

## COMMONWEALTH OF MASSACHUSETTS

## CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION  
DECISIONMAKING MEETING

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  
August 12, 2009  
11:19 a.m.

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P R O C E E D I N G S

MS. LINT: License Commission  
Decisionmaking Hearing, Wednesday, August 12, 2009.  
It is 11:15 a.m. 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 morning everybody.  
Motion to accept our minutes from the meeting of  
July 30.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Our meeting from the 10th  
we'll take up when the minutes are submitted to us.

We've got two things to do today. One  
is the meeting from July 28 on the taxicab issues  
and then the issues from Monday night which are the

items that we took under advisement.

MS. LINT: There are only three.

MR. SCALI: I'm assuming everyone is here for taxicab issues so we probably should go to that first so people are not kept waiting. We have the minutes from the meeting which have been posted online from July 28.

I think the Commissioners, including myself, all considered very seriously the testimony that was taken that evening and people's comments. It was very good to hear all the different aspects of people's concerns and their ideas in terms of what might be better for the industry.

There are a number of issues that we have to consider. We have to consider the needs of the public, the needs of the economy, the business community and what they need, but also of course, the needs of the drivers and the owners, and how they can succeed as well.

Mrs. Lint and myself have come up with a number of different counter proposals which are in this document here. We're going to discuss

those today. Basically the issues as we had narrowed them down to certain items that are on the list, the main issue has to do with the meter rate increase proposed that that be basically a 10 percent increase, including the flat rates, not the hotel rates, but the flat rates; that that be an issue that we talk about.

The other issue had to do with the credit card system and whether that will take place or not. We also had the vintage year rule, the changeover from sedans to vans and SUVs as being accepted. The training and retraining for those drivers that were pre-1994. I think that was it, the items that we had. Those were the four items.

Discussion, Commissioners, then on the meter rate increase would be the first item for discussion?

MR. HAAS: This has been something we have been talking about for a while. I think it's been awhile since the meter rates have been adjusted. I'm guessing that the community wouldn't be objecting to a meter rate increase; right?

MR. SCALI: From the testimony that we heard people are not opposed -- well, there are some people who may not be in favor of it, but there are others who are. The majority of people are in favor of the meter rate increase. Our concern was, are you pricing yourselves out of the market by raising the meter rates now.

MR. GERVAIS: Is this an open discussion or are we going to wait until you guys discuss things?

MR. SCALI: We're discussing it now. This is it.

MR. HAAS: This is an open discussion now so go ahead.

MR. SCALI: You have to come up.

MR. GERVAIS: Right now, we're just discussing this one thing?

MR. SCALI: The meter rate, right.

MR. GERVAIS: My name is Michael Gervais. As far as a meter increase is concerned we haven't had one in about three years. The economy is much worse than what it was before.

Many drivers, many owners, of course people who own cab companies would be in favor of it because they receive percentages on whether it be credit card, vouchers, et cetera. So when there's more on the meter, there's more money for them one way or the other. Of course, they would be involved.

I think one thing that should be considered, I'm a driver. I'm just taking the person from Point A to Point B, the old lady from this place to that place. They're not getting any more money. This small increase which it really isn't a lot on the job, but it can affect some people in a significant way.

I believe these increases should be -- I don't want to out price ourselves as far as competition goes. I believe there are other forums in which -- when we had these discussions at the License Commission Subcommittee meeting it was brought up not once, not twice, but many times about also putting this increase in another way, maybe as a temporary gas surcharge, maybe as a temporary surcharge, or something like that.

Then it wouldn't appear anyways insomuch as a rate hike, rate hike, rate hike.

People go to the lowest market even if it's a little bit lower. People go just the same as they go to New Hampshire; it has lower taxes or lower things like that. We don't want to price ourselves out of there. We've already lost the Harvard Business School which was a good chunk of money for Cambridge cab drivers. We've lost different areas. And we've lost a lot of -- as far as competition goes, to Boston cabs and to other cabs. That's on another issue so I won't discuss that.

But insofar as the meter goes, I think there are other ways of increasing the fare so we can have a level playing field here without outsourcing ourselves from the community in general.

I'm not speaking for the entire industry. There's other people and they all want an increase. I've seen this happen, and I've seen people out priced, and I know people complain about



it. Cambridge has always been right up with Boston as far as the meter increase and things like that. I don't think that we need to be up with Boston in every single thing, because it's not that big of a thing. I think it should be something insofar as it's a gas increase. It would be a better vantage point, better selling point.

MR. SCALI: The only concern I have with that and actually the subcommittee talked about that last year, and six months before that. They all at the time said they would rather the meter rate increase as opposed to a gas surcharge because it's more permanent for them. It's less of a problem for the customer because the customer doesn't understand. When you're punching in a surcharge, they think you're adding that in at your own will. I think that they feel, at least the Committee felt at the time that a meter rate is more permanent. It's more definitive to the customer and they don't have to worry about what people are punching in.

MR. GERVAIS: The customer doesn't

understand things in general but the License Commission provides us right in the back seat, right in the front, the breakdown of what it is and everybody understands that.

MR. SCALI: I guess the issue really used is, is now the time to do it. I'm not opposed personally to the meter rate increase. It's been three years, but is now the time to do that? Is it better to wait until the spring? Is it slow now? It wouldn't take effect until October 1. Some people suggested that maybe perhaps we do it in the spring. Is it the wrong timing right now?

MR. GERVAIS: Aren't we solving one problem and creating another? That's the only problem I'm considering. Also, if the gas goes up, we increase the temporary gas price. If we give a meter rate increase and gas prices go up again and we put that on top of it, then it's going to look like we're out pricing ourselves.

I think everybody's got to sort of cut their belt a little bit and there's a little bit of a sacrifice. I'm not going to be all that popular

with this but it's something that --

MR. SCALI: You think you're a minority opinion.

MR. GERVAIS: A minority opinion. You can see I'm a minority right here.

MR. SCALI: Is anybody else opposed to a meter rate increase? Just raise your hand if you're opposed to it. Are you for or against the meter rate increase? Just raise your hand. You can't. You've got to come up and speak, that's why. I'm just asking. I think the majority of the people that testified were in favor of it. At the hearing there was a couple of people who felt as you felt, Mr. Gervais. That's why I'm just wondering.

Just tell us your name.

MR. JOSELIN: My name is Jean F. Joselin. I own medallion, Cab 154. Right now, I'm not too crazy about the raise now but there's a gap in the meter. Like a quarter-mile free.

MR. SCALI: An eighth-mile.

MR. JOSELIN: In the future, we can

get a steady raise but I'm not in favor just up and down, as he said, for the gas you get it now. Too much, you know what I mean. Either we just put a flat thing.

MR. SCALI: So now is not the time, you're saying? Now is not the time to do this?

MR. HAAS: If I'm understanding you correctly, if you're going to make an adjustment, you just want to make it a flat rate. You don't want to have an adjustment based on gas and other factors; right?

MR. JOSELIN: Yes. As I said, this is a cab. You go quarter-mile before the meter changes.

MR. SCALI: He's talking about the way that we calculate it now is the first two-eighths are on the driver. You want to change it to the one-eighth.

MR. JOSELIN: We've been going like this for quite a while and they always say they're going to correct it.

MR. SCALI: That still increases your

meter rate. If you change it to the one-eighth, it makes the shorter fares still more expensive. The reason why we did it on the two-eighths is because it made the shorter fare less expensive. So now, if we change to how we had it years ago before 2006, and do it on the one-eighth it does increase the short fares more still.

MR. GERVAIS: You have to keep in mind one other point too, because you're ultimately going to make this decision. The people you're hurting aren't going to be the businessmen going to the airport and other people like that. You're going to hurt the small people. That's how the business grew; that's how it was born; that's how we earned our name, "Nickel Chaser," because way back when, people worked for small money. We didn't work for big money. So if they're going to do that, they're going to increase and they're going to change the market.

One of the main reasons, I told you, there's probably a majority of people, more and more of a majority, and I'm the minority, but I

just wanted to let you know that there are drivers and also that they're looking at this in another way. Because we're here to service the public, we're here to make it so that it's workable. We're trying to save the industry, not price ourselves out of it, because there are a lot of things to be worked on. I don't know much else to really say. Thank you.

MR. SCALI: If you're going to say the same thing, just say I agree with whoever. But it you're going to say something different then. . .

MR. LOMEIL: My name is Emilio Lomeil, the 200 cab driver. Thinking about the raise, I personally not supporting.

MR. SCALI: You're not in favor of it? Too much?

MR. LOMEIL: I'm not supporting the raise. The economic situation is not pleasant out there. We need to protect the public. We have to deal as the way it is and the future will follow and determine how we can do it. But for now --

MR. SCALI: You think it should hold?

MR. LOMEIL: Yes, put it on hold.

MR. HAAS: I guess the thing I'd ask you all to consider, a couple of things: One, I think this is not going to take effect until October. You've seen the process you have to go through in order to get a rate adjustment, so when you feel it's time you're probably going to extend it out by another three or six or nine months before you see that increase. So you need to kind of figure out in terms of how does this play out with respect to the timing of October.

The other thing I think you need to think about too is that the fee increases have impacts and other operational considerations for you as well.

I heard what Michael said. I think that you are concerned about pricing yourself out, but you really are as a community the only game in town; right? Theoretically, unless somebody calls for a cab outside of the City, it's you.

MR. GERVAIS: And they do.

MR. HAAS: They do. But most people

that come to the City are visiting and they just don't know, and they'll flag down a cab. I've seen it time and time again, where they'll flag a cab down and it will go right by. That doesn't help you because they don't realize it's a Brookline cab, or it's a Boston cab. We've done a number of sting operations too, where you have people who were trying to work on their way out.

I want to make sure that you all are getting a fair rate without hurting your regular customers. My guess is to your point, Michael, and most of your points is that your regular customers are the ones that take the short trips. The people that are taking longer trips are people that just came into the City, or leaving the City and going back to the airport.

So your bread and butter so to speak are the people who normally rely upon you to get around the City. Those are your regular customers; those are the people you see all the time. They probably have their favorite cabs that they pick out that they want to ride in and things like that.



So I appreciate that, and those are probably the people who don't have the most amount of resources.

So it's a matter of trying to figure out how do you spread the rate fare so you're not harming your bread and butter business, but at the same time, with everything else increasing, and this roller coaster ride with the gas prices -- I mean right now, it looks like it's going back up again.

When I get in a cab all I look at is the meter, and then all of a sudden, I find out there's other charges or something. That drives me crazy. I think most people want to see the meter, see what the price is, and then they don't feel like they're being taken. It's a legitimate rate you're imposing on people but the average person doesn't understand what all those rates mean. I think whatever you can keep on the meter makes people feel, okay, that's what's on the meter says, that's what I pay. I think that's what most people want.

MR. GERVAIS: We need to increase the

coupons and the programs and things like for people, and take a little bit off them. I just hate to see the elderly and the disabled hurt by this new increase.

MR. HAAS: I just want to caution you all to think about the timing this thing takes to get in place, and how much time you're already been through in terms of trying to figure out if this is the time to change the rate. If you walk away from this and decide this is not the time to change the rate, you're probably talking about another nine months before there's another opportunity to actually put this in place again. So you're almost talking almost a year away.

So think about long-term over the next year what that's going to look like for you. Hopefully the economy is starting to come around a little bit. So maybe this is a bad time projecting it out to October 1. We're not talking about tomorrow, we're talking about three months out now.

MR. SCALI: There is also the possibility of us just continuing it and bringing

it up again for discussion at another hearing in the fall, as opposed to going back to the drawing board again; that we put it on hold for now and that we bring it up in January or something.

MS. LINT: Put it on in October and see what's going on.

MR. GERVAIS: In the whole history of the License Commission, every time there's been an increase you've never recalled it and brought it back down. So the chances of that are pretty slim.

MR. SCALI: The pleasure of the Commissioners I guess on this subject matter? I'm kind of up in the air myself on it now after all the discussions.

Did you want to talk about the meter rate?

MR. GINEGAN: My name is Able. You know my name by now.

MR. SCALI: But she doesn't know your name. We know your name.

MR. GINEGAN: Able Ginegan, I'm driving Cab 159. We understand the situation about

the meter increase. The time is very hard for everyone. Sometimes the gas price up, down. We don't know what's next. Right now, we keep rate on hold.

MR. SCALI: You prefer to be on hold?

MR. GINEGAN: Yes. Even we still struggle now with the repairs, all those things, but we have --

MR. SCALI: Would you prefer that we revisit it or just put it on hold until the spring?

MR. GINEGAN: Look at it until fall.

MR. SCALI: Look at it again in the fall?

MR. GINEGAN: Yes.

MR. SCALI: What we can do is we can put it on for another hearing in October or something and look at it again.

MR. GINEGAN: That should be any problem. Right now, things are really hard for everyone.

MR. SCALI: The only issue has to do with coordination. We have to coordinate with

Weights and Measures. They have to recalibrate all 257 meters. It takes two weeks to do that. So even if we revisit it in October and we vote it, then we're into the wintertime. So we have to arrange with Jimmy Cassidy to make sure that he can recalibrate all of you in a timely fashion, and it's hard to do that in the wintertime.

I guess it seems that everyone is feeling that this is not the time. I know you all want more money but can you really do it I guess is the thing without getting rid of customers that you need.

MR. GINEGAN: Keep it on hold right now for next -- thank you very much.

MR. SCALI: If it's about the same matter, we're --

MR. GERVAIS: I'm just making a point that not a lot of people did know about this meeting. So there are a lot of people that did know that couldn't come.

MR. SCALI: This is not really a meeting. This is our regular Decisionmaking

meeting. We really don't take -- we're not rehashing it. Everything was talked about on the 28th. We told everyone it was going to be decided on the 12th; that's what we told them at the meeting.

Pleasure of the Commissioners on this meter rate increase? I think it seems like maybe perhaps we should just continue this matter and revisit it in October. Is there a motion then on this particular matter, or further discussion?

MR. HAAS: I'm concerned about the regular riders, but in the same respect, and I don't know -- it's been three years since the rates have been increased and stuff like that. I think you do want to stay somewhat competitive in your market recognizing the fact that this is your market. This city is your market.

My inclination is to move forward with the rate increase but I also want to be sensitive to the fact on both sides of the fence that you are respectful to your customers, and that you're willing to continue to provide the service even at

a lower rate so you don't hurt your customers that basically don't have the wherewithal or the economic means to use the cab. I don't want people choosing whether or not to take a cab ride because they can't afford to take a cab ride.

It's hard to make that kind of decision without really having an appreciation for -- are you representing the majority of the community? I don't think you are. I don't know. It's hard to --

MR. SCALI: These are the regular faces you probably see at the meetings.

MR. HAAS: I see them all the time. They are the most vocal but I just want to make sure that we're fair to the entire community.

You have to come up.

MR. SCALI: We're not rehashing, we're just talking about comments on whether you think --

MR. BLEMUR: Say my name?

MR. SCALI: Say it for us to the microphone.

MR. BLEMUR: Jacques Blemur. I will

speaking for the silent majority, those who for some reason are shy or hiding somewhere else and don't want to be here. I want to understand the situation because when it's bad for the cab drivers it's bad for the customers, and we depend on the customers to make a living. The only time when we discuss among ourselves it's like for example, we driving like the quarter-miles for free. Like when we start the meter at \$1.95 it takes like five or ten minutes to click in. All we asking is to take that off and that's it.

MR. SCALI: We talked about that before you came in because someone else mentioned that same issue. The issue with that is that if we do that it makes your shorter fares more expensive still. The reason why we did it on the two-eighths is because it makes the shorter fares less expensive. Even if we do that it's going to increase your meter but particularly on the short fares. So I want to make sure you understand that that's the reason.

MR. BLEMUR: I remember we discuss



that like years ago.

MR. SCALI: We've been talking about that from the beginning.

MR. BLEMUR: So what you intend to do? What have you decided?

MR. SCALI: Before you came in they were all talking about putting this on hold.

MR. BLEMUR: Putting this on hold for the time being.

MR. SCALI: That's what this group is saying.

MR. HAAS: Put the rate increase on hold.

MR. BLEMUR: For the time being.

MR. SCALI: And revisiting it maybe in October.

MR. BLEMUR: So that's where we're at now?

MR. HAAS: That seems to be the consensus of the room.

MR. SCALI: We're discussing that that may be the reasoning. People are feeling that they

don't want to out price themselves right now with an increase.

MR. BLEMUR: We're not going to out price ourselves, but we depend on the public. So if it's hard for the public, it's hard for us. The point is as you probably know, the reason why so many drivers aren't here they think like working like by being sitting here for an hour-and-a-half they don't get anything and no one is on the stand. So that's why some of us are here. If that's the way it is, we're going to leave it as it is.

MR. SCALI: We haven't voted yet but it sounds like people are asking that it be held for now until we see what happens in the economy in the fall. Perhaps we see what the gas prices are going to do. It seems like they're kind of going up but then they come down.

MR. BLEMUR: The gas price is going up. It's been like \$.20 been added in the past 15 days.

MR. SCALI: But then it goes back down.

MR. BLEMUR: It is not Newton's Law: what goes up must come down. There's no such thing.

MR. SCALI: Thank you Mr. Blemur.

MR. SCALI: Comments Deputy Chief?

MR. TURNER: What makes it difficult at this point is this is just a cross-section of all the drivers out there. So it's kind of hard to try to think what they're thinking, but if the consensus is to put this on hold, I would support that.

MR. HAAS: I agree with the Deputy Chief. I think at this point in time -- I know this Committee has been doing a lot of work in terms of trying to get to the right answer, but I think there is still a void in terms of really kind of having an appreciation of -- and I think we have to do it on an informed basis -- are we in fact going to hurt those people that really rely upon the taxicabs to do their day-to-day business.

I think the long-term commuters and stuff like that, it doesn't really matter. They'll

pay whatever they need to, to get back to the airport and things like that. They're not so preoccupied with that. I'm more concerned about the folks that depend on you every day to get back and forth where they need to go just to do their daily business.

I would feel remiss voting an increase at this point in time without having some appreciation of what impact that's going to have. If you ask most people do you want a rate increase that are paying, they'll say "no." But in the same respect, there is a balance and you all have to make a livelihood out of this. If you're feeling that you don't need this rate increase to make a decent livelihood, I'm more than willing to put this on hold.

MR. GERVAIS: Can I make a comment?

MR. SCALI: Let's not drag it out any more.

MR. GERVAIS: There's one other possibility too. If you're going to do this at all, you can not hurt the small people and the

small fares, which we're trying to all protect in service, and still raise the flat rates from the hotels and that community because they would get the biggest traffic with the business community where they're getting the most money, and we'd still take care of our Cambridge residents like we are supposed to.

That's a possibility as an amendment. It's a flat rate so no one could be abusing it, and we'd still be able to get an increase.

MR. SCALI: That's actually not on the table. Those are very expensive right now I think. Councilor Reeves testified to that too; that he thought those were very high prices.

MR. GERVAIS: You were willing to raise them up on this.

MR. SCALI: This was not a flat rate issue.

It seems like the motion is we place this in hold. Do the Commissioners wish to continue it to a hearing or just place it on hold until we have further discussion?

MR. TURNER: When is the next subcommittee meeting?

MR. SCALI: We haven't scheduled a date yet. I think we need to either schedule it for another hearing with us or put it on hold until we have further discussions later on. So that's up to you. Do you wish to have a hearing in October on this again, or just place it on hold for discussion?

MR. HAAS: Place it on hold for discussion.

MR. SCALI: Motion then to place the meter rate on hold for further discussion. Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: The next subject matter is a controversial one but it's on the table: the issue of credit cards in cabs. The counter proposal as you can see in front of you, which is the first item, Rule No. 1 is that as of October 1, the credit cards be voluntary for cabs, but that the following items be voted on as part of this process now.

Number one, if anyone is processing credit cards, meaning an owner, a lessor, a manager, a radio service, or any banking lending source, that the maximum processing fee would be five percent. That means that if anybody wants to do business in the City with any cab driver, and they want to provide credit cards services, they cannot charge you more than five percent for a processing fee.

That would mean Ambassador Brattle can no longer charge 10 percent on the processing; that would mean that any bank can't charge you more than five percent if you're voluntarily accepting credit cards at this point.

The third part of that is that no driver may demand a fee above the fare in return for accepting a credit card. So if you accept a credit card, you can't charge the customer more than what the fare would be. Obviously if you charge them a fare, if it's a regular fare, you cannot charge them more to take a credit card.

UNIDENTIFIED SPEAKER: What about the five percent?

MR. SCALI: That's what I'm saying, you can't charge the customer an additional amount.

UNIDENTIFIED SPEAKER: But the bank would be charging the driver five percent.

MR. SCALI: I understand. But you're getting charged 10 percent right now for taking a credit card. And it's a voluntary process so if you don't take a credit card that's up to you.

MR. SCALI: The fourth part of that is also with regards to that if you are accepting a credit card, and you're using a lending source, even a radio service or a bank, that there be no minimum charge charged to the customer. Right now,



people are saying it has to be \$20 or more to take a credit card. That would be under the banking agreements that you sign with a banking source, that is illegal under the law, under the law with the contract and the banking source. So if you voluntarily take a credit card, there is no minimum fare to take a credit card. You take a credit card, you take a credit card.

UNIDENTIFIED SPEAKER: But you lost on five percent.

MR. SCALI: Whatever the fee may be. So if you're on Ambassador Brattle and you take credit cards with Ambassador Brattle, he can't charge you more than five percent. If you go with a banking source like Bank of America, or whoever else, and they charge you two-and-a-half percent, they charge you that and you can't charge anybody else for that processing fee.

The last part of this, the fifth part of this has to do with that in an effort to eventually down the road get to the point where we do accept credit cards that if in the future a

medallion is transferred or sold, meaning that if you sell your medallion and you sell your rights to that medallion that the new person would then have to accept credit cards in accordance with the rules that we have laid out above.

We're not saying you have to have any particular kind of credit card system, we're not saying you have to pick any one particular system. You get to pick your system, you follow the processing rules, but the new medallion owner would have to have a credit card system in the vehicle.

Then also the last part of that which we haven't developed yet is that if you do take a credit card, the cab has to be designated with some kind of sign that says, "I take a credit card," so that the customer knows that they get in the cab beforehand, the driver can't say, "I'm not taking a credit card." They know before they get in that credit cards are accepted in that particular cab.

So like a sticker or a sign. We haven't developed it yet but it would be some kind of a sticker or a sign that says if you get in my

cab, I will take your credit card.

Comments on any of those items? You have to come up.

MR. REIS-JEAN: I'm a little bit confused about this one because you said --

MR. SCALI: You have to tell us your name.

MR. REIS-JEAN: Jean Reis-Jean. I'm a little confused about this when you say when if I sell my cab to someone, I ask this person to take credit card, no.

MR. SCALI: Right, if you sell your medallion. If you sell your medallion, you're no longer involved, the new person buying your medallion has to have a credit card system in their car.

MR. REIS-JEAN: This is enforced by you, right, not by me.

MR. SCALI: Say that again.

MS. LINT: Yes.

MR. REIS-JEAN: Thanks.

MR. SCALI: That way as people roll

over their medallions and sales, we're kind of getting into the system where more and more people are taking credit cards, but you're grandfathered in now if you don't have a credit card system.

Any other comments?

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: I have one comment on Item F on the signage. I would like to either reword that or add additional wording to just say that I think it's more important that there be a sign that the cab does not accept credit cards. I think that's going to be more informative for the public.

MS. LINT: And that would be easier.

MR. SCALI: I'm not opposed either way. I don't even know what it's going to look like. There are certain cabs where one driver takes a credit card and another driver doesn't take a credit card. If the sign is on that cab but the next driver doesn't take a credit card, then I'm not sure how to do that.

MR. BLEMUR: May I say a few words?

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

MR. BLEMUR: My name is Jacques Blemur. I found this too quickly. The way you just said it is like in Boston, if you own your cab -- remember when they passed the law so every single cab has to have a radio service in, but if you own the medallion, you don't have to. But if you're getting into the business, you have to have your own radio service.

MR. SCALI: That's Boston.

MR. BLEMUR: Yeah, I'm talking about Boston. If I understood correctly for the time being if some guys, we don't transfer the medallion from one hand to the other hand, it's going to stay the same. But if we do, that's when the new owner has to come up with the credit card; is that right?

MR. SCALI: That's correct. So the burden is not on you. The burden would be on the new owner at that point. They'd have to calculate that into their --

MR. BLEMUR: I just read something which seems to be interesting about vouchers. It said you cannot take more than five percent of voucher, then I get \$200 voucher. So I can come and say no more 10 percent; is that true?

MR. SCALI: He's not going to be happy, but yeah, that's what I'm saying.

MR. BLEMUR: Thank you.

MR. SCALI: I'm not sure he's going to like it. I don't know if he understands when he read it that that's what it means, but it says, "Any processing fee, no more than five percent." He can take it out if he wants to.

MR. GERVAIS: Michael Gervais. Again, I'll make one similar comment I made to the last proposal. We have to be careful what we wish for and what we put down, and what about the consequences are going to be. The ideas are great, new ideas are great, but to think about what the consequences are once these ideas are in force. If the point of the Committee, and maybe I'm confused, I thought the point of the Committee is to overall

try to provide the best type of service to the community, and work within the working communities here.

When you're going to force someone -- currently the industry has changed so much over the years that we don't have just medallion owners. We have people who lease medallions and then they release it to someone else. As the trickle-down effect goes somebody has to get here so they charge that one, they charge that one, they charge that one. The bottom line is the customer is the one who's getting charged because sometimes some of these fees are a little bit exorbitant that they're charging. It's very hard to keep track of them, the License Commission, I realize that.

What happens when we use these credit cards we also have many drivers who just drive part-time. The responsibility gets a little complicated. We also have the fast-lane accounts where drivers put their stuff inside a bank account and it's supposed to get direct-deposited there.

When I use a credit card machine, I

had a credit card machine from Bank of America. It was wireless, slide it through, went right in my account. The only problem is that when someone contests one of those fares they can take it out of your account even though they said it was good, they take it out at different times if it's contested. When it gets contested, when the fast-lane went to take money out and there was no money there and I drove through the fast lane, they sent me a ticket in the mail for \$50 because there wasn't any money in there.

When you call up Bank of America and you say by the way, what's the problem with this? I want my money, and blah, blah, blah, I need information, they can't give you too much information because they're working for that customer, not for you.

I'm just saying that this overall process is very very complicated. The cab industry, gentlemen and ladies, is basically a very simple one. You're all aware that it's not run like a restaurant in Harvard Square and your



average Harvard Business Association. We don't charge \$4.00 for a bottle of water like hotels do as a convenience. We don't have that. We are the convenience. We're the transportation convenience.

Our cars are on 24 hours a day. We have to fix things. Many services won't take credit cards.

MR. SCALI: Can we talk about the amendments, your comments on the amendments? Are you saying that you prefer that we do require that they take credit cards?

MR. GERVAIS: I'm saying that I believe that this should be voluntary and let the business dictate it. The cab industry is like the old saying that carpenters have, "Liquid finds its own level." The cab industry has been adjusting for years.

MR. SCALI: The proposal is for voluntary, so that's what the proposal is. Are you saying you agree with the proposal?

MR. GERVAIS: I agree with that and I also think that it's got to be -- we need further

legislation and regulations much more defined. I realize that Commissioner Scali had said Elizabeth Lint was also working on defining these things, because we need to define about leasing and releasing, and then co-leasing, and what's happening right now.

MR. SCALI: That's not on the table right now.

MR. GERVAIS: I have to remind everyone insofar as credit cards go, we're the only industry in the City of Cambridge that they're trying to mandate us to use certain types of credit cards and take them.

MR. SCALI: So you agree with the proposal, with the amendments? You're reluctant to say yes.

MR. GERVAIS: I'm very reluctant to do anything that Commissioner Scali said because he's very sneaky in a lot of ways.

MR. HAAS: We're making sure he's not going to be sneaky.

MR. SCALI: The Commissioners are

here. I'm only one vote. We have two other people here.

MR. GERVAIS: You have to understand too, we don't get to have a beer with him and stuff like that.

MR. HAAS: I think it's important to point out that we went from a much more strict posture, and after listening to a number of testimonies to something that we're trying to accommodate everybody's needs but in the same respect, move the industry forward. We're moving to a cashless society and some people like to not have to carry a lot of cash with them. It's just a service I think -- especially your long-term fares are more apt to want to use a credit card.

MR. GERVAIS: Try telling that to the London cab drivers.

MR. SCALI: Let him finish.

MR. HAAS: What it does though -- and again, it's a decision. It's water finding its own level. You have to decide as a businessman, do I want to offer this additional service, or not. And

that's basically what we're saying at that this point.

MR. SCALI: You have to make that business decision on your own. If you feel like your customers are demanding that, then you'll do it.

MR. GERVAIS: And I take credit cards by the way.

MR. SCALI: Any further discussion?

MR. HAAS: No discussion.

MR. SCALI: Motion on the amendments to the credit cards.

MR. HAAS: Motion to approve.

MR. SCALI: Motion to approve.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: The next item has to do with the change of the rule on the vintage year. Testimony at the time showed that there was no opposition at that point in time, Commissioners. Discussion?

MR. HAAS: No discussion.

MR. TURNER: No discussion.

MR. SCALI: Motion.

MR. HAAS: Motion to approve.

MR. TURNER: Seconded.

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

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Changeover from allowing just sedans to allowing vans and SUVs on a so-called regular medallion. The testimony was mixed on that in terms of allowing I guess what you'd call a non-accessible, non-hybrid van or SUV to be on a regular medallion as opposed to on a case-by-case basis. The counterproposal is that it still be on a case-by-case basis; that you allow it on a case-by-case basis.

MR. TURNER: Was that also a change from five years to four years?

MR. SCALI: Yes. Discussion?

MR. HAAS: Just explain to me what this proposal would do then.

MR. SCALI: Right now, if you are a regular medallion, not an accessible medallion, the only thing you can put on the road --

MS. LINT: If you're talking, she can't hear.

MR. GERVAIS: I apologize.

MR. SCALI: Thank you so much.

Now, if you are a regular medallion,

not an accessible medallion, you have to have a sedan on the road, unless you come in with a special request to be an SUV, or a van, or any other kind of vehicle, or a station wagon. This proposal would say -- the original proposal would say that you can put on an SUV or a van, non-hybrid, non-accessible on a regular medallion.

The counter to that is that people were saying is that very green? Are you putting more emissions into the air if you're allowing an SUV that is non-hybrid; if you're allowing a van on the road that's non-accessible and not hybrid, is that adding to the pollution of the City?

MS. LINT: I think the testimony was that they prefer to see as it is now on a case-by-case basis.

MR. HAAS: So not to change the rule then?

MR. SCALI: The rule wouldn't change. Comments?

MR. GERVAIS: Michael Gervais.  
The only thing I have is this is

important. When we talk about case-by-case basis that's kind of ambiguous. Where is the criteria? Shouldn't we have a criteria to meet, because if it's hard to get in a car, out of a car, not safe, is safe, things like this, these things have to be developed.

If you have an SUV or something like this and a person goes to get in the car, an elderly person and they fall out and split their head, well maybe we'll do it the next time. I think the inspections have to be different, all that kind of stuff. You can't walk in and say I kind of like this one, I kind of like that one. I don't know where our researcher is and I don't know where our criteria is. I would think that before they pass that that they would create the criteria so that they would understand the case-by-case basis of what someone has.

MR. SCALI: The rule is already on the books that it's on a case-by-case basis now. So you're saying that we should expand the current rule?



MR. GERVAIS: I think so, because before you couldn't have a Ford Explorer before. Now it's accepted. I don't know what made it acceptable because before it was unacceptable. Now that same type of vehicle getting in and out is still kind of awkward but it's on the road.

There is an area of confusion there and I think it needs to be defined a little bit more. That's my only comment?

MR. SCALI: Thank you. Anybody else? Mr. Blemur?

MR. BLEMUR: My name is Jacques Blemur. I don't understand that. It said, "Effective October 1, 2009, no vehicle shall be approved for use as a Cambridge taxi when the vehicle begin its six years." For example, I have a 2003, so as some guys, I already in it so I cannot --

MR. SCALI: If you already have it on the road then you're okay. If you're putting a new vehicle on the road, it can only be six years or younger.

MR. BLEMUR: We don't have a problem with that.

MR. SCALI: What we're talking about is the issue of SUV's and vans as opposed to a sedan. So if you have a regular medallion on the road and you want to put on a Ford Escape, right now you can't unless you get permission from the Hackney officer to do that. What we propose is that you be allowed to put on an SUV or a van as opposed to just a sedan.

MR. BLEMUR: Okay.

MR. SCALI: But what people said at the hearing --

MR. BLEMUR: So the field is widening now?

MR. SCALI: What's that?

MR. BLEMUR: You're widening the field now instead of sedan only.

MR. SCALI: Right.

MR. BLEMUR: If you look, I probably have like two or three station wagons because they're so --

MR. SCALI: Station wagons are extinct; that's the problem.

MR. BLEMUR: Okay.

MR. SCALI: The testimony at the hearing was that people were saying that this adds to the pollution of the City if they're not hybrid or they're not accessible. Then how does that affect the green aspect of the City?

MR. BLEMUR: Sometimes we have to serve the customers. What about the kids from Harvard who call 10 times for a station wagon and they cannot have a station wagon, usually when they're moving from one dorm to another. It's a problem.

MR. SCALI: The large vehicle, more people.

MR. BLEMUR: Is really a problem right now over at Harvard because I used to be a station wagon. It's impossible to get a station wagon. The one we use now, the front now and they only last -- we probably have to do the transmission probably like twice a year, which is almost \$2,700

for the transmission. When you do the math it's not worth it. That's why we probably see nobody have the station wagon now because of the transmission costs. So it's a problem now.

MR. SCALI: So you would want to have a choice?

MR. BLEMUR: Of course. Thank you very much.

MR. SCALI: Anybody else? Discussion?

MR. TURNER: Mr. Chair, the only thing is the language on the four years. Is that language -- the six years, was that always just understood?

MR. SCALI: No. It used to be seven years, so now, it's going to six years. This is that if you're putting on a van or an SUV, it has to be four years or younger. So you're putting a newer vehicle on the road. So that you're putting on a newer SUV or a van. If you're putting on a sedan, it can be six years or younger.

MR. BLEMUR: We can live with that.

MR. SCALI: An SUV or a van have to be

four years or younger. So you're putting on a newer vehicle if you have an SUV or a van. If you're putting on a sedan, it can be six years or younger.

Pleasure of the Commissioners?

MR. HAAS: My concern quite honestly, and I kind of agree with Michael, I think if we're going to use a case-by-case determination if we decide to stay with that, we really should have some criteria and factors. I agree about the notion of accessibility, but I also agree about the notion that we are trying to move into a greener and cleaner environment.

The Police Department alone for example, we're downsizing all our unmarked cars; we're going to hybrids. I just don't want to go backwards in terms of the progress we've made so far.

So my only concern about a larger vehicle, and I have to admit the larger vehicles are getting more fuel economy and are cleaner, and I think that should be an important factor. I'm

not sure if you just open it up again if we lose the opportunity of moving in that direction any more, because people will decide I can get this large van and it may not be fuel efficient, it may not be clean and things like that, and I think that's the situation if we give that away.

So I think we have to have clear criteria in terms of what we're going to be looking at when people come. So it's not so stringent, but there are some clear guidelines if you want to go to a larger vehicle or a van, it's got to meet certain criteria.

My inclination right now is rather than just opening it up and losing a lot of ground that we've covered already, or gained, my inclination is to stay with the case-by-case but make it very clear what the criteria is in order to move so it's not a barrier to move to a larger vehicle but there are certain criteria we want to have in place so that we kind of stay forward with at least the green piece and things like that.

MR. SCALI: Comments?

MR. TURNER: No comment.

MR. SCALI: Actually the rule as we amended it would be on a case-by-case basis but you would like to see criteria developed before we allow it.

MR. HAAS: Develop factors and try to achieve certain positive aspects of why we want to do something like that.

MR. SCALI: Is that a motion?

MR. HAAS: That's a motion.

MR. SCALI: Motion then to consider on a case-by-case basis SUV's and vans but with developing criteria first before we allow that to happen, and to be re-presented to us.

MR. HAAS: Yes.

MR. SCALI: Moved.

MR. HAAS: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: The other thing that was on here is actually something that Mr. Cassidy wanted was just the taxi meter requirements, which is on Page 2, which are really already in place but just have not been in writing. Just what is expected with regard to a taxi meter; that it be sealed; that it dispense printed receipts; that the receipt say those things from A to G; and that it be capable of gathering, storing, and retrieving information such as those listed in Number 3. Discussion?

MR. HAAS: No discussion.

MR. TURNER: No discussion.

MR. SCALI: Motion.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.



MR. SCALI: The counter proposal on this actually isn't in here is that at this point in time; that retraining for drivers would not be required but it would be required if there was a disciplinary action against that particular person. So that if a driver is found in violation of the rules and regulations or policies of our taxicab booklet that the person who is found in violation may be required by the Hackney office, Executive officer, or the Commissioners to attend the taxi school as a retraining as part of a disciplinary decision. Comments?

MR. LARAMEE: My name is Eugene Laramee. I drive taxi Medallion No. 172. On this proposal it's all right if a driver who happen to have violated one of the rules of the Hackney should have to take the test or to be retrained.

MR. SCALI: It wouldn't be the test, it just would be the classes.

MR. LARAMEE: But as you say, "any," I think it's too stiff.

MR. SCALI: "Any"?

MR. LARAMEE: It say, "Any rule." It has to be at least three times. Anybody can make mistakes.

MR. SCALI: You're saying it should be defined more as to how many violations you had before you can be retrained.

MR. LARAMEE: Yeah, up to three. Three strikes you out.

MR. SCALI: So the discretion would not be -- it wouldn't be discretionary on the Hackney officer, it would be --

MR. HAAS: The way I understand the rule, it's not something that's automatic but I think there's got to be some discretion. Let's say it's a serious infraction, and they have another serious infraction, and another serious infraction before we do retraining. I think if somebody commits a serious infraction, either the Hackney officers or the Commission should have the ability to say to somebody, "You need to go back for retraining."

MR. LARAMEE: It has to be something

very catastrophic.

MR. HAAS: But I think it's got to be discretionary. If you just make it automatic, three and then you go back, I think what you're doing now is if somebody does it a first time and then a second time, at what point are we taking a chance that somebody when they do it a third time, something happens that goes horribly wrong. It puts us all in a bad position.

One of the things that happens a lot of times particularly in our profession when an officer is not doing his job or not following policy and procedures, I send him back for retraining because I want to be sure they understand what the rules are, what the requirements are, and they don't make that mistake again.

So training shouldn't be looked at as a punitive measure. It's looking at trying to correct behavior so you don't see a repeat of that kind of behavior again.

You could have a minor fraction, I

agree with you that there's no point in sending somebody back for a minor infraction. All you do is say to somebody, don't do that again. They say okay, fine, they're not going to do that again. But if somebody is doing something repetitively, something has got to change. There's a problem.

MR. LARAMEE: When we are specific it's like plain; everybody can understand that. If you say "any," you know --

MR. HAAS: I agree with you. I don't think it should be "any," but there has to be some discretion. I think you have to kind of assess it on a case-by-case basis and if you've got somebody who intentionally just ignores a rule, in my mind, it's not a mistake, it's something that was done intentionally, maybe they need to go back for retraining because the next time they do it they may find themselves getting a fine or something more substantive than just going back for retraining.

So training is kind of a first step for me to try to change behavior, make sure people

understand what the rules are. Maybe that just don't understand the rules and it was a mistake. The only way to convey that is to make sure they go back for retraining to get that message so that we don't have repeats and mistakes over and over again.

MR. LARAMEE: There are rules where the driver pay for the mistake they make.

MR. HAAS: There are some violations.

MR. LARAMEE: They have to pay for their mistake.

MR. HAAS: That might be coupled also with the Commission saying -- here's an example. I may say to you, here's an x-number dollar fine or you go back to retraining. It's your choice. I think there's got to be some discretion on the part of the Hackney officer and the Commission. Part of that has to be part of the investigation, what happened, how serious is it? If it's serious, mind you, I don't want to see it happen again. If you've got drivers working for you, you don't want them doing it again because they make you

liable now.

I think what's only fair here is that training has to be used as an optional tool to change errant behavior. I'm not saying all times but it has to be a tool we can use to say to somebody, you can't do this. If they say they don't understand why I can't do this, well, here you need to go to training and we have to explain to you why you can't do this because what potentially could happen.

I think instead of just saying to everybody you have to go through retraining all the time, I think what we're trying to say is if we see a need for it, we should have the option to say you have to go back for retraining.

MR. LARAMEE: Okay, that's satisfying.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: The key word to focus there is "maybe." It's not saying automatically you have to appear, this is again just a maybe requirement.

MR. SCALI: I think that gentleman behind you was first. This gentleman right here was first. We haven't heard from him at all. Just tell us your name.

MR. PAINE: My name is E. Samuel Paine. I've had my license since 1980. Two weeks ago I had an incident with a guy. I was taking him from the Harvard Inn to the Sloane School. He wanted me to run every light, cross every crosswalk where people walking, until I got mad and I was going to throw him out the car. What if that guy decide to come to you guys and say I throw him out of the car? That's an infraction.

MR. SCALI: Do you know what you do?

MR. PAINE: Yeah.

MR. SCALI: As soon as that guy gets out of the cab, you call Mrs. Lint, or you call Officer Szeito, or you call Officer Arcos, and say, "I just told this guy to get out of my cab because he was making me do illegal things." That protects you, before he calls us.

MR. PAINE: I've had an incident

already where the guy had bothered me, another driver. I came in and told the officer. He looked at me and said, "I don't believe that guy did that to you."

MR. SCALI: I don't know the details of the case.

MR. PAINE: I'm just saying these are things that you can get sent back to school for; right?

MR. SCALI: I think it's an issue of what the rules are and whether you violated the law. If it's a discretionary thing where you have a beef with a particular customer that's a customer service issue. If he assaulted you, that's a different thing.

MS. LINT: Another driver he's talking about.

MR. HAAS: I don't know how we can retrain you on that.

MR. PAINE: That's what I'm saying.

MR. HAAS: I think training when it's clear to the Commission or it's clear to the



Hackney officer that when I'm talking to a driver that he doesn't quite understand the rules, the only way I can be sure he understands the rules is to have him go back to retrain.

MR. PAINE: Go back to school.

MR. HAAS: Right.

MR. PAINE: Like the guy said earlier, a couple of times and then back.

MR. HAAS: Maybe a couple of times, but I would tell you that if you did it once and then you do it a second time, I'm not going to wait for a third time to say --

MR. PAINE: But this is true. I would agree with you. That's all.

MR. SCALI: Thank you. Mr. Gervais.

MR. GERVAIS: Michael Gervais. I would go along with the Deputy Fire Chief, I think the key word is "maybe." I just want to follow the maybe up with maybe the training and the school should be looked at before you -- you know, you're sort of putting the cart before the horse, because there are still -- they're currently in the process

of trying to revamp a taxi school.

This taxi school for months has only provided new drivers that have been out on the street with a firemen's guide. So when they get over the bridge to go to Boston, Somerville, and different areas, they're kind of lost because they don't have an Arrow Street Guide. Some of them have a GPS system that they buy on their own, but they're not equipped to do that.

One violation might be, gee, you can't find your way around, you don't know what you're doing. Well, they'll send you back to school. Well, when they sent me to school they didn't train them the right way in the first place.

Second of all, I think everything is by a case-by-case basis, and that sending someone to training is different, Police Commissioner, with all due respect, than sending them back to the Academy. We don't really have an Academy. We have a generalized orientation that doesn't even include a defensive driving in this taxi school of ours.

I believe the drivers aren't children

and if people do do an infraction, currently they fine people sometimes, or get suspended, or something like that. I believe that if a driver raped a woman or something, you don't send him back to school. He loses his license. If he does something bad he does that. Let's just break things down a little simpler like that.

There are basic responsibilities that the driver has, the owner has over the driver, the company has to the -- and it's all down to the customer. The person has a hearing and even after the hearing, he can still move on from there. This process of -- the part that I'm not understanding and that worries me the most is that we're very diversified with our drivers, and we have many different skill levels as far as understanding things. The problem is many people will take someone's word like well, gee, I guess I have to go to school, or I have to do this, or I have to do that.

As far as the training goes, I'm wondering who is going to train these drivers;

who's qualified to train these drivers? That has to really be developed and/or passed by. Because it sounds good to you guys when you say well, yeah, we'll send him back to school, but I think maybe the Commission should have a really good look at what the school is, what the school test was, since they're doing another one. So you'll see what you need to pass and what you need to have, what kind of requirements you need.

Like you say, you break a rule and regulation. Maybe those rules and regulations weren't even discussed at all in the school, just the certain ones were, but he broke some other ones, and he didn't even know he broke them. We have to understand it gets very complicated in that sense.

I would really like, and I guess it just follows up on what I said before, it would be great if we would be able to have more defined areas of what we're doing and criteria of what he get punished for, and if the school, in fact, is the place to send him. I don't really think it is.

I think there should be something -- if in fact there is something like that whether it be defensive driving, whether it be other kinds of incidences, I think that's an area for perhaps Officer Szeito and Officer Arcos to deal with infractions. I don't think it's there for a contracted teacher and/or director and some volunteer teachers that are going there to teach this person.

MR. SCALI: As you know, right now, we're going through -- you were there last night -- we're going through the redevelopment of the school, and part of it that comes under consideration is a separate issue with retraining and whether we develop that section as well.

I do agree that maybe perhaps it may not be the school. Maybe it may be defensive driving that they go to, maybe it be some other kind of training that they go to. Maybe there's a separate section. I was always in favor that there be a separate retraining class that was two hours or three hours that was not the full school class;

that there be a separate section. But that has to be developed. We're hoping that that will all happen by November when we open the school up again in November.

So Mr. Gervais is right that there are other considerations that you could put in there that would say that there be other training.

MR. GERVAIS: If we get something like this then I believe when you have experienced drivers it's really -- I don't think that punishing someone by sending them to school is there. I always thought school was a positive thing and I think empowering them with new knowledge is the best way to do it.

MR. SCALI: That's why I always try to do it in a positive fashion without it being disciplinary action but people don't seem to be in favor of that.

MR. GERVAIS: I'm just saying that by putting them into the school in that sense, there in there with some people that don't know nothing about it, and these are perhaps sometimes seasoned

veterans where something happened. So a special class with not only that but veteran people who are teachers, and maybe you could find people from the industry. You've got many many people out here, many of them in back of me that have a lot of experience and make it multicultural.

MR. SCALI: Mr. Blemur is going to be a teacher I hear.

MR. GERVAIS: You keep bringing his name up but you know what, I was a founder of the school and no one ever asked me to teach again because they don't like me.

MR. SCALI: Mr. Gervais, I cannot believe that.

MR. GERVAIS: Mr. Scali and the License Commission has hurt my feelings more than once, and I don't think I'm ever going to be able to get over it either.

MR. SCALI: I'm hurt myself. Thank you very much.

MR. GERVAIS: That's all I need to say on this matter. Thank you very much.

MR. SCALI: Anybody else? Pleasure of the Commissioners? I'm sorry, one other hand.

MR. GINAGEN: My name is Able Ginagen.

MR. SCALI: We're talking about training.

MR. GINAGEN: A few weeks ago, I didn't have a problem with Mr. -- and he's not there any more. The same rule when I'm looking at the book, it didn't (inaudible).

MR. SCALI: I'm sorry, say that again.

MR. GINAGEN: When I'm reading the words in the book it did abuse me, it abuse power. I pick up 27 Garden Street. She went to Harvard. She went to Cambridge City Hospital. She forgot her cell phone. I went back to Harvard. I got the airport job.

Mr. John call me and says somebody forgot their phone in my car. I say, okay, I got it in my hand. But at the same time, I had the airport job. I said to Mr. John, "I'm on the way to the airport. It will take me a half-hour or 45 minutes to return the phone." She said to Mr.



John I asked for \$10. I didn't ask no money. I said to Mr. John, by the law, regulation, I have 72 hours to return the phone to the police station.

MR. SCALI: What's the right thing to do, Mr. Able? What's the right thing to do if someone leaves their cell phone in the car? What's the right thing to do, tell me?

MR. GINAGEN: The right thing to do?

MR. SCALI: If you left your cell phone in a car, what would you want the driver to do?

MR. GINEGAN: Lost and found.

MR. SCALI: Then drop it off --

MR. GINEGAN: Police department, and we have 72 hours in the book. That's what the book says; it's a regulation.

MR. SCALI: But what's the right thing to do, tell me, really? The right thing to do is to try to get it somebody as quick as possible whether to our officer or the police department; right?

MR. GINEGAN: I did that. I spoke to

the lady. I said I'm on the way to the airport. It will take me like 25 minutes. I don't know if she was making a big deal of it. That's why in the law we have to very very be careful the language. The language is not like we go to the restaurant here and get a bagel.

MR. SCALI: You got there as quickly as you could. You took care of your job and brought it back as soon as you could. That's responsible.

MR. GINEGAN: It's something is not right anymore. He charged me \$50 fee. It still stay in my record.

MR. SCALI: He charged you a \$50 fine?

MR. GINEGAN: Because I didn't have 72 hours.

MR. SCALI: I don't know the details of why he did that but there's got to be another reason.

MR. GINEGAN: He said to me, everybody was involved, you, and Mr. Burns was there at the time. I said to Mr. John, if I want, I can fight

because I have the legal --

MR. SCALI: You could appeal it.

MR. GINEGAN: No, it's something two years ago.

MR. SCALI: Not now. I'm saying if it happened now, it's appealable.

MR. GINEGAN: I'll talk to Mr. Szeito. I don't want that to stay on my record because I know I did not have -- it take me out for two days, I didn't work.

MR. SCALI: I don't know the reasoning. We're going back five or six years now so there's got to be some reason.

MR. GINEGAN: And by the rules and regulation, we have to very be careful because sometimes the customer calls for nonsense. It's a very very difficult business. Sometimes we have nice people but sometimes too, we don't have no nice people.

MS. LINT: Mr. Chair, if I could address that? In speaking with our officers, Officer Arcos and Officer Szeito, sometimes people

do call in and make complaints, and the officers decide that they're really not very justified; that the drivers are right; that they didn't really do anything that rose to the level that they need to bring the driver in, and they let it go. You have to trust that the officers are using very good judgment, and really weighing out situations and not just assuming that the customer is always right.

MR. SCALI: The customer can be wrong sometimes.

MR. GINEGAN: When the customer make any complaint I think the customer have to be there and the driver should be there too. Because when only the driver, they hear from the driver only. Whatever person who called. I've been in the business --

MR. SCALI: That's why you appeal it to Mrs. Lint and she'll hear it.

MR. GINEGAN: Sometimes the customer wrong. I paid \$15. I said, Ma'am, maybe when in the rush hour you pay more money. No rush, you pay

less money. "No. I'm not going to pay. I'm going to report you."

MR. SCALI: And they can do that if they want but then you --

MR. GERVAIS: That's why we have to look very very be careful with the language. Thank you very much.

MR. SCALI: Thank you.

On the training issue?

MR. BLEMUR: Yeah, on the training issue.

MR. SCALI: Go ahead. Are you going to be a teacher?

MR. BLEMUR: Of course, I want to be one as limited my English might be.

So the point is I remember years ago, and I fine that but until now it seems like I'm preaching but nobody hear what I have to say. There needs to be a civilized way a driver used to be addressed.

So when someone call and made a complaint, first of all, they send you a letter

then they send that person a letter, and they give you a timeframe which you have to appear to the officer, whomever going to be in charge. Then we sit down and we discuss that. But it seems like for the past six or seven years it's not the way it is. Now, they can call on the radio, they call and say tell the driver to come right away. That doesn't feel right with me at my age.

MR. SCALI: Some things require more immediate attention than others. So if there is something of a serious nature, the officer feels that it's a serious nature, a public safety issue, or something where they need to see you immediately, the officer has a right to call and say I need that driver here right now.

MR. BLEMUR: You know why I love the United States of America, because it's a country of law. It's country of law and no one is above the law. If I made a mistake, I should be able to be heard first and then crucify me if that be the case.

MR. SCALI: That's the point. He

calls you in to talk to you.

MR. BLEMUR: When the officer call the radio service and telling me to come right away for the License Commission, I don't think I would date to talk to my kids like that. So I feel like a kid. We been treated like a kid. I'm not stealing anybody, I'm not stabbing anybody, I'm not raping anybody. Why should someone call the radio office and tell me to come right away? It's not a civil matter. That is no way to address people. I don't understand that. They should be able to address people.

MR. SCALI: Are we talking about the training issue right now?

MR. BLEMUR: Same thing. We get to the point.

MR. SCALI: We've kind of gone off the subject matter I think here. Let's talk about the training issue.

MR. BLEMUR: What I would suggest first of all, in case there's a complaint against the driver, notify the driver like it used to be

and ask to make a call to be deal with the driver. And believe me, 99.9 percent of the time they will not show up.

MR. SCALI: Sometimes matters can be resolved very quickly by information that you may have that may show that there is nothing wrong. They call you to come in and talk to you, and you may say this is what happened, and he'll say okay, you're right that probably is what happened and that's the end of it.

To wait for a letter to go out, which people don't open letters, and then for people to come in and give testimony takes a very long time. Sometimes these things need immediate attention if it's a safety issue or something that's gone on that needs to happen. We're in the business of making sure that the public is safe, and making sure that the public is served in a safe manner. So that's the number one concern when we call you in immediately.

If it's a violation that's a minor violation, or someone has called and said something



that can wait or if it's a fine, that can wait. The only reason why he calls you is if there is something immediately that's happening; that is happening and a public safety issue that he needs to see you at that point in time. Believe me, he isn't sitting there waiting for people to come in.

MR. BLEMUR: Unfortunately we have the taxi driver -- you will never be a taxi driver, you will never understand our situation.

MR. SCALI: I know you're busy all day long.

MR. BLEMUR: No, no. I'm talking about the way we're treated. I said that before. Sometimes we've been treated like a second class citizen.

MR. SCALI: I have been here 23 years, Mr. Blemur, and that has never --

MR. BLEMUR: I've been doing it for 28 years.

MR. SCALI: I've heard this for the last 23 years, the same issue.

MR. BLEMUR: Like I said, you will

never be a taxi driver. You will never understand what kind of shoes we are wearing. That's one thing.

The second thing is for the offense.

MR. SCALI: Let's talk about the training because we've got to move on.

MR. BLEMUR: That's part of it. For the training, I'm not against the training but we want to make sure like Mr. Gervais has said, we going to take it case-by-case.

MR. SCALI: That's what it says. It's not a mandatory thing at all. It may --

MR. BLEMUR: We're going to take it case-by-case. And please, we like to treated as adults, not like kids. Because it has offended me, as good as I try to be, it's offended me, even if it's not me.

MR. SCALI: I agree with you a hundred percent.

MR. BLEMUR: We like to be treated as adult, with respect.

MR. SCALI: And on the other side of

the table, I hope that all of you as adults will treat the public and my staff with the same respect. That's all I ask.

MR. BLEMUR: We do. As a matter of fact, we value your time that you've been sitting here and listening to us. You are really concerned. We really appreciate that but we would like to be treated as adults.

MR. SCALI: You have always been respectful, Mr. Blemur, always.

MR. BLEMUR: My dad was a judge so I can tell you which school I've been to. Thank you.

MR. SCALI: No. We're talking about training.

MR. PAINE: Is that the only issue; training?

MR. SCALI: We're talking about training. That's it.

MR. GETACHEW: Good afternoon; Dawit Getachew.

MR. SCALI: Your name?

MR. GETACHEW: Dawit, D-A-W-I-T,

Getachew, G-E-T-A-C-H-E-W.

Regarding training, I came late so I think you are doing a good job. Thank you so much. It seems very fair. Regarding training, the problem we have really not with senior drivers or owners, but the new drivers. They consider themselves they can make money easy. You know, cutting off people who are already on line, aggressiveness, come to fight.

Recently that happened to me. I was on Brattle and there is a sign "No Parking," on Church Street at certain times. This young driver, Checker Cab, he wasn't even there. I was there and maybe he didn't see me, and then he came to fight me. He wanted -- you know, the violence.

MR. SCALI: Did you report it?

MR. GETACHEW: I immediately came to the Hackney. I fill out reports and the officer called me. I explained to him, you know, what I suggest is he needs retraining.

MR. SCALI: Or maybe not being a driver at all.

MR. GETACHEW: I don't think he got retraining. I didn't hear any response what happened to that.

MR. HAAS: How long ago did this happen?

MR. GETACHEW: It was like a month ago, or two months. The officer did understand, he was really a listener. I think he called him but he didn't tell me he called him. He said he's going to call him. I know he will; that's his job. But I don't know what action taken to that guy.

MR. SCALI: He should have notified you.

MR. GETACHEW: If they let them go like that they're going to do it to everybody, even to the customers. Customers have to be respected. We are here to serve and serve ourselves. You know, do business.

Of course, there are some violent customers. they come annoying, screaming, maybe they are rushing. They might have their own reason but very unpolite, which I am glad we have under

the rules and regulations, if a customer is unpolite, stop the car, call the Hackney, let them out, or call the police. Simple as that. We don't have to do anything. We have the rules right there, just implement it. That's about it. Thank you so much.

MR. SCALI: We are way over.

MR. GERVAIS: Section Six, the very last one.

MR. SCALI: We're not talking about that right now. We're talking about training.

So pleasure of the Commissioners on the training? I'm gathering that the imposition of the back to class -- I guess I would amend it to say "or other training or defensive driving classes that may be required."

MR. HAAS: Or determined to be appropriate.

MR. SCALI: Motion.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: The last section here on six that Mr. Gervais was talking about has to do with information provided to the Commission with regards to leases, subleases, telephone numbers. It simply says that "A medallion owner shall submit on a regular basis a list of drivers, lessees, sublessees, contact numbers and addresses, a copy of a lease, a sublease, or other driving arrangement must be submitted to the License Commission." That has always been the rule. It hasn't been as clear in the rules.

MS. LINT: The only amendment to that which was offered by both Officer Arcos and Officer Szeito was that the list include contact telephone numbers and addresses. That's the problem that we have in the office; that sometimes we just can't find the drivers.

MR. SCALI: People just change their telephone numbers and just don't report it to us. There is no way to reach people.

So a motion on that.

MR. GERVAIS: Commissioner, I have one



thing to say on this.

MR. SCALI: Go ahead.

MR. GERVAIS: This is the same thing as before. I think you can add one little amendment to this, and that would be that when you're talking about problems, talking about training, and talking about other things during this, this last part is very important I think. These people when they get leases and subleases and sub-subleases, and things like that, they lease to people many times that normally or otherwise would not even be able to get a cab, and that's one of the reasons they ended up with one.

I think for some preventative medicine, so to speak, what they can do is test these people, especially if they're new drivers, fairly new drivers and they're subleasing a medallion. It's a large responsibility and --

MR. SCALI: This has nothing to do with that. This has to do with just information to the Commission in terms of who they are. That's all we're talking about right now.

MR. GERVAIS: You're talking about subleasing agreements and things like that.

MR. SCALI: Just to be submitted to us; that's all we're talking about, information.

MR. GERVAIS: All these are on file at the License Commission for public viewing.

MR. SCALI: They should be, yes. They're not, because people are not submitting them. That's the point of this. We don't know who they are unless they tell us.

MR. GERVAIS: You're saying you don't know?

MR. SCALI: We're supposed to know. You're right.

MR. GERVAIS: But you don't know.

MR. HAAS: We're putting the burden back on the leasee and the subleasee that they have to get us this information, and if they don't, they're in violation.

MR. GERVAIS: How do you know they're not?

MR. HAAS: Because we catch somebody.

I had a guy almost broadside me the other day. We tried to figure out who the driver was and we didn't have a record of that person.

MR. GERVAIS: Like I said, I just think if they can amend this that those people who are subleasing and things like that, they be given some kind of a test.

MR. SCALI: Thank you.

MR. GETACHEW: I'm trying to suggest a point on this issue. I read that and it says, "On regular visits."

MR. SCALI: As you change it. What happens is people change and they don't tell us.

MR. GETACHEW: Definitely they have to tell you.

MR. SCALI: SO if you don't tell us who they are, we don't know who they are.

MR. GETACHEW: It's just it says "on a regular basis." I said, oh, I'm going to report this every month, two months?

MR. SCALI: No, no, just when you change.

MR. GETACHEW: Of course, it's got to be done.

MR. HAAS: I think you're right. I think the language could be much clearer that upon changing you need to notify right away. You could go -- well, I did it once a month, I did it once every other month, and you could have had two or three drivers added to the list.

MR. GETACHEW: Exactly. You want it with months?

MR. HAAS: That's a good point.

MR. SCALI: Thank you for the clarification.

Motion on this Rule 6.

MR. HAAS: Motion to approve.

MR. TURNER: Seconded.

MR. SCALI: Moved, seconded. With the change that says, "Upon change," as opposed to "a regular basis."

MR. HAAS: Right.

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

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Thank you all very much.

MR. SCALI: Decisions from the August 10 meeting. First item I guess is Guangzhou disciplinary with Officer Tierney. This is kind of a personal matter between these two people.

MS. LINT: I think the issue was that the manager and/or owner didn't call the police. It wasn't until the victim was out and he called.

MR. HAAS: I would have an issue -- I mean, he didn't terminate this guy, but I have an issue now if he's going to start picking fights with customers and stuff like that and he doesn't do anything about it. That's where he starts to cross the line. I think he's taking a chance because this guy seems to have a hot temper. To walk up to somebody and start to punch out a customer because he has a personal beef.

MR. SCALI: Is there any history?

MS. LINT: No.

MR. HAAS: I would just send a letter to the owner of the property basically saying that he's responsible for his employees and this is a warning, and if there's a reoccurrence of this then

he'll be held responsible for the conduct of his employees. What I was hoping he was going to say to us is that he terminated the guy but he didn't do that.

MR. SCALI: Discussion?

MR. TURNER: No discussion.

MR. SCALI: Motion then for a warning.

MR. HAAS: I'd make it an advisory letter as opposed to a warning. This is just an advisory letter that's just to put you on notice that it's the opinion of the Commission that we believe that you're responsible for the conduct of your employees while they're on your premises, and that you run the risk of disciplinary action if in fact your employees act inappropriately and you don't control the situation.

MR. SCALI: That's a motion, moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MS. LINT: P.F. Chang's, I have a letter, I have two letters. One from Attorney Upton and one from Attorney Davids who is the attorney for Cambridgeside Galleria Associates Trust. The issue was the price of the license. What she stated was that approximately 20 years ago they were issued as no value licenses to the mall.

MR. SCALI: Right, so they can't sell them.

MS. LINT: So they can't sell them and there was no price. The use of the license is wrapped up in the terms of the lease.

MR. SCALI: So they have to stay on the premises and they can't pay.

MS. LINT: Right.

MR. SCALI: So there is no price?

MS. LINT: They indicated there was no price.

MR. SCALI: SO they can't pledge it or anything like that?

MS. LINT: No.

MR. SCALI: So it's continued as a no



value license to stay on the premises in the mall.

Clarification on the standing and the sitting and all of that?

MS. LINT: I've got a copy of the CI from Inspectional and the allowable occupancy load is 219.

MR. SCALI: They wanted 148; right?

MR. TURNER: Again, it's under renovation so all of that becomes moot because it can all --

MR. SCALI: It could change.

MR. TURNER: I was surprised and that's why I asked the question whether they were under a building permit. The plans that were submitted and approved should have the occupancy loads on there.

MR. SCALI: They haven't done all that then.

MR. TURNER: Which hasn't been done. So I don't know when they plan on coming up with the actual numbers, because there is a change in the floor space.

MR. SCALI: We probably need to continue this until they can clarify all that.

MR. TURNER: That would be my position is that they cannot use the existing CI information because the floor plans have changed, which would change the numbers of occupancy.

MR. SCALI: I would agree with you. The plans are not listing the numbers on this.

Motion to continue for further clarification of occupancy including seating and standing.

MR. HAAS: So we can't do anything with approving this license then; right?

MR. SCALI: No.

MS. LINT: They're not ready to open anyway.

MR. SCALI: They want to open in October they said, didn't they?

MS. LINT: Why don't we put it on for September?

MR. HAAS: October 26 is -- but they want to do the training like a week or two before

the opening.

MR. SCALI: They can come back the first hearing in September if they want. Do you want to do that? September 8?

MR. HAAS: Yes.

MR. SCALI: Continued for further clarification and occupancy, seating and standing, to September 8. Moved.

MR. HAAS: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Central Brew.

MS. LINT: They just need to get their DPW permit. I haven't seen it yet.

MR. SCALI: So conditional approvals or continuation?

MR. HAAS: We have to continue it; right?

MS. LINT: We could approve it conditionally.

MR. SCALI: I don't know the number they're going to approve.

MR. TURNER: Would the Council need our approval before they --

MS. LINT: No.

MR. SCALI: We probably should continue it then. Motion to continue until they receive DPW, City Council approval. Moved.

MR. HAAS: Yes.

MR. SCALI: Seconded.

MR. TURNER: Aye.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: So clarification on the numbers actually. It may be more or less depending on what they can fit.

Is that it?

MS. LINT: That's it.

MR. SCALI: Anything else? Motion to adjourn.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

(Whereupon, the proceeding was concluded at 1:08 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 25th day of August, 2009.

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