard where our jurisdiction is with regard to the public safety, health of the building, and so you tend not to want to get into legal issues in terms of making it more restrictive.

I would encourage that there not be any alcohol at these fraternities in the future, and I don't know how that works through the process in terms of what influence you have with the administration or through the Alumni Board. That

would be how I would lean in the future. I'm not sure we have the power to do that but I would be suggesting that highly of your board and the influence that you have through MIT.

I guess if you could kind of give us a chart as to how the responsibilities works with the resident manager/house manager and how that trickles down to the Board in terms of who's doing what. A kind of a flowchart would be very very helpful. I was kind of trying to picture who is going to who, and how Mr. Brown is going to take care of this.

MR. NORTON: We expect the undergraduates, if they notice an issue themselves, to communicate it to the house managers, or if the house managers who are more aware and are paying more attention to these issues, notice any issue regarding the systems or the functioning of the house, to communicate it to a resident manager, but also to communicate it to the Alumni Board property manager. We have a specific officer who's the Alumni Board property manager.

At that time, they will then either visit the house if it's uncertain in terms of what the actual issue is --

MR. SCALI: I think I understand what you're saying, but if you could kind of put that in writing to us in terms of an easy kind of flowchart so that Mr. Brown understands, Mr. Amadi understands what his responsibilities are. It's just kind of easier to see when it's in writing. I understand what you're saying.

MR. NORTON: We have a clear -- and we can certainly develop a written document that you have as well.

MR. SCALI: Any other suggestions by the Commissioners?

MR. HAAS: No.

MR. TURNER: No further suggestions. Anybody from the public want to be heard on this matter? No hands. Ms. Gallop, anything you want to say?

MS. GALLOP: No, thank you.

MR. SCALI: Motion to take the matter

under advisement.

MR. HAAS: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: We vote June 4 at 10:00 a.m. right here. Thank you all.

MS. GALLOP: Just a point of process or a question of process. Should the house apply for the resident manager application before the decision meeting or after the decision meeting?

MR. SCALI: Mr. Amadi is on here as the resident manager, so I don't know.

MS. GALLOP: He hasn't ever been approved by the Commission as the resident manager.

MR. SCALI: We met him this evening, and I thought this was not the gentleman you were going to apply for, but it is. So he's on here. You have essentially applied for him as resident manager.

MS. GALLOP: So we don't need a

separate hearing?

MR. SCALI: No.

MS. GALLOP: Thank you very much.

MR. SCALI: Sir, did you have a matter before us?

MR. LEVIN: No. I had a particular question. I don't know if I'm allowed to ask it. It's just a general question.

MR. SCALI: Go right ahead. Just tell us who you are.

MR. LEVIN: I'm not a licensee. My name is Phillip Levin. I'm not a licensee. I'm not applying for a license, but as Elizabeth Lint probably knows, I had some recent conversations with the License Commission, and I'm very confused about something, and I was hoping you could assist me with that.

Capacity? If you can, and I don't know if you can answer it, but I was wondering about capacity issues in general and with Common Victualer licenses. I've just gotten such different impressions of what it means to have a seating capacity and then an occupancy number.

In particular, if there's a license

renewal for a Common Victualer's license where I'm not certain but I believe there was no -- the previous license didn't have an occupancy number and the renewal does, does that qualify as something that needs to have abutters notified?

MR. SCALI: You're talking about two different things. One is that the Building Department gives a capacity or an occupancy to a restaurant per se. There's a building code safety-wise. So they'll give them a number. Then also, the restaurant then applies to us under their Common Victualer with a capacity number. Capacity is seating.

MR. LEVIN: That's seating, okay.

MR. SCALI: And occupancy is seating and standing.

MR. LEVIN: Total.

MR. SCALI: Right, if they applied for standing. Some people just apply for seats. They're small or medium-sized, and they just apply for seats without any standing. However, you assume that there are some people obviously walking

in the aisles and standing around, and that kind of thing.

We have some restaurants who have applied first seating and standing, where they have standing around the bar, or they have standing on the dance floor where people are dancing for entertainment, so those numbers tend to be a little bit larger, obviously. So it's kind of a combination of those two things.

MR. TURNER: Don't forget the outdoor patio.

MR. SCALI: Outdoor patio is a different capacity.

MR. LEVIN: I guess I was just concerned with the overall issue of safety where if you have a small store or restaurant and the place is full of people. It sounds like, I think, if I understand correctly, it sounds like the occupancy number would guide how many people are allowed to stand there outside of the seating -- well, it includes the seating; correct?

MR. SCALI: Right, a total safety

number.

MR. LEVIN: And that total safety number is dictated by the Building Department, not the Fire Chief.

MR. SCALI: Not by us. It would be a building code safety number.

MS. LINT: So on the establishment that I know that you're speaking of, I was told by the Building Department today, they actually could have up to 80 people in there, and possibly 90.

MR. SCALI: That's a building code number though. It doesn't mean we would approve that.

MR. LEVIN: Oh, okay.

MR. SCALI: That's the max they could fit.

MS. LINT: But for safety purposes that's the number that they can have.

MR. LEVIN: So you could or could not come in and say that's fine or that's way too large for that space.

MR. SCALI: Right.

MR. TURNER: The building official does not just take that number out of a hat. There's a code that has -- it's three square feet per person for a sprinklered building, and seven square feet per person for a non-sprinklered building. And that's just square footage or floor space that can be occupied by an individual.

So that's how they come up with those numbers; they take the square footage of the area of the building, calculate it out, and say I can have by code x-amount of people within this x-amount of square feet, and that's how the building official gets -- it's an architectural formula.

MR. LEVIN: I thought that you had visited -- I was reading over some previous transcripts of a pizza place, and I thought you said there was no way you can have that many people in there. Maybe I misread it.

MR. TURNER: That was Om?

MR. LEVIN: No, sorry. It is Upper Crust.

MR. SCALI: That was just probably his

opinion of what he thought would be able to fit in there.

MR. TURNER: If I recall, they were looking for the beer and wine, and I thought they had put a number of an occupancy load, and I inspected the establishment. I just couldn't picture that many people in there.

MR. LEVIN: Then the only other thing is I'm just curious, because I have registered a concern with the inspectors about the establishment. And lo and behold, and I believe totally coincidentally perhaps -- I do not know -- I received I guess you would call it a threat of a non-criminal nature about protesting my expressing the issue of possible capacity issues with the establishment. It's a long way of saying it.

But I just felt kind of concerned and I wondered if that's something that is taken into account or looked at; that someone who tries to say I think this restaurant has a problem and --

MR. SCALI: We take all complaints, all concerns. We look at all that.

MR. LEVIN: This is not a concern about someone having a capacity problem, which I do, it's a concern about me expressing that and then getting essentially threatened about it.

MR. SCALI: You have every right to make any complaint or concerns without any ramifications to you at all.

MR. LEVIN: But I had ramifications.

MR. SCALI: By whom?

MR. LEVIN: I don't know exactly but it's patently obvious that it was closely related to the Victualer licensee.

MR. SCALI: Not a City person?

MR. LEVIN: I'm sorry?

MR. SCALI: Not someone from the City?

MR. LEVIN: No, no, no.

MR. SCALI: Obviously that's something we can't control.

MS. LINT: If he's feeling threatened, shouldn't he file a complaint with the Police Department?

MR. LEVIN: I don't think I can. I'm

guessing. There's nothing -- it doesn't seem there is anything criminal involved, although I am not the judge of that.

MR. HAAS: What is the nature of the threat?

MR. LEVIN: I have a business next to this business that I have a concern with, and I had a concern about the seating arrangement. I spoke with Elizabeth Lint and I couldn't explain on the phone. I said, could I take some pictures and show you? She said, sure. I did. And then very coincidentally with that I got a phone call -- I didn't personally get it, but a phone call at the store for a manager who was told that we are harassing this establishment, and that there would be a protest march outside of our store this Friday, in fact.

MR. HAAS: This coming Friday?

MR. LEVIN: That's correct.

And in addition, I was told they were going to call the Boston Globe. And then beyond that I got a call from a Harvard Crimson reporter

who said that my establishment is suing -- a lawsuit against this establishment -- which is totally untrue from what's going on. He heard there were people taking pictures in there. So I had to deal with that as well.

No one threatened my life or threatened my safety, I certainly will say that, but it's sort of like wow, this is what you get when you have a concern about safety.

MR. HAAS: You feel this was kind of orchestrated by the establishment you had concerns about?

MR. LEVIN: Well, I have some evidence of that, yes. Not just my impression, I have actual evidence of that fact, yes.

MR. HAAS: Like a flyer or something like that?

MR. LEVIN: No. Because the phone call that was made to our store to a manager, I didn't receive it. She asked for the return number. I found the return number. I didn't find it, she gave it to me. I looked it up on the Web

and it turned out to be a person who was in the same time and had an obvious business relationship with the owner of the stated business.

MR. HAAS: It wasn't a principal of the business?

MR. LEVIN: No. The person that made the phone call was not a principal of the business, that's correct. Somehow he had done business with him. It just feels very very threatening without being I guess illegal.

MR. SCALI: I have to advise the Commission, we're talking about it in generality. When it comes to a particular licensee they have a right to be present. So we don't want to get into a particular application, but we understand your concern, and you certainly have every right to voice your concerns with us, and any other City department, of course.

MR. LEVIN: Thank you.

MR. SCALI: Any other matters before the Commission?

MS. LINT: Nothing else.

MR. SCALI: Motion to adjourn.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

(Whereupon, the proceeding was
concluded at 8:08 p.m.)

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS
BRISTOL COUNTY, SS

I, Anne Ouellette, a Professional Court Reporter, the undersigned Notary Public certify that:

I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of these matters.

I further certify that the proceedings hereinbefore set forth is a true and accurate transcription of my record to the best of my knowledge, skill and ability.

In Witness Whereof, I have hereunto set my hand this 18th day of May, 2009.

**THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT
DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME
BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL
AND/OR DIRECTION OF THE CERTIFYING REPORTER.**