

## COMMONWEALTH OF MASSACHUSETTS

## CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION  
DECISIONMAKING HEARING

LICENSE COMMISSION BOARD MEMBERS:

Richard V. Scali, Chairman  
Steven Williams, Deputy Superintendent  
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  
Thursday, July 30, 2009  
10:09 a.m.

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P R O C E E D I N G S

MS. LINT: License Commission  
Decisionmaking Hearing, Thursday, July 30, 2009, at  
10:00 a.m. We're in the Michael J. Lombardi  
Municipal Building, 831 Massachusetts Avenue,  
Basement Conference Room. Before you the  
Commissioners: Chairman Richard Scali, Deputy  
Chief Dan Turn, and Superintendent Steve Williams.

MR. SCALI: Superintendent Williams is  
here for Commissioner Haas. I'm sure he has notes  
and information from our last hearing, so he will  
represent his point of view.

MR. TURNER: Mr. Chair, I'd like to  
make a motion that we accept the minutes of the  
previous meeting.

MR. SCALI: thank you, Deputy Chief.  
That's moved.

MR. WILLIAMS: I'll second it.

MR. SCALI: All in favor?

MR. WILLIAMS: Aye.

MR. TURNER: Aye.

MR. SCALI: That would be from July 13 then.

There are three items on for decision today, and then one discussion item that we have at the end. I see that Burdick's is here. Is anybody else here for any other item? No one else here but just for Burdick's. Why don't you all come forward, if you would? You can come up here to the front row. We'll go to the item that was heard originally on June 23, and continued to today for discussion. We will go to Mrs. Lint first for an update as to what has happened in the meantime, and then we'll hear from all of you as to what you've done.

MS. LINT: I had received a copy of a proposed plan to help manage crowd control during busy times. I also spoke with Henderson Hedley who said he was going to review it with them and see if maybe he could help tweak it even a little bit more just to help them out and get it so that things are really run well and not causing disturbance on the street and so forth.

MR. SCALI: Have we seen that? Is it a document that we have seen?

So one issue had to do with the crowd control, the sidewalk control, the seating control, making sure you adhere to whatever numbers you have, and that you adhere to that. So you are proposing through this document through Mr. Hedley that No. 1., you post your occupancy limits at the entrance so people from the public know what those limits are; train your staff to be more aware of occupancy issues and to be more effective in resolving the issues as they arise; seasonally hire additional staff to monitor the door to insure compliance with occupancy limits during the busy season from mid-October through Easter with highs and lows during that period. Lastly, remove seating to allow for seasonal retail business to be a priority.

MS. WATSON: So that more people aren't sitting and there is more retail coming-and-going space.

MR. SCALI: That we cannot do because

once you have seating you've got to adhere to whatever plan we give you. So you can't remove and add to.

MR. BURDICK: Mr. Scali, the thought is -- and if you can't, you cannot -- the thought is that during the slower months it's nice to have those additional seats on one side, and during the busy times, we wouldn't want to lose some of our occupancy to people who are just sitting having a coffee all day, which we normally encourage because we have to make chocolates. So we could take seating out certain months to make sure that the coming and going of people buying chocolates would be okay. But if it's not possible, it's not possible.

MR. SCALI: There are some establishments that -- and this is nothing like you. There are some establishments that have live entertainment at 10:00 p.m., and they have alternate plans where they have seating during the day and then they take away seats and they have standing at night. That's not at all similar to

you but I guess we would need to have like a time period and an alternate plan in place. If it was up to you then it's kind of like at your --

MR. BURDICK: If it got complicated, we would just leave out those seats all year round, if it got complicated.

Could I make a comment?

MR. SCALI: Sure.

MR. BURDICK: And I don't want to sound -- because we're ready to do whatever we have to do. Personally I don't think we have an occupancy issue or a crowd issue, and Mrs. Lint just mentioned how to control disturbances on the sidewalks, and I'm not trying to sound antagonistic towards Phil, but I don't think the City's ever had a problem or a complaint. I don't think anyone has ever complained. We've never complained. I think there's only one person saying there's a problem.

MR. SCALI: We haven't really come to any conclusions in that way. We say that to every licensee: you are responsible for your patrons no matter where they are. So if it happens, you've

got to do something about it.

MR. BURDICK: That goes without saying.

MR. SCALI: I guess we have some testimony that shows that there was some issues and then there are others that say there's no issues.

MR. BURDICK: I'm implying that I think all the testimony has only come from one source. I might be wrong, but we don't have to go there.

MR. SCALI: It's got to be done no matter what.

MR. BURDICK: I think everybody has been perfectly happy with our business up until this.

MR. SCALI: Let's put the removal of seats to the side right now. Any questions?

MR. WILLIAMS: No.

MR. TURNER: No.

MR. SCALI: Mrs. Lint, what's the next issue then?

MS. LINT: The noise issue, and I



spoke with Henderson several times this week and what he tells me is what they've discovered is the noise is actually coming, the constant hum is coming from upstairs which is rented by Harvard.

MS. WATSON: We all met there at 9:00 last week.

MR. SCALI: Just tell us your name for the record.

MS. WATSON: Kathy Watson. We met there at 9:00 a.m. about a week ago, a week-and-a-half ago with his sound technician.

MR. SCALI: Who met?

MS. WATSON: Myself, the sound technician, Mr. Levin was there, Wayne Peterson was there.

MR. SCALI: From the maintenance company?

MS. WATSON: Yes. And we shut everything off on our side and we heard the hum just as loud as he did on his side. So then what had been determined was it was coming from upstairs. We just couldn't hear it because we have

the refrigeration and everything.

MR. SCALI: So we solved the mystery.  
That's good news.

So is there a proposal to fix that  
noise.

MR. COHEN: Do you want me to address  
that?

MR. SCALI: If you could, yes.

MR. COHEN: I'm Richard Cohen from CGI  
Management. The research that was done on that  
Tuesday night that Kathy talks about did show that  
Harvard put in a bunch of computer systems upstairs  
and they need cooling for those computers. We do  
not have an answer to how to solve the humming yet,  
but now that we know more where it's coming from  
it's something that we will address with Harvard,  
but I can't tell you how it's going to be resolved  
today. Harvard will work with us I'm sure.

MR. SCALI: It's the cooling system  
for the computers. Is it like a machine or  
something?

MR. COHEN: They have independent

cooling equipment. These are enclosed rooms so that they have all their equipment in. So they cool those rooms and they have some sort of --

MR. TURNER: Is it a Leibert unit?

MR. COHEN: I wouldn't know.

MR. TURNER: It's like a separate independent cooling air conditioning unit.

MR. COHEN: Yeah. And it probably sits on the floor, one of them, so they may be able to put that up on some sort of padding. It seems like the acoustical engineer that was there that night seems to believe that it's something that's solvable and we just haven't scheduled any get-together with Harvard to enlighten them to the situation and to discuss how to solve it.

MR. LEVIN: Chairman Scali, Phil Levin. We're all aware I hope that that is not the noise issue, it happens to be one recent one. And that's fine. I believe it's coming from upstairs based on what I've experienced. But of course, just to put it on the table, all the other ones are still there. All the other ones meaning the

conversations, the machine noise.

MR. SCALI: We're going to get to that. I'm just trying to find what the mechanical noises were.

MR. LEVIN: This doesn't surprise me because a couple of years ago, we noticed that humming and actually called in Harvard and within five days they fixed it. So it's not surprising, it's probably the same issue.

MR. SCALI: So that we can fix in some way.

The other issue had to do with the other wall issue. I know that you've met. How many times have you met? Have you met a couple of times? Or did you meet with Mr. Hedley?

MS. WATSON: Yes, we did.

MR. COHEN: One time.

MR. BURDICK: He was very helpful. Thank you for offering him.

MR. SCALI: He's very good at what he does. He's a very good mediator usually. Is there a plan for that wall? I heard there was some

discussion going on with regards to the wall.

MR. COHEN: There is no final agreement on the wall. We are in conversations with both parties but we're more in conversation with Settebello. Settebello has not agreed 100 percent but we're in a very serious conversation and close to an understanding about allowing us to come in on their side to build the wall on their side, but it has not been finalized yet.

MR. SCALI: You are still talking but you feel positive that something can be accomplished?

MR. COHEN: Yes. We're up against a little bit of a time situation where everybody is concerned about business picking up in the Square in August and September. We're hoping -- Settebello has been in discussions about letting us do the wall on their side which is a big advantage to Burdick's to allow that so they won't have to shut down their business during that. It would entail Settebello shutting down for a little period of time. So there's a lot of give and take going

on and there's a lot of conversation still going on, but I cannot tell you today that we have an agreement. We're very close.

MR. LEVIN: I think that's a fair assessment. It's a big concession on our part to just put it on the record. It's not an admission of ownership of the problem. We feel just to move the process forward and it is a big thing for us. Although I understand that for -- I didn't realize this that you have to get re-licensed when you shut down as a licensee, and so I thought, and reinspected.

So it really came down to they have to shut down for two weeks and get reinspected, you only have to shut down for one week. So guess who. I'm just saying that's essentially what the argument was. Plus, it was somewhat more expensive to do it on their side. I just want to state that it's a big concession for us. We have to shut down. We lose business. We have to pay our staff. We lose some of our sales floor permanently, not a huge amount but something. We don't know 100

percent whether this will solve the problem. We're hoping it will. We still have a floor transmission problem, which has not been addressed.

MR. SCALI: What is that?

MR. LEVIN: There's an acknowledged problem of noise from foot traffic and dropping things and banging. They're trying to address that but that's not been solved or addressed. I'd like to point out that all these things were pointed out in a report that CGI commissioned from the sound expert in June of last year I believe, which had suggestions to try and remove those problems but they were never really done.

So we're doing our part, Chairman Scali.

MR. SCALI: It sounds like you all are. I have to say, I never thought you'd get this far but you came a long way. So I'm glad you're here.

MR. LEVIN: Here's what I'd say: This is all we can do. We can't solve the crowding problem. We have no authority, no ability to solve

it. So we're doing what we can. It's a big sacrifice. I really hope that the other piece that we can't control, you know, as a gesture, will be just taken care of.

MR. SCALI: It sounds like you are all trying very hard and I think that's a great great thing. I think you've all come a long way. It's very frustrating I know, for everyone to agree but I think you have at least begun the process and it sounds like you're halfway there maybe.

MR. LEVIN: Yeah, I know but are we on the -- it's fine, I'll wait if you like, but are we on the piece about this crowding and occupancy issue? Shall I wait until --

MR. SCALI: Is that all you have for updates?

MR. LEVIN: No, because it's very important. I thought -- I might be wrong, but I thought we left with the impression from the last hearing that one of the plans, outside of the noise we have a serious issue with our front space being unusable and our door being blocked. I thought



that's what was going to be addressed.

MR. SCALI: I guess their plan they submitted to us -- I don't know if you've seen it.

MR. LEVIN: I have it right here.

MR. SCALI: That is part of solving that issue in terms of making them responsible for policing that.

MR. LEVIN: To me, their over-occupancy and over-capacity issue are all on the table. Everyone knows about it. Whatever you believe about the numbers, it's out on the table. I haven't heard anyone deny it. My feeling is it's really the License Commission that can deal with that because they're aware of it. The other piece of that is, again, whatever that does to affect our business -- maybe another way of saying it is look, you guys know about it. You deal with it. But really what matters to us now is they can have whatever you want them to have in there as long as it doesn't interfere with our business because you know about it. That's how I feel. Unfortunately,

this plan doesn't address that at all.

MR. SCALI: What would you add to it?

MR. LEVIN: I don't know. I'm not the expert in crowd control.

MR. SCALI: The plan that they have is a very standard plan that a lot of our licensees submit to us. We do tell them in our rules that they are responsible for their crowd control, they're responsible for their patrons, they're responsible for notifying their patrons that they shouldn't be doing certain things. They're responsible for staff being out there making sure that this doesn't happen. If they don't do that, and if we do allow them to have an increase in occupancy, you call or whoever else calls, we are then responsible for making sure that they adhere to it.

MR. LEVIN: This may work for occupancy. I believe -- you're the expert in that area -- this is a plan for failure for crowd control. I'm sorry to say, but I wish there were something better here. I wish there was something

that said, "We will have someone who will encourage patrons, we will have a rope," or something because they hang out.

MR. SCALI: That's a hard thing to do.

MR. BURDICK: Mr. Scali, can I just make a comment?

MR. SCALI: Yes, positive comments on solutions, if you could focus on that.

MR. BURDICK: The real problem is, and Kathy can show you, our doors are back-to-back. There's three inches our door and Phil's door. So our store could have only three people in it, if three or even one other person comes to walk in our front door at the same time as someone is coming out, the person who is outside is very polite and steps back and let's them out first.

MR. SCALI: You've got very close quarters.

MR. BURDICK: Guess where they're standing when they step back and hold the door for the person coming out? They're standing in front of that door. I think part of the solution is, and

it may not be for an occupancy, it's about a landlord-tenant thing, would be to move the doors apart. That gets into another expensive construction project. But it's not about the crowds.

Harvard Square is a very social place. People meet each other in front of the store and they stop and talk. We can put a sign up that says please don't stop and talk in front of the store, I suppose. Sometimes they're coming out of a highrise. Sometimes they're coming from the theater and walking by. People come out of our place and they say, "Oh, how are you," and they stop and talk.

Everybody in the Square loves that aspect of Harvard Square. It's a beautiful, social, pleasant place to be. But if the doors remain back-to-back, and when one door opens it opens towards the other door, and someone is polite and steps back to let the other people out, which everybody does because most people are polite, they will stand inevitably in front of the other door

for a few seconds at least.

MR. SCALI: It's the sin of being busy I guess.

MR. LEVIN: It's a complete mischaracterization of the problem. It's not just one or two people when a door is open. That's just completely false. Let me at least describe it quickly.

MR. SCALI: I don't need anymore description. I know exactly -- what I'm looking for is ideas that you may have. If you don't have any ideas, that's fine.

MR. LEVIN: I have ideas but I don't know if they're legal.

MR. BURDICK: I think Mr. Levin should move his door to the other side of the store and we'll put up signs and tell people --

MR. SCALI: We're looking for positive comments.

MR. LEVIN: I have some ideas. I don't know whether they're feasible.

MR. SCALI: I'd be happy to hear them

right now if you want.

MR. LEVIN: First of all, signage is I believe there's a loading zone out in front just down the street from our store, and a no parking zone. People park there all the time. I don't really expect signage to do anything. Burdick's patrons are nice people. They're not unruly or anything like that, butt hey do what crowds do. They just enjoy themselves and don't worry about what's around them. It hard for me to know exactly what would work. Here's some ideas. I have no idea whether this would do it. Certainly a full-time person standing there, a police detail. You're asking for ideas, I don't know if they're good ideas.

MR. SCALI: All right.

MR. LEVIN: If I had to, with my naïveté about crowd control that's what I would sort of say. You've got to have a full-time employee who stands out there and makes people move, or a police detail. Or you've got to have one of those things you see in movie theaters if

you don't block the sidewalk much that just comes out the door and goes in front of their space. They use our front space as their outdoor cafe. That's what we find.

Last week, or a couple of weeks ago we had a family with suitcases who dropped them down in front of our store, literally in front of our store and our door, and were having a party out there. For whatever reason, they don't tend to congregate as much in front of Burdick's. So you need people to control people. That would be my theory. So that's my suggestion, but I'm an amateur.

MR. SCALI: You're saying everything that we would normally suggest so it's nothing unusual at all.

MR. LEVIN: It's beginner's luck.

MR. SCALI: Comments from the Superintendent or did the Commissioner have any comments?

MR. WILLIAMS: No. Just trying to come to a peaceful mutual resolution to the issue.

MR. SCALI: Deputy Chief?

MR. TURNER: Mr. Chair, if I may, I would like to discuss -- we talked about shutting down and how this is becoming expensive, and businesses have to shut down to construct this wall. I don't know what the logistics of constructing the walls have been or what will be involved in it, but I'd be curious to see what those logistics are, because there are literally hundreds of construction projects, and in this case, a minor construction project where businesses remain in business, open during business hours while the work is being done. I'm very curious to explore a little further as to why they have to shut down.

MR. LEVIN: I can answer that. The reason is with the nature of our business it would be very very tricky to -- dust control is a big issue for us. We've had problems before. If anything leaks from that construction project for any reason, we're in big trouble. We have very expensive merchandise. It will get ruined. that's



number one. Probably number one, two, and three.

The other thing is I also discussed with -- when CGI brought down the contractor we discussed the possibility, as you suggested, of trying to remain open. The long and short of it is the work to be done to remain open ends up extending the project. So you'd have to trade off that if the project is five or seven days, but it's going to be ten or thirteen days having to remain open, you start to trade off and say is it really worth it. Because you're not truly regularly open for business. Our customers are not the kind of people who are going to push through crowds, they'll just say, I'll come back. So it's a trade off. That's the short answer.

MR. TURNER: It's a choice.

MR. LEVIN: It's a choice. Not a great one but it's the best one we can make.

MR. TURNER: You can also do construction after-hours.

MR. LEVIN: But what do you do during hours?

MR. SCALI: He has very expensive merchandise and for that to be full of dust would be horrendous.

MR. TURNER: I understand. I've seen museums, Harvard museums do this all the time.

MR. SCALI: It's very close. We're not talking about like a huge museum. We're talking about --

MR. TURNER: I'm also finding it -- this crowding issue has really kind of piqued my interest. Who owns the sidewalk in front of the establishments? Do the tenants?

MR. SCALI: It's a City sidewalk.

MR. TURNER: It's open public access and people congregate. I'm just curious, you mentioned this family with the luggage. When you see these incidences of congregation in front of your establishment, does anyone from your establishment go out and ask them to move?

MR. LEVIN: Sometimes.

MR. TURNER: Because there is a process where you feel you have a congregation of

people you can call the police.

MR. LEVIN: I'm glad you mentioned that because to me --

MR. TURNER: There are avenues to deal with these issues.

MR. LEVIN: To me, and tell me if I'm wrong, there's two issues. There's a police matter and a fire department matter. The fire department matter as far as I understand is the fact that our exit is blocked frequently, and not not really an issue because it comes and goes. But there are frequently people, as I've mentioned in other hearings, where our employees and patrons can't even get out. You have to knock on the door to get them to get out of the way. So that to me -- tell me if I'm wrong -- that's something that normally the fire department doesn't like to see because you need egress to the street in case of emergency.

As far as the police matter, and I may be wrong about this, I can guarantee you that during the wintertime and the busier seasons that sidewalk, forget Settebello, that sidewalk is

blocked. I've seen people walk in the street to get around the crowds. I won't say that happens every day or every hours, but it's frequent. I would think that's a police matter, blocking. You have to be able to get a wheelchair I know at least through the sidewalk. I know that's part of the law.

But even more so -- I'm sorry to hear Larry Burdick talk about this as if it's sort of like, oh, we're popular, too bad. That's the thing I've gotten all along.

MR. LEVIN: I've never talked about it in that tone of voice.

MR. SCALI: Please don't comment right now.

MR. LEVIN: Anyway, that's the thing that scares me.

MR. SCALI: We've already heard all this.

MR. BURDICK: The exaggeration of the situation --

MR. SCALI: I'm asking you not to

comment, please, because we've already heard all these matters before.

MR. LEVIN: That's pretty much what happens.

MR. SCALI: Thank you very much. Any other questions?

MR. TURNER: That pretty much wraps it up. Thank you for the comments.

MR. SCALI: Pressure of the Commissioners? Do you still wish to take it under consideration, or do you wish to vote today? I mean I have certain ideas but I'm sure --

MR. TURNER: Continue the matter until we've got a wall that's potentially going to be constructed.

MS. WATSON: We have to do something. Right now we are licensed for 16 people. We have to do something.

MR. BURDICK: Mr. Scali, I think in our slowest period, July and August, leading up to Labor Day, I think even Phil would agree there's no occupancy issues. If we could just get our stools

back in for now and call it tentative until we can resolve it. It would help our business. Summer is slow.

MR. SCALI: If I was to suggest that we approve something, it would be with number of conditions and a time limit on it. That's how I would feel about it. The burden kind of falls back on CGI.

MR. BURDICK: I understand why you have to link them but don't I think the landlord-tenant issue, I hate to see it so closely linked to our occupancy issue. I'm not sure it's fair. There are a number of things that aren't right about our stores, but I don't think -- I mean I think we have to work it through altogether but I don't think we should be penalized for not having done anything wrong.

MR. SCALI: Please be aware that occupancy of any establishment that we license is an impact to the public in some way, whether it's one person or a hundred people. If it impacts somebody, it's a public safety issue. That's the

only reason why we are talking about this. If you are a licensee and you're blocking a sidewalk, or you're over-crowded, it's a fire hazard, it's a safety issue, it's a public police issue.

MR. BURDICK: That's the point I'm making: I don't think we're doing either of those things and I've only heard it from one other source. Has the City ever heard that from any other person?

MR. SCALI: That is your opinion and Mr. Levin has another opinion, and so we have to weigh the balance.

MR. COHEN: I think that our issue of wall in that construction and whether that wall actually gets built, and hopefully it will, but if it doesn't, that becomes an issue that may go legally between landlord and tenant. I look at the issue of capacity as being what perhaps they have the right to have in their store, and what they have the right to have in their store. That you then rule or vote on that matter, and let landlord and tenant each try to work out their differences

which we have been working to do.

From the standpoint of perhaps the restrictions put on Burdick at this point, I think Burdick is trying to make a point of what they're going to try to control their crowd to be. I guess they have to be true to that and live up to that.

I, as landlord am trying to work whatever noise transmission is coming between the walls. The sidewalk issue is somewhat out of my control in a way.

MR. SCALI: Not really.

MR. COHEN: I don't know how it becomes mine.

MR. SCALI: Landlord is responsible for their tenants. Whether it was his crowd, or his crowd, or Harvard's crowd, you're the landlord.

MR. COHEN: Right, and I have a lease the somewhat controls and dictates those sort of issues. So I don't know how to resolve and move my side. I'm trying to move my side forward.

MR. SCALI: I think you have come a long way. I think you've got a plan. I think you



need a little more time to accomplish that; come up with an agreement with Mr. Levin. I think you can come up with some ideas that you've already -- we can certainly expand upon these ourselves.

What I don't want to happen is that we grant something and then everyone drops the ball and sits on it, because if that happens then we're back to square one again.

MR. LEVIN: I appreciate the way you're tying it in, because frankly from our perspective, if this were all something that just happened recently in the last few months, maybe I'd want to try and give the guy some leeway. The fact is this has been happening for two years and they've had the advantage. They've had the advantage of over-capacity and all the extra sales that go with it and over-occupancy. So we'd like to see a compensation in regards to action on the other side.

MR. SCALI: I think you're half-way there.

MR. BURDICK: There's a lot of context

that's not presented which would really help to understand the problem. Some of it will sound negative so you're not going to want to hear it, but there's a lot of context to this situation that would throw a little more light on the whole thing.

MR. SCALI: I don't think that's necessary. I think we understand that dynamics of it going on already. You've all become more positive.

MR. BURDICK: Mr. Scali, the letters, and the e-mails, and the people that support, we've become an important part of Harvard Square for a lot of people. We've got some beautiful -- just the fact that it's a family business helping to anchor the Square -- not that Mr. Levin's is not.

MR. SCALI: You're both important retail establishments in the Square; I'll make that very clear for the record. We want to make sure that everyone succeeds.

MR. BURDICK: That goes without saying. But there is a point where if you take everything that Mr. Levin says at face value, it's

out of context, it's exaggerated, and it's not true.

MR. SCALI: We're kind of past all that. We're past that. Deputy Chief?

MR. TURNER: Refresh my memory now. On this application we have cooking. Has that been decided?

MR. SCALI: We already voted that.

MR. TURNER: So right now, we're just talking the increase in occupancy?

MR. SCALI: Right.

MR. TURNER: On 7/2, we had a request to change it to 49, and this is past Inspectional services and Zoning? It's all signed off and reviewed and approved?

MR. SCALI: There's 28 seat with 21 standing, keeping the plan as is though. So that they have their exact floor plan as is but with the additional people being able to fit there.

MR. LEVIN: Chairman Scali, please before you vote on that --

MR. SCALI: Please don't talk.

MR. TURNER: Based on the ongoing issues, I'm trying to make a connection where we can deny this where it's already had approval that's been required. It's been approved.

MR. SCALI: I'm going to make a suggestion that we do this, and Commissioners, you can discuss this if you like. There are couple of other issues still at hand but I do feel we have come a long way with the discussion, and I know that CGI is working very diligently to get this accomplished. I know that Mr. Levin has made some concessions which I think are very admirable, and I think that Burdick's is working very hard to come to some conclusions as well.

My suggestion would be that we impose a number of conditions that they would have to adhere to in a timeframe and that we give them the opportunity to at least resolve those issues. The proposal is to approve the 49 capacity, 28 seats, 21 standing, adhering to the plan as proposed with the following conditions: Number one, they continue to resolve the wall issue with the

landlord and that that issue be resolved to all parties' satisfaction, and I'll put a time limitation on that as we get to the end.

MR. TURNER: Mr. Chair?

MR. SCALI: Let me just go forward and then we can discuss.

That Burdick's impose the plan as suggested here with posting the occupancy limits at the entrance; that they train their staff to be more aware of the occupancy issues; that they do require staff be at the door during those busy times when there is a compliance issue. That would be for inside and outside on the sidewalk, particularly in the busy seasons. That would include the sidewalk as well in terms of making sure that the patrons are not blocking any safety exits or entrances; and that they continue to work with CGI on the issue upstairs with the noise going on with the Harvard cooling systems.

MR. BURDICK: Mr. Scali, can I ask one question?

MR. SCALI: Hold on. Any other

conditions?

MR. WILLIAMS: No.

MR. TURNER: No other conditions.

MR. SCALI: Discussion?

MR. TURNER: No further discussion.

MR. WILLIAMS: No discussion.

MR. SCALI: Then the other issue has to do with discussion of the time limitations that this matter be fully reviewed, I'm going to say we probably need until probably our first hearing in October, Mrs. Lint. Would that be possible for review? We only have one hearing in August. We have two in September.

MR. WILLIAMS: What is the busy season they were concerned with?

MR. SCALI: September begins the fall season, but now is your busy season with the summer crowds I guess. But you're busier in the fall and winter, aren't you?

MS. WATSON: Yes, October.

MR. SCALI: I would review before the winter crowd.

MR. TURNER: So do you want to go to the end of October and just see? That gives us some feel for when the crowds come back.

MR. SCALI: I think I'd kind of like to see it before that, before the big crowds come. So review it at the first hearing in October.

MR. LEVIN: I don't think that will be representative.

MR. SCALI: I just want to see what the plan is at that point in time and how far we've gotten.

MR. TURNER: We can always extend it.

MR. LEVIN: One other question is --

MR. SCALI: No more comments.

MR. BURDICK: This isn't a comment. Can we change the ratio of seats to standing? If we're not going to be able to take out seats during the winter, could we change that now?

MR. SCALI: No.

MR. BURDICK: Leave it at 49 but have more standing and less seating?

MR. SCALI: No, because it's too ad

hoc and it makes -- the public doesn't know when you're changing that, Mr. Levin doesn't know when you're changing that.

MS. WATSON: Permanent.

MR. BURDICK: We would take the seating out so that they couldn't sit is what I'm suggesting. The ratio for standing if it were a little higher would be good for the shopping season when people just come in to buy chocolates and go back out.

MR. SCALI: We can certainly look at that in October if that's your plan.

MR. COHEN: What is the date of your October meeting?

MR. SCALI: I think it's the first Tuesday of October, October 6.

MS. LEVIN: I was just wondering if I could get clarification because I arrived late. I think it is the duty of the Burdick's organization to police the sidewalk and all the congestion. With all due respect to the landlord, we're just impacted by that crowding.



MR. SCALI: We've already talked about this. We can go over and over and over the issue. We made the proposal. So I appreciate your comments but we've already talked about this.

MS. LEVIN: So there is a plan to work with those crowds and moving those crowds.

MR. TURNER: Yes.

MR. SCALI: Yes.

MS. LEVIN: How will you test the success of the plan?

MR. SCALI: In October, October 6, by my investigators watching it, by you watching it, by whoever else is out there watching it: the police, the fire department, anybody reporting back to us. We certainly will know whether it's working or not.

MS. LEVIN: So this is the experimental phase?

MR. SCALI: If you want to call it that.

MR. LEVIN: Should we call the police department or fire departments?

MR. SCALI: If you feel you must, you certainly should.

MR. BURDICK: I would suggest they do because I would like someone else to see what they're talking about. To see if a third party person who witnesses what they said they've seen, which I believe is exaggerated.

MR. SCALI: And you should call Ms. Boyer, too, out of our office to make sure that that's the case, so she has that on record. When you have the particular date and time of when you have that problem. You'll get a quicker response from the police I think.

MR. LEVIN: Is it appropriate for us to do that?

MR. SCALI: It certainly is.

MR. BURDICK: Mr. Scali, I would love to send a letter with some information that would put this in context. I know you don't want to hear it.

MR. SCALI: It's really not necessary. I know you're trying very diligently to resolve it.

So that's a motion. Do I have a second?

MR. TURNER: Seconded.

MR. SCALI: Further discussion?

MR. WILLIAMS: No.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. WILLIAMS: Aye.

MR. SCALI: Thank you all very much. We'll see you October 6. Please continue to talk and mediate, figure it out. It's doable. And if you need Mr. Hedley again, we're certainly happy to have Mr. Hedley sit in.

MR. SCALI: Off the record.

(Short recess taken.)

MR. SCALI: We're back on the record with a couple of other matters.

MS. LINT: Just a minor one. July 13 at the top of Page 2, Koko's Garage. They had not come to the Disciplinary Hearing and I sent Officer Arcos out. He's no longer selling used cars so the license is --

MR. SCALI: Motion to cancel the license.

MR. WILLIAMS: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. WILLIAMS: Aye.

MR. TURNER: Aye.

MR. SCALI: Let's go to Riverside Pizza.

MS. LINT: Bottom of Page 1 from July 13.

MR. SCALI: This was a presentation by Ms. Boyer with regards to five incidents with regards to noise, and people sitting outside smoking and blocking entrances, sitting on the steps of the next-door neighbor's condominium step. I guess there were some issues with drug sales either in the area or across the street. I wasn't sure what was real or untrue. Then there was the issue of whether it was the patio versus just people standing on the sidewalk.

I think we wanted to get some updates from Ms. Boyer and updates from the police on that.

MR. WILLIAMS: We've been asking our uniformed and special investigation detectives to monitor the situation. There is nothing substantive as of this point but there are a number of individuals who are outside the establishment at any point in time.

From the Commissioner's perspective, things that occur down the street away, we have a hard time associating them with the Riverside itself, so that has to be taken into context. But situations, incidents that occur in the immediate vicinity we're cognizant of but nothing substantive at this point in time.

MR. SCALI: They're not there because of Riverside Pizza selling drugs or doing illegal activity, they're just in the area.

MR. WILLIAMS: They're in the area right now. There is a possibility that we may be able to make some inroads into more clarification on that, that there is something going on there, but right now, no.

MS. LINT: Some of the testimony from the abutters, if I recall, was people making noise or doing drug deals or whatever they're doing in a parking lot which is actually across the street, and not necessarily going to Riverside; and that some of the other issues that they had were connected to Hoyt Field. So again, the field is

there but it's Cambridge issues.

I think the bigger issue was the congregating not on the patio but on the sidewalk and then sitting on the door steps. What Andrea spoke to Mr. Goulopoulos about, and he did speak with me briefly is putting a better plan in place where they're going to put up better signage.

In the past when we had a problem, they did put up signage and it seemed to help for a little while about not congregating on the sidewalk and not making noise after hours and so forth; and that he and his brother would be more carefully monitoring during busy times and would be outside, would actually go outside and move people along.

He tells me that a lot of the time what happens is because the funeral home is across the street that people are kind of drawn to that corner because they're open and there are lights, but they're not necessarily coming into them.

MR. SCALI: They're just hanging out.

MS. LINT: Which is a similar problem we had at the Ebony Club where they weren't

necessarily going into the Ebony Club but because it was an establishment that was open and there were lights, people tend to gravitate toward that.

MR. WILLIAMS: I don't know about that one.

MR. SCALI: You think that's a far stretch?

MR. WILLIAMS: Yeah. I think that one is -- well --

MS. LINT: I think we've seen that from experience. You tend to gravitate on a street corner where there are lights.

MR. WILLIAMS: Yeah, that I can agree with. The issue about -- anyway. Yeah, that makes sense.

MR. SCALI: What's Ms. Boyer's plan, just that he's going to monitor?

MS. LINT: She didn't really feel like what he was putting in place was necessarily sufficient to control the issues that are going on. She suggested that on the busy nights that he have additional security. She wasn't suggesting a



police detail, she was thinking that they really need to hire someone to be outside to handle that. At the same time, it's difficult to tell a small-business owner that they have to hire somebody and spend more money in order to do that so it's that kind of catch-22 because it is a small family business.

MR. WILLIAMS: The Commissioner agrees. He thinks a plan for self-monitoring that is not haphazard, that insures that it's an ongoing issue be in place as we move forward.

MR. SCALI: So right now, it's just he and his brother that's running it?

MS. LINT: Yes.

MR. SCALI: He's have to hire somebody else to monitor the sidewalk?

MS. LINT: Again, I think that it's difficult to suggest to a small-business owner. We don't know what his books look like and to suggest that they need to spend money to do it may not be reasonable, but they need to do something.

MR. WILLIAMS: But he's volunteered to

go out himself, either he or his brother. Even if that's put in place and done consistently, and if they say that -- if our observations are different from what they're informing us is occurring, maybe we can bring it back. If they at least make that step and do it, and it does help the situation, it will be a positive.

MR. SCALI: Did the Commissioner wish to find any violations?

MR. WILLIAMS: No. He's asking that we hold any decision in abeyance for six months pending a review by both License Commission personnel and CPD.

MR. SCALI: Comments?

MR. TURNER: No comments.

MR. SCALI: I guess at this point in time the Commission wishes to continue the matter for six months or does he wish to review in six months?

MR. WILLIAMS: Review.

MR. SCALI: So we're not finding any violation at this time but that we are imposing the

conditions that they self-monitor and self-police; that they maintain inside and outside on the sidewalk and I guess the associated steps nearby. Is that appropriate?

MR. WILLIAMS: I think it would be.

MR. SCALI: To make sure that their patrons are not congregating or making noise, and that they do what's necessary to monitor that either with an additional person or themselves.

Also, that they place additional signs out front notifying their patrons not to congregate and make noise; and that our license investigators and the CPD will continue to monitor for the next six months; and we will do an automatic review at that time in six months, which would be early February. Is that appropriate?

MR. WILLIAMS: First meeting in February.

MS. LINT: January.

MR. SCALI: It would be a January review.

MS. LINT: Second hearing in January.

MR. SCALI: Discussion?

MR. WILLIAMS: No.

MR. TURNER: No discussion.

MR. SCALI: Motion.

MR. WILLIAMS: Second the motion.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. WILLIAMS: Aye.

MS. LINT: Brattle Theatre.

MR. SCALI: We had asked that they come in but I guess -- what did they say?

MS. LINT: I called them and asked him why he didn't come. He said he had it on his calendar for the wrong date. We told him we were putting it on for the 30th for him to appear, and I sent him a letter as well. We said at 10:00 a.m. Wait a minute, maybe we didn't. No, we didn't, but I spoke to him personally.

MR. SCALI: Did he know it was at 10:00 a.m.?

MS. LINT: I told him.

MR. SCALI: Pleasure of the Commissioners?

MR. WILLIAMS: It's my understanding that in addition to the application they're looking for a reduction in the --

MS. LINT: It was just the reduction.

MR. WILLIAMS: He's concerned over what the criteria is to determine financial hardship and at what point in time does the

financial hardship become a non-issue. Who makes that criteria? He would just like that to be taken into account before any decision is made and is actually looking for the possibility of a continuance on any decision.

MS. LINT: He had mentioned that at the original hearing when Brattle didn't show, and was concerned about going down that road, because it could just bring everyone in who is a nonprofit.

MR. WILLIAMS: Exactly.

MR. SCALI: I guess if Brattle Theatre really isn't -- are they interested? I guess they said they were. They told you on the phone they were still interested in pursuing it?

MS. LINT: Yes.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: I also understand that we do not grant this to any other licensee at present; correct?

MR. SCALI: We have on a case-by-case

basis reduced fees before.

MR. TURNER: On a one-time basis or every year?

MR. SCALI: For instance, the YMCA has an entertainment license and they have asked for a reduction in that fee every year and we've made them pay a dollar for that entertainment fee. Cambridge Center for Adult Education gets a reduction in fees because of their --

MR. TURNER: Certainly an entertainment fee is a lot less than an alcohol fee.

MR. SCALI: We generally have not reduced annual liquor fees per se. We've given them options on how to pay. We've given them four payments as opposed to two payments. We have generally not prorated at all.

MR. TURNER: How long have they had the license?

MS. LINT: Just a few months.

MR. TURNER: I would make a motion not to grant. These come out every January?

MS. LINT: Yes.

MR. TURNER: And if come January, if they can't pay for the new license then they can come before us and explain why they can't pay for it, why they can't afford to pay for it, and then we can take it under advisement or consideration to waive any fees at that time.

But actually, we're talking about paying for the current license; correct?

MS. LINT: Yes.

MR. TURNER: Which they haven't paid for.

MS. LINT: I don't know what they've paid.

MR. TURNER: My motion would be that upon renewal that we would consider any reduction in fees based on any testimony or proof as to why they can't pay for it.

MR. SCALI: And the Commissioner's suggestion about criteria, do you all wish to consider that?

MR. WILLIAMS: Is a determination of



whether there is financial hardship, is that something that the CLC has ever addressed before? And again, do we want to do that? Is there a possibility that in the current economic climate that other establishments will take this as an opportunity to re-examine their fees?

MR. TURNER: I feel it shouldn't be the License Commission setting the requirements; let the applicants prove to us why they shouldn't pay, or have a reduction in the fees. The burden should be on the Brattle Theatre Group.

MR. WILLIAMS: I'm just speaking from the Commissioner's perspective: If they show that it's a loss of profitability, can a lot of others come back in with the same claim? At which point in time, if a standard is set we wouldn't be able to more or less go back to where we are right now.

MR. SCALI: We have always taken the philosophy that we take it on a case-by-case basis if they can show us that they have some kind of hardship. I think if you put criteria into place, people could probably very easily make that

criteria through their books somehow. Then they'll know exactly what you're going to consider. Then you run the risk of them doctoring their books.

MR. WILLIAMS: I don't think either the Commissioner or I are advocating even the establishment of any criteria. It's just where do we go? Is the CLC in a position to even begin to factor this in?

MR. SCALI: I would still suggest we take it on a case-by-case basis as the Deputy Chief suggests. I just think it's up to them to prove that they have some kind of hardship; that they're special in some way.

MS. LINT: I think this is a good example of some establishments coming in to obtain some form of liquor license, wine and malt, or all alcoholic license, in order to save their business and then realizing that it creates just another burden on them.

MR. SCALI: That's generally what happens. They are doing it to save the business in some way.

So the motion from the Deputy Chief is that we not consider the reduction right now and the we reconsider in December should that be unable to pay at that time. They would have to come before us at that point in time.

MR. WILLIAMS: Seconded.

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

MR. TURNER: Aye.

MR. WILLIAMS: Aye.

MS. LINT: No other business.

MR. SCALI: We have actually the discussion on the hearing from Tuesday night. If we can just talk a little bit about it in open session here as to where you might be leading, so we can have some kind of format for our August 12. We meet August 10 for a hearing on Monday night, and then we have the Idenix hearing on Tuesday night, the 11th, and then we meet the morning of the 12th at 11:00 a.m. for decision. So it's going to be very busy that week. I didn't want to push this to the very end, and I wanted to have something to consider that you all could think about between now and the 12th.

In general, we heard a lot of testimony about the credit card issue. For the record, so you know, this has been going on for a very very long time. I know that they claim it only happened twice but we've been talking about it for a year in the taxicab subcommittee.

I guess the mood of the hearing, myself, I could see that there are a number of drivers -- mind you, those were 30 drivers out of

1,300 drivers in the City so we're talking about a small percentage of people.

Then you heard from the Harvard Square Business Association, the Tourism Department, and a number of other business associations as well.

I guess my suggestion would be that because of the economic times and the issues with the credit card companies in general that it perhaps be a voluntary system, and that we not impose it on them at this point in time. That No. 1, there be some way of monitoring or making sure that the vehicles that do take the credit cards have some kind of signage that says, I take a credit card or I don't take a credit card, or whatever that may be. I don't know what that would look like but we need to come up with some design that would do that.

The second part of that was what Denise Jillson suggested is perhaps that when you transfer your medallion or you put a new vehicle on the road that you would then at that point be required to have a credit card, some credit card

system in your vehicle.

MR. WILLIAMS: The first part of it regarding the voluntariness, I would also like to ask, would the voluntariness also apply to the type of system that they bring in?

MR. SCALI: That's the suggestion. The system that we looked at that New York has, that San Francisco has, Chicago, D.C., Boston, they all have this system from CNT with the screen in the back. I guess all those cities and towns think it's wonderful and we don't.

MS. LINT: I think it's wonderful. As a cab rider, I think it's wonderful.

MR. TURNER: Mr. Chair, I'd like to discuss all of their issues but first I want to begin with that I was a little disappointed at the opening of the hearing and some of the comments that were made by the drivers and the fact that you were a dictator and that we were shoving these things down their throat. Certainly the strongest message I got out of the hearing was that they day do not appreciate us imposing things or forcing

them to comply with things that weren't discussed and what have you. I certainly heard that message loud and clear, and I feel that you have had meetings with them, and perhaps they're misunderstanding the message that we were trying to convey.

With regard to what's on the table for consideration, I think it's just a question of economics and technology, and trying to bring the industry into today's standards with the technology and things.

With that said, I'm a little confused where you're saying make it a voluntary compliance on the credit card. I think that's going to kind of work itself out because as the different drivers testified, some already have it voluntarily and they're getting the jobs, and those who choose not to want it are going to lose the jobs. I think that's going to regulate itself somehow.

The point I'm trying to make is you're giving a kind of confusing comment here. I like the concept of when you renew your medallion you

are required to have --

MR. SCALI: Not renew the medallion, when you'd sell a medallion or transfer it. They all renew them every year.

MR. TURNER: On the right hand, you're incorporating the credit card rule but grandfathering current drivers, which is a very positive approach. So on the one hand, you're saying it's a voluntary thing, on the other hand, you are kind of adopting a policy of incorporating credit card use.

MS. LINT: Phasing it in.

MR. TURNER: So I think that would be the proper way to go to adopt it as a credit card policy but again, phase it in or grandfather it in.

MR. WILLIAMS: But there's another part of that, and that's the turnover of vehicles which by their admission is usually every three years, although it's five years or six.

MR. SCALI: The rule is that you can't purchase a vehicle that's over five years old.

MR. WILLIAMS: So if it's a two-fold



regulation -- and the medallion sale I fully agree with. If you want to come into the business, this is a prerequisite. No problem there. But if you also say the next time you sell your vehicle on an existing medallion, you've got to incorporate it, that would be a quasi-mandatory and not a voluntary.

I would suggest that we link it to the sale of a medallion. And I agree with the Deputy Chief, I think the weight of the way people do transactions today is going to more or less make everybody convert over at some point in time just because they are going to lose business. To link it to the sale of the vehicle on an existing medallion would in my view -- they would view it as the same story just worded a different way. So I would suggest that little piece be separated off of it.

MR. SCALI: I was just trying to figure out a way that would be most -- least controversial I guess in a way that would be --

MR. TURNER: With regards to the meter

increase, that's a difficult one. Again, I would not be opposed to any meter increase provided it was consistent with what is going on in the industry in other communities. There again, that's something where I think the drivers and the cab industry has to really take a close look at. They are under a lot of competition with the public transportation and the private transportation companies. I personally do not use cabs to get to the airport. I do use alternative transportation.

I actually for the first time in my life had an opportunity to go on the Blue Line, and I was a very surprised at how many people had the luggage. They were carrying the luggage going to the airport. I think it's a direct reflection of the cost of taking a taxi today. So again, I would not be opposed to an increase but I think the industry itself needs a closer look at what they're seeking and take a closer look at it.

MS. LINT: I think Councilor Reeves addressed that very clearly that he's finding it extremely offensive to take a cab to the airport

and how it's costing him close to \$50 by the time you're done with tolls and tips.

MR. TURNER: With regards to --

MR. SCALI: Before you get off that, are you still debating whether or not that's an appropriate thing; whether the increase is even -- I guess the part of this increase, just so you understand, is that when we allowed an increase in 2006, we did it with an increase on a two-eighths drop as opposed to on the one-eighth drop. This would eliminate a two-eighths drop. It would just go back to the one-eighth drop, and therefore, make a shorter fare more expensive, but pretty much maintain the longer fare about the same as what we're charging right now.

MS. LINT: So it would also increase the flat rates.

MR. SCALI: I'm not talking about the hotel flat rates. These are flat rates to other cities and towns. I wouldn't propose increasing the hotel flat rate.

MR. WILLIAMS: One of the concerns,

and I'm not sure if it's tied into the flat rate was -- I heard it both at the meeting with Councilor Reeves earlier in the week and at the testimony here -- was that they're losing regular customers. They referenced the Kennedy School of Government. Would that be a flat rate type of a contract?

MR. SCALI: No. Just so you understand what happened there. The Kennedy School -- no, it's not the Kennedy School, it's the Harvard Business School account. It's in Allston. For years and years and years, Boston drivers did not want to go there and Cambridge just took it over.

The new Lieutenant over in Boston, Mark Cohen, decided that's Boston; that should be our account. They went in there and took it back. Councilor Velluccio at the time, and a number of other Councilors tried to fight it and we couldn't win. It basically was something that we probably shouldn't have been doing for all those years that we got away with, the Cambridge drivers got away

with.

MS. LINT: The drivers' issues were that the cab stand at the B-School was on private property and they could have there whoever they wanted, but it's in Boston.

MR. SCALI: They had like 20 years of that benefit and lost it.

MR. WILLIAMS: Just trying to get both sides.

MR. TURNER: Again, I would not be opposed to the recommendation --

MR. SCALI: You wouldn't be opposed to the increase?

MR. TURNER: As to how you want to structure any increase, I would not be opposed to it.

MS. LINT: I don't think we had any discussion of the rates that some of the companies are charging the drivers to process their cards. That has to be looked into as well.

MR. SCALI: Even if we don't pass the mandatory credit card issue, I think we do need to

pass regulations on the amount you can charge per processing fee. Ambassador Brattle and I guess Icham is charging 10 percent to the driver to process a credit card.

MS. LINT: Which is a violation of their contract with the credit card companies.

MR. SCALI: I still would go forward with that regulation that they could charge no more than five percent whether you're a bank, a radio service, an owner, or whoever you are that's processing credit cards; that you cannot charge more than five percent, which is what Boston's rule is.

MS. LINT: And also the minimum charge.

MR. SCALI: The credit card companies' agreement with the each of their businesses is that you can't impose a minimum charge. So we're suggesting that they have to adhere to their contract and that there not be a minimum charge to use a credit card.

MR. TURNER: I think that has to be

put as a policy regardless, because of the fact that you do have drivers out there currently doing the credit card.

MR. SCALI: It's confusing to the public when you get into the cab and it's \$18, but you can't use your credit card because it's not \$20.

MR. TURNER: How does a sticker program work? Who would have to apply to a printer obviously to have stickers made up?

MS. LINT: And that raises another question because there are multiple drivers on cars, and one may have that portable unit and the other one may not.

MR. SCALI: I haven't worked that out in my mind yet.

MS. LINT: It's quite the different industry.

MR. SCALI: Is it the vehicle or is the driver?

MS. LINT: So should there be a placard, and that gets crazy, and they're going to

forget it.

MR. SCALI: When you have multiple drivers using multiple signage, it becomes very haphazard. People -- "Whose sign is that? Did you put that up yourself?" The public doesn't believe that that's actually the law if they see a sign by a driver as opposed to it being on the window.

MR. TURNER: Could it be as simple as that: making up an eight-and-a-half by eleven thing and you just stick it in the window. Then again, it's probably a Chapter 90 violation somehow. Could it be as simple as that?

MR. WILLIAMS: A placard on the dashboard?

MS. LINT: Who's going to really see that. It's a conundrum.

MR. SCALI: I think we need to think about that a little bit more. I definitely feel there should be some labeling for the public so they know which car takes a credit card.

MR. TURNER: Can we touch base with the credit card companies to see if they would



offer any services that would promote their use?

MS. LINT: Then you would have Visa, MasterCard, American Express stickers in the window.

MR. SCALI: I don't have a solution to that problem. We certainly could make up our own stickers somehow.

MR. WILLIAMS: But the stickers, we're thinking about it in terms of July 30. On January 17, when the car is full of snow, they're not going to see any of that. We have to take that into account here as well. But I agree we have to come up with something that the person --

MR. TURNER: A little light on the top. They can put the light on --

MS. LINT: But the public won't know that.

MR. WILLIAMS: They won't understand what it is and the owners would then come back, "I don't want it so why should I. . ." you know.

MR. SCALI: Put into my car. We need to ponder this some more. This is an issue that we

need to ponder.

MR. TURNER: With regards to the retraining, I kind of understand the issue. Certainly I can understand the drivers' objection to that but I understand your point of view. So I would support the way you have it currently proposed as if there's any disciplinary. But should there be -- you're talking how many years; 24 years?

MR. SCALI: People that were licensed from 1994 on, went to school. Those before 1994 did not go to school so they've never had any formal training at all. There are a number of people who are still out there driving that have been driving for many many years.

MR. TURNER: What would this training entail?

MR. SCALI: It would be a one-night three-hour refresher course basically focusing on customer service, short fares, proper behavior at a cab stand. All the things that you have heard and complained about cab drivers not doing. I'm not

talking about starting from scratch. I'm talking about updating them on new rules. More of a positive thing type thing.

MR. TURNER: I almost would, and I wish it was as simple as this, to kind of tie that or connect it with the program you have for the alcohol licensees and common victualer licensees where you mandate a one-hour or a two-hour session a year just to review the latest.

MR. SCALI: Have them come in and just listen?

MR. TURNER: I don't think it's fair to the drivers to charge them a fee but perhaps tie it to -- could we make a connect as far as license renewal? Or during the annual inspection?

MR. SCALI: The plan was that the taxi school through Mr. Ewing would handle it; that it would be kind of like on a random basis; that you renew every three years and there would be a section of those people that would just come in for a refresher course on one night and then renew their license. So it wouldn't be like a -- to have

a bigger class than 20 or 30 people -- it would be a huge problem to kind of have them all in one room.

MR. TURNER: So like once every five years they would have to do a two-hour mandatory.

MR. SCALI: I'm not even suggesting that. I'm suggesting that they have to come just once now before they renew their next time.

MR. WILLIAMS: You're talking about the pre-1994 people?

MR. SCALI: Yes.

MS. LINT: There was a lot of resistance to that.

MR. WILLIAMS: One of the comments that I heard was if I've been driving since 1994 and I'm still viable, what are you going to teach me? New rules, yes. No problem there with new rules, but customer service? If they've been out there since '94 without complaints --

MS. LINT: And those are the ones that we really don't get complaints about.

MR. SCALI: The newer people have more

complaints.

MS. LINT: It's the new ones we get the complaints. I don't have complaints on any of the guys that were here.

MR. TURNER: Take that one off the table to further review.

MR. WILLIAMS: Link it to complaints, but I would say take it off for pre-1994.

MR. SCALI: I just hope when the City Councilors me and say what are you doing to make sure that they adhere to their -- I'm not saying you're wrong. I'm saying that I hope they understand that you try to do these things to make things better and they say, "What are you doing?" And you try to do something and you can't, then you say, well, if we do it to make these drivers better --

MR. TURNER: So not to offend the pre-1994 drivers, would it be wise to rewrite that to state that any drivers that have complaints issued would have to then attend a mandatory --

MR. SCALI: It would be at Officer

Szeito and Officer Arcos' discretion to determine when that would be appropriate when they call them in.

MR. WILLIAMS: Prior to renewing their license or perhaps --

MR. SCALI: Well, no. Even for a complaint that comes in even before renewal. It would be in addition to other disciplinary action, of course.

MR. WILLIAMS: And based on past complaints that would also assist logistically in the numbers of people that would be at the school; right?

MR. SCALI: Yes.

MR. WILLIAMS: I assume you don't have files that long on complaints. Or, do you?

MR. SCALI: We get about 100, 110 complaints a year.

MS. LINT: But they're varying things. It might be a short fare refusal.

MR. SCALI: Fights with other drivers.

MS. LINT: Out of town pick ups.

MR. SCALI: But then be aware that when they go back, they're going back for three full nights paying \$75 to go to that school.

MS. LINT: But that's a good penalty.

MR. WILLIAMS: I think that would be more palatable. You know, we're trusting you to self-police to utilize customer service, but if we get the complaint and it gets to a point where you've got to go to school, this is what's going to be required for you to continue.

MR. SCALI: Any other discussion? This is just kind of a pre-discussion. We'll talk in more depth on the 12th with people that are here.

The vintage year thing I guess no one had a problem with in terms of the five year rule. I think we talked about everything else.

MR. WILLIAMS: SUV and van.

MS. LINT: Case-by-case basis.

MR. SCALI: There were people who are talking about that our hybrid program is to make sure that those kind of vehicles are hybrids, and

to allow a non-sedan that's not a hybrid may be counter-productive to the whole Green program.

MS. LINT: On the other hand, it's important to have larger vehicles for customer service purposes. If you're a family of seven, you can't get into a cab.

MR. TURNER: Personal experience, I had relatives going to the airport and I had my vehicle to transport luggage in anticipation, and then they were calling a cab to transport both luggage and a minivan -- which I assume is what you're calling the SUV -- showed up and was able to take everything.

MR. SCALI: Are you okay with that being a non-accessible, non-hybrid van? Because right now, we have accessible vans and we have hybrid SUVs, but we don't have --

MR. TURNER: And the hybrids can't accommodate all the luggage; they don't have the room.

MR. WILLIAMS: You're talking about like an Escape or something like that?



MR. SCALI: Yes, or any other van or SUV.

MS. LINT: I think you have to look at it on a case-by-case basis.

MR. WILLIAMS: That's fine.

MS. LINT: Making sure that what we have in the City can accommodate.

MR. SCALI: So if someone wants to do it, we look at it and say this is an appropriate vehicle, and then we'll say yes or no.

MS. LINT: Taking into account how many you have.

MR. SCALI: That palatable for everybody for discussion on the 12th?

MR. WILLIAMS: I think so.

MR. SCALI: Anything further?

MR. TURNER: No.

MR. SCALI: Motion to adjourn.

MR. WILLIAMS: Second.

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

MR. TURNER: Aye.

MR. WILLIAMS: Aye.

(Whereupon, the proceeding was  
concluded at 11:32 a.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 7th day of August, 2009.

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