

## 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  
Gerald Mahoney, 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 6, 2009  
6:10 p.m.

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P R O C E E D I N G S

MR. SCALI: License Commission General Hearing, Tuesday, October 6, 2009. It's 6:10 p.m. We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room. Before you are the Commissioners: Chairman Richard Scali, Commissioner Robert Haas, and Deputy Chief Gerald Mahoney.

If anyone is here for the application of Barfly at the bottom of Page 1, that's continued to November 10.

MR. SCALI: Anyone here for One Kendall Square, Barfly? No hands. November 10 on that item.

MS. LINT: Then I think we're going to go a little bit out of order as it is our custom to take CLAB members first.

Page 2, Revocation Hearing: Alpha Tau Omega Fraternity, Ovid Amadi, resident manager, holder of a Lodging House license at 405 Memorial Drive for violating terms and conditions of MIT's rules and regulations as well as license conditions imposed by the License Commission on June 4, 2009.

MR. SCALI: ATO? MIT?

MR. SCALI: Have a seat please. Good evening everyone. Tell us your name for the record, please. We'll just go down the line here.

MR. AMADI: I'm Ovid Amadi. I'm the resident manager for Alpha Tau Omega.

MS. MILLER: Kia Miller, Assistant Dean of Fraternities at MIT.

MR. SCALI: Who wants to speak first?

MS. MILLER: I have a statement I can make on behalf of MIT.

"Regretfully we are here to respectfully request a revocation of the Cambridge

Lodging House license for 405 Memorial Drive, our Alpha Tau Omega Fraternity.

As you know, since July 2008, MIT staff, alumni, and student leaders in the MIT fraternal community have worked to set expectations and judicial parameters for this group. In August 2009, we found them in violation of these rules and thus, the fraternity government and MIT have taken action to revoke our recognition of the organization.

Indeed this is not a happy time or a happy process. We're saddened and frustrated by the actions of only a few members but we do maintain that the group is accountable for the actions.

We believe that there has been a thorough and fair process for this judicial proceeding and we're quite proud of our unique peer judicial process.

The action of expelling a fraternity is quite rare for us and so the fraternity bylaws call for a suspension of the activities of this

group for 10 years. There are no current plans to reorganize the group; however, we don't expect that the fraternity property will be vacant for 10 years."

We're in a process to have an MIT organization that will be granted use of the license and privileges provided by the Lodging House license and this Commission. We don't have an end to that process yet so we know that we'll be back here in a positive way in the future.

"In several years we do expect that a new group of men will reconstitute the fraternity, Alpha Tau Omega. We expect them to be good citizens of the MIT and Cambridge communities at that point.

In this process we want to thank you and recognize your work, the Commission's work for your support of our efforts. When we stood before you in disciplinary cases the partnerships between our organizations have strengthened the out of classroom experience for MIT students."

So my colleagues and I find this very

valuable and we want to recognize and appreciate the support of the Cambridge Licensing Commission. I'd be happy to answer any questions. I'm sure there's a statement from ATO.

MR. SCALI: I had heard this through contact with Mrs. Lint and through Ms. Gallop what was happening. I was actually surprised because I thought the last time we were here you were making progress and you were renovating, you were taking care of a lot of the Building Code violations and Fire Code violations.

The only question I really have is how did it get from that to where we are now so quickly? I guess something happened in between that we didn't know about.

MS. MILLER: Something did. In August, we found the group responsible for an alcohol violation, not on the premises. So to be clear that it actually didn't happen in Cambridge but it was a violation of our behavior expectations that we had.

MR. SCALI: So students who were

fraternity brothers were at another location and violated your alcohol rules in Boston or something?

MS. MILLER: Yes.

MR. SCALI: That's the missing part that I didn't understand.

The property is vacant. MIT owns the property; am I right?

MS. MILLER: Let me clarify. We found housing for 26 of the men who were living there. As a resident manager, Ovid is still in residence. We support for the asset management that Ovid remain there until or unless we have a different group that comes in and gets a new Lodging House license. We would like for him to maintain the asset in between.

MR. SCALI: So he is living there alone?

MR. AMADI: Yes.

MR. SCALI: There's no one in the building but you?

MR. AMADI: There is another representative of our alumni corporation, our



alumni organization, who has since come and he's there as well. So it's just the two of us.

MR. SCALI: So you're maintaining the premises and making sure that it's safe.

MR. AMADI: Yes.

MR. SCALI: And the intention is that somehow another group will come in there in the meantime soon?

MS. MILLER: Yes. MIT owns the ground lease but the building is owned by Alpha Tau Omega House Corporation. So in order to have another group occupy the space they have to have our permission. So we're going to work with them and partner with the community to make sure that we do have students living there.

MR. SCALI: MIT owns the ground lease?

MS. MILLER: The land, yes.

MR. SCALI: And ATO owns the building.

MS. MILLER: They have a mortgage on the building. It's never easy.

MR. SCALI: Questions?

MR. HAAS: I really want to applaud

MIT. I think we've been through a long process; we've worked really long and hard to make this a viable solution. I really compliment the university for taking the matter seriously and recognizing the fact that we set some fair rules out. Unfortunately I guess, despite the assurances we got somebody let the fraternity down.

I guess my only question is, what recourse, if any, does the fraternity have with respect to appealing your decision?

MS. MILLER: We have gone through that process. They did appeal the decision and the final appeal was denied on August 27. So we've completed our process and they did have the right to an appeal.

MR. HAAS: It gives me personally a great deal of confidence, and I think I can speak for the Chairman and I know the Deputy Chief that in fact this isn't a one-sided proposition. It was fully a partnership. I really believe MIT lived up to its end of that partnership. So I really compliment you all for doing that despite the fact

that I'm sure it was a very difficult situation for you all and something you didn't take any pleasure in doing.

MS. MILLER: Thank you very much.

MR. SCALI: The message is definitely out now I guess, if you want to put it that way, for any other fraternities out there, anywhere in the City or in Boston. Deputy Chief?

MR. MAHONEY: I would echo Commissioner Haas' sentiments. Through my career having had unfortunately first-hand experience with a couple of fire incidents at MIT fraternities, it's refreshing to see the institute take pretty decisive action in this regard. I'm happy that it's being done.

MR. SCALI: Ms. Gallop, did you want to speak?

MS. GALLOP: Sarah Gallop, Co-Director of Government and Community Relations at MIT. I just want to reiterate one thing that Ms. Miller has already said which is just our expression of thanks to three departments. A lot of your staff

have spent a lot of time working with us on this issue over the years. We've spent a lot of time sitting here talking with you; you've been very patient, very helpful. And I just want to acknowledge that.

MR. SCALI: Does anybody else want to be heard on this matter? So I guess it really is not really a matter of voting a revocation. The license is just canceled at this point; am I right? You pulled their recognition, so therefore, they can't exist there in that location.

MR. HAAS: So what do we have to do with respect to the license? We have to I would imagine do some record; right?

MR. SCALI: The license has never been reissued since they -- did we reissue the license?

MS. LINT: Yes, we did.

MS. MILLER: In June 2009.

MR. SCALI: So then we would have to vote to cancel the license.

MR. HAAS: To support MIT's actions with respect to the revocation.

MR. SCALI: Correct.

MR. HAAS: So I make a motion to support MIT's recommendation with respect to revocation of the license.

MR. SCALI: Moved, and I second that.  
All in favor?

MR. MAHONEY: Aye.

MR. HAAS: Aye.

MR. SCALI: Good luck.

MS. LINT: Application: Continued from September 8, 2009, President and Fellows of Harvard College, Karen Sommerlad, Senior Campus Planner has applied for a garage license for 695 cars and 6,950 gallons of gasoline in tanks of cars only at 1585 Massachusetts Avenue. Applicant is also applying for additional flammable storage for 2,000 gallons of Class 2 diesel in an above ground storage tank.

MR. SCALI: Good evening.

MR. LUCEY: good evening, Mr. Chairman. For the record, Tom Lucey, L-U-C-E-Y, from Harvard University.

MR. SCALI: Also one of our CLAB members, too, Harvard and MIT. So you're both at the top of the list today.

So Mrs. Lint, this is continued from September and I guess there were two issues at hand; am I correct? The issue of --

MS. LINT: Notice, which is fine. The statute says seven days and they had more than seven days notice to the abutters.

MR. SCALI: So people who were abutters were notified how many days before?

MS. LINT: Well in advance of seven days. We counted differently I think.

MR. LUCEY: The statute is a little bit different from the practice sheet that's given out by the Commission. The statute gives seven days, the Commission talks about three. We met the three-day standard. SO it's three days from the date of the publication of the advertisement in the local paper. So we met the three-day standard. The statute actually allows you a seven day window to mail that out.

MR. SCALI: I think we are talking different terminology. Notifying within three days after it's published, but notifying the residents or businesses is seven days before the hearing.

MR. LUCEY: If you back it out, they did get seven days before the hearing.

MR. SCALI: So not waiting like a week after it's published. It's confusing.

MR. HAAS: The confusion was over ten

days versus seven.

MR. LUCEY: I don't know where the person who testified came up with ten days.

MR. SCALI: It is our practice to recommend ten days to two weeks notice, but the statute does only require seven days. You're absolutely right. So that's why the notice will suffice.

So that was one issue. The other issue had to do with --

MS. LINT: There were issues that some of the abutters had which I believe Mr. Lucey has addressed.

MR. LUCEY: We communicated with those abutters. We had an exchange of e-mails and communication. We answered all the questions that came in. I have copies of those e-mails too. I also followed up with those individuals to look them know the hearing was tonight in case they had an interest in coming back.

Some of the questions had to do with traffic, traffic patterns, and basically the



development we were talking about.

MR. HAAS: There were some concerns about the ability to park in the garage, but my understanding is there is a prohibition from that. You can't grant that.

MR. LUCEY: The way we have to handle parking as an institution is there is institutional parking. We do allow during snow emergencies for local residents to come into those garages.

MR. SCALI: Is there anybody here who wants to be heard on this matter, any residents? Any questions, Commissioners?

MR. HAAS: No questions.

MR. SCALI: So this actually is an application to be considered for 695 cars, 1585 Massachusetts Avenue, and 2,000 gallons of Class 2 diesel in an above ground storage tank.

Pleasure of the Commissioners?

MR. MAHONEY: Make a motion to issue the license as requested.

MR. HAAS: I would second that motion.

MR. SCALI: Moved and seconded. All

in favor?

MR. MAHONEY: Aye.

MR. HAAS: aye.

MR. SCALI: Thank you, Mr. Lucey, for those clarifications.

MS. LINT: At the bottom of Page 2, Review: Jaswinder, Inc. d/b/a Cafe of India, Rashpal Singh, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 52A-52B Brattle Street for review of the 103 banked seats at said location.

MR. SCALI: Food evening, Mr. Goldberg.

MR. GOLDBERG: Good evening Mr. Chairman and members of the Board. William Goldberg, 620 Massachusetts Avenue, Cambridge. I am here as attorney for Jaswinder, Inc., as well as a director of the corporation in response to your inquiry about banked seats.

There is some thought that Burdick's next-door may be vacating the premises. We heard that and we haven't -- there's no direct source of that information but we heard that that may be the case. Consequently we're reserving the banked seats in the event that they move out.

MR. SCALI: I have a feeling that Burdick's is going to be objecting.

MS. LINT: Burdick's is shaking their heads no.

MR. SCALI: I'll let you finish. We have a very long history with Burdick's and Settebello right now, so I'm surprised to hear you say that.

MR. GOLDBERG: That may be the case. There may be some circumstance that prompts them to vacate the premise. Mr. Scali, I'm saying telling you --

MR. SCALI: By saying that you have stirred up a lot of trouble in the back row. There is a matter on the agenda tonight for review with regard to a number of issues that we want to try to resolve. So I don't want to go down a path that you're not absolutely sure about.

MR. GOLDBERG: That was the periphery agreement. Other than that issue, which may be negated, it's not of any real circumstance, we have these banked seats. We have been approached by others to purchase the banked seats.

Attorney Crane had at one point in

time contacted my office with respect to it. In speaking with the principals, they were at that particular time desirous of selling the seats. So that's where we are at this point in time. I think there are other persons or entities that might be willing to purchase the seats but we haven't determined a price. We haven't got something acceptable.

MR. SCALI: Two questions: One is we want to make sure that the price that you're conveying to any potential buyers is a reasonable one because we've had issues with regard to people overpricing these particular seats, and then therefore, making them not worthwhile and even anybody buying them.

Second of all, we want to make sure you're actually making an attempt to do that because use them or lose them I guess is the rule, eventually. There are people out there who are applying for new licenses that would factor into us deciding whether we granted another license, or expanding other licenses where we give away free

seats. So we want to make sure that anybody who has seats out there that are of value that those are used first before we start issuing new no-value licenses and seats.

MR. GOLDBERG: May I ask this question with regard to that? The person seeking the new licenses, would they come within proper frame to purchase the seats that are in bank now?

MR. SCALI: We could consider under our new policy that someone who's asking for a new license may as part of their plan purchase seats from somebody else.

MR. GOLDBERG: A further question would be if they were to purchase sufficient seats, would the price that might be reasonable be more reasonable because of their need for those seats? I'm trying to figure out what might be a reasonable price.

MR. SCALI: I think Mrs. Lint can give you an idea about what people have been requesting for prices. There's some precedent for prices, reasonable prices out there on the market.

MR. GOLDBERG: Is there any timeframe within which the sale has to be effected?

MR. SCALI: Under our bank policy, it's up to 48 months.

MR. GOLDBERG: From today?

MR. SCALI: No. From the date of when they got the banked seats. So whenever they received those banked seats.

MS. LINT: That was probably more than 48 months ago.

MR. SCALI: I guess it's time then, Mr. Goldberg.

MR. GOLDBERG: I just think that with respect to when they got the seats, the 48 months may have already exceeded. So that's what I'm trying to ascertain.

MS. LINT: I think when we passed the new rule it was 48 months from the rule.

MR. SCALI: That would have been in 2006.

MS. LINT: So we're there.

MR. SCALI: We can check on that for

you.

MR. GOLDBERG: Thank you.

MR. SCALI: Questions from the Commissioners?

MR. HAAS: I just want to clarify with Attorney Goldberg, your client is hoping to hold onto the seats for future expansion or they're actually trying to sell the seats?

MR. GOLDBERG: That was one aspect of it. There was just a rumor that was floating around at one point in time. That may be hearsay and unfounded but we thought about that.

The other aspect of it is that we had been approached by various attorneys to sell the seats and then Commissioner Scali had indicated that maybe those that are looking for no-value licenses may be willing to purchase the seats. Am I correct about that?

MR. SCALI: Essentially if you have 103 seats and somebody had a property anywhere in the City and they wanted to pay for them, we could essentially create a license that would be around



those seats. Any new license that we grant has a higher license fee per year as opposed to an existing license. So that may be an incentive to somebody.

Our policy does now allow you to go anywhere in the City with those, not just in Harvard Square.

MR. HAAS: With respect to tonight's review, do we have to grant an extension?

MR. SCALI: I would set a timetable or an expectation of a timetable.

MR. GOLDBERG: The timetable would be four years from the date of the policy.

MR. SCALI: We'll get an exact date so we can figure that out from our files.

MR. GOLDBERG: Thank you.

MR. SCALI: Anybody else want to be heard on this matter?

Motion to take the matter under advisement.

MR. MAHONEY: Moved.

MR. SCALI: Moved and seconded. All

in favor?

MR. HAAS: Aye.

MR. MAHONEY: Aye.

MS. LINT: Review: J & M Chocolate Confections, Inc. d/b/a L.A. Burdick's Chocolates, Lawrence Burdick, Manager, holder of a Common Victualer license at 52 D Brattle Street for a review of the capacity increase and cooking on premises.

MR. SCALI: L.A. Burdick's, have a seat please. Good evening. Just tell us your name for the record, please.

MS. WATSON: Kathy Watson.

MR. BURDICK: Larry Burdick.

MR. SCALI: Mrs. Lint, I guess we should hear what information you have on complaints, or information that has come from anywhere.

MS. LINT: I have had no complaints. I was hoping to hear from Henderson Hedley today, who told me yesterday, he was going to go down either yesterday or today just to check out everything that was done. I understand the wall was put up, and he represented to me that the sound issues were very much better. But then I didn't

hear from him after he went so I have no update in that regard.

You all received a letter from Settebello that raised a question about the capacity in terms of taking into account employees. I did speak with Ranjit who said that the total capacity has to include the employees.

MR. SCALI: And that capacity is 49, including employees.

We did read the memo submitted by Settebello and I guess there were a couple of questions. I can let them speak for themselves as well just while you're here. There seems to be three issues, and they can certainly clarify if I'm getting this wrong. These are not new issues. These are the same ones we talked about six months ago, but I guess now just what's changed from them to now is the issue. So the issue of the capacity is still 21 standing and 25 seats for a total -- is that right?

MS. LINT: No.

MR. SCALI: It's 21 standing and 28

seats for a total of 29. That has not changed; am I correct?

MS. WATSON: That has not changed.

MR. BURDICK: Later we do have a question about it.

MR. SCALI: And what Zoning is saying or the Building Department is saying is that that would include your employees. You have five employees?

MS. WATSON: Yeah, it depends. On slow days it's three or four but on busy days it's five.

MR. SCALI: The other issue has to do with people on the sidewalk with regards to the crowd control. So what have you been doing about the crowds?

MS. WATSON: We haven't had to do anything yet. It really starts the week of the Head-of-the-Charles. We have an employee scheduled from the week of the Head-of-the-Charles right through the holidays, to be in front helping in chocolate and being near the door to be able to let

people know. We also have a sign that will be hung at the end of this week asking people not to block the entrances and to move on. So we're physically going to go out there and we're going to put signage up.

MR. SCALI: When does that start; what date?

MS. WATSON: Usually the Head-of-the-Charles kicks off our busy season which is the 18th.

MR. HAAS: The weekend after next.

MS. WATSON: So we're usually prepared then.

MR. SCALI: You'll be posting a sign, an employee is going to be stationed at the door.

MS. WATSON: An extra employee, yes.

MR. SCALI: And that's going to go from the date in October through Christmas. That's your busiest time.

MS. WATSON: Yes.

MR. BURDICK: Mr. Scali, can I make a comment on the sidewalk issue?

MR. SCALI: Yes.

MR. BURDICK: The fact that the Settebello store -- and I brought this up at another meeting -- is on the Harvard Square side of our door, meaning all the traffic coming to our place comes from Harvard Square, goes past their door, and then when they leave they go past the Settebello store again. The fact that our doors are mounted on the same two-by-four -- there could be just six people in our store, and if they're coming out and someone is coming in, people are polite, they open the door, they step back and wait. If the people know each other, they stop and talk.

That's just a function of the fact that the Settebello store is on the Harvard Square side of our door, meaning 98 percent of the traffic coming to our store passes there, stops there to open the door. And 98 percent of the traffic goes back in that direction. I suggested to Richard that he may want to separate the doors when there was down time and renovations were going on to see

if that would help. It was just a thought.

MR. SCALI: Separate the doors and put them in a different --

MR. BURDICK: It's not a big issue for us but we're on the west side of the Settebello store so we don't have Settebello's people coming in our door, and stopping to open the Settebello door. Just the fact that they're on the Harvard Square side of our door means they get all the traffic coming and all the traffic going.

It doesn't even mean there's a lot of people in our store. It's just whoever is coming in and out is going to swing the door that way, they're going to hold it open and stand there for the people coming behind them and people coming in.

MR. SCALI: I think the issue for me anyway is more that people go in, they're not sitting down, they want to get a cup of hot chocolate or a cup of coffee or an ice cream; and from what I remember, they walk out and then people who are maybe not alone, they're with their friends, and they'll be just standing out in front,



two or three or four people just drinking their coffee and just standing there. They may be talking, deciding which way they're going to go up and down Brattle. They're not settling in there for the afternoon, they're just deciding what they're going to do.

I guess that to me is really the issue for your neighbors. I think if you have that person there that says, can you try to move along and just not hang out here. Not that it's a major Fire Code problem, it's just an annoyance.

MR. BURDICK: That happens also, of course, but I think the issue is what I said it was: their door is on the Harvard Square side of our door. All the traffic comes from that direction, all the traffic goes back. If the traffic is steady and nobody is hesitating, it's still creating something in front of the door there.

If the traffic does hesitate even a little, it's creating something longer. If it just so happens people stop and talk there then it's

creating something even longer. It's a combination of all of those things, in my opinion. I'm not trying to be argumentative. I've been watching it for years.

MR. SCALI: I've gone by there a number of times myself just to observe, and sat and watched.

MR. BURDICK: Have you noticed that?

MR. SCALI: I wouldn't consider it a crowd. I'd just consider it three or four or five people standing there with their coffee and kind of talking. They're really not camped out there; they're just deciding which way they're going to go.

MR. BURDICK: That's normal healthy city life, which I think everybody else is happy about on the block and in Harvard Square.

MS. WATSON: But we are going to post somebody there to try to do our best to keep things moving along.

MR. SCALI: I understand the wall is up.

MS. WATSON: Yes.

MR. SCALI: And Settebello was closed for nine days, which is what I consider a great sacrifice on their part. So you all cooperated very well in doing that from what I understand.

MR. BURDICK: Mr. Scali, one more comment. I'm not going to be difficult here. The proposal that ended up being used here was the one I suggested at the very very very beginning of this discussion a long time ago.

MR. SCALI: I understand that.

MR. BURDICK: We offered from the very beginning to pay for a third of the wall. We didn't feel it was our issue. The sound experts went back and forth about ceiling tiles, special floors, and I don't know how much of it has helped. I don't go in the Settebello store. But after months, if not longer, of acrimonious discussion we just ended up doing what I proposed at the very beginning, which may still be wrong. I haven't heard what the results are.

MR. SCALI: I think it all came kind

of full circle. It's just a matter of everyone finally agreeing.

MR. BURDICK: When Mr. Hedley did his investigation it turns out the noise that was most complained about was coming from up above in Harvard's offices. Which I also said at the very beginning, I said, Richard -- and he's the landlord -- I said Richard, Harvard University renovated at the exact same time we did, up above. Has anyone checked to see? Of course, nobody did until Mr. Hedley insisted that we meet one night, shut everything off, and listen to all the noises.

MR. SCALI: It's amazing what you can do with just one person kind of saying -- it works very well usually.

Questions from the Commissioners?

MR. HAAS: No questions.

MR. SCALI: I know that the Settebello people want to speak, but questions, Deputy Chief, at all?

MR. MAHONEY: I have none.

MR. SCALI: Thank you very much. If

you can step back.

MR. BURDICK: Mr. Scali, when it comes back to the occupancy numbers, what we decided to do is take away seating on one wall altogether, because it was just too much aggravation. We're building cabinets for another store as just retail display and we're going to replace seating on one wall with retail display. If we can alter the -- and we talked about it at the last meeting, what we'd rather do is reduce the seating further and just have retail display on one wall. We can bring it up later.

MR. SCALI: I thought we talked about the idea that you have more seating. That way people are not hanging out outside but actually sitting inside and that would be better for you. That would be my preference. Am I correct, Commissioners?

MR. HAAS: Yes.

MR. SCALI: Taking away seating means people are going to be hanging outside.

MR. BURDICK: We have to deal with

that I guess. It's an economic issue as well. It's chocolate sales that we're there for. The cafe is almost community service. If you look at our sales numbers and our overhead, the cafe with drinks takes a certain amount of overhead, and the chocolate sales are two or three times larger. So it's an economic issue as well.

If we have to keep to keep to strict limits, which we're doing, it would be nice to alter the seating to standing, coming and going, but I don't have to discuss that now. It's just a thought.

MR. SCALI: I think maybe that's a discussion for a future hearing only because we're just getting to the point now where we're coming to some agreement.

MR. BURDICK: Very good. Thank you.

MR. SCALI: Anybody else want to be heard on this matter? I see two hands. Who wants to go first? Come on up here.

MS. LEVIN: My name is Sarah Levin. I do have to qualify one of the mistruths that was

presented at earlier hearings.

MR. SCALI: Is it relevant to today?

MS. LEVIN: Yes, it is, because it regards the wall and the discovery once the wall was taken down on our side.

As it turns out, Larry Burdick did in fact remove the bottom portion of the wall, and the insulation in there was stamped 4/20/07. They claimed in various transcripts that they never touched the wall, but in effect --

MR. SCALI: It's really not relevant.

MS. LEVIN: All right, but I did want to clarify that point.

MR. SCALI: Is the wall working?

MS. LEVIN: The landlord actually did a better job of adding to that experience with quiet rock and additional studs, and really they did a great job. So, so far so good, but when there is a crowd, over a certain volume we do hear something. We hear the air curtain at the front door.

I do have to comment that

architecturally there is really nothing that can be done in moving the door. It would be an enormous expense that frankly does not make sense. It's not logical, and it's not practical, and it's not affordable at this point for any of us.

MR. SCALI: I was wondering how they were going to do that myself. I think it's a great idea if you can do it but it may be impossible.

MS. LEVIN: So this is a condition that prevails and will continue to exist as long as we're there I'm sure, and as long as the landlord owns the building.

Secondly, I really think that the crowds cannot be turned on and off. It is a constant stream of patrons and that is something that is kind of a necessary -- it's sort of a situation. It's not like Head-of-the-Charles, therefore, the volume is up 40 percent. It may be an effect but we experience volume on rainy days.

Last weekend we had to remove dogs and umbrellas from our doorway; we had to remove coffee cups from our window boxes. We had to ask patrons



to let our customers out the door. So this is not something that we're intent on policing continually. It really should be as was discussed in methods and in protocol for them to follow that it is Burdick's responsibility to head out there, to disperse their crowd from in front of our store, and to give us an exit and an egress that is clear.

Secondly, I did want to ask Commissioner Haas, since he wasn't here at I think it was the July 30 hearing, how he felt about their plan? I know that you asked for a detailed plan and I wondered if you reviewed it, if you thought it was adequate? Because it's again not just Head-of-the-Charles, therefore, more staff. It's something that even if they see crowds, they have to respond. So I'm not sure how to get that in the protocol.

MR. SCALI: I think it's an important first step and I think we have to kind of evaluate as we go and things like that. I think there's been a lot of effort on both sides to try to resolve this issue and try to reach an amicable

agreement. I have to reserve judgment just to see how it works, and then we just have to evaluate as we along.

MS. LEVIN: We're now pre-Head-of-the-Charles and we've had these crowding issues. And I saw the manager walk by through the crowd in front of the store and she did nothing. I'm thinking well, they have to think on their feet at whatever time, not just Head-of-the-Charles or Easter or Halloween. It's a continuum and that's how we operate.

We're open six days and private clients on Sundays. We need that access, we need that clearance, and we need that effort on their part to do what you have required under their license to do. So that's my position. Thank you.

MR. SCALI: Sir.

MR. PATEL: My name is Patech (phonetic) Patel. I'm a resident of the Harvard Square area.

MR. SCALI: What's your address?

MR. PATEL: 3 Bowdoin Street. I'm an

architect and I frequent the Indian restaurant as well as the chocolate shop. I just noticed a crowd there and I thought it could be somewhat self regulated if the sign that they put up is basically on the same access as the demising wall between the two doors. Because if it's there and it says something to the effect of "patrons, please respect entryways to retail businesses. Stand beyond this sign. Thank you, Burdick's patrons," or some sort.

Because most people do stand on that side and they bleed out towards the entrance going to the High Rise Bakery. They could bleed out that way instead of the other way, and that sign would actually help do that.

I'm actually curious that there is a big crowd that does accumulate there and there is no place for them to lead themselves as far standing to maintain that sort of four-foot passageway for a wheelchair or just for people walking.

I have suggested when they were doing the Harvard Square Design Review Committee for two

years to redo a lot of the sidewalks, and possibly that parking space that was in front of it be pulled out and some of that sidewalk get pushed out. But of course, it was something that was not going to happen because parking is a touchy conversation. So a solution to that was some wholesale changes and it wasn't going to happen anytime soon. I think a self-regulating sign would actually be a good way of dealing with it.

MR. SCALI: Thank you very much. Does anybody else want to be heard?

MR. LEVIN: Philip Levin, Settebello.

MR. SCALI: Have a seat, sir.

MR. LEVIN: So we are trying as you know and we've made a big effort here. I did want to address a couple of the points that Larry Burdick made. I'll keep them short just for the record.

MR. SCALI: Are you talking about items from now, not the past?

MR. LEVIN: He made comments. I'd just like to quickly -- Regarding this whole sound

insulation issue, my position is completely opposite. It was not in fact the wall that was suggested by Larry Burdick. In fact, the reason it's taken two years is because the initial suggestions included hung acoustic tile ceilings, sound insulating floors. There's a name for it; resilient tile flooring. These are the suggestions that were made by the sound engineer initially.

I heard -- this a secondhand -- but I heard comments from the management team that Larry Burdick is never going to do that. He didn't want to put up these things. These are the things that would have been cheap, relatively fast.

The reason the wall went up, and the reason it went up on our side is because we were at wits end, nothing was happening in those regards. That I just wanted to set straight.

As far as the occupancy issue, I appreciate you looking into that. I'm thankful for that. To me it makes sense that they reduce the standing because if they say they're going to reduce the seating, as you said, it's going to give

fewer places for people to sit. I'm afraid if they reduce seating the way that people sit there, how are they going to know they're actually getting rid of five seats? What's the equivalent there, because there are not five discreet seats to remove.

The crowding in our doorway: The explanation from Mr. Burdick about the crowd theory about where the people come from, I think that's false. I've been there many many times myself. As you can see in the photographs, the crowds are there and they come from all different directions; they accumulates from all different directions. It has nothing to do with what side they're on. In fact, it's sometimes in front of Burdick's but it's not -- they do tend to accumulate in front of our store.

The other thing is, it's a great idea to put the sign up. I'm happy to try it. As I mentioned in a prior hearing, there's a tow-away zone in front of our store just down the street. There's a sign there: "No Parking. Tow-Away

Zone." I don't know what the tickets are, maybe \$50, \$100. People park there all the time.

And the people who are at Burdick's leave and they're not interested in looking at signs and worrying about some neighbor. They're enjoying themselves frankly, and I can understand that. But I'm very hesitant to accept the notion that somehow putting a sign is going to solve the problem. We can try it. I'm more than happy to do it. It's just that we've been putting up with this for so long.

The final point on that issue is this crowding, and you mentioned you've seen it yourself; it's not huge crowds. And I agree, at this point, it's not. However, they do interfere with even opening our door, they discourage our customers from coming in and coming out. As I mentioned before, we have few customers in number so discouraging one or two is a big deal to us.

The other thing is, I don't have photographs but from prior years in the winter, as I said, this situation gets a lot worse if history

repeats itself. What you see in those photographs of two or three or four people is a lot more. That's our experience. So those crowds do get large and I claim the fact that we cannot open our door without escorting them is a safety issue. If there were a problem in our store, yes, it's rare, but that's what these regulations are for. So I don't want to diminish the safety issue in the front.

Practically speaking, you're right, it's probably okay, but that's not the point. The regulations don't say you can have a few people in front of the door. They don't say that. They just say it has to remain clear, and for a good reason.

The final issue is with regard to the back alley. That's our egress as well. As I mentioned, there it's been really as long as we can remember, probably past the two years. We used to complain to the landlord. That never got anywhere. That back alley is shared with our rear egress.

MR. SCALI: That can be checked very easily, Deputy Chief.



MR. LEVIN: I'm just saying he's already been cited twice. I mentioned it at the hearing at least once or twice, and it's still there.

MR. SCALI: That we can take care of very easily.

MR. LEVIN: I'd love to see it taken care of.

MS. LINT: Mr. Chair, I did speak to Ranjit about that as well yesterday. He said David Byrne went down and that it was not an issue. He said it was clear.

MR. SCALI: Was it different than the picture?

MS. LINT: Yes, according to David Byrne.

MR. SCALI: At the time he went down I guess it was clear but we can continue to monitor that.

MR. LEVIN: We'll see how long that lasts. I'd love to see it clear.

MR. SCALI: I think that Burdick's

knows that they need to maintain it.

MR. LEVIN: One final point with the crowd control, I think I heard -- maybe I heard incorrectly -- I believe I heard this notion as Sarah mentioned, this notion that well, the Head-of-the-Charles, this event, that event, Easter, that's not it. It's almost daily. It's certainly Friday and Saturday, towards the end of the week, and interspersed even during the week. And as the winter drags on it's every day.

The notion that they will have an employee that's if I heard correctly, it seems to be shared between controlling the crowds and making drinks and making sales. I don't know, as a businessman, if an employee had the choice between making money and watching a crowd, I have a feeling I know which one they would do. So I think that's kind of misguided to even believe that some part-time employee will be able to both, or will be interested in doing both. Look, their manager walked by and they know the issues.

MR. SCALI: I think it's a matter of

them making sure that they make the duties of that employee clear, and that may take some practice.

MR. LEVIN: I'm willing to try. It seems hard to imagine.

I had also suggested a method to try and control this problem. I thought it was a good idea. This was the crowding problem. We had put planters in front of our display window to try and discourage that. They got sat on, people dropped drinks in them. They don't really help. However, if you see the photograph between the two stores, I had suggested to the landlord a simple partition, a wall that extends from that triangular area to the sidewalk. That's the best way I can describe it.

MR. SCALI: Is that private property out there?

MR. LEVIN: I believe it is. I believe that's owned by the building so it wouldn't be -- and that would give -- it could make it worse, but my sense is the problem is people don't have the sense that these are different businesses. They just think it's all one thing.

MR. SCALI: Well, the doors are so close together really it's impossible to tell.

MR. LEVIN: I think it's viable.

MR. SCALI: That certainly is a possibility I'm sure. A very inexpensive possibility.

MR. LEVIN: I don't know the practical aspects and whether the landlord is willing to do it. But I tell you, it's just very frustrating to be in our store and see our entrance constantly blocked. It's very frustrating and we really are tired of it. Thank you.

MR. SCALI: Thanks very much.

Anybody else want to be heard? So no other hands.

Why don't you come up again. I just want to clarify some points, Mr. Burdick and Ms. Watson. I don't want to get into a long discussion.

MR. BURDICK: There is some context that could help but I'm not going to go into it.

MR. SCALI: We can go back and forth

and back and forth. We've been hearing this for months and months. I just want to make sure you're very clear that that back alleyway should be clear at all times as required by the code. That's a very simple thing. There's no gray area with that at all.

MR. BURDICK: We thought we were on top of that to be honest with you. I thought we always were. Of course, we live in New Hampshire and come down once a week.

MR. SCALI: The other thing too is the occupancy and making sure you adhere to the numbers that we have given you, which is up to 49, 28 seats and 21 standing. We want to make sure that that's clear.

The other thing is the issue of the employee monitoring and making sure that the sidewalk is going to be unobstructed. I don't know how you want to do that but you've got to make it clear to whoever your front staff if there that this is not just a one-time thing. It really isn't an October to December thing.

MR. BURDICK: Once again, I thought it was clear already. I believe it's happening but I only hear from one person what's going on and I'm not sure it's impartial. We'll keep on top of it.

MR. SCALI: It should just be a regular every day occurrence. If your employee or manager sees some people out there, ask them to please move along if you see them blocking the sidewalk.

The last thing I want to say is about the sign. I think that's a great idea. You should have posted that by now already if you haven't, and you can probably do a very tasteful sign that looks nice.

MR. BURDICK: I'm not opposed to a barrier or even a rope line. I think we threw that out once and it got poorly received.

MS. WATSON: We were even thinking of one of those canvas door entrances so if they come out and they go that way, but I don't know how far out we can go, like where the public walk is.

MR. SCALI: To find out where the

property line ends, I'm sure your landlord could do that for you. I think that's probably a pretty good idea in terms of putting -- whatever that barrier may be that would help. That may be a great inexpensive way to prevent people from going in front of their doorway and just coming out and going left.

MR. BURDICK: We looked at this and I took measurements. The door swings out three and that's roughly where the private property and public property begins. To be effective, it would have to come out onto the public sidewalk at least another foot I would imagine. But if the City doesn't mind, that's what I would propose to the landlord and see if we can do that.

MS. WATSON: How do we do that?

MR. SCALI: You just need to go to the DPW department for a permit to obstruct, if you're going on public property.

Questions, Commissioners?

MR. HAAS: No questions.

MR. LEVIN: Clarification, please?

MR. SCALI: Yes.

MR. LEVIN: Did you say 28 and 21?  
Are we not including employees and reducing any of those numbers?

MR. SCALI: We're not reducing numbers; we're saying 28 and 21 including your employees.

MS. WATSON: Because some days you have less employees.

MR. SCALI: So whatever number that is. We're not saying employees versus customers. It's 49 people including your employees, so you can decide how many people that may be as long as you don't go past the 49.

MR. LEVIN: So when someone comes in to count, like if an investigator did that, they would count everyone; is that what you're saying?

MR. SCALI: That's what the Department is telling us.

MR. LEVIN: I don't understand that. Is that the way it's done?

MR. SCALI: That's what the Building



Department is telling us for occupancy.

MR. LEVIN: I'm not asking that. I'm asking about your investigators who enforce these regulations, do they in fact count everyone, or do they exclude employees?

MR. SCALI: We typically have not.

MR. LEVIN: Have not which?

MR. SCALI: We have not counted employees.

MR. LEVIN: Well then either they start counting employees or you reduce their standing number. It's very simple.

MR. SCALI: I made it very clear already, the number is 49 including employees. That is what the Building Department has told us; that is what we will enforce. So I don't know how much clearer I can make that to you. We go by what the Building Department has told us on occupancy and that's what we'll do.

Pleasure of the Commissioners?

Further consideration?

MR. HAAS: I'd like to just get -- if

you're going to plan some future modifications before I make a decision on this. Is that going to be something that's imminent?

MS. WATSON: Now I'm just trying to deal with some -- I mean to just make life easier for --

MR. BURDICK: Do you mean the physical barriers?

MR. HAAS: Yes.

MR. BURDICK: There's a representative from the landlord here. I think we'll go straight to the landlord and make a plan. I don't mind taking care of it personally. It's the landlord's building. It involves public sidewalk but I think we'll just call Richard tomorrow and get on it and see how to work it out.

MR. SCALI: I think that would be a good idea.

MR. BURDICK: It could be one of those canvas entranceways.

MS. WATSON: So we can re-route --

MR. BURDICK: I could be a canvas box

with a door on that side if we want to go and get fancy.

MR. HAAS: When is our next Decision meeting?

MS. LINT: November 5.

MR. SCALI: That's only because Mrs. Lint is away.

MR. HAAS: I'm not asking that you should wait. I'm just trying to figure out if that's enough time for you to make the modifications, or at least explore the feasibility of a modification, and then give us an opportunity at that point in time to render a final decision with respect to this issue. We're not going to hold you up. I just wanted to kind of see what that looks like and how that works.

MR. BURDICK: she made that noise because coming here in November when we're so busy is difficult. But if it's necessary --

MR. SCALI: It's in the morning.

MS. WATSON: Okay.

MR. HAAS: It's a Decision meeting

anyway.

MR. SCALI: It's at 10:00 a.m. in the morning. That way we can kind of put everything together and get a final picture.

MR. HAAS: So I make a motion we take it under advisement.

MR. MAHONEY: Second.

MR. SCALI: Motion to take the matter under advisement, moved and seconded. All in favor?

MR. HAAS: Aye.

MR. MAHONEY: Aye.

MR. SCALI: So November 5 at 10:00 a.m. is our Decisionmaking meeting and we'll hear from you on that divider plan.

MR. HAAS: If you just call Mrs. Lint, I'll walk down there and take a look at it. I saw with my own -- I mean so I can -- I was down there today.

MS. WATSON: And I'll get a hold of this guy and find out how far we can go out onto the --

MR. SCALI: Thank you all very much.

MS. LINT: Application: Avis Rent-A-Car System, LLC d/b/a Avis Rent-A-Car System, Robert Bouta, has applied for a Letting of Motor Vehicles license at One Bennett Street.

MR. SCALI: Good evening. Have a seat, please.

MR. SANTORO: My name is Scott Santoro. I'm a representative for Avis Rent-A-Car.

MR. SCALI: Scott Santoro?

MR. SANTORO: Yes, sir.

MR. SCALI: And what's your capacity?

MR. SANTORO: I'm the branch manager for the locations.

MR. SCALI: So this is the same location. You're not moving or anything; right?

MR. SANTORO: No, we're not moving. The only thing that's changed about our company is that we were incorporated and we've gone from an incorporation to an LLC.

MR. SCALI: Same ownership, same partners?

MR. SANTORO: Nothing has changed.

Everything else is completely the same with the business.

MR. SCALI: I don't know if Chris in my office called you with regards to a plan. We never had an actual plan on number of vehicles in our file in terms of how many vehicles you have in the location.

MR. SANTORO: You've actually caught me off guard. I just took over 22 days ago, so I'm not actually sure of what the actual capacity is.

MR. SCALI: We need a capacity and a plan showing the number of vehicles.

MS. LINT: I know Chris did call somebody yesterday and left a message. I'm sure it will have that information.

MR. SANTORO: Can I fax that to somebody?

MS. LINT: Absolutely.

MR. SCALI: You can fax that to Chris in my office and we'll have a better recordkeeping on this. It's been there for many many years, I know, without a plan, but we just want to make sure

we do it the way we always do it now.

Pleasure of the Commissioners?

MR. HAAS: So we've had no complaints about capacity?

MS. LINT: No.

MR. HAAS: You just need a plan for a formality?

MR. SCALI: Yes.

MR. HAAS: I'd make the motion that we approve the application upon submission of the total capacity and the number of vehicles being stored on the property.

MR. MAHONEY: Second.

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

MR. HAAS: Aye.

MR. MAHONEY: Aye.

MR. SCALI: So if you could just get that to us. Nothing will happen until we get that.

MR. SANTORO: I will take care of it tomorrow morning.

MR. SCALI: Thank you very much.



MS. LINT: Application: ABC Pizza, Inc., Amir Anbardar, Manager, has applied for a Common Victualer license to be exercised on the first-floor of 740-744 Massachusetts Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises Sunday through Thursday from 11:00 a.m. to midnight, and Friday and Saturday from 11:00 a.m. to 2:30 a.m., and to have a seating capacity of 22.

MR. SCALI: Good evening.

MR. TARIRI: Good evening.

MR. SCALI: Tell us your name, please.

MR. TARIRI: Benjamin Tariri. I represent ABC Pizza, Inc. He is the owner.

MR. SCALI: Your last name is?

MR. TARIRI: Tariri, T-A-R-I-R-I.

MR. SCALI: And?

MR. ANBARDAR: Amir Anbardar.

MR. SCALI: You are buying ABC Pizza, but you've been working there for a while; right?

MR. ANBARDAR: A long time ago.

MR. SCALI: You were there before?

MR. TARIRI: Actually my brother is working there.

MR. SCALI: Your brother was working at ABC Pizza?

MR. ANBARDAR: That's right.

MR. TARIRI: His brother worked there for four years and then he moved on to Mass Chicken.

MR. SCALI: That's right, okay. So he's at Mass Chicken and you're going to be next-door. So tell us your experience in the restaurant business.

MR. ANBARDAR: My brothers, all of them they have a restaurant. This brother have Mass Chicken. I have another brother, he has another restaurant, Shiaz Cuisine in Watertown. I was the manager at Shiaz Cuisine. And around for like two years or one year and a half I worked with Mass Chicken and also I have experience at Thomas Pizza at Harvard Square. They was there seven years ago and I was the manager over there, also.

MR. SCALI: You're not changing anything; right? Menus the same?

MR. TARIRI: Everything is the same except for the hours. Friday and Saturday it will be 11:00 a.m. to 2:30 in the morning.

MR. SCALI: So previously you were closing at 1:00 a.m.?

MR. TARIRI: Midnight.

MR. SCALI: Midnight?

MR. TARIRI: I thought it was midnight.

MS. KOPANAS: The license says 1:00.

MR. SCALI: I think we have 1:00; right?

MS. KOPANAS: The license is always 1:00 but we always close a little earlier. I'm the previous owner.

MR. SCALI: You always closed at midnight?

MS. KOPANAS: We always closed at midnight. If it was busy, we'd stay until 12:30, 1:00, but roughly around midnight.

MR. SCALI: Why do you want to be open until 2:30?

MR. TARIRI: The other establishments like the bars in the neighborhood, they close at 2:00 and the patrons would like to have pizza, a slice of pizza. So 2:30 would definitely meet his requirements.

MR. SCALI: You realize that 2:00 and 2:30, the atmosphere might change a little bit. You know people coming out of the restaurants and bars. It's a different crowd from 2:30 in the morning to maybe to midnight. Are you prepared for staffing and people to be able to monitor the noise, and people hanging out and maybe causing trouble in your establishment?

MR. TARIRI: If I may? He's mindful of that and he's also mindful of the developments in the neighborhood over the last month or so. We have had discussions about that and he is prepared to have more employees during that period just to monitor the crowd. I don't think that we anticipate a crowd inside the store.

MR. SCALI: High Five Pizza is open until 3:00 a.m. and they get quite crowd between 2:00 and 3:00. So I think you're hoping to get that crowd to come down the street a little bit; right?

MR. TARIRI: That's the idea.

MR. SCALI: That brings trouble.

MR. TARIRI: He actually is very very mindful of that and he will make sure that -- and he's informed me that he will have employees that will be alert and will be on the premises during that period from 12:00 to 2:30.

MR. SCALI: And 2:30 means closed, everybody off the premises, doors locked at 2:30. No one in there eating past 2:30.

MR. ANBARDAR: Promise.

MR. SCALI: Does anybody want to be heard on this matter? Pleasure of the Commissioners? Questions? Do you care about the 2:30 a.m., Commissioner? Is that a concern?

MR. MAHONEY: It's more of a concern for the Police Department.

MR. HAAS: I would just kind of echo the Chairman's concerns. We've had some experience with respect to not just people in the immediate area but we've had people coming in, out of Boston because of the late hours of some of the establishments in Central Square. And we've had some problems as a result of that. So you just need to be prepared for that and understand what you're getting yourself into.

It's not just the local crowd that you'll possibly see that late in the evening. You'll actually draw a crowd from other places, outlying areas. So not to scare you but I just want you to go into it with both eyes open. We've had some serious incidents at some of the establishments that are open that late.

MR. TARIRI: Historically, my experience has been that it hasn't been a problem except for this year, and this year I think was more of an anomaly that we had more problems in the neighborhood. But you would have more experience. But it's pizza.

MR. HAAS: No.

MR. MAHONEY: I don't know about that.

MR. SCALI: The Commissioners say no.

MR. SCALI: Deputy Chief.

MR. MAHONEY: How many employees do you anticipate to have working at night, in particular these hours?

MR. ANBARDAR: Two people stay that take care. One of them take care the oven, one of them take care of the grill and fry-o-later, and I'm there always. So counting all together three, three people working inside.

MR. MAHONEY: So anytime the place is open, you're going to be there working is your plan?

MR. ANBARDAR: Definitely.

MR. SCALI: Until 2:30 in the morning?

MR. MAHONEY: Are you going to have a cart in the back room or something?

MR. TARIRI: Well, he's single. He has no place to go.

MR. HAAS: I would make a motion to

approve with a six-month review.

MR. MAHONEY: Seconded.

MR. SCALI: Motion seconded by the Deputy Chief. All in favor?

MR. HAAS: Aye.

MR. MAHONEY: Aye.

MR. SCALI: So approved subject to a six-month review. You'll automatically be called back in in six months and we'll see what's going on at that point. We'll let you know by letter. Good luck.

MR. TARIRI: Thanks so much.



MS. LINT: Policy Discussion: The License Commission shall discuss changes to the rules and regulations of disposal companies that operate in the City of Cambridge. Proposed changes are available for review in the License Commission.

MR. SCALI: All right. Somebody from Public Works is here. I think Randy Mail is here. How are you? Nice to see you. Come on up and just tell us who you are for the record, please.

MS. MAIL: Randy Mail, Recycling Director.

MR. FITZGERALD: John Fitzgerald, Environmental Services Manager.

MR. SCALI: I know that you've proposed a number of different things to what we called garbage disposal in the old terminology I guess you want to say, under the old ordinance, garbage and salvage companies, Chapter 5.24 of the Cambridge Municipal Code. So tell us a little bit about what you would like us to do so we kind of have it on the record.

MS. MAIL: The intent of these changes

is a few different things. We would like to increase the ease of enforcement of businesses recycling in the City, and by getting information from the haulers that serve those businesses it's easier to get that information about who's recycling and who's not from the haulers rather than each individual business. We would like to increase recycling by doing that. Also, the third thing was to try to create an incentive, a financial incentive for recycling, or the reverse, to remove financial barriers to recycling.

MR. SCALI: Financial barriers to the customer?

MS. MAIL: Yes, to the customer.

MR. SCALI: By passing this regulation it therefore would be that these companies would provide information and provide a service for recycling to their customers.

MS. MAIL: Correct.

MR. SCALI: Do you know if some or all do that already? Have you done some investigation? I don't know that we have, Mrs. Lint; have we?

MS. LINT: I'm sorry?

MR. SCALI: Done investigation as to how many of them actually do provide recycling services.

MS. LINT: No, we have not.

MS. MAIL: I think that the majority of the current licensees do provide both waste and recycling collection. If they don't do it themselves, they subcontract recycling service.

We had done a survey I think it was probably in August or September. We surveyed the haulers and asked them what services they provided, and we kind of put together a list that's available on the Public Works website right now, of which services the current licensed haulers provide in terms of trash recycling and then other materials, electronics, food waste, vegetable oil, and construction debris.

Currently we believe that the License Commission requires haulers to report their customers. One of the changes is to expand that to include which services each customer is receiving.

So a list with who's getting trash collection, who's getting recycling collection, so that Public Works can see which businesses are not receiving recycling collection in order to follow-up to insure that they're in compliance.

MR. SCALI: Right now, we ask all of our companies to give us a list of their customers. It's a very simple list and that can change I suppose from month-to-month or year-to-year as their needs change or the customers change. But you would want them then to provide like whether they have just trash disposal and recycling, or just kind of delineate what categories they're in?

MS. MAIL: Yes.

MR. SCALI: And then those that do not take recycling service, then you would follow-up with them to make sure that they have that information?

MS. MAIL: If there is a business that's listed with just trash services that we believe has recyclables, we would follow-up with their business to find out what their recycling

plan is.

MR. SCALI: Because it may be that they have recycling with another company.

MS. MAIL: A different company, certainly.

MR. MAHONEY: What if they don't have a plan?

MS. MAIL: If they don't have a plan then we can offer technical assistance to help them get a recycling plan. There are almost a dozen materials that are subject to the State Waste Bands where if they comprise at least five percent of their waste, they have to be recycled. So if we identify those wastes, those materials as being included in the trash, they're going to need to tell us how they're going to divert them from their trash.

Part of the problem for Public Works has been that there are so many businesses in the City and it's difficult to determine who's not recycling. By having the number of reporting parties from 7,000 businesses to about 20 haulers,

we can start to work with that information in a more effective manner.

MR. SCALI: I think one of your requests in order to change the name of their -- that's probably an ordinance change. I don't know how easy that would be but I'm sure that's not a huge issue for you, just more of a clarification issue. But I know that would have to go through a whole ordinance request. Questions? Deputy Chief.

MR. MAHONEY: I'm curious as to how feasible it would be to include in this an inquiry as to how hazardous material waste is handled in certain businesses. Is it practical to find out? My sense of this is what you basically want is for the haulers to provide to the City basically data on the services they are providing to assorted businesses; correct?

MS. MAIL: Yes.

MR. MAHONEY: Is there a way that we could also include gathering data on -- I see this gentleman over here shaking his head no -- gathering data on hazardous waste removal? Or,

would that be an entirely different avenue?

MS. MAIL: It makes sense to explore that I think, but we would include Sam Lipson from Environmental Health because I know that they have a program targeting businesses that generate hazardous waste materials.

MR. MAHONEY: The bigger places in the City I'm not concerned with because -- I mean the labs and so forth and so on. But we do have periodically incidents of hazardous waste that is not being properly disposed of. We see it.

Mr. Fitzgerald was with me for a few hours on Saturday. We see it periodically. It shows up at household hazardous waste. We know it's not coming from a house but somebody has a driver's license with a City address and swears up and down that it came out of their house. We have no way to really disprove that.

I'm just interested to find out if there's a way we could kind of go down that road. If it's not doable, it's not doable.

MS. MAIL: In terms of chemicals?

MR. MAHONEY: Yeah, anything classified as hazardous waste.

MR. FITZGERALD: We could look at that.

MS. MAIL: It's a really good point.

MR. FITZGERALD: If I may, Mr. Chairman?

MR. SCALI: It's not the intention of this proposal to be punitive against haulers. It's just to give us some kind of a mechanism to insure that the seven or eight thousand businesses out there are complying with the recycling regs, a mechanism which to a large extent we don't have now.

Like Randy said, the hauler -- it only makes sense that the hauler be the focus of this just because the hauler universe is so much smaller than the entire commercial and industrial business base in a city like Cambridge. So that's what it is. It's not intended to be punitive but just rather as a data gathering mechanism.

MR. SCALI: So you're just looking for



cooperation from them?

MR. FITZGERALD: That's correct.

MR. SCALI: I'm sure they'd be cooperative with you anyway, but I'm wondering whether it would be easier for us to gather the information and then it would just be in the file just as information for you all. But it's also public information then as well. So I know that they provide us with a list of their customers with not a lot of detail about who those customers are. I'm sure they don't want to provide any proprietary information that they would want anybody else to know.

MR. FITZGERALD: Right.

MS. MAIL: I would picture it as a list with three columns: business name, probably address, but just trash, recycling.

MR. FITZGERALD: Like a yes or no type format rather than any real detail.

MR. HAAS: How do you monitor the haulers at that point then to make sure that they're reporting accurately? Because what you're

asking is you're asking them to report on their customers if they're not in fact recycling. So you're kind of putting them in the middle. I understand the feasibility of it, but it's kind of a backwards proposition where you're now making the vendor responsible for reporting on their customers.

MS. MAIL: I think just basically if there's a -- let's say that there's a business that's listed with no recycling, we would call and talk to them. Or, we would have an inspector visit them and ask them, "are you recycling," if we didn't see that they were recycling with their trash hauler. And we'd find out further if there's actually a program set up beyond what we saw.

MR. HAAS: And when you determine the fact that they should be recycling, what would your recourse be at that point then, if they are not already recycling? In other words, you go back now and hypothetically you find now that this business does in fact have a certain percentage of recyclable materials, and they hadn't been

recycling up to this point, what happens at that point?

MS. MAIL: If businesses don't respond to assistance from the City to set up a recycling program, it's a fine back to the ordinance. I believe it's \$25 per day if there's no program set up, but we don't want to take that route. We want help them set up a program and divert material from the landfills.

MR. HAAS: what if you find out their haulers are in fact hauling recyclable materials and aren't reflecting the fact that there's a separation of those materials? Is there any recourse? If you find, for example, a haulers actually got 20 accounts and they are actually not separating or recycling materials, what happens to the hauler?

MS. MAIL: We would probably consult with the State Department of Environmental Protection if a hauler is transporting recyclables for disposal. That would be an issue that State inspectors would take up with the end facilities

where they're getting mixed loads in. The State does random inspections at disposal facilities and when they identify loads that are I believe more than 20 percent recyclable material, they can levy fines and they have done so.

MR. FITZGERALD: These materials are all DEP enforceable.

MR. SCALI: Any other questions?

MR. HAAS: No questions.

MR. MAHONEY: No questions.

MR. SCALI: Why don't we have the companies come up now and make comments. I'm sure they have questions. I just have to ask you to move to one side and we'll let them come up and make their comments. Don't go too far.

All right, who wants to speak first? Someone with a suit and tie, I'm afraid they might be a lawyer.

MR. CHANGARAS: No. no. I'm just a simple trade association executive, that's all. My name is Steve Changaras. I'm the Massachusetts Chapter manager for the National Solid Waste

Management Association. Several of our members collect in town and I've been with the trade group for 18 years and dealt with a lot of issues like this.

MR. SCALI: Say the name of your group, again?

MR. CHANGARAS: National Solid Waste Management Association, Massachusetts Chapter.

There are a couple of things about this proposal that concern us. First, the issue is generator responsibility versus the licensee responsibility. As a matter of fact, waste service companies are traditionally offering services and trying to work with their accounts.

There are a lot of practical issues in urban areas like Cambridge, and Boston, and Springfield, and others that make delivery of service problematic. The most important, or as we see it the most important one is the lack of generator responsibility. Grafting this responsibility onto the permittees as opposed to trying to go to a generator responsibility in town

and requiring them to do it is really think key.

Apparently listening to the discussion, there may some of that currently. The question now is how do you bring that to fruition. Should the inspectors be looking in the back alley to see if there's a recycling bin and that kind of stuff? As a cost of doing business, if the companies are going to provide that information to the town, we would at least hope that the town would then actually go out and enforce the ordinance.

Again, just offering the service is sort of a moot issue. Offering it doesn't mean requiring to purchase, and that's really what the nub of the issue is.

I'm just going to down the eight issues on here. The second one, the idea of providing collections services for garbage and recycling either directly or through subcontracting. "Request information as to whether they're able to provide compost and used vegetable oil collection and hauling services."

Typically there's trash and waste collection service; typically there's recycling service. There's a nascent growing industry of food diversion that is out there and growing. You've got some 30,000 pounds of material that is handled I believe at some of the composting in the region. It's beginning to grow and we're getting there.

If customers are interested in food waste composting, there's generally subcontract relations with the haulers that can provide that service. Typically most companies will either provide hauling and recycling together, or they'll subcontract it out and work out those arrangements.

The used vegetable oil collection, that's a specialty commodity that I don't know a lot of my waste haulers that typically collect that material. There's a couple of other companies that do that. If you're a licensee or some business in the City making those used those used vegetable oils, you'll know who you can call to have those materials handled. It's not typically these guys.

The other one, "Requiring a list of all subcontractors and solid waste collection services on the application"; that's not a problem. The subcontractors, some of those are as well, proprietary issues in terms of some of the business relationships and the magic that people work in the marketplace to provide. They also change, so that periodically in the frequency of the reporting -- this is all -- there's a trend line here.

My guys want to go out and collect trash. They have to run the truck, route the truck, manage the crew, get the material picked up and sent to the recycling center or sent to the waste-to-energy plant, and the more and more paperwork they have to do is just a drag on their overall productivity.

Then, "Continuing to require the licensed applicants to list all Cambridge accounts to be submitted. In addition, to require licensees to indicate which services are being provided." We get this. This is a reporting requirement.

I know that typically we're -- you've



mentioned it; it's a proprietary issue for a lot of the companies. We try to be discreet in the way we offer them. There's really no generic problem with offering help to the City to say that these customers don't recycle. So it's just a question as to how that information flows and the like. Again, we don't necessarily know what the customer does, and I can give you a great example.

I was at a meeting today in Boston where a hauler was issued a NON for a noncompliant load. Well, at that business one company did the recycling at that company; this gentleman I was talking with did the waste. On the weekend, there were a couple of fellows there who didn't know the difference between the waste compaction unit and the baler, so a lot of the corrugated went into his waste compaction unit, and when that was dumped at the trash station, it was noted that it had too much corrugated. So he gets the NON when it was really the generator's responsibility to see that and educate his or her staff.

The No. 5, we appreciate the intent

here, sort of. The idea is if there's free something, people will do it. I also recognize that businesses in any marketplace, albeit, a couple of the rate regulated areas are allowed to offer their services, you know, bundle rates. You can charge for bags, if you want to be US Air. You can say they're free, if you're Southwest.

There's all different kinds of ways companies can offer their services. The communication companies are offering TV, and phone, and satellite, all jumbled together with Internet services. Others want to sell single service and they should stand on their own in terms of a cost. We're not so sure it's a licensing function that you use that to manipulate the market to provide a free service.

Again, as in any situation as just a consumer protection kind of scheme, I get personally irritated when I hear "free service," because there is nothing for free. It's being subsidized or underwritten by something else. Either it's a tax policy or it's a direct

government grant, or it's a profit from one division of the company underwriting the other.

So that's just enough. It's the right spirit; we all want to make more recycling happen, we're there. But we don't think that you should try to manipulate the price through a licensing scheme to do that.

This other issue about providing collection of garbage and compost and offer services to deliver clean containers or washed containers. This is another one of those areas that is really sort of customer specific. We're a service business; we can do anything for you. We can walk up 10 stories of your building and collect your waste and your recyclables. The question is, do you want to pay for that and how do you want to do it? Do you want to have someone walk it down?

I'll use a great example: If I'm hauling compost containers and my account might be interested in the service, and they say it's just a little bit too high. Well, hey look, what happens if I return to you the container and you care for

its management. You own the container and you manage it. Well, I can do that because I have a pretty good guy on the loading dock and the back area. When the container comes in, I'll see that he cleans it and keeps it clean and meets my sanitary code.

MR. SCALI: So it's cheaper for them to do that?

MR. CHANGARAS: It may be. What I'm trying to say is it be a subject for negotiation between the hauler and the business.

MR. SCALI: So you can charge more to clean the containers?

MR. CHANGARAS: We are service industry. Again, there are a lot of these back and forth responsibilities. When you come to like a service area, if there's a container in an area and it's not well kept, we do our best to help the customer. But at the end of the day, there's a site cleanliness issue that really sort of falls to the generator. We're there to keep the container in good repair, keep our license with the municipal

officials in order, and collect that material on a contracted basis.

If people are picking through the can late at night, or whatever, we'll help, but if they want us to do it, it's generally a negotiated charge. Because our guy has to get out of the truck, we have to have the broom, we have to clean it up. It depends on the standards and what the customer identifies.

"Require licensees -- recycling, compost service if provided -- and all marketing in return." Again, this is a generic. I don't think we have a problem with that. It's just another cost of doing service. We like the idea of telling our customers to look at the town website. You did a review of the haulers in town and the services. You know, hey, I can offer you trash service. If you're not going to buy my service, you might want to hit the town website. Or, if you're interested in additional services, hit the town website because it has a lot of that information.

Then, "Require the licensees to inform

their customers once per year of City ordinances such as noise, waste, recycling, and other issues." Again, I get this. Trucks tend to be noisy. There's some noise complaints. We want people to be aware of their rights -- the waste and recycling and other related issues.

Again, if we could do it at one time with one kind of fax sheet. You know, we're your hauler. We're licensed by the City of Cambridge, Here is the information. These are our services. If we could mail it in one shot that would be very helpful for us.

Again, we want to help. We want to be good citizens. It's a difficult business to be in. We're all forced to standardability. We're doing some great things.

My trade group has undertaken a campaign, "Environmentalists Every Day," because America's waste services industry, between the recycling and the environmental management at our facilities, we think we've done a pretty good job. We can always do better, but we're out there every

day keeping our communities, the public health and safety, and we're taking care of the environment in the management of these materials.

We appreciate the opportunity to be heard. If there's any other information -- we've done some work over the years about the lists, the style that the list should be submitted or might be submitted. We've done some work on the issues of rate regulation issues and the limits of the statute and those kinds of things. We could probably provide some of that information for you if there was follow-up interest on those kind of questions. Thank you very much.

MR. HAAS: Can I just ask two questions?

MR. SCALI: Sure.

MR. HAAS: I just want to make sure I understand what you're saying. You find some of these points negotiable. There's no major showstoppers here except for some of the issues you feel that should be really negotiated between the licensee and the haulers; right?

MR. CHANGARAS: We really relish -- I mean that's our -- we like to think of our customers no different than a merchant on Main Street. I did a radio show down in New Bedford one time and we talked about that. There's this mystery about solid waste or something.

I've been with the group for a long time. We are just like any other company. The only difference is we have a commodity in trash or recyclables. We have customers, we have good customer relations, we deal with the government all the time. We're one of the most regulated industries at every level: State, local, and federal. We have all kinds of regulations that dictate what we can do.

And we are sort of in the front lines of protecting the public health and safety, and protecting the environment with our operations. We try to preserve as much of that in a commercial way as possible working under the -- you know, we like the idea that the government should be at the front of the boat, leading. Let us row the boat and get



you there. That's our generic view of it.

MR. HAAS: Thank you.

MR. SCALI: Does anybody else want to be heard?

MR. DELANEY: Yes, please.

MR. SCALI: Come on up and tell us your name.

MR. DELANEY: I'm John Delaney. I'm the sales director for E.L. Harvey and Sons. We're a family-owned waste and recycling company out on Westborough, Mass.

The first thing I want to say since I was caught shaking my head when the Deputy Chief talked about HAZMAT. First of all, if you could find a way to keep it out of our containers, we would applaud you.

MR. MAHONEY: I try.

MR. DELANEY: As a nonhazardous hauling company we've gone out of our way not to touch it. As you know, from working within this -- especially the Public Works as well -- you could have two fairly innocent activities that create a

gas cloud and someone gets hurt or gets killed. What happens in a residential where it's not regulated because didn't want the EPA under everyone's kitchen sink, it is regulated and as a business, we cannot throw away a half jar of Drano. We cannot throw away a half-gallon of bleach. Those have to be handled properly. But those are HAZMAT issues and the haulers, we are on your side about keeping it out because it's our people who will get hurt when there is an issue.

MR. MAHONEY: That's one of the things driving my point, because we have people that we know for a fact put things in black plastic trash bags because nobody is going to see it.

MR. DELANEY: Absolutely, and it scare the bejebbers out of us.

Also, one other quick issue that was mentioned was talking about waste diversion from landfills. Of course, in Massachusetts, very little waster is landfilled. Almost all of it goes to waste-to-energy plants.

Mr. Haas, the Police Commissioner, you

mentioned about a showstopper and there is one in my opinion: That is dictating the cost of recycling versus the cost of solid waste, and there's a couple of reasons for that.

One, we are one of a couple of companies that do actually offer composting service here in town. When you're trying to build a route, obviously just like the first people to buy the iPhone, they paid \$400 for it. Two weeks later, a month later, you could get it for half-price. The problem is that the start-up cost in any new venture is always high.

We do not have the profit margins that we had 20 years ago. We're selling dumpsters for half the price we sold them 25 years ago. That's the nature of the marketplace, and in the long run it's a healthy thing. But you don't have huge profits underwriting new ventures, and that's why it starts off and it limps. You have people that are industry leaders or that have an environmental mission of their own that say we want to go above and beyond, and they underwrite the beginning of a

new venture.

So that, plus the fact that you could talk about trash costing more than recycling. Yeah, it costs more per ton to recycle bottles and cans than it does to dispose of trash. That's because bottles and cans are just so light and the value of that material is so low, especially because of what's in there with the glass.

There are lots of articles, I even read about it in my local paper in little old Gardner, they talked about piles of glass all over the country. So what you're dealing with this issue here, No. 5, is you're trying to regulate a commodities markets. Price controls don't work.

They tried it back in the early '70s to stem inflation; it didn't work then. Commodities pricing can't be controlled. That's the hand of the marketplace. Believe me, we have enough competition out there to keep us honest. If you look at what's in the phone book and how many people are in town picking up waste and recycling, there is a very healthy competitive market here.

So I think allowing the market to handle pricing will work. It has been proven to do so.

Regarding No. 2, putting the information out if you do collect it. Again, we do that anyway only because it's good marketing, it's good business.

Used vegetable oil: that is a liquid waste and it is a specialty. It is something we don't want in our trucks. It leaks out of our trucks and it's also an unnecessary weight, because we pay for disposal by the ton. The idea is getting it -- mixing used vegetable oil with solid waste and recycling are two very separate issues. If that's the case, you should be working with rendering companies and getting them involved, because those are the folks that collect used vegetable oil, or the other people who are trying to create bio-diesel.

Listing all subcontractors: not a big issue as long as it can be done generically. These are the people that we use, and we don't have to worry about which particular one we're using this

week at this stop.

Adding the services now that it's just going to be a checklist; we can live with that. It's not a big deal.

Licenseses to provide collection of garbage and compost office services to clean containers. That again is a case where the marketplace will play a strong role.

There is another company that does composting. They bring their material to pig farms; therefore, they can't have garbage bags in those bags because they will kill the pigs. We do some customers we bring to a pig farm or other areas for agricultural use, but those tend to be in self-contained compactors. We tend to bring our material to a facility that is a wastewater treatment plant.

As a result, it's marketplace controls, so we offer more services. It's a higher cost but it allows us to say, "You will put a liner in the dumpster. When the liner gets soiled, throw the liner away." We use compostable bags on

everyday use.

That's the marketplace controlling it. If people see that our service is superior to somebody else's, they will come to us.

The second part of that is if you're watching containers out, where does the water go? Do you want that garbage being washed down the storm drains? It's run-off. We used to be able to take our garbage trucks, pick up the container, reach out the window, hose down the dumpster, and dump it in the truck. We can't do that anymore. The State says we can't.

You used to be able to have dumpsters with holes in the bottom and let the liquid leak out. No one liked that except us, and that's gone. So where is that water going to go? What we do is, well, let the marketplace take care of it. We have a solution to smell compost. Don't forget, it's not our dumpster that smells. When we brought it there it was clean. It's your garbage. You're responsible to maintain our equipment.

Obviously, requiring in our marketing

on No. 7, it's neither here nor there. It's a small thing that we can all live with. The reality is, if you offer it, and you're not telling the people about it, why are you in business? Really it's a case of overregulation that's not necessary.

Requiring licensees to inform their customers once a year on ordinances. Maybe if the City were to come up with a plan and a flier, and say here's a flier for everybody as a PDF, we'd reproduce it and include it with the December bills or something.

One thing to remember, noise ordinances, again, the City has a noise ordinance. That noise ordinance is overwritten in our business in the business and industrial and commercial zones. So do you really want that to become an issue because if it starts coming up and everyone gets these fliers, you folks are going to get all the complaints when we're perfectly legal picking up trash on Binney Street at 3:00 in the morning.

That's a case of again, how far do you want to go with good intention, how far do you want



to go in regulating a business that is working well, is incredibly competitive. If one of us thinks of something better, believe me, this guy behind me is going to copy me because that's what's we do to them. There's no secrets in our business. It's hard work and hustle.

So if you folks could take a look at that and maybe keep the intention and try to tone down the intrusion, I think you'd have a really good compromise that we could all work with and endorse. Thank you very much.

MR. SCALI: Thank you. Anybody else want to be heard?

MR. DELANEY: I just have a couple of things.

MR. SCALI: If you want to just say "ditto" to what everyone else said, you can say that too.

MR. PAUL DELANEY: I won't be long.

MR. SCALI: Just tell us your name.

MR. PAUL DELANEY: I'm Paul Delaney with McGeoghean Waste. With regard to the waste

oil, there is no trash company that I'm aware of in the State that hauls waste oil, the vegetable oil. That's strictly a rendering thing. I don't know anyone who wants to spend a couple hundred thousand dollars on trucks and equipment for a service that is adequately being covered right now.

He talked about the washing of the containers.

One other thing I think has not been addressed is that the number of unlicensed haulers operating in Cambridge is phenomenal.

MR. SCALI: I don't know who they are. We try to track them down all the time.

MR. PAUL DELANEY: Brookline addressed that issue very very well. Where it mostly is, is on these construction dumpsters. When a person applied for a building permit in Brookline they are given a list of licensed haulers and they cannot get that building permit without it being on that list, and we have to acknowledge that we have accepted the order, or they don't get the building permit.

What that has done is if they're going to put the onus of extra expenses, it at least allows us to make a living and not see the trash being hauled by someone from out of state. Believe it or not, there's New Hampshire haulers down here pulling the trash out. They don't know the area, and they have the investment emotionally, financially, and legally with Cambridge.

I know Somerville does it now. They've cracked down seriously over there. We have to provide them with a form that we are going to be providing services for them. If you're going to make us do stuff, at least throw us a bone. You know, get the other guys out of the way.

MR. SCALI: We want to know who they all are.

MR. PAUL DELANEY: They're out there.

MR. MAHONEY: Give us names.

MS. LINT: Let me know.

MR. DELANEY: We'll squeal. Like I said, we're a very competitive business.

MR. PAUL DELANEY: The pricing on --

to give a little more background on that pricing of glass. Right now, glass is more expensive to dump than trash, which is horrible, but it is true. I used to run a recycling plant in New Hampshire and it was almost nip-and-tuck. Now, it's actually gotten higher. So that's about it then.

MR. SCALI: Thank you very much.

Anybody else?

MR. DUGAN: My name is Gino Dugan.

I'm with Allied Waste Systems. Pretty much not to repeat, they're covered all of the points, but as far as composting goes, it's a beginning business. It's in its infancy stages. It is growing. But one the issues as they mentioned, the end sites. You're limited on the end sites and what condition the material is in. It has to be strictly clean, just food product, if it's going to go to a farm.

There's generally like really a licensed composting facility and that's in Marlborough, Mass. Then there's a farm in Saugus. So you're limited on your end sites. So there's a transportation cost.

As you talk about Cambridge, you have 7,000 businesses. Of that 7,000, how many are actually restaurants that generate the food waste? How much volume do they generate? They could generate a barrel a week. Where does it get stored? These are the issues that I deal with right now. Where do they store it? Where do you store wet food waste for a week? Or, do you have to require the vendor to come every day and pick up a 20 pound bag? It's cost prohibitive.

Some places, the generators actually keep it in refrigerated rooms, the people that are allowed to do that like the universities. They have refrigerator rooms where they store their trash, their food compost for that week. People that generate large scales of it are able to do that but the little mom-and-pop store, they can't do that.

The coffee stop with the back alley, you've got to keep it clean. What's blocking the alley most of the time is the dumpsters and the trash. Do you have to have your vendor come every

day because there's a small alley? Do you have to have two containers out there: one for trash, one for recycle? There's already a space limitation. Those are just the obstacles.

To be in this business, you have to offer recycling services or you're not in the business. The market dictated it and we're all in it. We're competitors but I do work for them in my area, they do work for me in their area just for economies of scale to produce the cheapest price for the customer.

We work with Save That Stuff, you know, Mass. Hauling, other people that specialize in recycling just for the economies of scale. I can't send a truck out to do 10 customers a week, but he can do my 10 customers along with his 10 and my 10. So we already have those relationships going on.

Again, recycling is a burgeoning business and as the market changes -- Costello has just installed a single-stream machine. As the industry and market demands, they'll be coming up

with more and more systems to make it more user-friendly and feasible for this to happen. All that is taking place.

As far as the DEP -- I operated an end site. The DEP has the same issue as the Public Works Department: number of people inspected versus 7,000 customers, and I only have two people to check them out. The DEP has the same issue. They have like three inspectors for the State for all the end sites.

We have the transfer station in Peabody and I also have the transfer station in Roxbury, Mass. We have an agreement with them. Part of the permit is that we have to police ourselves. Every month, 20 percent of our loads have to be inspected by someone on-site, and whether it passed inspection or not passed inspection. All those records have to be kept in a three-ring binder.

The DEP inspector comes unannounced and first he inspects some loads. Then he'll say he needs to see a three-ring binder to see how many

-- did you meet the quota for loads inspected; how many passed; how many failed? The ones that failed, actually a letter is generated, sent to the hauler, not only myself, they even send it -- it's my transfer station but they send it to me and the other hauler whether it be McGeoghean, or Waste Management, or whoever dumps at our facility. A letter is generated that this load on this day with this truck number failed, whether it was 20 percent cardboard or we found batteries, CRTs, white goods in it, anything.

In turn, then I, as the hauler generate a letter with the State waste bands and have to send it out to that customer with the adage that we provide recycling services for these materials, or we can provide you with an outlet for these materials. And if it becomes a repeat offender, the DEP will be down actually to pay you a visit. That's kind of what happens now.

When we go through the loads we look for repeat offenders. Then they'll come to me, which has already happened. You know, ABC Company



had three loads that violated the waste band. Show me what you've done. Then I have to pull out in my notes, computer notes, I have to show the letters that I've generated and sent to them. And then the people that actually are repeat customers, we actually send a sales representative out rather than have it turn into an issue.

So we kind of already have that agreement with the DEP to assist them. Because again, originally I pick up a 35-yard compactor, I don't know what's in it. Yet when I dump it, we were getting the violations. The hauler was being charged with the NON, but we don't know what's in the dumpster until we dump it. So that's why we came to the agreement that we'll police ourselves and we'll have the back up. If we don't have the back up, then obviously you have an issue with us, the hauler.

That's just to bring you up to speed with what's happening in the industry that you may not be aware of communication-wise. The industry is going green, green certification. All those

things, building green, they're all beginning to create end site and the industry inventing and developing machinery to make it less labor intensive and more customer friendly.

Those were the inhibitive factors in the beginning but as time goes by, the new generation is -- like right now, we have the single store which makes it so much easier. Eventually they'll develop other things. We have end sites for asphalt, metal, gypsum board, everything right now, especially in the building industries where everyone needs green certification. So all those things are happening right now.

The part about providing the customer list, you know, I never really had a problem with it because any company worth their salt, my competitor, it's kind of proprietary information but any salesman worth his salt is out there pounding the beat, walking down the alleys. He already knows who my customers are or who his competitor's customers are, and that's how it works. So that's not an issue.

I just wanted to bring up to speed with what's happening in the industry in not only Cambridge, but Boston and every city and town, Brookline, all those things. Again, the new people applying for licenses, whether it be the pizza store or the coffee shop, you have to show me your trash recycling plan in order to get the license, going forward. You know, what is your intent? Thank you.

MR. SCALI: Thank you. That's a lot of information.

MR. PAUL DELANEY: One more thing. To show the commitment of the industry, many of us, I know Allied is and I think Harvey is also, we have cameras, TV cameras positioned so we watch the trash going into the truck. They make notes of if they see things that don't belong there so that when we get to the transfer station or the incinerator, when it falls out the back, they throw it back in and the customer is billed for it. That's a whole new thing only within the last year or two.

MR. DUGAN: To mention one other thing, part of our agreement with the DEP is that we have annual training statewide, for all employees statewide, of annual waste band training that we have documented for when the DEP comes to the facility. You know, show me your documentation on your waste band training. New employees have to go through it, and annually, we have to do annual certifications on it, on what to look for, you know, what you see in there and how to report it.

MR. PAUL DELANEY: We're also seeing a lot more customers asking for green certification so that their construction waste is handled in a green manner. I think Harvey has made a huge investment in their facility. They have a 60,000 square-foot facility that is just for that purpose. So there's a lot going on that people don't realize.

MR. HAAS: One question I guess: with respect to the trash recycling plan, is that a requirement by the industry, or is that just hauler by hauler?

MR. CHANGARAS: It would actually be better if -- we argue or we ask for municipal support in this because we feel that we've sort of broken our pick with our recycling pitch to a lot of customers. But if the towns can get to a point where they're in a position to use their enforcement and say if you recycle in this town, and you want to pull your permit, you've got to give us your plan. That the town requirement.

I was just in Canton this afternoon at my daughter's apartment complex and they have a beautiful -- they don't even call it the waste drop-off site, they call it the recycling center. They've got a bin for trash, they've got a bin for paper, they've got a bin for bottles and cans, and mixed recyclables. That change is coming. The town didn't have to do that. The town put that into their code and then required the builder of that apartment complex to have that facility.

We're all in favor of that. That's a great thing because it puts it in the code and it's on the property manager, and then it's onto the

residents to actually use the service.

MR. HAAS: I guess my question to Randy would be, would that be more manageable for you all to have a requirement as a plan, a recycling plan that's submitted to the haulers that would be going to you as well?

MS. MAIL: From the generators, are you talking about?

MR. HAAS: No.

MR. DUGAN: Not from us, from the customers.

MR. HAAS: No, from the customers.

MR. DUGAN: Right. I'm ABC Pizza Store and part of getting a license is you need to show us your trash recycling plan.

MR. MAHONEY: What you're saying is you're making that as a recommendation to this Board, to all boards, conditions of building permits, licenses for restaurants, businesses, et cetera, show a recycling plan in order to get your -- in order to get your ticket, show a recycling plan.

MR. CHANGARAS: And use a hauler that is licensed by the community.

MR. DELANEY: Right.

MR. CHANGARAS: Those would be big steps.

MR. DELANEY: That will improve your compliance with haulers realizing I'd better get a license, which gives the Board control as well as of course, the additional revenue never hurts. But more importantly, it then supports the people that are supporting you. You don't want gypsies in here. If they're willing to flaunt a licensing law, what else will they flaunt?

MR. SCALI: Not in Cambridge they don't flaunt.

MR. DELANEY: The other thing you should also do is a follow-up when you have an occupancy permit. Many times the recycling is canceled a few months later because it costs them so much more money and they are so hurting. Some of these businesses are right on the edge. They are really hurting. So we an extra 30, 40, 50

bucks a month is money they can use to pay the light bill.

MS. MAIL: If we may?

MR. SCALI: Please have a seat again. I think we have to have a discussion a little bit further as to this some of this.

MR. PATEL: Can I just add some things from a restaurant design standpoint?

MR. SCALI: Let's let them talk and then you can come up.

MS. MAIL: There's just a couple of points I want to make. With regard to No. 6, washing dumpsters and providing clean containers. Since we've met to talk about these changes the City passed the new dumpster ordinance which requires the owners of dumpsters where the location is to manage those dumpsters, and there's language in the new ordinance now that talks about regular cleaning, and that's taking storm water management into consideration.

MR. SCALI: So it's not their responsibility; it's the actual customer's



responsibility.

MS. MAIL: Now the City has made that the generator's responsibility so that's a new development that just came through. So I think that that doesn't need to be here.

With regard to No. 7, I think that in terms of including information in marketing materials, I think there are some good points there. If they're providing a service they're going to let their customers know about that. So I don't think that that is really an issue. Whether it's printed, I mean we can think about interpreting this language a little bit more broadly.

Number 5, which I think is the most interesting one of these in terms of making recycling less expensive, we're certainly not asking for haulers to provide recycling for free. Part of the shift that we're trying to encourage is from incentivising wasting to incentivising recycling. And that's really the intention here; to try to shift those costs so that it's not

cheaper to trash. It would be cheaper to recycle.

Composting, you know, I think it's a good point that a new industry in its infancy is going to be higher costs, especially with the lower volume of customers. The spirit of this is that your basic recyclables of paper, cardboard, bottles and cans would be cheaper to handle as recyclables, and that really is a major shift in the industry to think about how we're pricing wasting as less expensive.

MR. SCALI: Deputy Chief.

MR. MAHONEY: To your point about the cost of recycling, if I may, Mr. Delaney, you made a comment earlier that kind of piqued my interest. You stated the recycling cost of glass has skyrocketed. Can you expound on that a little bit?

MR. PAUL DELANEY: Generally there's an over-abundance of it. There's very very few facilities, end users. The last I knew, all the glass that was being recycled at a glass factory, Owens-Corning in Connecticut. They had more than they could possibly handle. It's being stockpiled

at quite a few recycling places. Some areas are taking it and running it through machines to grind it up as a gravel substitute because they can't get rid of it. And asphalt plants are taking it powdered to add to the asphalt.

MR. DELANEY: Actually we are stockpiling glass. We have no home for it. There is one bottle factory in Massachusetts and they have the world by the tale. They take whatever they want and only what they want.

Right now, we're actually hoping all the Obama bucks going into road repair will allow us to sell it or get them to take it at less cost to use it as roadbed. Instead of them buying gravel, we'll let them take it off our hands and we'll pay them. We'll ship it to them for free. It is that bad. You cannot control the commodities. This is what's happened: we've created an artificial supply of glass.

MR. MAHONEY: Thank you.

MR. PAUL DELANEY: One more thing. As a general rule of thumb, general recycling is

approximately half of what it costs for trash. So I think except for the area of pure glass loads, which you don't normally get, it's a non-issue because it already is cheaper than trash. But it's an additional expense for the business who is under considerable pressure to survive.

MR. DELANEY: Cardboard right now is significantly less than trash, and in quantity, we pay you for it. The same thing with metals, you give us a load of metal, you get a check back. The problem was back in September when the market value of cardboard collapsed there were people who were just turning it away. There were haulers that could not get rid of their cardboard.

If you try to control a commodities market, it will be a false control. And then you're going to end up with people finding ways around it. You're going to encourage abuse of the system. The marketplace works.

Recycling is cheaper. In the same quantity, a 96-gallon cart of commingle material costs less than a 96-gallon cart of garbage. A

two-yard dumpster of garbage costs more than a two-yard dumpster of single-stream. That's the marketplace. If I try to charge too much, his salesmen are going to kick me in the tale. That's the nature of our marketplace. It works.

MR. SCALI: Any other comments, Randy? I think we need to have a further discussion about how these comments kind of fit into the plan, and we need to maybe go back and look at some of the things you've mentioned in here.

MS. MAIL: I think at a minimum --

MR. SCALI: A few of the things. Most of the things in here are pretty general, they're workable.

MS. MAIL: I think at a minimum, six can be taken out. I think five requires discussion but understanding what the City -- how we can effect making businesses -- removing any financial barriers to recycling. Because if businesses are not recycling because it's more expensive, that's what we're trying to address.

Then I think we need to really look at the

issue of vegetable oil, because if that's not a commodity that's really related to the disposal company license, I think it also may fit into haulers operating in a city. Haul material but you know -- it's something that we need to look at.

MR. DELANEY: It's not our business.

MR. PAUL DELANEY: One last comment?

MR. SCALI: Yes.

MR. PAUL DELANEY: She said if they recycle, I want to make sure it's less expensive. If you have a trash and a recycling service, it is going to cost you more than trash only, because you've doubled the equipment, you've doubled the labor. So yes, your trash bill will drop, but the recycling -- the total package generally will cost more unless you have a very high percentage of recyclables that you can turn around.

MR. HAAS: There were a couple of things that I like in terms of -- and I do have some concerns about making the hauler be the principal in this. I like the notion of trash recycling plans. That's something we can always

kind of incorporate into any kind of licensing requirements.

I also like the idea with the building permits, requiring them to provide proof of an approved carrier so that we do in fact start to eliminate some of the gypsy carriers or the illegal carriers that are in the City because they can't do business here anymore. We have requirements that place the burden back on the --

MR. PAUL DELANEY: If you don't know who they are, you can't control them.

MR. HAAS: What I'm saying to you is if part of the building permit is you need to show me who your hauler is going to be, and then we look at a list and it's an approved hauler, then I think that's a way to kind of police that end of it and things like that. I don't think it's a big burden back on the City at all. It's just a matter of part of our process when we grant a license. We're putting the burden back on the applicant with respect to those kind of issues.

I think five is an important issue.

I'm just not sure how we kind of make it so it's an incentivised proposition. At some point, I think it's just going to be the way we do business, but how do you get people there. That's the big issue.

MR. SCALI: This gentleman over here didn't get a chance to speak at all, so I want to make sure that you do have an opportunity to speak. Just tell us your name.

MR. PATEL: It's Patech Patel, Cambridge resident. There are four line items I would love to see whenever a license is transferred or somebody gets a new license. The obvious one is to have the person who is the applicant to submit where the existing trash is located and then dimensionally submit what they have: one large trash bin, four small trash bins with the plastic lid that might be for food, for glass, for cardboard.

And then obviously the third thing is whether they have oil or they have composting. So those are the three things that it would be nice if they were dimensionally described in text.



Along with that is that they would have basically what you typically have with ISD for variances is to have the engineering plot, which is a couple of dollars to get from the City, and then you have to mark on there where it is on the existing engineering plot so we know where it is without a heavy expense on their side with a survey and so forth.

The second line item is what is proposed in text as far as where, and again, dimensionally what you have. A large bin, three or four small bins for recycling, and where the oil barrel is. And then the same thing, a graphic again. I know that some people come in with no change in license; they're just transferring. There's no change in the restaurant, they're just transferring the license. So they could basically take the documentation that's already there and carry it through. But if it's not there, then the point is it's still up to them to have it there as a line item issue so we have a record of that.

The third thing is just having a

special condition line item for what's going to happen during the snow. Because a lot of these trash areas are pushed up against the back of the building and if there's a deep lot, some guys that have been in business a long time will actually push those trash bins to the back end of the lot so the dumpster guys don't have to have five movements to get to the trash, because it's not getting shoveled. And there's no way to enforce that on private property, so they'll move them over to the back.

So it would be nice to have that condition noted so when the license is transferred, the new person knows that during that heavy snowfall, 12 inches, so it's four times it happens in a year, the guys basically shove the trash all the way to the back of the property so the guy that's picking up the dumpster doesn't have this issue where he's ramming the truck several times just to get at the property, to get over the snow, and get to the dumpster.

I live on Bowdoin Street behind four

restaurants, and literally when I'm washing dishes in the morning I see the guy almost kill himself in the winter trying to get that dumpster over to the trash truck.

MR. SCALI: Even more difficult in Cambridge getting down all these little alleyways and driveways.

MR. PATEL: It's crazy as far as how tight it is.

The last one is an odd one just because it seems to be the chicken and the egg thing. I don't know how you resolve it. We're dealing with it right now near the Starbucks on Massachusetts Ave. between Harvard Square and Porter Square. And that's the cigarette box that's on the outside of businesses. There's no -- Vincent Best said there's no -- he can fine people for littering but he can't force them to put one in those out there. If they have a type of business that has a lot of people standing outside smoking cigarettes and then dumping them. So it's just a gentlemen's agreement --

MR. SCALI: It's kind of off-topic now with disposal companies. You're going down a whole different road.

MR. PATEL: I just thought it was a way to suggest --

MR. SCALI: That's another huge subject matter.

MR. PATEL: The part about the line items of noting what's existing and what's proposed. A clean example was Cambridge Naturals. When they left there location between Harvard Square and Porter Square on Massachusetts Ave, two businesses came in and the smaller business, they basically when they redesigned the space, the owner of the building eliminated their egress in the back. You had to go into the basement and back up again to get out.

That guy is a food vendor so he's got this oil situation where he can't really get it out so he takes it out the front. He's got tile everywhere so it's just a bit of an issue.

There's a restaurant in Inman Square

which I helped to get a variance. It's the old Portuguese Social Club near Prospect and Cambridge Street. It's a really deep building, like over 120 feet deep. Basically the residents in the back, to get the variance for the back door to be usable sort of extorted from the existing owner not to have anything going out the back. And one thing that I was requiring is that the oil still be able to go out of the back.

Because what happens is it's a huge liability when you design the restaurant because you have to keep a sanitized tile area all the way through the whole space just to get that oil out the front door. When you're using the restaurant for a night's services, if you're spilling stuff that's being used by waitresses and waiters, it's a huge liability to have that tile area going from the front to the back just to accommodate this thing for the Health Department when it's easy to get it to go out the back.

So it would be nice to be able to say that they have a line item for where the oil goes

so that when they get a variance hearing, and before they come to the Licensing Board, it's not something that's been forced upon them to go out the front.

MR. SCALI: You just brought up a whole other project for me. I can see it now. Another whole hearing on just the disposal of oils. Thank you very much. I appreciate your comments.

MR. PATEL: There's one last thing. If restaurants don't have a mop sink and they're grandfathered in, is there a way to note that when they transfer the license? Can you ask them if they have it?

MR. SCALI: We're going off on a big tangent now. It's not the subject matter of this hearing that we need to discuss that. If you have comments about that and you want to talk to Mrs. Lint about inquiries, we can do that.

Any other final comments,  
Commissioners?

MR. HAAS: No.

MR. MAHONEY: I would just echo your

comments earlier. I think this is something that needs a lot of further discussion and review.

MR. SCALI: Not a huge amount. Most of it is workable. It's just a matter of the details. I think we can do that with Ms. Mail and Ms. Peterson's office, and Mr. Fitzgerald. So we can maybe have another meeting to talk about some of the details, and then notify you all about what that might be, if at all, that we tweak things.

Pleasure of the Commissioners? Under advisement?

MR. HAAS: Under advisement. We've got more work to do I would imagine.

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

MR. HAAS: Motion.

MR. MAHONEY: Second.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. MAHONEY: Aye.

MR. SCALI: Thank you for your comments. Very very informative. I learned quite

a bit tonight.



MR. SCALI: Mrs. Lint, what else do we have?

MS. LINT: Ratifications:

Refinance, Medallion 123, 114, 254A; sale of 114; refinance of 48 and 64; sale of 139; and refinance of 139.

MR. SCALI: Is all the paperwork in order?

MS. LINT: Yes.

MR. HAAS: Just one question about 139. So they're actually transferring and then using it as a refinance? How does that work?

MR. SCALI: Yes.

MR. HAAS: How does that work?

MS. LINT: It was sold and then the person who bought it refinanced it.

MR. HAAS: Right on top of that?

MS. LINT: Yes.

MR. HAAS: And they can do that?

MR. SCALI: Actually it wouldn't be a refinance. It would just be a finance.

MR. HAAS: Okay.

MR. SCALI: They buy it and then they finance it.

MR. HAAS: So they're using it as --

MR. SCALI: The terminology is just not up to date.

MR. HAAS: We want to be precise, don't we?

MR. SCALI: You're right, Commissioner.

MR. SCALI: Motion to accept.

MR. MAHONEY: Second.

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

MR. HAAS: Aye.

MR. MAHONEY: Aye.

MR. SCALI: I know it's late but I wanted to just talk a little bit about the taxi issue. It's not on the agenda but I just need to update the Commissioners on some items in terms of what's happening out there.

The Taxi School is closed as you know, and we are very actively going through a number of different things to revise the curriculum. The plan was to open in November with the new curriculum. There is also a School Board election that's coming up because every year we do elections in October and November.

MR. HAAS: You mean the Taxi School Board?

MR. SCALI: Yes. I'm not sure that we're going to make the deadline of opening November 1. I have a meeting with the President of the School Board, Mr. Carboni, tomorrow. My proposal is going to be that we probably postpone reopening the school until January.

The suggestion has been that perhaps the changes in the curriculum need to be reviewed

by this Board, and I'm not sure that we're going to have enough time to do that before November 1. Although Mr. Ewing is working very hard on the curriculum and trying to make sure that all of this is done, there are pieces of it that will not be done by November 1.

Then there's also the discussion with regards to how it's taught, the manner of who the teachers are, and a couple or three cab people who are kind of battling that process.

I would prefer to take my time, do it right, and make sure the curriculum is in place the right way. It may or may not take a hearing before us to look at the curriculum to make sure what is being taught is exactly what we want, because it really is dictated by us as to what is taught, although the School Board manages and organizes it for us. So I'm of the belief that it's probably not going to happen before November 1.

MR. HAAS: We also talked about reconfiguring who would be required to go through

the school as well. We're no longer just having it -- I think we were going to kind of modify that.

MR. SCALI: You all voted a few months ago that existing drivers would not have to go through training. So that's not going to happen. New drivers still would be required to go to the school and take the exam, and anybody who is disciplined may be required to go back to the school.

I wanted you all to be aware that it's not just me making the decisions; it's all of us that makes the decisions with regards to the school. Some people think that perhaps I am a runaway train.

MR. HAAS: I think what would be helpful for us on the Committee is can we just see the existing curriculum and then the modified changes? I think it's easier for us to do a comparison to figure out where the changes are and kind of understand what the rationale for some of the changes are.

You're talking about the same duration

with respect to the school; right? It's just a new curriculum.

MR. SCALI: The old curriculum is about 15 years old.

MR. HAAS: I'm talking about the duration of the course. Is it going to be the same?

MR. SCALI: Yes. It still would be a three night course from 5:30 to 9:00. There are some pieces that are going to be eliminated from the curriculum. They're just old and are no longer relevant. Then there would be other new pieces put in there like defensive driving.

MR. MAHONEY: No texting.

MR. SCALI: Well, rules of the road, suggestions for the road, and that kind of thing as well; as well as the suggestion that they want to put some videotape in there and maybe a DVD that they would show, or perhaps some -- CCTV has suggested they could do a whole video for us with regard to high points in the City, tourist sites, taxi stands, hotels, and incorporating that video

into the teaching of the students as well, so they would have more of a visual program as opposed to just reading the booklet.

MR. HAAS: Is there a test that's associated with the course, or is just attendance?

MR. SCALI: The test is generated by our department and they typically come in the following week after they go to the school for the exam here that we generate. That is going to have to be all re-written as well, because the old test reflects the old curriculum.

I just want to make sure you all are on board with that. The feeling was with some of the students that they wanted to open as quickly as possible so that people would have an opportunity to get a job, but there really are no jobs out there.

MR. HAAS: So none of the cab companies are hiring right now?

MR. SCALI: There are sufficient drivers for people to fill whatever positions may or may not be open, but I'm hearing there are not

any jobs.

MR. HAAS: So what if there is the occasional driver that's looking to get a job? That means they have to wait until this new course is --

MR. SCALI: Right.

MR. MAHONEY: So you can't be a taxi driver in this city unless you've gone through the school?

MR. SCALI: Yes.

MS. LINT: We turn away probably a minimum of three people a day.

MR. HAAS: Looking to get licenses to operate in the City?

MS. LINT: Because Boston is closed; they closed their school.

MR. HAAS: They're coming here just to go to the school, not necessarily to drive here in the City.

MS. LINT: No. You have to drive here if you go to our school.

MR. HAAS: So it's not just a matter



of the school is closed in Boston, they're coming here because they want a job here.

MS. LINT: Because you can't work in Boston so they're coming here.

MR. MAHONEY: Unless you go to their school.

MS. LINT: Right, and they're closed.

MR. HAAS: But you're saying nobody is hiring drivers though, right, here?

MS. LINT: Right.

MR. HAAS: So we're in the same situation that Boston is?

MS. LINT: Yes. You know, bad economy. Everybody is looking wherever they can to try to find something.

MR. HAAS: I'm just wondering if there is an opportunity for somebody to get a job, how do we accommodate that person or persons?

MR. SCALI: We can't, unless they've already been a driver and we make an exception about going to the school.

MR. HAAS: So you'd give them like an

exemption until the class opens?

MS. LINT: It hasn't happened.

MR. HAAS: I'm just thinking like a Boston driver comes over here.

MR. SCALI: That we couldn't do because if they would not have gone through the Cambridge school at all.

MS. LINT: And we have plenty that were Boston drivers and we had problems with some of them, and there's a reason why they're not in Boston.

MR. SCALI: So the controversy has continued and they've been very vocal about that.

MR. HAAS: The controversy is what?

MR. SCALI: Who is teaching the school, what we're actually teaching, and how we're teaching it is the subject matter of a couple of people who are objecting to our methodology, objecting to who's on the School Board itself. The School Board has existed for 15 years with a few changes here and there but it basically had been the same people for all those years.

MR. HAAS: How did they get selected?

MR. SCALI: Selected by the industry years ago. There's a hotel representative, there's Mr. Muey is on it, Ms. Pacheco from the Senior Center, Steve Larossa from Traffic and Parking. There are two owners, two drivers, and a radio service that are on there, and myself. Basically it's kind of a mix of people that would be interested in the cab business. But the people who are objecting are saying that those people are not representative of the actual taxi industry out there now.

MR. MAHONEY: It represents who is affected by the industry.

MR. SCALI: It does, but some people are claiming that those people are not the voices of the community; that there are other people now who are the voices of the community that would be more appropriate for the School Board.

MR. HAAS: Is there a process?

MR. SCALI: We are working on that.

MR. MAHONEY: Is there an election?

MR. SCALI: We do have an election every year. Well, a nomination and a slate that the School Board elects, which normally is done in November but that may become delayed as well.

MR. HAAS: What do you think the time line is now? Like the earliest would be 2010 before you'd have to -- and I'm not being facetious. I'm just trying to think, are we going to push it out to January or February as opposed to trying to get it done before the end of the year?

MR. SCALI: I believe it will be probably January or February at least. Although we have to continue to pay Mr. Ewing under his contract for the school.

MR. HAAS: To do what, though?

MR. SCALI: He is managing the redirection of the curriculum. He is coordinating the teachers and coordinating the meetings, redeveloping the curriculum for us under the contract that we have with him.

MR. HAAS: How long does the contract run for?

MR. SCALI: Until March 2010.

MR. HAAS: So theoretically we would expect a product by the time his contract runs out then.

MR. SCALI: Way before that I'm hoping. And I wouldn't want him to leave.

MR. HAAS: I just want to make sure that he doesn't leave now when we haven't finished this process either.

MR. MAHONEY: Outside of Boston and Cambridge, are there other communities that have schools like this?

MS. LINT: I don't know.

MR. MAHONEY: Brookline?

MS. LINT: Brookline, I don't think so.

MR. SCALI: I don't think the smaller cities have schools, no.

That's why I just wanted to make sure you all were apprised of that because it has become the subject matter of City Council meetings and it will be the subject matter of some City Council

orders. It was discussed last evening with Councilor Reeves. It's just a controversy that's out there that we all have to work through, not just me.

Anything else?

MR. HAAS: No.

MR. SCALI: Motion to adjourn.

MR. HAAS: Motion.

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

MR. HAAS: Aye.

MR. MAHONEY: Aye.

(Whereupon, the proceeding was concluded at 8:31 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 12th day of October, 2009.

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**THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT  
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