

## COMMONWEALTH OF MASSACHUSETTS

## CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

LICENSE COMMISSION BOARD MEMBERS:

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

STAFF:

Elizabeth Y. Lint, Executive Officer

- held at -

Michael J. Lombardi Municipal Building  
831 Massachusetts Avenue  
Basement Conference Room  
Cambridge, Massachusetts 02139  
Tuesday, October 27, 2009  
6:00 p.m.

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P R O C E E D I N G S

MS. LINT: License Commission General Hearing, Tuesday evening, October 27, 2009. It's 6:10 p.m., and we're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room.

Before you are the Commissioners: Chairman Richard Scali, Deputy Chief Dan Turner, and Commissioner Robert Haas.

If anyone is here for the matter on Page 2, Pizza Pie-er, that has been continued until 11/10.

MR. SCALI: Anyone here on Pizza Pie-er? No hands. November 10.

Where do you want to go to Mrs. Lint?

MS. LINT: I want to go to the Addendum matter. Application: American Repertory Theatre, Erin Wood, Manager (pending manager) holder of an All Alcoholic Beverages as a Restaurant license at 2 Arrow Street has applied to extend the 1:00 a.m. closing hour until 2:00 on

October 31.

MR. SCALI: ART? Good evening. Just tell us your name for the record, please.

MS. WOOD: Erin Wood.

MS. BARBANELL: Ariane Barbanell, A-R-I-A-N-E B-A-R-B-A-N-E-L-L.

MR. SCALI: You have an alcohol beverage license with us that goes to 1:00 a.m. And you're having an event on Halloween?

MS. WOOD: Yes.

MR. SCALI: Tell us about the event.

MS. WOOD: It's part of the show that currently running in the space called "The Donkey Show," but we've added an extra portion to the late-night show. The late show starts at 10:30 and usually it's over and everyone is out by 1:00, but we've added some Halloween components. It's a bit of a costume party event because they're all in character. So we thought we would benefit from extending to 2:00 a.m. to add these parts.

MR. SCALI: So there will be entertainment. And food?

MS. BARBANELL: No food.

MR. SCALI: How are you serving the alcohol; like you are now in the lobby?

MS. BARBANELL: We have a bar area inside the theater o it's while the show is going on. We're serving liquor during the show.

MR. SCALI: And the show is over at 2:00 a.m.?

MS. BARBANELL: The additional part of the show would be over by 2:00 a.m.

MR. SCALI: Are people gone by 2:00 a.m.?

MS. WOOD: They will be out the door.

MR. SCALI: Number of people?

MS. WOOD: The capacity is 300. It's a ticketed event. It's still the show.

MR. SCALI: Questions from the Commissioners?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: Comments from the public?

MR. SCALI: Pleasure of the

Commissioners?

MR. HAAS: Motion to approve.

MR. TURNER: Seconded.

MR. SCALI: Motion made to approve, and seconded. All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: It's a policy that any time you go to a 2:00 a.m. we have to have a hearing. I know it was short notice. So if you have in mind something for the future, you need to give us a lot more notice so we can advertise it, but in your situation you guys have been so great that great lately that we hope this will be very uneventful event.

MS. BARBANELL: Thank you.

One additional item: I was asked to bring in this letter. The manager on record at the Loeb space at 64 Brattle Street is still Robert Orchard, who has retired as of this month. I spoke to Christopher O'Neil and he said to just bring a letter that I can be the contact person until we

hire a person to take over.

MR. SCALI: That's fine. He did tell me about that, yes.

Thank you very much. Have a great event.

MR. SCALI: Motion to accept the minutes from our last meeting of October 6.

MR. HAAS: Motion.

MR. TURNER: Seconded.

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

MR. HAAS: Aye.

MR. TURNER: Aye.



MS. LINT: Let's just go right down.  
Traffic and Parking is not here.

MR. SCALI: Go ahead Mrs. Lint.

MS. LINT: Application: Forest Cafe, Inc. Francis Gaudet, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 1682 Massachusetts Avenue has applied to transfer said license to Go Cafe, LLC d/b/a Go Cafe, Daniel Goldstein, Manager. Operating hours will be 7:00 a.m. to 1:00 a.m. seven days per week with alcohol service starting at 8:00 a.m. Monday through Saturday and at 11:00 a.m. on Sundays. Capacity would be 110 (80 seating, 20 standing). Applicant is also applying for an Entertainment license to include an audio tape machine/CD which may play music below, at, or above conversation level; three TVs; one video game, pinball, or other automatic amusement device; and a juke box.

MR. SCALI: Good evening.

MR. RAFFERTY: Good evening, Mr. Chairman. For the record, my name is James Rafferty. I'm an attorney with the law firm of

Adams and Rafferty located at 130 Bishop Allen Drive in Cambridge. Seated to my right is Mr. Jack Kutner, K-U-T-N-E-R, and to my left is Mr. Daniel Goldstein.

Mr. Kutner and Mr. Goldstein have formed an entity to purchase the venerable Forest Cafe operated by Mr. Gaudet's family at this location since 1949; one of the longer continuous licenses in the City.

So Mr. Kutner and Mr. Goldstein formed Go Cafe, LL. They are intending very modest changes; little, if any change to the floor plan. Their intention is to continue the tradition that the Gaudet family has in serving the neighborhood. The capacity is largely unchanged. The hours of operation would remain the same.

What's different or a change would be that Mr. Kutner and Mr. Goldstein may be familiar to the Commission because for a few years now they've been the holders of a Common Victualer license at the Clear Conscience Cafe in Central Square. During that time I think they have

distinguished themselves as a licensee and a responsible operator. They're looking now to move slightly in a different direction and acquire this business and open kind of a more expanded menu at the Forest Cafe while still holding true to its neighborhood origins.

MR. SCALI: The two of you are the sole partners of the LLC?

MR. RAFFERTY: That's correct; they're the members of the LLC. Mr. Goldstein is the proposed manager at the establishment.

MR. SCALI: Did you say it's the same capacity? Do you have 110 capacity now?

MR. GAUDET: No.

MR. SCALI: So you're applying for an increase in capacity?

MR. RAFFERTY: Maybe slightly.

MR. GAUDET: Can I explain that?

MR. SCALI: Yes.

MR. GAUDET: I've had 78 capacity. The License Commission sent me a placard that said I had 110.

MR. RAFFERTY: Mr. O'Neil, when we filed -- we have the floor plan and the numbers -- we matched up what was on the record with the License Commission. So it may be from another time. Our proposed capacity at 110 depicts essentially every stool and booth that's in there today, plus the balance standing. That's where we arrived at the number.

MR. SCALI: We can check that just to make sure. Is it 110?

MS. LINT: The task force sign off sheet has 110 on it, and Ranjit signed off for the same capacity.

MR. SCALI: We'll just double check that to make sure that that's the case.

MS. LINT: We can check the CO?

MR. RAFFERTY: I checked the CI and it's 110 and that's what Mr. O'Neil said.

MR. SCALI: Tell me a little bit about the menu.

MR. RAFFERTY: I don't know which one of these gentlemen would like to best describe the

concept and the menu. This is Mr. Goldstein.

MR. GOLDSTEIN: Jack and I have an intent of running businesses that have a correlate to an ecological agenda. What we're going to do is take part of our cafe menu at Clear Conscience and augment it, and again, looking to create a platform that's threaded with organics and all natural food offerings.

We have a baseline menu that we presented and if that's augmented or tweaked, it will be in that very same theme. We want to continue with that theme that we have established here in Central Square.

MR. SCALI: How does alcohol fit into your plan?

MR. GOLDSTEIN: There is an existing bar there and so we think that that's conducive to an evening crowd. Our intent is to introduce a line of both organic wines and organic beers into that mix.

MR. SCALI: I'm assuming the alcohol is a supplement to your food.

MR. GOLDSTEIN: Correct.

MR. SCALI: What's your percentage of alcohol to food; do you know?

MR. GOLDSTEIN: I would say that that's hard to assess.

MR. RAFFERTY: I think we estimated 70-30 in the application based on the experience of the restaurant.

MR. SCALI: Knowing this location and the long history we have, tell me about your back alley, your dumpsters, and how you're going to manage all the deliveries and the use of that back door.

MR. RAFFERTY: We have reviewed and as part of the application process, obviously we had conversations with the current proprietor, Mr. Gaudet, and reviewed the file with the License Commission. It appears that there is a long-standing condition associated with the use of the rear door only for secondary or emergency egress, and also to accommodate deliveries. We would certainly anticipate that condition to find itself

transferred if the license were to be approved. I think it has been reported to us that it may need to be -- the hardware on that door or the alarm system on that door may need to be replaced or upgraded.

MR. GAUDET: No.

MR. SCALI: It's used for deliveries only; right?

MR. RAFFERTY: Well, we haven't begun yet, so if you're asking us about Mr. Gaudet -- our plan is to abide by the restriction that it would accommodate deliveries during a portion of the day and would not be used as a mean of access into the premises by patrons, nor would it be used by patrons to go outside and smoke. We would abide by the restriction that we understand to be in place on the license that it's only for -- it can accommodate deliveries during the daytime and it should only be used as a secondary emergency egress once the delivery period concludes and the restaurant is in full operation.

MR. SCALI: Employee smoking?

MR. RAFFERTY: Do employees smoke in the restaurant?

MR. SCALI: Off that back door, will employees hang out in that back alleyway or out the back door?

MR. GAUDET: There is a sign on the back door that says nobody smokes out back, nobody.

MR. SCALI: Do people abide by that?

MR. GAUDET: I hope so.

MR. RAFFERTY: It's a little difficult to be asking the prior -- the bill of sale will include the sign no doubt. So I'm sure the sign will be transferred with the ownership. I think Mr. Kutner and Mr. Goldstein probably have an operational philosophy about it where they operate a business now, about where people can smoke. So maybe you can address that.

MR. GOLDSTEIN: I would just tell you that this is not an absentee management initiative. So being on-site, I don't see that there's any issue that with vigilance that we can't make sure that that is used appropriately.



MR. SCALI: So no smoking out in that back door or alleyway?

MR. GOLDSTEIN: Correct.

MR. SCALI: Dumpster, what are your plans for the dumpster?

MR. RAFFERTY: There's an existing dumpster. We believe it accommodates the restaurant. I'm not aware of any issues with the dumpster.

MR. SCALI: Regular pickups, times of pickups?

MR. GAUDET: It's after 10:00, Monday, Wednesday, and Friday.

MR. SCALI: So three times a week after 9:00 a.m.?

MR. RAFFERTY: Kindly note that that's Mr. Gaudet's experience. I don't know that we have yet had a full appreciation for volume and pickups. They may choose to contract with someone else.

MR. SCALI: I'm just trying to get an idea about what your plan may entail because knowing the history of that alleyway, the questions

are going to start coming from the neighbors.

MR. RAFFERTY: I appreciate that.

I just want an opportunity to speak. I appreciate Mr. Gaudet's perspective, but I'm saying that as a new proprietor about to operate a business, to be asked to lay out what we anticipate to be the pickup schedule of the dumpster, candidly, I don't think we've thought that all the way through.

We understand there to be an existing contract with a dumpster company. We may be selling more food than the current operation, which might necessitate a change in that schedule. We're well aware -- they're in the CV operation now -- of the limitations and the attention that has to be paid to times of pickup, controlling access to the dumpster, limiting people using it improperly. So all types of safeguards.

I just wouldn't want to sit here tonight and say it's three days a week and we know what time those three days are. We know when it can't be and I'm sure between whatever -- there's a heavy emphasis on recycling here. The whole

ecological element of the business is a priority for the operators. So we may have a different recycle schedule, trash schedule, but we certainly will work with the Commission and the City on it.

MR. SCALI: It is not usual for us to ask how often your pickups may be. You know that Mr. Rafferty.

MR. RAFFERTY: I'm not saying it's unusual but I'm saying it's a new restaurant. So how often will it be? I would say it probably would be consistent with what Mr. Gaudet has been doing, two or three times a week, and done only at hours that are permitted.

I just know Mr. Scali that we live with decisions years from now, and I want to be candid and say I don't think at this juncture we know a lot more than the fact that there is an existing dumpster and the intention would be to continue to use the dumpster. Whether they wind up with a bigger dumpster, a smaller dumpster. Sometimes a larger dumpster requires fewer pickups and that's more advantageous or seen as more

desirable. And sometimes the opposite is the case.

MR. SCALI: Comments, questions?

MR. TURNER: No questions.

MR. HAAS: The current business; who's going to manage that?

MR. RAFFERTY: The new business.

MR. HAAS: The current business now?

MR. GOLDSTEIN: I have a GM who I have hired working for me in Central Square.

MR. SCALI: So you will be more full-time at the new place if it's approved?

MR. GOLDSTEIN: Yes.

MR. SCALI: Entertainment: background music below, at, or above, three TVs, one video, and jukebox; right?

MR. RAFFERTY: Our understanding is it's consistent with the existing entertainment.

MR. SCALI: So no live entertainment, no change in what's there now. Any pledge of license?

MR. RAFFERTY: At this point, it's not clear. There is a lender that might be involved

but we don't think on the license. So at this time is no application to pledge. But as set forth in the application it is a purchase, and the price is in the application.

MR. SCALI: So it's a financing?

MR. RAFFERTY: No. It's a cash purchase.

MR. SCALI: Any comments?

MR. HAAS: No comments.

MR. SCALI: If we could just make room for anybody who wants to speak. Does anybody want to be heard on this matter? Come on up and we'll take you one by one. Just tell us your name and address.

MS. MARGATE: I'm Lynn Margate.

I live and own units at 10 Bowdoin Street which is directly behind the Forest Cafe and Westside Lounge. I'm very concerned about this because I just lost -- I own the two units on the top and the one that is adjacent to the driveway. I've just lost those tenants because of the noise in the driveway at all hours. Employees come out and they

open up the garbage lid and then they don't put it down, they just let it drop. And this can happen, you know, any time. Up until 10:00, I can understand, but after that this is not a good thing.

The back door of the Forest Cafe, the employees come out at 1:00 in the morning and they're loud and they start their engines and they rip away. The driveway is often filthy with lots of garbage and trash sitting around.

These are all conditions that -- I'm in a difficult position because the real estate values have gone down and people don't want to pay what they used to for an apartment. This driveway situation has to be solved.

There are also, may I just say as someone who has to walk along that sidewalk in the snow, often it is not shoveled so that you can walk down that street and around to Evergood. For me, it's dangerous; I can re-injure myself again.

MR. SCALI: Okay. So have you met with these gentlemen at all? Have they introduced

themselves to you?

MR. GOLDSTEIN: We met moments ago.

MS. MARGATE: Just on the way in.

MR. SCALI: So there wasn't a neighborhood meeting or anything like that?

MS. MARGATE: No. Those are my concerns. We have some other people who have concerns.

MR. HAAS: Is this a shared driveway or a common driveway?

MR. RAFFERTY: No.

MS. MARGATE: I think it's owned just by Forest.

MR. HAAS: when you mentioned the driveway I just want to make sure that you're not sharing this particular driveway. Your unit is not sharing the driveway with the abutter?

MR. RAFFERTY: Ms. Margate has the large structure, a six-family, I believe, right at the foot of the driveway.

MS. MARGATE: I own the two units on the top, and it's the unit that's right over the

driveway that's the problem. I now have an empty apartment.

MR. SCALI: Anybody else? Come on up. good evening.

MS. SOLERZANO: I'm Helen Solerzano and I live at 13 Bowdoin Street, which is on the other side of the street and down the street. I actually grew up there so I've been aware of the issues and the driveway and the restaurant for a long time.

Another issue that I wanted to bring up was with the trucks and the deliveries that we have. Several different -- we have two restaurants and then the Evergood Market also bring these big trucks down our street. They're all on different -- like the trash is all on different schedules, so we have trash pickup coming almost every day. There are a lot of kids on the street, a lot of young kids, and it's a kind of hazardous situation for us.

We would really like to see the delivery moved to Mass. Avenue instead of having it



come down. The driveway, again, there are a lot of cars parked there. I live probably several doors down but I still, especially in the summer, get woken up by employees coming out and taking off in their cars at 1:00 or 2:00 in the morning.

MR. SCALI: Is there parking in that driveway?

MS. SOLERZANO: There's usually like six. There's a lot of cars squished in there kind of one after another, like two rows of three.

And then the whole garbage situation, it's not very clean. There's a big puddle that comes a lot of times. There's a pool of garbage that collects down at the bottom of the street. Those are things that I'm concerned about.

It sounds like a really great restaurant.

MR. SCALI: It sounds like a great opportunity to clear up things that may have been going on in the past.

MS. SOLERZANO: Yeah, they're concerned about the environment, we're concerned

about the environment. It's a great neighborhood so it's a chance to work with a lot of good people. But definitely the back is an issue that we would really like to see dealt with for safety and also just for being able to live in peace and quiet.

MR. SCALI: Thank you. Anybody else? Tell us your name.

MS. KING: Janet King, K-I-N-G. I own a townhouse at No. 7 Bowdoin Street. I would like to say that to my astonishment, I'm probably the oldest living member of the neighborhood. I bought the townhouse in 1960 and moved in, in 1961, and I raised my children there. However, I want to emphasize that I'm not currently occupying the townhouse, I'm renting it. I sometimes use the downstairs apartment -- the townhouses have two apartments -- but I'm not living there currently.

This is important to me because being able to rent the townhouse is part of my retirement plan after raising my children there and moving away. However, as you can see I'm still active in the neighborhood so I'm just going to briefly say a

couple of things historically speaking.

When I moved there I was just a young mother and I was expecting my second child, and Helen was a good friend of my children, Helen who just spoke to you. Her parents instructed me in the ways of City Hall. I appreciate that Forest Cafe was an established business; that we've made clear. Not only that, they have a very faithful clientele, and we saw them faithfully come because they were using the back door and the parking.

What happened was that the children especially in fairly decent weather, as they began to grow up, began playing on the street. We were very concerned especially about daytime patrons who would come out of the back door, get in their cars, and drive away. We felt they needed more air before they got in their cars because after all, it was a bar. It was primarily a bar. And since then it's become more of a restaurant bar.

I only want to underline the fact -- two things: one is that off-and-on, these problems have been going on for almost 50 years. We have

had good cooperation from the License Commission. I appeared three times when Mr. Senate was the chairman of the License Commission. At various times, we've had as many as 40 neighbors appear at one of these hearing. We can rally that amount again, but it would be very nice to have a smaller harmonious representation.

I would like to emphasize what Helen said: there's the safety issue, there's the noise issue, and it does concern me. I'm even more in the track of the noise than Helen is because No. 7 is almost directly opposite the back door. I want just to say that as a matter of history, and I'll stop with this, we received a ruling when Mr. Senate was chairman of the License Board that the back door -- and that was when the ruling was put in -- that the back door was to be used only as an emergency exit and they ordered that a crash bar be installed.

The first thing that happened was that was not done. We had to go back again to the License Commission and say, "You ordered it, but

your orders are not being carried out." We went back twice at least, and the records will show this if you go back far enough. So there is a tendency for people to barrel out the back door, and we really would like that to stop in terms of the patrons.

My neighbor, Bupesh is about to give a suggestion for the cleanliness, the dumpsters, and the parking.

Last but not least, I want to say that from the beginning when we arrived there, we realized that we were a new element in the neighborhood, and we were not unfriendly to the retail and restaurant establishments. We were very friendly. We had two grocery stores, we had restaurants. I went to the Acropolis constantly, which was at that time is where Christopher's is now. So this isn't a case of people who have been at loggerheads forever against restaurants and bars and grocery stores. We just want to live in cleanliness and safety and preferably peace also, especially at night. Thank you very much.

MR. SCALI: You're welcome. I can guarantee that you won't have to come back three times to this Commission for conditions to be enforced. Anybody else want to be heard? Come on up. Tell us your name.

MR. BIGELOW: I'm Joe Bigelow. I live at No. 5 Bowdoin Street. It's one of two townhouses that look directly at the parking area and the rear of the restaurant. I don't really have anything different to add other than to reiterate a couple of concerns.

One is what seems to be a hygiene issue. Frequently, especially during the summer, the kitchen mats get hosed off in the driveway and the food and crud wash away from the restaurant toward the gutter, which is the low point. There is a low point that's actually lower than the water is able to travel to the storm drain, which is where it typically wants to go, and it just sits there until it evaporates. And it stinks and it's colorful, and it's really really horrible. I have a perfect view of it out of my kitchen window.

MR. SCALI: I can't imagine that they're going to be hosing off crud into their gutters.

MR. BIGELOW: All I'm saying is that it's something that occasionally happens and it fortunately isn't chronic, but it happens often enough that it's something that everyone in the neighborhood is aware and offended by. It just horrible.

Another thing that we are concerned about is the frequent deliveries and pickups of rubbish and recyclables and whatever else gets picked up. It's not uncommon to see deliveries jockeying, big truck deliveries jockeying with full-size garbage trucks who are trying to execute three-point turns at the bottom of Bowdoin Street, and it's just dangerous.

It's very common for two or three, or four, sometimes five delivery trucks to be waiting in tandem all with their engines running so that they can get close enough to get their goods into the backs of these restaurants and/or Evergood.

So deliveries have been a problem both noise-wise and possible safety-wise because there are lots and lots of little kids at that bit of lower Bowdoin between Martin and Hudson. It would be wonderful to see if there were some alternative to some of those or all of the deliveries; if they could be done on Mass. Ave. and then dollied through the restaurant to minimize truck traffic on that little tiny bit of the street.

Patrons also frequently enter and exit from the rear of the restaurant. It's not unusual. It's probably most common when there's a lot of activity and lots of people in the restaurant, weekends in particular, but it's also not unusual in the afternoons.

The parking area often accommodates especially in the evenings on weekends over five cars. Seven cars are not unusual. When there's seven in there they're often straddling the sidewalk into the street a bit. I don't believe this space is designed for that much volume.

Anyway, that's what I have to say.



Thank you.

MR. SCALI: Anybody else? Have a seat please.

MR. PATEL: Bupesh Patel. I live at 3 Bowdoin, just basically to the right of John Bigelow, and also directly across. Since I'm an architect I can't help myself; I have to show you on a map. Basically this is Forest Street.

MR. RAFFERTY: Forest Cafe.

MR. PATEL: Sorry, Forest Cafe. Well, you used to be on Forest Street so I'm thinking of that.

The point is, this is the driveway in the back. This is where Lynne lives; basically there's six apartments here and there's nine row houses here. So there's four other property owners that I guess I represent that aren't here; that said they wouldn't make it but they'd like me to speak for them. I said that's fine. We'd just be saying the same thing anyway.

I just listed six things basically and I just want to make sure I went through all of

them. Obviously everybody wants to mention that all but one house now has children in the neighborhood and it wasn't like that up until like four years ago. Mainly because the last three row houses went up for sale and those were all rentals directly across from you so they weren't so sensitive to the issues before.

The hours of operation of the businesses: most basically a lot of these businesses are open in the evening so the truck loading zones are only until 12:00, and nobody serves lunch in that area. So Sue Klippinger is looking into taking the two loading zones which are here that are basically from 7:00 to 12:00, and extending them to 5:00. I just mention that because there's basically about 42 trucks that come back here that aren't trash trucks. The idea here was just that because there's so much fighting between the trash trucks, to get the trucks to use the loading zones that are under-utilized. The trash trucks can get their job done and get out of there quickly.

MR. SCALI: Where are the trucks all going on Bowdoin? Are they going to the driveway that abuts the restaurant? Or is this to serve the apartment buildings? I'm just curious whether it's combined.

MR. PATEL: It's combined. The trucks are delivering -- all these red spots are all the restaurants on Mass. Ave. So this is at the bottom of Bowdoin Street basically, this Linnaean, this is Mass. Ave. So really it's actually Evergood, Westside Lounge, and Forest Cafe.

There happens to be another restaurant, Starbucks and Chez Henri but they all go out front. Some of them used to go in the back but after talking to them over four years, they've been using the loading zone. And actually several of the people that have been using Westside Lounge and Forest Cafe are also going out the front now, just by telling them the loading zones are available.

We've had Traffic and Parking basically give people tickets from Starbucks is

what they're doing. The Starbucks' customers, which are here, just use up these areas and end up using up the loading zone too. So we're just trying to keep the loading zone clear because it's a chain reaction. If we get Starbucks to do what they're supposed to do, get the loading zones to work, and then trucks won't go there.

A big part of that cooperation would be for the owners to commit to having people park here and dolly stuff around. Charlie has committed to that with who owns the Westside Lounge. It's just going to take a little while because he's got to work through --

MR. SCALI: It's extra work.

MR. PATEL: Yeah, it's a bit of work. He did it at Christopher's and it worked out fine.

We're just going to try to put a bulb out here so that the cars that are cutting through the neighborhood, because there are cars that cut through the neighborhood too because they're trying to beat the light at Linnaean and Mass. Ave. So when they whip around -- we had a couple of

incidences where some of the guys that are now dollying were almost nailed by a car trying to beat the light in the morning. So that's going to get resolved hopefully.

Generally speaking, DPW would love the trucks to be off of here before they fix the chewed up sidewalks, because of all the several turns to get in and out of there. They don't really want to fix it unless the trucks aren't going to chew it up. They actually fixed the corner once already two years ago and that's already become damaged.

MR. SCALI: Is that No. 1.

MR. PATEL: That's No. 1, sorry.

MR. SCALI: Can you say "ditto" if you're repeating something someone else already said?

MR. PATEL: I could say that. I just want to make sure I got that. The hours of the truck loading zone was the thing that wasn't there. So extending those to 5:00 is basically going to help with that.

The trash consolidation was -- trash

is actually -- this is some of the trash that's there. This is kind of a blowup. This is the Forest Cafe and there's trash cans basically here, which are Westside Lounge's. This is Forest's, this is the grease, that's the grease.

There's a lot of egress that's going on from those two buildings. When you look at the parking that happens on Friday, Saturday, Sunday, it actually ends up being three cars wide. It's just because the patrons are used to parking there. I think the new owner would be fine with dealing with that. But the count is actually something like -- if I count those cars in the photographs --

MS. LINT: Someone you know?

MR. RAFFERTY: Yes.

MR. PATEL: That's what happens with the parking. Sy's got a lot of loyal customers; he's got a good business going and the food is great. They just park back there and the photograph shows that they're eating up the sidewalk.

We think that will be taken care of by

basically dedicating an area for fire egress from these two businesses specifically. We do notice that these two businesses actually egress, or these two businesses including residential in the back all come out of a gate here, two gates basically, a gate between this property and this property, and then they go through a second gate that's here.

We as a neighborhood would love to see a dedicated area for them to walk which would help regulate that over use of parking.

MR. SCALI: Who owns that driveway?

MR. PATEL: The driveway is pretty much all Sy's. There's roughly three feet of it that's Charlie's along the side of this garage. Charlie's, again, is Westside Lounge.

So I spoke to Charlie about would you agree to consolidate your trash cans and the new owner's trash cans here because the two dumpsters that are there -- again, that's Forest and that's Westside Lounge -- and all these totes which are behind the garage here, you really can't egress here from the staircase upstairs. You can't do it.

There's not enough room to get around.

So if those are actually on the side and these two dumpsters were in front, and there was a fence around them, you'd actually consolidate the whole thing, and people that are flushing out of these buildings would be able to walk out of there.

MR. RAFFERTY: Can I just be clear, we own this land. We could put a fence up. This notion of access and egress through gates -- there's no easements, there's no legal rights to access on this property. I'm not sure of the relevance of this analysis.

MR. SCALI: So Mr. Gaudet is going to continue to own the property?

MR. RAFFERTY: No.

MR. SCALI: Are you buying the property too?

MR. RAFFERTY: Another entity is buying the real estate.

MR. SCALI: So you'll be in control of that property?



MR. RAFFERTY: Correct.

MR. SCALI: So you could make any plan you want for that back alleyway; is that what you're saying? You'll have control of that space?

MR. RAFFERTY: I'm saying it's land owned in fee by an owner and now we're hearing about abutters' needs to egress onto this land. I'm not sure that we shouldn't be in the Land Court with this. I don't know the theory under which the License Commission is dealing with egress from abutting properties onto land that they don't own.

MR. SCALI: Who has the right to access to that property?

MR. RAFFERTY: The people that own it.

MR. SCALI: So no one should be back there but you guys?

MR. RAFFERTY: It's their yard; it's their property.

MR. PATEL: This part is Charlie's. If you just stack the three cars that are here, if you take that space and stack them in there, the width of that space to accommodate the cars will

not accommodate somebody trying to get out in a fire.

MR. SCALI: I'm just trying to figure out who's supposed to be back there. If someone is illegally back there parking when they shouldn't be, then these gentlemen will be able to enforce that when they own the property. So if Mr. Gaudet's allowing people to park back there that --

MR. RAFFERTY: No, no. The point that's being made here is that abutting property owners don't have egress onto the back street, to Bowdoin. So the suggestion here is that in the context of a transfer of a license that has been in place for 60 plus years, we should be talking about creating egress onto this property for other properties. That's why I'm totally lost.

MR. SCALI: No one else should be down there, Mr. Patel.

MR. PATEL: Charlie has an agreement with Sy to put his dumpster on Sy's property, Charlie has an agreement with Sy to park his car here. Charlie has an agreement with --

MR. SCALI: Who is Sy?

MR. PATEL: Sy is the existing owner of Forest Cafe. Obviously Charlie has to get his trash in and out of here across his property, so there is a shared use there, mainly because the property that Charlie owns is too narrow to really get in and out.

MR. SCALI: We need to look at that. There is so much detail that I'm losing you in terms of who has rights to what.

MR. PATEL: I understand. I'm just trying to point out that basically having an egress would self-regulate the over parking that exists there.

MR. SCALI: We need to look at what that means and whether the property owners want that to happen.

MR. PATEL: Back door is all the same stuff.

MR. SCALI: Ditto on the back door.

MR. PATEL: All ditto on the back door stuff.

The parking, all I can find on record in the file is Ranjit wrote a letter during that whole complaint in the 1970s that said, "As per Zoning, there's three parking spaces allowed." But I know that if this was an area that was used for exiting just for Sy for customers to come out that you could get three cars there and probably like two more cars there if you take that 18 feet and try to fit five cars in there basically.

So whether or not it's three cars, five, which you could fit, or more than that which wouldn't accommodate egress out of the back of just Sy's building just by itself, I don't know.

MR. SCALI: So three or five, we're not sure which.

MR. PATEL: Yeah. I don't know which. I just looked at what the record is and I'm just going with that.

Two more things: No. 5 is any future mechanical equipment. Obviously when you look at the photograph of the back of this area --

MR. SCALI: Mechanical equipment

meaning what; HVAC systems?

MR. PATEL: Yeah, basically because there's a three-story brick building here and a two-story here, a three-story here. It's like a big speaker. Charlie's got mechanical equipment here that's extremely loud, and he's going to move it at some point when he renovates this building and put it on the roof. If these guys ever decide to put mechanical equipment, it would be nice to know that it's not going to be down in the back where it's going to create that same speaker effect; that it would be up on the roof if it's at all possible.

MR. SCALI: That's not always the best thing either, you know.

MR. PATEL: It is if you can put sound boards around it.

MR. SCALI: You need to make sure that wherever you put it, it's not echoing off whatever it's echoing off of. But that's not happening right now. Your concern is for the future.

MR. PATEL: Yes. If there's any

future proposals for renovation.

The last thing is the mop sink and to just improve how it basically works. The way it works right now is he's got a hose bib in the back here.

MR. SCALI: The mop sink?

MR. PATEL: He's got a hose bib in the back and he basically washes his mats out back and that's why there's a bit of a cesspool thing that happens at the bottom of the driveway.

MR. SCALI: They take a hose and a bucket and wash their mats out back there?

MR. PATEL: Yeah. I'm assuming they don't have a mop sink and I'm wondering how you basically -- I'm sure it's a Health Department thing. That would obviously solve some of that.

MR. TURNER: You're correct. At any time -- I'm hearing all these sanitary issues. At any time has ISD been called, has the Health Department sanitary inspector been down?

MR. PATEL: I've called a couple of times about the water but usually they're already

back inside and the cesspool is there. That's why DPW said --

MR. TURNER: Not DPW. Has anybody ever called a sanitary inspector from Inspectional Services?

MR. PATEL: We called ISD and they came down and saw the cesspool.

MR. TURNER: And nothing was done about it?

MR. PATEL: I wasn't there when that was done.

MR. TURNER: Okay.

MR. PATEL: But I know my neighbors told me about it that the police were there.

MR. TURNER: I also hear safety. Everybody's mentioning safety issues. What's the issues? I'm just curious. Everybody is saying there's a safety problem. If it's a problem, I'd like to see it corrected. What exactly is the safety problem?

MS. KING: The safety problem occurred when the patrons were getting into their car and

backing out in an inebriated or semi-inebriated state. That was a big safety issue. I'd like to say -- I can't give you a date on this -- I was involved in calling the Health and Sanitary Department sometime probably in the '70s when we had a rodent problem appearing in the back. We could see the rodents coursing here and there.

MR. SCALI: That's a long time ago.

MS. KING: Yes, but you asked if anyone had, and I'm telling you that that happened.

MR. TURNER: So there was an issue years ago so this is a major safety issue going on?

MR. SCALI: Everyone stop, please. This gentleman has the floor so lets finish with Mr. Patel.

MR. PATEL: There's one specific issue where we had to call the police mainly because the patrons, two of Sy's patrons were having a fight in the back and one of them kept getting in their car and driving away at high speeds. We were all having a party outside in somebody's --

MR. RAFFERTY: With all due respect,



what does that have to do with my client's application to transfer the license?

MR. SCALI: The concern I'm gathering is that they don't want history repeated with the new owner.

MR. RAFFERTY: Understood, but telling tales from 50 years ago of inebriated patrons -- you've got a lot of work to do tonight.

MR. PATEL: To just answer your question, that was just last year. There's other instances but I'm not always there because I do a lot of traveling but that's the one instance I know the police were called and we tried to resolve it.

MR. TURNER: That's where I was heading exactly. Does everybody understand that this is being sold, we have new people coming in?

MR. SCALI: Starting fresh.

MR. PATEL: Exactly. The neighbors that aren't here, they are well aware that it's a new owner and a lot of this stuff is not going to happen anymore. Basically I've explained to them because they wanted to come, I said I don't think

you need to come; that the Commission that's there now is not the Commission that was there when all of this transpired.

MR. SCALI: Most definitely.

MR. PATEL: The only concern is just basically what I'm reiterating about; finding a way to self-regulate the parking and getting the dumpsters resolved.

MR. SCALI: We'll find out more about the numbers and the Health Department and all that. That we can figure out in the meantime.

Is there any other point you want to make? Other people want to speak.

MR. PATEL: The only other issue was basically the dumpster guy also would like the trash receptacles in this corner because of what happens in the winter. He rams his truck up the street -- I mean up this driveway to get over the snow in order to get to the dumpsters, so if they were here --

MR. SCALI: What dumpster guy are you talking about?

MR. PATEL: That works for AW Coach.

MR. SCALI: They may have a new company so it may be a totally different person.

MR. PATEL: It may be a new company so I'm just suggesting that this is an issue.

MR. SCALI: Dumpster location is an issue.

MR. PATEL: The dumpster location is an issue. If it were basically closer to the street, it would resolve it.

MR. SCALI: We'll find out. Anything else, sir?

MR. PATEL: That's it.

MR. SCALI: Thank you very much and thanks for your patience with us. Anybody else want to be heard?

MR. KING: One thing about the safety is the trucks, like the large trucks coming down the street with the kids.

MR. TURNER: Excellent point, and from what I understand it seems like there's something in the works to hopefully move in a positive

direction on that by extending the loading zone hours.

MR. PATEL: The key is for the owners to cooperate and say can you please deliver using the legal loading zones rather than the driveway in the back.

MR. TURNER: Has Traffic and Parking discussed putting a restriction on Bowdoin Street for trucks?

MR. PATEL: Sue basically said that doing a no cut-through would be hard to do because it means that no one can cut through. That's the only kind of cut-through they do now. They don't do cut-through for just trucks. They have to put a no cut-through for anybody during the peak period, and the trucks aren't always during peak periods. So it doesn't really resolve the issue. So we're limited in what we can put up for signage.

Generally their point is if the businesses cooperated with telling their delivery trucks to use the two legal loading zones, they'd be more apt not to use the illegal loading zone in

the back which is basically the street, or what is the driveway.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: Mr. Rafferty, I guess there's a couple of issues that maybe you can clarify for us between now and our vote, if we don't vote this evening. It seems to be the location of the dumpsters is an issue. We always ask about dumpsters. The number of vehicles in the back alleyway is in question in terms of what is allowed and what's not allowed; and then the access to that driveway in terms of who will have access to that driveway and why. So maybe you can clarify those points and think about what that's going to mean to you.

MR. RAFFERTY: I can answer those right now. The issues I would suggest are quite clear and they can be addressed in a straightforward fashion. They largely stem from the use of the rear door. So if the restriction

upon the use of the rear door is attached to this license, then there will not be patrons permitted to come and go, whether it's for smoking or to access the premises. It would allow for delivery under the current conditions, and the delivery is a function of what's available.

There are meters along Mass. Avenue. The Traffic Department works with all the merchants along Mass. Avenue to strike the appropriate balance between loading zones and opportunities for customers to park.

In this particular area there are three active businesses that are serviced on that corner: the Evergood Market, another licensee which is next-door, plus this operation. The issue I think has everything to do with the fact that there has to be compliance with the Traffic Department regulations around loading.

The dumpster itself, there is a wide range of thoughts about whether having the dumpster closer to the street isn't advantageous. They tend to be unsightly. Sometimes putting them around the

corner. But I don't think that we're going to be able to determine today what's the best operational thing.

If an opportunity exists to explore some type of joint trash, there's precedent for that with the abutting operator. What you'll have in this case as you so often see is you'll have a new energy, a new ownership, a new focus, and I would respectfully suggest, a new responsiveness to some of these issues; certainly adherence to sanitary codes, building codes, and the like.

It's somewhat ironic to hear that there are too many cars in the parking lot and that inhibits egress, when at the same time we're hearing there are too many people coming in and out the back door.

MR. SCALI: Who has their dumpsters back there, do you know? On that property that's your property, Mr. Gaudet, who?

MR. GAUDET: I let Christopher's, Charlie put his dumpster next to mine because he didn't have room in his little alleyway.

MR. SCALI: So you've given him access.

MR. GAUDET: There's two dumpsters: the Forest Cafe and Christopher's. They were on steel plates and the yard is never dirty, and the truck backs in, one truck picks them both up three times a week.

MR. SCALI: I guess that's going to continue? You don't know?

MR. RAFFERTY: It would appear to be.

MR. SCALI: I think we need to have that clarified, Mr. Rafferty. I think we need to know before we can decide whether this is going to be an issue. You're saying you don't know but I guess you probably should know.

MR. RAFFERTY: No, I'm not saying I don't know. I'm saying there's going to be dumpster pickup, and it sounds like the volume of business at the restaurant currently is three days a week. I have never been to a licensing establishment where a prospective owner that hasn't opened yet has to tell you how many days the



dumpsters are being picked up.

MR. SCALI: Sure we have.

MR. RAFFERTY: And if there is no trash to warrant three days a week, we have to come back and amend the condition of the license?

MR. SCALI: No. A lot of times we ask the question: how often will your pick up be, and the establishment has a plan in their head at least. It may not be that plan in the end, but that's the plan.

MR. RAFFERTY: I would say that the plan now is to go in and to continue to employ those methods that are working, and to fix those that aren't. So to the extent that the trash removal is working to the satisfaction of the operators and the neighbors, we wouldn't anticipate any change. If we hear from talking to the neighbors that it's not working that might be an area where it gets changed.

I can assure you there will be no washing down of debris into the system. I've been talking to Mr. Goldstein and he's been taking very

copious notes. They're very sensitive to those issues. I don't want to suggest that there has been any dereliction on the part of the prior operator or the current operator. I don't know the facts. I'm saying that with new energy and new ownership comes sometimes a new attentiveness to these types of issues.

I think as the Commission often does, it might be time to let people gauge what the impact is. If we were attempting to expand the size of the restaurant, introduce entertainment that currently hasn't been there, or somehow change what's been really an established use for many many decades, I think this heightened concern would be appropriate.

You have the added benefit of the track record at the other cafe; that these gentlemen live in Cambridge; are attentive to concerns; and the whole focus of this restaurant is intended to be very environmentally sound and attentive. So I think in many ways they hope to become a model in terms of their menu, in terms of

their operation, their employees, their conduct, and I have high confidence. I think the Commission based on their record could share that level of confidence.

MR. SCALI: Questions from the Commissioners?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: If you could for us -- I'm not prepared to vote this evening. Are you Commissioners?

MR. HAAS: No.

MR. SCALI: If you could before our Decisionmaking meeting on November 5 clarify these issues for us: the number of vehicles in that back driveway that would be allowed, the delivery plan, whether it be in the front or the back to the location, the plan or suggested plan of where the location of the dumpsters may be, and the policy for the rear door in terms of who can and who cannot use that in terms of access and smoking. I think you already clarified the debris issue and

the washing issue.

Is there anything else, Commissioners?

MR. TURNER: Is this considered a private driveway?

MR. RAFFERTY: Yes, it's essentially a private driveway.

MR. TURNER: Are private driveways regulated for vehicles? I don't know.

MR. SCALI: We'll try to find out whether there's a number. I think somebody mentioned that Zoning gave a number, but I'm not sure that that's the case.

MR. RAFFERTY: I'd be curious about that because parking became regulated in 1961 under the Zoning Ordinance. This establishment was in existence for 12 years prior to that time, so I'm not sure what -- I haven't seen this analysis that was referred to but I'm not sure how that was applied retroactively. It's clear that no one should, patrons shouldn't or anyone shouldn't be parking on the sidewalk. That's an enforcement matter, I agree, you either call the police and

they'll ticket, or the meter maid certainly will.

MR. HAAS: Parking Control Officers.

MR. RAFFERTY: Thank you, yes. So without question that needs to be adhered to. Obviously we've got some new owners living across the street from what amounts to the back entrance of a commercial establishment. We need to be sensitive to that and there needs to be a level of cooperation. I'm sure what Mr. Goldstein is going to do is to give his phone number, which he's done, to some people already, and say, call me anytime. Let's talk. Hopefully maybe we'll even have an opportunity to talk before November 5.

MR. SCALI: I know Mr. Goldstein will reply. I know just from his past history that he has always been responsive to anybody who has questions, business or residents. I have every confidence he'll resolve the issues for you.

MR. RAFFERTY: We'll submit that in writing prior to November 5?

MR. SCALI: Yes, if you could, to Mrs. Lint. And then she'll get that to us.

MR. RAFFERTY: Thank you for your time.

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

MR. GERVAIS: Michael Gervais. I was just wondering if this a disability accessible restaurant? Is the building accessible or have accessible bathrooms?

MR. SCALI: Are you doing renovations which require accessibility? Is there accessible frontage to this location?

MR. RAFFERTY: I believe it's on grade.

MR. GOLDSTEIN: It's on grade.

MR. RAFFERTY: On Massachusetts Ave.

MR. SCALI: Motion to take the matter under advisement.

MR. HAAS: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MS. LINT: Application: Charles Stark Draper Laboratory, Inc., a non-profit corporation at 555 Technology Square has applied for an exemption to the Attorney General's Regulation 940 CMR 13:00, which prohibits gaming. Applicant is also seeking exemption from the Cambridge Rules and Regulations with regard to the Entertainment/Gaming policy prohibiting casino nights, passed March 23, 2006. This will be a single day event to hold a "Texas Hold 'Em" style poker tournament for the United Way of Massachusetts fundraising campaign.

MR. SCALI: Draper? Draper Labs? First call. No Draper Labs. Anybody here that wants to be heard on Draper Labs gaming regulation?

MR. HAAS: Is this a one-day event?

MR. SCALI: It was supposed to be a one-day event for Texas Hold 'Em for charity exemption. There's no one here so I guess off the agenda, Mrs. Lint?

MS. LINT: I guess so.

MS. LINT: Review: Hoppy, LLC d/b/a Trata, Meghan Hopkins, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 49 Mount Auburn Street for a review of their new All Alcoholic Beverages license at said address.

MR. SCALI: Good evening.

MR. CRANE: Good evening Mr. Chairman and members of the Board. My name is Kevin Crane, 104 Mount Auburn Street, Cambridge, Massachusetts. I represent the licensee. I have with me Meghan Hopkins who is the manager of the establishment.

MR. SCALI: So this is a six-month review, Mrs. Lint?

MS. LINT: Yes.

MR. SCALI: With regard to your All Alcoholic Restaurant license. Any problems or concerns that we've received?

MS. LINT: I have received none.

MR. CRANE: Mr. Chairman, in July, when the license was upgraded from Wine and Malt to All Alcohol there was some discussion at that time about the hours of operation I believe prompted by



Commissioner Haas' inability to get lunch. They had cut back so they were only opening at 5:00. It doesn't look like there was any formal decision saying that the hours were restricted but we would like to open for lunch again. They haven't been open for lunch. So we would just like to confirm that the hours would be 11:00 a.m. until 1:00 a.m. on the alcohol, and 11:00 a.m. to 2:30 on the food service.

MR. SCALI: So 11:00 to 1:00, and that's lunch and dinner?

MR. CRANE: Yes.

MR. SCALI: What was the other thing you said?

MR. CRANE: They have 2:30 on their Common Victualer as far as service of food and non-alcoholic beverages, 11:00 a.m. to 2:30 a.m.

MR. SCALI: So you want to continue to 2:30?

MR. CRANE: Yes.

MR. HAAS: For food; right?

MR. CRANE: For food.

MR. SCALI: That's one of our more unusual combinations as I recall.

MR. CRANE: Yes, it is. Tommy's, the previous owners had it a long time and I think we've actually cut back a little bit from that. They're not doing too much in the food service after 1:00 but they would like the opportunity to still provide that.

MR. SCALI: Questions?

MR. HAAS: I did check recently to see if you were open for lunch and I was told no.

MS. LINT: We did too, so we went next-door.

MR. SCALI: We went up on your roof deck. It was the first time I'd been up there in a long time.

MS. HOPKINS: I hope it was good.

MR. CRANE: With the roof deck season coming to close too, we'd like to keep some staff on maybe at lunch.

MS. LINT: Can you just repeat the hours.

MR. CRANE: From 11:00 a.m. to 1:00 a.m. for the alcohol service, and 11:00 a.m. to 2:30 a.m. for food and non-alcoholic service.

MR. HAAS: When would this start?

MR. SCALI: When we approve it?

MR. CRANE: When you approve it.

MR. SCALI: Seeing as we have jurisdiction for over hours then the State wouldn't need approval. It would just be when we voted it.

Anybody from the public want to be heard on this, Trata? No.

Comments, Commissioners?

MR. HAAS: No comments.

MR. SCALI: Pleasure of the Commissioners?

MR. HAAS: Motion to approve.

MR. TURNER: Seconded.

MR. SCALI: Motion to approve, moved and seconded. All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: So get your new licenses

first before you start the new hours. Just make sure you come down and get those licenses.

MS. LINT: Application: Sunset Cafe, Inc. d/b/a Sunset Cafe, Carlos Pereira, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 851 Cambridge Street has applied to amend the existing Entertainment license at said address to include live musical instruments and/or vocalists with amplification, karaoke, juke box, video game or other automatic amusement device, and a compact disk player. This applicant is currently licensed for live entertainment but is restricted to a folk singer with one or two guitars on Fridays and Saturdays from 6:00 p.m. to 11:00 p.m.

MR. SCALI: Good evening.

MR. CASENERA: Good evening gentlemen and Elizabeth. I don't know your name, I'm sorry.

MR. SCALI: Just tell us your name.

MR. CASANERA: Fernando Casanera.

MR. SCALI: So who is there now? Is David still there?

MR. CASANERA: David is still there with me. I'm the liquor license holder.

MR. SCALI: And Carlos?

MR. CASANERA: He's no longer there. The last time I was here I had a problem with that. I called Carolyn Conway and she told me not to worry about it; she'd take care of it Monday morning. And here I am six months later, I'm still getting Carlos' name thrown at me.

MR. SCALI: Is there a hold or something on it from ABCC? Did she never apply?

MS. LINT: I can't remember. This goes back two years.

MR. SCALI: We need to get that straightened out immediately.

MS. LINT: I thought that it had been. Let me pull everything tomorrow.

MR. CASANERA: Can you call me and that way I can get a hold of her again because I hate to be a thorn about something that I pay lawyers to take care of for me, you know.

MR. SCALI: Why don't you go to a nice Cambridge attorney?

MR. CASANERA: I've got to start

going to somebody locally.

MR. SCALI: So you want to amend your Entertainment license to include live musical instruments with vocalists with amplification, karaoke, juke box, video and automatic music machine. All that and compact disc?

MR. CASENERA: Yeah.

MR. SCALI: So all those things you're going to do. And the hours you want to do them?

MR. CASANERA: Probably like 8:00 to midnight. Well, on the live music, 8:00 to midnight. On everything else it would be like operating hours, 10:00 a.m. until 1:00 a.m.

MR. SCALI: So you're planning on bringing in more live groups and acts? What's the plan?

MR. CASENERA: I just want to bring a couple of bands in there maybe like twice a month on a Friday night because we're dead. I want to do like once a month or twice a month to see if it works out. If it don't work out, it don't work out.

MR. SCALI: Deputy Chief?

MR. TURNER: Mr. Chair, through you to the Applicant: Do you have dancing by patrons?

MR. CASENERA: Right now, no.

MR. TURNER: If this gets approved, would you be considering dancing in the future?

MR. CASENERA: Maybe so, yeah.

MR. TURNER: I'm kind of looking at the sprinkler bill and the Nightclub Law, and how that might impact you.

MR. CASENERA: Okay, all right. If that's the case, then no, I wouldn't look for that. I'm struggling as it is, nonetheless trying to pay to have that done to the building.

MR. TURNER: Thank you.

MR. SCALI: So how many nights a week, two nights a week, three nights? I'm sorry, I didn't hear what you said.

MR. CASENERA: Probably like twice a month. It would be like two Friday nights a month. And I went to the Post Office to get the abutters, and I only got one that didn't give me back.



MR. SCALI: As long as you have the white slips.

MS. LINT: I do have a letter from Councilor Toomey in support of the application to amend the Entertainment license. He says, "They've proven to be a responsible local business that serves the local residents."

MR. SCALI: Does anybody want to be heard on this matter from the audience? No hands. Comments, Commissioners?

MR. HAAS: Would there be any noise issues that you can think of from any of the abutters?

MR. CASENERA: Like I said, I sent that to the abutters. The only thing would be anything on the sidewalk smoking, but that's all my property upstairs. The bar entrance and the dining room entrance -- the music would be on the dining room side. That's where it's all my property. It's on the corner of a street, too. And that's all my property -- like well, the mortgage company.

MR. SCALI: So no music can be heard

on the sidewalk?

MR. CASANERA: No.

MR. SCALI: Everything has to stay inside.

MR. CASENERA: Absolutely.

MR. SCALI: If you can hear it from outside, it's in violation. If you can hear it upstairs, it's in violation. It has to stay within the premises.

MR. CASENERA: Do you guys like take a vote on this and let me know? How does this go?

MR. SCALI: We're thinking about it right now.

MR. CASENERA: Oh, I'm sorry.

MR. SCALI: I'm only one vote.  
Pleasure of the Commissioners?

MR. HAAS: Motion to approve.

MR. TURNER: I'll second it.

MR. SCALI: Motion to approve, moved and seconded. All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: That's two times a month, amplified live entertainment, karaoke, juke box, video game, and automatic entertainment machine, and compact disk, 8:00 p.m. until 12:00 midnight.

MR. CASENERA: Yeah. I'm actually 10:00 a.m. now but the license says 8:00 a.m.

MR. SCALI: Not 8:00 a.m. I thought you said 8:00 p.m.

MR. CASENERA: With live music, 8:00 p.m. until -- what did you say, midnight or 1:00?

MR. SCALI: You said until midnight.

MR. CASENERA: That's fine.

MR. SCALI: And the others until closing. Thank you.

MS. LINT: Application: House of Chang, Inc. d/b/a House of Chang, Kathy Chang, Manager, has applied for a Common Victualer license at 282 Concord Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises, and have a total capacity of 50 seats. The hours of operation will be 11:00 a.m. to 10:00 p.m. Monday to Thursday, 11:00 a.m. to 11:00 p.m. on Friday and Saturday, and 12:00 p.m. to 10:00 p.m. on Sundays. Applicant is also applying for an Entertainment license to include an audio tape machine/CD playing music below ordinary conversation level and a radio.

MR. SCALI: Hello. Tell us your name.

MS. CHANG: My name is Kathy Chang.

MR. SCALI: This was Lucky Garden; right?

MS. CHANG: Right.

MR. SCALI: Tell us your experience in the restaurant business.

MS. CHANG: I've been in the business

a long time. I used to work at a restaurant called Changsho on Mass. Avenue. Then I opened a restaurant in Lexington called Changhi and I've been there since 1993. Also during 1999, I have another restaurant in Newton called Gourmet Wok.

MR. SCALI: So you're going to be busy.

MS. CHANG: All my life I'm in the restaurant business.

MR. SCALI: Any intention to apply for an alcohol license?

MS. CHANG: No.

MR. SCALI: Do you have alcohol in the other cities?

MS. CHANG: Yes.

MR. SCALI: Which city?

MS. CHANG: In Newton.

MR. SCALI: Do you have a Beer and Wine?

MS. CHANG: Just beer and wine.

MR. SCALI: Are you doing any renovations?

MS. CHANG: Yes.

MR. SCALI: A lot of renovations?

MS. CHANG: Major renovations.

Actually things started in July.

MR. CHANG: You've been doing renovations since July?

MS. CHANG: Yes.

MR. SCALI: When do you plan on opening?

MS. CHANG: Yesterday.

MR. SCALI: Are you ready to open?

MS. CHANG: Almost. Just run out a little bit. The hood cover, I don't like it so I was dealing with that. Just a couple more days.

MR. HAAS: Ideally, when do you want to open?

MS. CHANG: Probably another two to three days if it's possible.

MR. SCALI: Do you have a menu on file with us?

MS. CHANG: Yes.

MR. SCALI: Is that the same as Lucky

Garden?

MS. LINT: I don't know. Fifty seats -- 37 seats and -- yeah.

MS. CHANG: It says 65 seats though. Now it's just 50.

MR. SCALI: So you're going down to 50?

MS. CHANG: Yes.

MR. TURNER: All new kitchen?

MS. CHANG: Everything; the roof, everything, the basement, everything.

MR. SCALI: So it will look really pretty, the whole thing.

MS. CHANG: No kidding.

MR. SCALI: I know it's quite old from what I remember.

MS. CHANG: It took me four months so all of you gentlemen better stop by there because you should come and check. It's really good.

MR. SCALI: It sounds good.

Anybody from the public want to be heard on this matter? We have some hands.

MS. NOLAN: I'm Sarah Nolan, Sarah with an H, 272 Concord. We're right next-door. I think I speak for at least some of the neighbors when I say we're excited to see the extremely extensive renovations, but we have one mild concern which is that Lucky Garden has been mainly a takeout business. It was not very attractive. To the extent that House of Chang is attractive and people want to go there, there's already a pretty huge problem with traffic on Concord.

We have a driveway that runs the length of the house and not so much because of Lucky Garden, but because of other businesses on the street there is a huge problem with people parking across the driveway, pulling into the driveway, staying in the driveway for a few minutes while they run into some of the other businesses. So I would just hope that there is some plan that to the extent there's more traffic than Lucky Garden experienced that there's a plan to maybe warn patrons not to park across our driveway.

MR. TURNER: Charge a fee.



MS. NOLAN: Frankly, it would help if the -- the no parking sign was knocked down several months ago. The City replaced the pole but they haven't put the sign back up.

MR. SCALI: There was pole saying "No Parking" at your driveway?

MS. NOLAN: Yes. The pole is back. They did a nice job replacing the pole; they just need a sign. The sign is not there yet.

So that's the only comment.

MR. SCALI: I guess you could post a sign at your front door saying, "Please do not park in our neighbor's driveway."

MS. CHANG: That's very important. I make sure to tell all my customers because that's not nice.

MR. SCALI: Concord is really tough. You can't stop there and people are pulling out. It's only two lanes.

MS. CHANG: I do the best I can to tell my customers don't affect the neighbors.

MR. SCALI: Does anybody else want to

be heard? You've only got one neighbor; that's not too bad. Have you gone over and introduced yourself to this lady? Have you gone over and met her?

MS. CHANG: Not yet. I will.

MR. SCALI: Go knock on their door and make sure she has your phone number so that she can complain.

MS. CHANG: This what I tell because when we doing construction now sometimes outside, people come in and talk to me. They were very nice. And this is what I tell them that I will do the best I can. I serve good food and I do the best I can.

MR. SCALI: Pleasure of the Commissioners?

MR. HAAS: Motion to approve.

MR. TURNER: Seconded.

MR. SCALI: Motion to approve.

Posting your sign for no parking in your neighbor's driveway.

MS. CHANG: Sure.

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

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: And if you have a problem, please let us know and we'll be happy to assist you.

MS. NOLAN: Sure. I'll let them know first.

MS. LINT: Application: Liping's Corp. d/b/a Unique Chinese Food, Liping Zhu, Manager, has applied for a Common Victualer license at 569 Cambridge Street. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises, and have a total capacity of 20 seats. The hours of operation would be 11:00 a.m. to 11:00 p.m. seven days per week.

MR. SCALI: Good evening.

MR. ZHU: Good evening. I'm Liping Zhu.

MS. LINT: This was Wisteria.

MR. SCALI: Tell us your experience in the restaurant business.

MR. ZHU: I opened a restaurant from 1995 in Sullivan Square called Beijing Cafe, and then three years later opened a restaurant in Harvard Square called Beijing Cafe, also. Then because of the visa problem I moved to Canada for one year, and then I moved back. And then I opened a Chinese restaurant, Beijing Cafe in BU. Right

now I own Beijing Cafe at BU and Unique Chinese Food in Allston. Right now, I want to add one more.

MR. SCALI: Where are you now; in Allston?

MR. ZHU: In Allston and at BU.

MR. SCALI: Are you in Sullivan Square still?

MR. ZHU: No, because I moved to Canada.

MR. SCALI: So just BU and Allston?

MR. ZHU: Yes, right now.

MR. SCALI: And your menu is Chinese food?

MR. ZHU: This is for Allston. It's exactly the same. The only difference is the address and the business hours.

MS. LINT: I do have a letter from Councilor Toomey in support of the application. He said this would reopen a storefront in East Cambridge that has been closed for quite some time. It would serve the neighborhood and would be a

welcome addition to the Cambridge street landscape.

MR. SCALI: Comments?

MR. TURNER: No comments.

MR. SCALI: Dumpster issues: Do you have any dumpster issues?

MR. ZHU: No problem. We hired Caron to dumpster. They will pick up three times a week.

MR. SCALI: In the front right on Cambridge Street?

MR. ZHU: Yes.

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

MR. HAAS: When do you want to open?

MR. ZHU: If we get approved, maybe November 1.

MR. TURNER: Anything construction related going on or just a turnkey operation?

MR. ZHU: Just clean, make it very clean, very beautiful.

MR. SCALI: No major renovations at all?

MR. ZHU: No.

MR. SCALI: Is it just you? Are you the only person in the corporation?

MR. ZHU: Yeah, corporation.

MR. SCALI: Just one person, you?

MR. ZHU: Yeah.

MR. SCALI: No partners.

MR. ZHU: Later maybe, not right now.

MR. SCALI: Pleasure of the Commissioners?

MR. HAAS: Motion to approve.

MR. TURNER: Seconded.

MR. SCALI: Motion to approve, moved and seconded. All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Make sure you get your license before you open.

MR. ZHU: Thank you.

MS. LINT: Is there anyone here from the Traffic and Parking Department?

MR. SCALI: Is Cafe Anatolia here?

MS. LINT: Disciplinary matter: AFKOR, Inc. d/b/a Cafe Anatolia, Alp Hocagil, Manager, holder of a Common Victualer license at 251 Cambridge Street due to a report the License Commission received from the Traffic, Parking, and Transportation Department regarding outstanding parking tickets and a parking ticket payment agreement with the Traffic, Parking, and Transportation Department.

MR. SCALI: Tell us who you are.

MR. HOCAGIL: My name is Alp Hocagil.

MR. SCALI: So are you the manager and the owner?

MR. HOCAGIL: Manager and owner.

MR. SCALI: Mrs. Lint, do you want to explain to us?

MS. LINT: Sure. I received notice from Ms. Lawrence at the Traffic, Parking, and Transportation Department that Cafe Anatolia had



somewhere in the vicinity of \$4,000 in unpaid parking tickets; that the cars had been booted. As a result of that an agreement was made between AFKOR, Inc., which is the corporation, and the Law Department.

As of this date they owe \$3,795 in parking ticket fines and associated penalties for a vehicle with License Plate: MA M39708. They owe \$140 in parking tickets fines and penalties for a vehicle with License Plate: MA L11896, and \$30 in parking tickets and fines for a vehicle with License Plate: MA N19191 for a total of \$3,965. There is a Denver Boot attached to AFKOR vehicle with License Plate: MAN19191. That is the information that I have received.

MR. SCALI: Are these your tickets that you owe?

MR. HOCAGIL: Yeah. That was my old registration tickets. I already paid some of the money already.

MR. SCALI: When did you pay?

MR. HOCAGIL: When I got the agreement

with the City on July, I make the payments, \$500,000, and I make the payment --

MR. SCALI: \$500?

MR. HOCAGIL: Yeah, \$500. And I make the payment of the first \$500 in July.

MR. SCALI: You're supposed to pay every month: July, August, September, October. What happened?

MR. HOCAGIL: The business is too down. I already ask the Traffic and Parking Department before when I make this agreement to get the lower payments. Well, two times I asked them and they say this is the best thing they can do.

Surly this is not a new story. The last quarter of 2008 to today, the business -- I was down. Up to my eyes actually like I was down by \$32,000.

MR. SCALI: You're telling me you can't afford to pay \$500 a month.

MR. HOCAGIL: I can't afford to pay that much money. I have all my bills. I can show it to you too.

MS. LINT: Mr. Chair, these tickets go back of February 2007.

MR. SCALI: Did you go back to Traffic and Parking at all to renegotiate the agreement?

MR. HOCAGIL: I got one letter which is over here but I couldn't get a chance to go and talk to them because I asked them two times before to make the lower payments, and they didn't accept at that time. It takes to putting me in this hearing.

MR. SCALI: We have a policy here that if you have a license with the City, you have to be in good standing with all the departments, your State taxes, and all that. My recommendation to you is you really should have made an appointment with them and said I can't afford \$500, but I can afford \$400, or whatever it is you can afford per month to pay them.

MR. HOCAGIL: I already asked them two times before.

MR. SCALI: Did you go in and talk to them? Or did you just call them?

MR. HOCAGIL: I went to the office and we went to the back office together with one lady - - I forgot the name -- and a gentleman. They said this is the best things we can do.

I made \$500 at that time and it comes up to the \$3,000 balance actually, not the \$3,900. But in the last few months I can show you my bills. I have a shot-off notice from electricity and a notice from my landlord to pay the rent. I'm just -- to be honest --

MR. SCALI: What's your plan?

MR. HOCAGIL: I'm just trying to get some loans from the banks to make a fresh start but that's the only thing I can do right now, just get lower payments. I'm not refusing the payments. I am willing to pay whenever I agreed with the City, with the Parking Department. I just wanted to make the payment as much as low as I can right now.

MR. SCALI: Commissioner?

MR. HAAS: I guess my question is to you, Mr. Chairman, what are our options at this point with respect to the status of the license?

MR. SCALI: If we find he's in violation of not abiding by the agreement then we can revoke the license, but it's not going to help him pay the bills if he can't operate.

MR. HAAS: How recent are the parking fines; do we know?

MS. LINT: They go back to '07.

MR. HAAS: Yes, but how recent?

MR. HOCAGIL: I'm doing the deliveries on my own with my car. The corner of Third Street and Cambridge Street there is only one place, and each time I park up there -- well, there's no parking space over there at all.

MR. SCALI: But you can't park illegally.

MR. HAAS: The problem you're going to have though is you're never going to get in front of this thing if you keep on getting parking tickets.

MR. HOCAGIL: I'm doing business from East Cambridge more than five years. This story is too long actually but I'm not going to go into that

story. I always paid the tickets on time for the first two, three years, maybe more.

MR. SCALI: You're a couple of years behind now.

MR. HOCAGIL: There is a situation that makes everything different, difficult, but I don't want to even talk about this right now.

MR. HAAS: I agreed with the Chairman. There's no point in trying to revoke your license but in the same respect, I don't see how you're fixing this problem at all especially if you're still getting parking tickets.

MR. HOCAGIL: I already got the one parking space on McGrath Highway to move my car but I still have to use the loading zone area to do the deliveries and go in and out. Otherwise --

MR. SCALI: But you can't. That's what Traffic and Parking is trying to tell you by giving you the tickets.

MR. HOCAGIL: I have a commercial plate and I have signs on the car for the loading zone to make deliveries. I have commercial

insurances to use that area to do the deliveries.

The issue right now is I just need to make the payments lower as much as I can to pay the fee.

MR. SCALI: We can't make the payments lower for you. All we can do is say that you can be opened or closed with your restaurant. Either Traffic and Parking agrees with you to renegotiate the agreement and lower the payments, or they don't. If they don't agree to lower the payments for you, then we don't have any option. The option is for us to take action against your license. We don't want to do that so we're telling you go back there.

MR. HOCAGIL: I understand now.

MR. HAAS: What's the status of your driver's license?

MR. HOCAGIL: It's fine.

MR. HAAS: It's going to be non-renewable; right?

MR. SCALI: With all those tickets?

MR. HOCAGIL: This vehicle is registered under the company, under the business.

And that's my only car.

MR. SCALI: Have you had any discussion with Traffic and Parking, Mrs. Lint, about renegotiating an agreement.

MS. LINT: No. We never discussed that. I believe it was Ms. Lawrence's position that this gentleman has absolutely no regard for the parking rules and regulations in the City, and has really turned his back on them and has no intention to pay them.

MR. HOCAGIL: So I should go back to the Traffic and Parking.

MR. SCALI: They don't sound like they like you too much right now. What's your latest ticket? When is the last time you got a ticket?

MR. HOCAGIL: I paid all the tickets after this.

MR. HAAS: When was the last time you got a parking ticket?

MR. HOCAGIL: In August, the middle of August or something.

MR. HAAS: You haven't got another



ticket since August?

MR. HOCAGIL: I just paid some tickets today actually, two tickets, and that was the balance through August.

MS. LINT: It looks like he had money for the rent but he didn't have money for the tickets. Some of them are meters, bus stops, mostly meters and bus stops.

MR. HOCAGIL: Most of them is for the loading area, loading zone, most of the tickets.

MS. LINT: Meters and bus stops, resident only, restricted, hydrant.

MR. SCALI: I guess we can consult with Traffic and Parking again, Mrs. Lint, and make an inquiry but it's really up to you to decide what you're going to do.

MR. HOCAGIL: I'm not refusing to pay. I just wanted to get a little bit of time to refresh the business and then go back to the -- get a little lower payments.

MR. SCALI: We meet again on November 5 at 10:00 a.m. You need to come up with a plan

before November 5 with Traffic and Parking. Whatever that plan is that they agree upon, you need to report it back to Mrs. Lint before November 5.

MR. HOCAGIL: Should I go to talk with them before I come up here?

MR. SCALI: I would, yeah. If they're willing to talk to you. Because we don't really have any other choice on November 5 but to take action against your license, and we don't really want to do that. I don't think you want to close your restaurant, do you?

MR. HOCAGIL: No.

MR. SCALI: So whether it's \$10 a month, or \$20, I mean whatever it is that you can prove to them you're going to pay and without getting any more tickets. If you keep getting tickets, they're not going to make any agreements with you.

MR. HOCAGIL: I understand I keep getting tickets but I have to do deliveries.

MR. SCALI: It doesn't make any

difference. You can't park illegally. I don't know how to convey that to you. That's how you're getting the tickets.

MR. HOCAGIL: I understand, sir.

MR. SCALI: Motion to take the matter under advisement.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: November 5 at 10:00 a.m.

MS. LINT: Application: Cambridge Airport Shuttle, Inc., Wagih Shabana to operate a shuttle service from Logan Airport to 10 hotels in Cambridge. The shuttle service would operate two vans leaving Logan Airport about every 30 minutes and drop-off and pickup passengers at hotels in Cambridge. It would operate seven days a week from 5:30 a.m. to 2:00 a.m. or the time of the last flight.

MR. SCALI: Good evening. Tell us your name, please.

MR. PAPADOPOULOS: Constantine Papadopoulos, I'm counsel for Cambridge Airport Shuttle, Inc., 183 State Street, Boston, Massachusetts, 02109.

MR. SCALI: And you have with you your client?

MR. PAPADOPOULOS: Wagih Shabana.

MR. SCALI: Tell us what you want to do.

MR. PAPADOPOULOS: Cambridge Airport Shuttle would like to transport people to and from

Logan Airport to the various Cambridge hotels -- there are 10 of them -- and then back to the airport. We have submitted a plan to Traffic and Parking with a proposed route and a plan. It was approved on October 7 with certain conditions which we would obviously abide by.

MR. SCALI: This is both back and forth from the airport to the hotels, and hotels to the airport?

MR. PAPADOPOULOS: That is correct.

MR. SCALI: It's both ways?

MR. PAPADOPOULOS: Right, but we anticipate that the major part of our business will actually be taking customers from the airport to the various Cambridge hotels.

MR. SCALI: Do you have Massport permission to do that already?

MR. PAPADOPOULOS: That would be the next step in the process after we obtain the Jitney permit, hopefully.

MR. SCALI: So that is something you still have to do?

MR. PAPADOPOULOS: That is correct.

MR. SCALI: What is your client's experience in the shuttle business?

MR. PAPADOPOULOS: My client currently operates a Cambridge taxicab medallion.

MR. SCALI: He's a Cambridge cab driver?

MR. PAPADOPOULOS: That is correct.

MR. SCALI: What medallion number are you?

MR. SHABANA: Medallion 218.

MR. PAPADOPOULOS: He has experience in the transportation industry and he's actually getting some assistance from a brother of his, Marcout Shabana, who is experienced in the shuttle industry as well.

MR. SCALI: So you're a Cambridge cab driver and you see all these faces back here, and you see all these cab drivers. You know them all, I'm sure. Did you realize what controversy this may all cause when you thought about the shuttle? Did you talk to your fellow cab drivers and say,

"Here's what I want to"?

MR. PAPADOPOULOS: I think we understand that there is an atmosphere where they feel like we're going to compete with their business, but the Cambridge medallion is actually doing pretty well these days in comparison to the Boston medallion. It's actually a little more valuable. We don't want to interfere with the Cambridge taxi industry, but at the same time, we want to coexist.

We want to serve the members of the public coming off the airplanes, taking them to the various hotels in and around Cambridge. We don't believe that that aspect would actually interfere with the Cambridge taxicab industry as they're not permitted to actually pick up the customers unless it was on some kind of reservation basis from the airport. So in that aspect, we don't believe that we're going to be directly competing with the Cambridge taxicab industry.

MR. SCALI: You want to be on a regular route every 30 minutes; is that what it is?

MR. PAPADOPOULOS: That would be correct, yes.

MR. SCALI: Two vans. Are they accessible vans?

MR. PAPADOPOULOS: Not currently.

MR. SCALI: So just eight-passenger vans.

MR. PAPADOPOULOS: I think it's a maximum of 12.

MR. SCALI: Two 12-passenger vans. Who would be driving? Obviously you're going to have employees.

MR. PAPADOPOULOS: There would be two drivers at this point, and any future ones we'd obviously ask permission for those drivers as well. It would be Wagih and his brother Marcout currently.

MR. SCALI: Just the two of them?

MR. PAPADOPOULOS: That's correct.

MR. SCALI: Is your brother a cab driver too?

MR. SHABANA: He used to be.



MR. SCALI: Do you have permission from all the hotels?

MR. PAPADOPOULOS: We requested permission from all the hotels. We sent them a fax just prior to submitting the application. It actually was submitted with the application.

On September 17, we requested their input on it and we have not heard back from any of the Cambridge hotels, but we did hear back from Kristin Benacus who is with the Cambridge Office of Tourism and apparently has some affiliation with the Hotel Association. I had a discussion with her recently. She apparently had some concerns that she had addressed to the Commission. We had a good conversation. I don't know if she's here tonight.

MR. SCALI: I don't see Kristin here. Did you get the e-mail with the questions?

MS. LINT: Yes.

MR. SCALI: Did you answer her questions?

MS. LINT: I didn't hear back from her.

MR. PAPADOPOULOS: I believe I did. I told her that if she had any further questions to please feel free to call, and she has not called since.

MS. LINT: Do you want to answer the questions for us?

MR. SCALI: I think we have two problems. Number one, your application is not complete because you don't have hotel permission. So that's our first step. The other step is that you haven't gone to Massport yet. It really is kind of all for not if the hotels are not going to let you go on their property. That's part of our package that tells you to get permission from the hotels.

MR. PAPADOPOULOS: My response to that would be that their silence is speaking. They've neither approved or not approved this procedure that we're trying to follow.

MR. SCALI: That may be your interpretation.

MR. PAPADOPOULOS: I don't believe

that any members of the hotels are present this evening.

MR. SCALI: I know the Hotel Association, Kristin, according to that e-mail that they met; is that right?

MS. LINT: Yes.

MR. SCALI: The Hotel Association met as you said, and then Kristin forwarded the questions to you for the Hotel Association before they would answer their support or lack of support.

MS. LINT: She very specifically said that in the e-mail; that they wouldn't take a position until they learned the answer to all those questions.

MR. SCALI: Questions from the Commissioner?

MR. HAAS: No question.

MR. TURNER: No questions.

MR. SCALI: I've got all these guys that want to speak, and ladies. I'm sure they're ladies that want to speak. Everyone is welcome to come up and speak but my feeling is the application

is not complete, so until the application is complete we couldn't take action on it anyway.

Then, of course, we're only a recommending body. We're not a granting authority. It goes to the City Council and then they as you may or may not know, have a discussion going on with regard to jitneys in general; as to whether there's a moratorium on jitneys. I think that they've charter-written their latest City Council order for discussion. So I don't know what they're position will be in the end but I know there is going to be further discussion with regard to jitneys in general.

Do the Commissioners want to hear any other testimony?

MR. GERVAIS: Are we going to be allowed to speak?

MR. SCALI: I'm asking the Commissioners to find out if they want to hear more testimony.

MR. HAAS: I'm not prepared to vote in favor of the application. So I don't know if

you're going to try to persuade me to change my mind or not.

MR. SCALI: What I'm saying is the application is not complete.

MR. GERVAIS: I'm sorry these gentlemen came and myself included. We all left work. We're not making any money. We came here because we care about our industry. We brought some things to the table that we think might be important as public record to the Commissioners.

If we're not going to be allowed to speak, that's fine. There's another way that we can speak in a venue that they might send you the information that we want to bring forth.

MS. LINT: What does that mean?

MR. GERVAIS: We're just asking to be heard. We waited very patiently.

MR. SCALI: You can be heard, but what I said, and what the Commissioner just said is that we're not prepared to do anything with this application because it's not complete. And me, personally, I don't know about the other

Commissioners, because of the City Council order with regard to the hold on the moratorium proposed for jitneys, my vote is going to be to send it to the City Council with no recommendation no matter who's applying, because I don't think that there is really a role that we play at this point in terms of granting or not granting jitney applications without the City Council's input.

You're welcome to come up and I certainly want to make you all feel that you did not waste your time. You did not waste your time. We never know what's --

MR. SCALI: Do you all want to speak? Anybody that wants to speak, please come up. I don't want you to feel like you've wasted your time. Just come up this way. I don't want you to feel at all that you wasted an evening. I don't want to be accused of stifling anyone's opinion.

MR. GERVAIS: My name is Michael Gervais. I live at 60 Mount Vernon Street in Somerville. I'm a cab driver for the City of Cambridge.

I wanted to speak briefly. Not all the drivers could be here or wait here that long, but I'm just giving you a letter from one driver. Also, the new owner of Checker Cab has a hundred drivers. He said that if this Commission needs a letter from him, and/or a petition from the 100 drivers, plus him and his company, he'll send a letter.

We're not in support of this issue for many reasons. The economy, number one, and number two, even if the economy was good, this type of shuttle would literally devastate the type of work that Cambridge taxis do at this point.

When you spoke about Richard Carbone, I met with Richard Carbone. When they had already set conditions and things like this, it was news to the hotels. They didn't even know about this, because I asked him about it. I gave him the information and showed it to him. He told me that he was not in support of this. He hadn't heard about this. And the way this was presented is they had already had support for this.

Another point, too, is Cambridge taxis as this Commission knows, did not take a raise on the meter. We see what's happening in the economy. We know people don't have a lot of money. We're trying to adapt. We've been adapting for years and years and years.

I also want to make the point that we can't go and allow these types of shuttles, which as you know, I went before the City Council and we're looking into some legislation about this. That's something we're currently working on. The other thing is allowing a jitney license or even considering an application with conditions is frankly like allowing the fox to watch the hen house with conditions. It just isn't going to happen because we don't have enough details watching the people. It is going to create more problems.

There isn't enough work going around now. We're in a recession. We summoned the support of the Council. I guess the License Commission is currently re-translating the rules



and regs; they're rebuilding the school so that our drivers can stay, and we can raise the bar.

Because the market for what work there is, is very very competitive at this time.

When we do need something in the City of Cambridge like the Chairman had mentioned, we have eight or nine vans in the City of Cambridge, many of them underutilized. If there are transportation needs in the City of Cambridge, I say look no further than the City itself, look no further than the industry itself, now. We can adapt and we'll definitely take care of the needs of this industry.

There are people and there are families, and this gentleman talked about the value of a medallion. There's a market value of a medallion that doesn't reflect the type of work that's coming in for that. So people are struggling to pay those medallion payments each month. They have to meet new requirements by the License Commission so that their vehicle be updated. Frankly, these people are trying to work,

they're trying to feed their families. We don't need a fly-by-night, a couple of drivers that weren't even decent cab drivers trying to come in and run a shuttle and steal our work from us. They're not welcome. This seems to happen all the time and that's why we are enacting legislation.

I want to, if I can, for the record thank all the drivers who did come and wait and lose money out of their pocket to come down here because they care about their industry. Thank you very much. Thank you for allowing me to speak.

MR. SCALI: Thank you very much. Does anybody else want to speak? I know you all understand the scenario.

Tell us your name.

MR. ZAMY: My name is Joseph Zamy, Z-A-M-Y. I was the Best Driver of the Year 2005. I thank all the drivers here. I believe what I have to say is not something I have to share with somebody. The reason I have to share it so I think everybody work the way they work. SO I work my way; everybody work a different way.

The jitney don't even come. Already the one get hurt by that. What I mean by that, I have last two years, I have my son who is 13 years old. Every year I have to save a little bit of money for his college. So last two years and beginning still right now. Even the economy is bad so sometime I drove people I know, I try to understand those people and do the best I can do. They don't have to complain; I don't have to be greedy either.

I had to draw some money, the money I saved for my son to go to college to pay my rent. I don't even make enough money to pay my own bill. And I'm the guy, I don't want to owe nobody money. Every time when I owe somebody money, I can't even sleep.

Another one, what I have to say again, even the Hackney Commission, the officers of the Hackney Commission can tell you that sometime when you go to the cab stand, no place for the cab to stand. They even get the ticket, \$25 ticket, for example, by UPH. I mean like they changed their

name, like MIT and all them. Also, we have the Charles Hotel.

We also have like in Harvard Square, you also have Harvard, no place for the cab stand. Imagine, you're going to have the jitney. That's you guy have authority here. You can see. I don't think all the drivers here are going to say this is what happens but I know you guys know.

Even in New York City -- I go a little farther, I have my cousin who used to drive cab in New York City in Manhattan. He told me -- I tell him what's going on. I say the license is going to be more tougher for me after the jitney come. He said Cambridge is too small. He was at Northeastern University. He finished school and go back there. I said what do you mean Cambridge is too small? He said even in Manhattan we have gypsy so the gypsy only work outside like Brooklyn, the place the cab don't want to pick up fare. The gypsy can't even go into Manhattan to work in Manhattan.

Even like a small city like Cambridge

to have that, that's really going to be tough for you. I understand. That's what I had to say. Thank you very much.

MR. SCALI: Anybody else? This gentleman and this lady right here.

MR. SHIRZAY: Good evening ladies and gentleman, my name is Dave. I drive Cab No. 205.

MR. SCALI: What's your last name?

MR. SHIRZAY: Shirzay, S-H-I-R-Z-A-Y. I thank you to give us time. I know the paperwork is not complete. Mr. Chairman, if you remember like the last time also, another shuttle service, they play same thing game. I'm sure you're feeling our pain because every single person sitting here exactly we lose two hours, 6:00 p.m. to right now. We cannot play this game with the shuttle industry.

I will ask you personally on behalf of us if you guys ask them before they bringing all these paperwork, everything. If they're not complete, they shouldn't come here. I don't know, I could be wrong, but please forgive me.

But again, compared to one shuttle you

cannot kill 600 family or more because we have 258 cabs equal to two drivers is almost like 600 about there.

MR. SCALI: Cab drivers?

MR. SHIRZAY: Correct.

MR. SCALI: Do you know how many cab drivers we have?

MR. SHIRZAY: I would say 600 definitely driving.

MR. SCALI: We have 1,300.

MR. SHIRZAY: Thank you to correct me for that.

I will ask you again favor, please, we cannot doing this back and forth because we come in every day this, and some day we not coming here and it's going to happen. I really really personally request from you.

MR. SCALI: Can I just explain the process? Probably I shouldn't do this because it's going to draw it out longer. The process is a very kind of crazy process because you come to the License Commission and we can't grant it. We hear

it, we hear all the details, and then we make a recommendation to the City Council.

The City Council has their own opinion about what should be and shouldn't be in the City in terms of what transportation looks like in the City, and whether there is an equal amount of cabs, an equal amount of shuttles, an equal amount of limos. They're thinking about that; they're discussing that. This has been going on for years.

Then, you've got the DPU process, which is a whole different process. If they lose here and we deny them, they can appeal to the DPU. And we've been down that road before where we go to the DPU and give our point of view, and the DPU has their own set of ideas in terms of what's allowed and what's not allowed, and they may not consider what Cambridge wants.

So it's really a tough process because we can say no all we want, and we can recommend no to the City Council, but they -- Mr. Papadopoulos and Mr. Shabana can go to DPU, and DPU can do whatever they want. So that's a tough thing.

The City Solicitor has done a very good job in years past, and those of you who have been driving for many many years know that we've attempted to go and change the law, and go to the legislature and try to change it, and they threw it out. They didn't change the law. So we're back to this kind of convoluted process.

You all can continue to come and speak, but until the law is changed or the process is changed, it's the same rolling process that's confusing to all of you, and to me in fact as well. So you're not wasting your time.

MR. SHIRZAY: Thank you. Again, we exactly right now each one of two hours we lose. Like you say, which is the best way for us? We can go to the DPU. They're asking for the vote, or we have to go to the State House with all these cab drivers to change that. What is your recommendation?

MR. SCALI: I don't have one because I've already been down this road.

MR. SHIRZAY: As long as these people



alive I will say I bet you there's not going to be a shutout coming. In cases happened, every single day in front of the hotel I'm aware there will be chaos and the police are already full of hand of a lot of things. Will be every day there.

Thank you very much.

MR. SCALI: Does this young lady right here want to speak? Anybody else?

MR. VASCO: My name is Singy Vasco. I drive Cab 114. Actually my concern is not related to this but part of it is related to this. The thing is once again they get the permission with restrictions still they want like -- they won't follow the law. Nobody is allowed to pick up the customers from Cambridge, but on the weekend we stand on the cab stands and the Boston cabs, Brookline cabs, they pick the fare from there. They have restrictions. They have the law. They can't pick up from here but they do.

So that's what my concern is like if they get permission with restrictions, they won't be followed. Thank you.

MR. SCALI: I understand. Anybody else? All right, Mr. Papadopoulos.

MR. PAPADOPOULOS: Just in response, like I said, we're not really looking to directly compete. We're looking to start up a business that runs and primarily takes these customers from the airport to the various Cambridge hotels, which is also going to bring in business hopefully to the City of Cambridge.

To the extent that it does compete with the taxicabs, competition is good. That's kind of what this country is founded on. While I feel for the Cambridge taxicab drivers, the larger picture is who is this going to serve, and that's the City.

MS. LINT: Mr. Blemur would like to be heard.

MR. SCALI: Hang on, please. Mr. Papadopoulos has the floor right now.

MR. PAPADOPOULOS: So to wrap that up, we're really providing the service to the public, to the people coming in and out of Cambridge and to

these various hotels. Thank you.

MR. SCALI: I know Mr. Blemur, you had your hand up. I don't want to open up another discussion. You have to come forward.

MR. BLEMUR: Good evening. Everybody knows my name. It wasn't my intention to speak. After I heard the last sentence so that move me to speak something.

I do understand in Cambridge right now, our biggest job is an airport job. There's no secrets for nobody. Our biggest job is an airport job. Even we, we using services, you don't see flat rates. We don't see them. So they just want to come to get the cream of the crop. And then the worst thing -- I could imagine myself -- this guy is a taxi driver who's been sitting on the stand sometime for hour-and-a-half, and to be accomplice to that fact is beyond my imagination.

MR. SCALI: I don't mean to interrupt you, but I think it was Mr. Gervais mentioned this a couple of meetings ago, or in some other context. He said why don't the cab drivers get together and

do their own shuttle? If you all are looking to get that cream of the crop, if that's what you want to call it, this gentleman was a Cambridge cab driver and he's thinking about it. You all should partner up and start up your own business; start up your own Cambridge cab driver shuttle.

MR. BLEMUR: Is this a dum dum  
(phonetic)?

MR. SCALI: A what?

MR. BLEMUR: Let me explain that to you. I don't have a Ph.D. in Management or Ph.D. in Economy, but at least I went to school and I took some classes if I remember something. When you start a business you start with money, so you expect to get your money probably after -- it depend on what kind of business you go into, it might take six, seven, or eight months before you start to get even. Some business might take two or three years. So to withstand that you need money, and I don't think anyone of us can afford that. This is one thing.

The second thing is usually they come

up and say we're going to have two vans, two drivers. Since they don't put numbers on the vans, they don't even know how many. I've been parked all over the city myself and I can tell.

And then the way the economy is, like Michael already said that, we are probably the only cab drivers in Cambridge who rescind the increase on the meter, because knowing what's going on now, we don't want to put it that high. We're probably the only one. So can we afford to add something to it? The rest is in your hands. Thank you very much.

MR. SCALI: Thank you Mr. Blemur. You can speak again if you want Mr. Papadopoulos. You get the last word.

MR. PAPADOPOULOS: The last point I'd like to make is that this has been approved, the actual route of the shuttle scheduled service that my client would provide has actually been approved by the Traffic and Parking Department. And while I do acknowledge that the hotels have not formally responded, I do know that they're not here tonight.

Thank you.

MR. SCALI: Thank you very much.  
Pleasure of the Commissioners?

MS. LINT: You have the time issue.

MR. SCALI: The time issue is that we are required to hear you within 45 days, which I believe we've met, and the City Council is required to hear and make a decision within 60 days of application.

MS. LINT: The problem is that the application is not complete. We can't forward it to the City Council but the timelines --

MR. SCALI: My opinion would be that when the application is complete is when the time starts to run. I'm sure Mr. Papadopoulos has a different opinion on that.

MR. PAPADOPOULOS: I would ask that a decision be made on the application either in the affirmative or in the negative.

MR. HAAS: I'm prepared to make a motion to deny the application.

MR. SCALI: On grounds?

MR. HAAS: Incomplete application.

MR. TURNER: Seconded.

MR. SCALI: Motion making a recommendation to the City Council to deny the application since the application is incomplete. That's moved and seconded. All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: The recommendation will go to the City Council. It will not be heard this Monday. The following Monday after that is I think a roundtable if I'm not mistaken, Mr. Papadopoulos. So it will be -- the 16th I think it is of November is when the City Council will hear it, November 16.

MR. PAPADOPOULOS: Mr. Chairman, and the Commission, thank you.

MR. SCALI: Have a good evening.

MS. LINT: Ratifications: Medallion  
253A, 256A, 40, 162, 215, 85, 134, 193, 16, 123.  
They're all refinances. The paperwork is in order.

MR. HAAS: Motion to approve.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.



MS. LINT: You wanted to bring up the situation with Ambassador.

MR. SCALI: I just have three things I want to mention to you on the record. You know we passed a rule a couple of months ago with regards to voluntary credit cards, and in part of that ruling we passed a rule that said if you are processing credit cards, you cannot charge more than five percent. Ambassador Brattle is still charging 10 percent.

They met with me on Thursday and we discussed their issues. Of course, they're of the opinion that it costs them more than five percent to process a credit card. But they're telling me that if we or whoever can convince the cab drivers to sweep the credit cards in the system, as opposed to bringing all the paperwork in and giving it to their processing person that they will charge the five percent to the drivers. Otherwise they will -

MR. HAAS: They're charging it to the customer not the driver; right?

MR. SCALI: No. They're charging it to the driver. They're charging the driver 10 off the fare to process a credit card that the drivers are taking.

MS. LINT: I just think it's a complete violation of the rule that you passed and it needs to be handled. It is inappropriate.

MR. HAAS: So they're using a paper system now to process cards?

MR. SCALI: Ambassador Brattle cabs have a system in the front that swipes the credit card as part of their meter. But what the drivers are doing is they don't want to put it through that system because they say it takes too long. I don't know if that's true or not. And what they're doing is they're using the little card systems that they have, writing up the paperwork by hand, and then bringing those into the office.

MR. HAAS: That's faster than swiping a card?

MR. SCALI: I told them that that's our rule. I'll tell the Commissioners that either

we enforce the five percent or we don't. They also asked whether they could come forward before us and apply to us to reconsider the rule so that we don't require it to be five percent, but that it be something more than five percent. I said they're welcome to of course make a request.

MR. HAAS: So why are they penalizing their drivers to take credit cards?

MR. SCALI: They're saying that it costs them money. The bank charges them a percentage.

MR. HAAS: Yeah, but this is a service they're providing to their customers.

MS. LINT: What do the banks typically charge?

MR. SCALI: Between two and three percent.

MS. LINT: So they're still making two percent.

MR. HAAS: American Express can charge as much as six percent.

MR. SCALI: They charge a lot more.

New York actually has a rule that says you can't charge more than six percent if you're processing. And Boston's rules is five percent for anybody processing credit cards.

MR. TURNER: Why would a driver not swipe the card but use the manual? What's going on?

MS. LINT: Especially because if you swipe it, they find out right away if the card is valid or not.

MR. HAAS: They run the risk that they might take a bad card.

Let me ask you this, is it an issue if we would allow them to pass the fee onto the customer --

MR. SCALI: That's illegal under the bank's rules. It's a State law, a banking law.

MR. HAAS: They can do it with gasoline. Gasoline stations can charge you an extra fee.

MR. SCALI: They can charge a cash or a credit fee but you can't charge you more because

of a credit card. You can charge less for cash.

MR. HAAS: Kind of like my original idea when we were going to force everybody to do it, just raise it by that amount of percentage and cover their administrative costs. Raise the fee. So whether you paid cash or credit, that fee would be built into it and they'd be ahead of the game because they'd still get the five percent even with the cash customers.

MS. LINT: I think they feel that they're losing customers because of the economy.

MR. SCALI: If the meter rate is too high, customers won't use a cab.

MS. LINT: And they were calling cabs from other areas that were lower.

MR. HAAS: I don't know why a driver would take a credit card if he's got to pay the five percent.

MR. SCALI: That's what's happening here. They cab drivers don't want to take credit cards.

MR. HAAS: I don't blame them.

If I've got to pay the five percent. . . I'm providing a service to the customer and I've got to pay.

MR. TURNER: That's just Ambassador; right?

MR. SCALI: It's just Ambassador.

MR. TURNER: So the independents don't get charged.

MR. SCALI: That family; right?

MR. SCALI: Checker, yes. We made it that they have to take credit cards.

MR. HAAS: Provide that service. So they'll do the same thing; they'll charge the driver the five percent.

MR. SCALI: So I just put that on the table for you all to consider because they are asking. Drivers are complaining that I'm not enforcing the rule. If I'm going to enforce the rule, I have to take some action.

MR. HAAS: Well, you have to enforce the rule.

MR. TURNER: How do you enforce it?

MS. LINT: Have a Disciplinary hearing.

MR. SCALI: Action against Ambassador Brattle.

MR. HAAS: Have somebody go in a car with a credit card and see if they --

MR. SCALI: Then you're declaring war on Ambassador Brattle.

MR. HAAS: I don't get it.

MR. SCALI: They don't want to fight with us but obviously if we're doing this against Ambassador Brattle it's a company-wide --

MR. HAAS: How can you hold them to a different standard?

MR. SCALI: I'm not. I'm just saying if we put the ball in motion, then you --

MS. LINT: I think you have to.

MR. HAAS: Then the regulations are meaningless if you're not going to enforce it.

MR. SCALI: I'm not saying I'm not going to enforce it. I'm just saying I want to make sure you all understand what I'm enforcing.

So if I do enforce it then --

MR. HAAS: If they want to try to make a compelling case, then we can vote on it again for reconsideration. I think you've got to put them on notice that we expect them to adhere to the five percent charge. If they want to try to make a compelling argument to convince us that the 10 percent should be an exception, then fine, try to do that. But once we make a decision then we expect them to obey whatever the regulation is or there will be a consequence for it.

MR. SCALI: And the regular course of consequences, which would be disciplinary action that we would normally do, which could be fines, suspensions.

MR. HAAS: Right.

MS. LINT: I think you have no choice. And it kind of goes along with what a lot of the drivers say; that the owners of Ambassador Brattle really hold themselves to a different standard and set themselves apart. It's been a big issue. Basically by them doing this right now, they're



just saying I don't care what you say.

MR. HAAS: Their cabs are generally in good condition.

MR. SCALI: The other couple of things I just want to tell is the taxicab school elections for the Board will be November 18. The deadline for anybody who's nominated is November 1, which is this Sunday. We have some new people who have been nominated including Denise Jillson, Robin Bell, and Mr. Blemur, who was here, and Mr. Gervais.

MR. HAAS: Who votes?

MR. SCALI: The existing Board.

MR. HAAS: They vote for their own members?

MR. SCALI: Yes.

MR. HAAS: How many members on the Board?

MR. SCALI: There are nine members on the Board, and it will be a clean slate. That's what the bylaws state. We can amend the bylaws but not before the election. If you know anybody that wants to be nominated, let Mr. Carbone know.

Our mandatory meetings are this Monday, Tuesday, and Wednesday. Kelly Downs is going to be there.

MR. TURNER: We just did that.

MR. HAAS: What is she going to talk about?

MR. SCALI: Domestic violence.

MR. HAAS: In what regard?

MR. SCALI: Violence in the workplace and police incidents and reports.

MR. SCALI: So 10:00 to 12:00 on Monday, and 1:00 to 3:00 on Tuesday and Wednesday at the Courtyard by Marriott.

MR. TURNER: Where is it this year?

MS. LINT: At the Marriott Courtyard.

MR. HAAS: Can I raise one more issue?

MR. SCALI: Yes, please.

MR. HAAS: It seems to me that if the City Council is considering a moratorium against jitneys, and rather than have people go through the exercise of applying first, can we basically say we're not going to entertain any more jitney

licenses until the moratorium is resolved.

It's vry clear to me what he's doing. That's why he wanted a no vote so he can move this along.

MS. LINT: Even if there is a moratorium, say we have them on food trucks, I can't stand at the counter and tell someone that they don't have the right to apply.

MR. HAAS: They can apply but I would tell the that we're observing the City Council's moratorium and we are not going to take any action with respect to any application until the City Council decides how they want to respond to this issue. It's fruitless for us to continue to go through the process. Then if they're all going to come here every time we have a license, you might as well just say to them, look, this is what our position is going to be. They can still apply but until the City Council makes a decision with respect to their stance on jitney licenses, we're not going to entertain any more.

MR. LINT: And they're still going to

want to talk.

MR. HAAS: That's okay. But hopefully less of them will feel compelled to have to come.

MR. SCALI: Do you want to amend your vote today to include that in our latest decision?

MR. HAAS: I was debating whether I wanted to do that or not.

MR. SCALI: I feel the same way. I felt like saying I'm sending it up with no recommendation.

MR. HAAS: If they want to go through the process, you can present the application to us, they don't even have to show up for it, and we're just going to vote.

MS. LINT: My problem with it is that the last one that only wanted to pick up at the airport, that's providing a service that I think is needed. College students can't afford to take cabs.

MR. HAAS: That's why I thought we were somewhat on safe ground with the last one. It's clear that the City Council does not want to

entertain any more jitney licenses.

MR. SCALI: You need to understand, it's not all City Councilors.

MR. HAAS: They've got the majority of the votes because they've turned down every application we've recommended to the City Council. Until they make a decision about how they want to handle it, it's ridiculous for us to go through this process.

MR. SCALI: That's the updates.

Motion to --

MR. HAAS: What do you want to do about the --

MR. SCALI: Do you want to vote on sending that opinion over to the City Council. I agree with you 100 percent.

MR. HAAS: My motion would be in light of the fact that the City Council is evaluating the efficacy of jitney licenses and whether or not the issue of the moratorium --

MS. LINT: Say that again.

MR. HAAS: That we would as a Board

not entertain any more -- or not vote in the affirmative for any applications until the City Council makes a determination with respect to its moratorium.

MR. SCALI: Not hear or not vote?

MR. HAAS: I think we're not going to vote in favor of any applications until the City Council makes -- to Elizabeth's point, if they want to make an application anyway because they want to start the process, at least we can say -- I think it's very clear to say to them here's your application, fill it out, but the Board is not going to take any action in terms of recommending this to the Board until the City Council makes a determination with respect to the moratorium.

So in essence what they're going to get is a "no" vote if they do pursue it. They have to pursue to work through the process and that's fine. But rather than wasting a lot of people's time to come in and make a presentation, and we know what the outcome is going to be until the City Council makes a determination. They're basically put a

hold on all affirmative votes on the jitney license; right?

MR. SCALI: Well, they charter-wrote the order.

MS. LINT: I think the bigger problem is that down the road it's still going to backfire because then we're going to get all the calls from the cab drivers saying, "I see all these jitneys all over the place. There are vans picking up and dropping off at all the hotels. How can you allow this?" Well, we didn't allow it so they went to the DPU, and the DPU allowed. It's going to still be your fault.

MR. HAAS: It's the law.

MR. SCALI: Are you making a separate motion separate from that other decision?

MR. HAAS: I thought I made it a motion.

MR. SCALI: Is that to be included with that other application?

MR. HAAS: I think it's a separate motion as part of the discussion.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Got that?

MS. LINT: Sort of. I'll call you  
tomorrow.

MR. SCALI: Anything else? Motion to  
adjourn.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. HAAS: Aye.

(Whereupon, the proceeding was  
concluded at 8:30 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 5th day of November, 2009.

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