

## 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  
Gerard 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, November 10, 2009  
6:10 p.m.

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P R O C E E D I N G S

MS. LINT: License Commission General Hearing, Tuesday evening, November 10, 2009, 6:10 p.m. We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room. Before you the Commissioners: Chairman Richard Scali, Commissioner Robert Haas, and Deputy Chief Gerard Mahoney.

If anyone is here for a matter of Desfina at the top of Page 1, that has been continued to January 19.

MR. SCALI: Anybody here for Desfina? All right, January 19.

MS. LINT: The application of The Field has been continued to November 24.

MR. SCALI: Anybody here for The Field? November 24.

MS. LINT: The application of Barfly is off the agenda.

MR. SCALI: Anybody here on Barfly? No. That brings us to Page 2.

MS. LINT: You have to accept the minutes.

MR. SCALI: Motion to accept the minutes from our last meeting of November 5.

MR. HAAS: Motion.

MR. SCALI: Moved.

MR. MAHONEY: Second.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. MAHONEY: Aye.

MR. SCALI: All right, the top of Page 2, Mrs. Lint.

MS. LINT: Application: Niloufar, Inc., d/b/a Pizza Pie-er, Bahman Jalili, Manager, has applied for a Common Victualer license at 8 Museum Way, CU No. 7. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises, and to have a total capacity of 10 seats. The hours of operation will be 10:00 a.m. to 1:00 a.m. Sunday to Thursday and 10:00 a.m. to 3:00 a.m. on Friday and Saturday. Applicant is also seeking an Entertainment license at said location to include an audio tape machine/CD playing music below ordinary conversation level and one TV.

MR. SCALI: Pizza Pie-er? Is the applicant here?

UNIDENTIFIED SPEAKER: He's about a block away as far as I know.

MR. SCALI: Oh, they're not here yet? We'll give them a second call.

MS. LINT: Application: Alpha Delta Phi, Inc., Jonathan Rogg, Resident Manager, holder of a Lodging House license at 351 Massachusetts Avenue has applied for a change of resident manager from Jonathan Rogg to José Luis Medrano at said address.

MR. SCALI: Alpha Delta, come on up. Have a seat. Good evening, tell us who you are, please. We'll start over here.

MS. MILLER: Kaya Miller, MIT Fraternity/Sorority Office.

MR. DUNN: My name is Dan Dunn. I'm the President of the Alumni Association.

MR. SCALI: Dan Dunn?

MR. DUNN: Dunn, D-U-N-N.

MR. MEDRANO: José Medrano, current member of the Alpha Delta Phi Fraternity at MIT, and also an employee of MIT at the Coke Institute.

MR. SCALI: You're a resident of there as well?

MR. MEDRANO: Yes.

MR. SCALI: And an employee?

MR. MEDRANO: And an employee of MIT.

MR. SCALI: So this is for change of resident manager to Mr. Medrano; correct?

MR. MEDRANO: Yes, that's correct.

MR. SCALI: Who was the previous -- Mr. Rogg, is he there?

MR. DUNN: Doctor Rogg actually graduated from medical school and he's off doing his internship.

MS. LINT: Excuse me one minute. Can you not have conversations in the back? We can't hear and the stenographer can't record.

MR. SCALI: Thank you all very much. This room has very bad acoustics so if you're talking it echoes way up here in the front.

So tell us your experience and what you're going to be doing as resident manager.

MR. MEDRANO: Pretty much my experience -- I've lived at MIT for about seven years now. I was an undergrad there for four years and an employee now at MIT for three years as a technical assistant in one of the Cancer Center

labs.

Pretty much I was basically approached by the undergraduates and the alumni to be their new resident adviser for the undergraduates, and I was very thrilled at the opportunity that I could basically be a positive influence to the undergraduates there. I said yes, and to this day I have not regretted it.

MR. SCALI: What are your duties going to be as resident manager? Tell me what you think you'll be doing day to day.

MR. MEDRANO: Day to day it's pretty much a little bit hard to say. Overall, I try to keep an eye on the undergraduates, just check in with each of them individually if I can. I attend their weekly house meetings and just make sure everything is running smoothly, house managers are doing their job as far as keeping the house up to Fire Code; working also with the kitchen manager and making sure that everything is sanitary and working correctly and properly.

Basically I also am a point of

resource for the undergraduates in case they need any help in terms of academic support. I'll refer them to any of the student support services at MIT. If any of them are kind of going through some trouble in the sense of depression or things like that, I will also refer them to a couple of specialists at MIT Medical.

MR. SCALI: That's an awful lot, don't you think?

MR. MEDRANO: Yeah, but it's enjoyable. I like seeing what a positive influence I am to them, and they're pretty thankful about it, too.

MR. SCALI: What is your policy there at the house about parties and alcohol?

MR. MEDRANO: It's pretty much well understood that all parties are registered with MIT, and they follow the MIT guidelines as far as registering the party. If there's going to be any alcohol whatsoever, they have to make sure they follow all of MIT's rules, which is pretty standard and pretty explicit. Making sure that parties

begin and close promptly when they should be, and not disturbing any -- we have a graduate complex behind the house, and making sure that we don't get any noise complaints and such.

MR. SCALI: Any rooftops there at this location?

MR. MEDRANO: Our roof is locked.

MR. SCALI: Closed?

MR. MEDRANO: Yeah.

MR. SCALI: Good.

Any questions from the Commissioners?

MR. HAAS: Have there been any parties there since you've been living at the residence?

MR. MEDRANO: Two registered parties that I know of.

MR. HAAS: How were they?

MR. MEDRANO: They were pretty tame, just friends of friends hanging out with music and dancing.

MR. HAAS: With alcohol consumption?

MR. MEDRANO: No. There have not been any registered alcohol parties.

MR. HAAS: These are all undergraduates so pretty much all of them are underage, I would imagine; right?

MR. MEDRANO: Yes, the majority of them are underage. I think about a handful of them are over 21.

MR. HAAS: Just a hypothetical: Let's say you get a party that looks like it's starting to get out of control, what would you do?

MR. MEDRANO: Out of control in what way?

MR. HAAS: You're sitting there and you're saying this is not going in the right direction, it looks like it's getting a little bit wild. At what point are you going to step in and do something or intervene?

MR. MEDRANO: Basically I know who should be handling the party responsibilities, our social chair. If at any point I get a sense that something is getting out of control, something uneasy is happening, I will definitely speak up to the social chairs and coordinate together how we

can things under control. And if they can't, basically shut the party down.

MR. MAHONEY: Is there any type of regulation or policy with regard to the resident managers having to be present when there's a party going on?

MR. MEDRANO: As a risk manager, I'm pretty much present at all of the parties, so yeah.

MR. MAHONEY: What about with regards to fire safety? What can you tell me about your experience with fire safety? What do you think your responsibilities are with regard to fire safety?

MR. MEDRANO: I had some training in the beginning of August with regard to fire safety. I pretty much don't know the specifics that go on with how -- I guess what I'm trying to say is I don't know when we get inspected for fire inspections and things like that; the house manager takes care of that. We do go through the house together and do a quick run every semester and just make sure that light fixtures are in order, there's

no weird leaks coming from the roof, nothing is being blocked, all fire doors are up to code.

MR. MAHONEY: Does MIT as a policy conduct periodic fire exit drills in their fraternities?

MS. MILLER: I can answer that. We don't have drills in the fraternities, but we do have our building safety facilitator who works with ISD. I know that Alpha Delta Phi is up to code and has been inspected.

MR. MAHONEY: How many residents would be in this building?

MR. MEDRANO: At the moment --

MR. DUNN: It's about 50. Under the roof is more like 100. We share half the building is Alpha Delta Phi and half the building is Women's Independent Living Group. In our half it's about 50 people.

MR. SCALI: How often do you meet with Mr. Dunn and Ms. Miller, or the alumni group?

MR. MEDRANO: With alumni probably once every two weeks to just basically check in.

MR. SCALI: So the alumni are actively involved with you and with the staff there?

MR. MEDRANO: Yeah. Actually Mr. Dunn came to one of our house meetings to Sundays ago.

MR. DUNN: I'm there at least once a month, generally more. My office is in Kendall Square.

MR. SCALI: We just don't want what happened to another fraternity to happen to you in the City in terms of things going downhill and property becoming uninhabitable, unlivable. I guess we want to make sure that the alumni and MIT are involved with you on a regular basis to make sure that these things are taken care of. And you understand that I'm sure.

MR. DUNN: We have a lot of incentive to keep that from happening.

MR. SCALI: Because one fraternity is now gone as you know.

MR. SCALI: Any questions?

MS. MILLER: If I may?

MR. SCALI: Yes.

MS. MILLER: I just wanted to let you know that MIT supports this application. José has served as a resident adviser and is very capable, very attentive. He has gone through our training, he attends our in-service training.

MR. SCALI: You feel very comfortable and secure that he's going to be able to handle the responsibilities?

MS. MILLER: He answers the phone when I call.

MR. SCALI: Questions?

MR. HAAS: The only thing I would offer is MIT has clearly demonstrated to this Board that it takes that responsibility very seriously. After the last episode, I know how difficult it was. So I think the rest of the alumni on the campus appreciate the fact that MIT is not going to jeopardize its reputation. So when you endorse him as the manager I think it -- it holds a great deal of weight with me.

MS. MILLER: Thank you.

MR. SCALI: Anybody from the public

want to be heard on this matter?

Pleasure of the Commissioners?

MR. HAAS: Motion to approve.

MR. MAHONEY: Second.

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

MR. HAAS: Aye.

MR. MAHONEY: Aye.

MR. SCALI: Have you been through  
training with Frank Connolly? Have you gone to the  
21-Proof training, the Party-Safe?

MS. MILLER: We have changed it to  
Party-Safe.

MR. SCALI: Have you been through that  
Party-Safe training?

MR. MEDRANO: Yes, I have.

MR. SCALI: Thank you.

MS. LINT: Application: Ninety-Nine Restaurants of Boston, LLC d/b/a Ninety-Nine Restaurant and Pub, holder of an All Alcoholic Beverages as a Restaurant license, 2:00 a.m. closing, at 220 Alewife Brook Parkway has applied to further extend the inactive status of the alcohol license.

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

MR. WEISBERG: David Weisberg.

MR. SCALI: What is your role with this license?

MR. WEISBERG: I'm an operations director for the Ninety-Nine, now area manager. Cambridge is part of my area.

MR. SCALI: What happened with this license? I thought that you guys said you were going to turn it in, and you didn't pay the fee in June. Is there a change of heart or something?

MR. WEISBERG: Apparently we found a buyer. We've had several people who are interested in the license as well as we're re-looking at --

you know, with the economy now there is some more -- the rents are coming down and leases are more agreeable. So I know they're re-looking again. I don't know what's going to happen. We weren't looking to put any more restaurants up for 2009/2010.

MR. SCALI: So the intention is not to open up another Ninety-Nine, it's to sell it; right?

MR. WEISBERG: Number one is to sell it.

MR. SCALI: And you think you have a buyer already?

MR. WEISBERG: I believe they have two people that are interested. I don't know the names of the people.

MR. SCALI: So they've paid all their fees, Mrs. Lint?

MS. LINT: As far as I know.

MR. SCALI: Did you pay your second-half fee for June to December?

MR. WEISBERG: I'm not sure. I'm not

positive.

MR. SCALI: Technically it really should have died in June but it's at the pleasure of the Commissioners whether we overlook that and reactivate it, so to speak. I'm not really sure whether it benefits you one way or the other since our policy has become more lenient in granting licenses that are no-value licenses. So I guess it would benefit you if you have a buyer that's willing to pay an amount of money that would cover whatever expenses you have.

I think we have to think about whether that's what we want to do or not. Comments at all?

MR. HAAS: What's the anticipated timeline for the sale of these licenses?

MR. WEISBERG: Hopefully within the next six months.

MR. HAAS: I would imagine if you had buyers lined up you'd at least have a tighter timeline than six months.

MR. WEISBERG: All I was told was that they want to do it by the first half of next year,

end of this year, first half of next year.

MR. SCALI: There's another fee due in another month, you know that?

MR. HAAS: How long has the license been inactive?

MR. WEISBERG: Two-and-a-half years, three years, maybe.

MR. SCALI: They paid for it for a while and then they didn't pay the second half of 2009. That was due in June.

MR. MAHONEY: You had also mentioned that the corporation was revisiting the thoughts of putting up restaurants. Are you thinking of putting a restaurant back in Cambridge?

MR. WEISBERG: No, sir. We're not going to be putting up any more restaurants as a company, but now that there's -- apparently rents have been coming down. People have been calling up and saying whatever properties there might be. I'm not privy to that information but I know that they everywhere we've been getting a lot of phone calls that people want us to put up a Ninety-Nine. I'm

sure Chiles and everybody else are getting the same phone calls.

MR. MAHONEY: Are they eyeing locations in Cambridge?

MR. WEISBERG: I'm not sure.

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

MR. HAAS: I would imagine, or at least I would support that as long as you have paid all your fees and maintained your fees -- I don't know beyond this next six months, I'm not sure.

MR. WEISBERG: I understand.

MR. HAAS: You're at three years at this point.

MR. SCALI: Our limit is usually 48 months for licenses to be inactive. That's assuming you have a location, which you don't anymore. So technically by the end of this year, we should not renew the license under the law because there is no premises attached to it. That's why I think the Commission was asking

whether your sale was coming along quickly because we may not be able to renew it for January.

MR. WEISBERG: Okay.

MR. HAAS: I guess what the Chairman is saying to you is you're looking at probably another month-and-a-half.

MR. SCALI: To do something or to apply for something.

MR. WEISBERG: Okay.

MR. SCALI: Do you want to take it under advisement, Commissioners? We don't really have much choice other than to stand by it.

MR. HAAS: I would basically say that I would be willing to go until December 31, at which point we really don't have any more options. Just to give you enough time if in fact you can close the deal, close the deal, but I don't think six months is going to work for us.

MR. SCALI: I'm sure if something happens by the end of the year you can apply for us to reconsider as always, but I would support the Commissioner's suggestion.

MR. HAAS: The motion would be to extend the inactive status of the license until December 31, 2009.

MR. MAHONEY: Seconded.

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

MR. HAAS: Aye.

MR. MAHONEY: Aye.

MR. SCALI: You should know by the end of the year what you're going to do with it.

MR. WEISBERG: Thank you. If the fees are not paid, can I give you a call on Thursday?

MS. LINT: Yes

MS. LINT: Back to Pizza Pie-er.

MR. SCALI: Is Pizza Pie-er here?

MR. JALILI: Sorry for being late.

I apologize.

MR. SCALI: You probably thought you were going to be closer to the end of the agenda with our long agenda at the beginning.

MR. JALILI: There was a three-car pile up on Route 3 north so it took me like 25 minutes just to get out of there coming from Providence.

MR. SCALI: Tell us your name.

MR. JALILI: My name is Bahman, B-A-H-M-A-N, last name Jalili, J-A-L-I-L-I.

MR. SCALI: Are you the sole owner?

MR. JALILI: Correct.

MR. SCALI: And you're looking for a Common Victualer license with background music.

MR. JALILI: That's correct.

MR. SCALI: and as we announced before you got here, the times and the days: until 10:00 a.m. to 1:00 a.m. Sunday through Thursday, and

10:00 a.m. to 3:00 a.m. Friday and Saturday nights.

MR. JALILI: Correct.

MR. SCALI: Where are you located in the building?

MR. JALILI: It's on the first floor. There are two buildings. If you're facing the complex, it's the building on the left-hand side, lower level. There are two tall buildings.

MR. SCALI: Is the market on the right-hand side?

MR. JALILI: The market is in the other building.

MR. SCALI: SO you're in the other building to the left?

MR. JALILI: That's correct.

MR. SCALI: And you're on the first level?

MR. JALILI: On the first floor.

MR. SCALI: What's above you?

MR. JALILI: Apartments. I think there's like one --

MR. SCALI: Apartments or condos?

MR. JALILI: They're condos and one of them is -- I think the second-floor, if I'm not wrong, might be offices.

MR. SCALI: Everybody will get a chance to talk. We do things in an orderly fashion here and everyone gets to speak.

Above you is condos?

MR. JALILI: Six floors, yes, either a combination of apartments and offices.

MR. SCALI: Tell us what your experiences is in the restaurant business.

MR. JALILI: I started Pizza Pie-er about 20 years ago, a little over 20 years ago. I've got a store on the east side of Providence. We expanded to Boston about eight years ago. I've got a store at 182 Massachusetts Avenue.

MR. SCALI: Are you right down here?

MR. JALILI: In Boston, right over the bridge right next to Berkeley and the Christian Science. We have been there about eight years and we're expanding into Cambridge.

MR. SCALI: Why this location?

MR. JALILI: I like the location. It's a great location. First of all, we have 400 apartments in there which is a thousand people right there. I think it goes both ways: we service them and they become customers.

MR. SCALI: So you're planning on marketing to people who live there?

MR. JALILI: Yeah, and some deliveries as well. For delivery it would be convenient too because of the access.

MR. SCALI: Is it just pizza? Is there a menu?

MR. JALILI: I do have some menus.

MS. LINT: I'll take them.

MR. JALILI: I have a whole bunch of them. We do delivery here as well actually from Mass. Ave.

MR. SCALI: Is it free delivery?

MR. JALILI: Unfortunately we charge. We started charging a few years ago.

MR. SCALI: Would you charge people upstairs in the building too?

MR. JALILI: Probably not them.

MR. SCALI: It's kind of a pizza, mainly pizza and some sandwiches.

MR. JALILI: Upscale pizzas. You can create your own pizza, some specialty pizza, calzone, pockets, soft drinks and salads.

MR. SCALI: How many employees do you have, or will you have?

MR. JALILI: At the new location, about 10. Not all at the same time, of course.

MR. SCALI: Why the 3:00 a.m.?

MR. JALILI: Cambridge as you probably know is a night city, a lot of activity after midnight. We do deliver from Mass. Ave. where we are right now and we see great opportunity after midnight.

We are familiar with late hours as well, probably people will be concerned having those late hours. The store that I have on Wickendon Street on the East Side, I've been there 20 years. It's a very very dense area. I have apartments right above and neighbors on both sides.

I've been there 20 years and never had a single complaint.

MR. SCALI: You see all these faces back here. These are all for you. You're the last one on the agenda. These are all for you.

MR. JALILI: Really?

MR. SCALI: I hate to tell you but this is the whole crowd for you.

MR. JALILI: I thought you were kidding.

MR. SCALI: I'm not kidding you. I'm just trying to prepare you. So have you met with the people in the building?

MR. JALILI: Actually, yeah. I met Maureen; Elad, which he lives in the building; and also the real estate agent, which he's here as well. Hopefully he's on our side.

MR. SCALI: Did you have a meeting of people from the building?

MR. JALILI: I haven't officially met with people.

MR. SCALI: Wouldn't that be a good

idea because I know what they're all going to say. I don't even have to call them up. They can come up if they want to and they will, I'm sure. But they're all going to say they don't want this in their building. I just gather from the facial expressions. And your concern is going to be I'll tell you, rodents, smell, trash, late-night hours I'm guessing, Commissioner; right? Traffic.

So all these people here who live in the building are supposedly going to be your customers; right? And you want to make them happy.

MR. JALILI: Absolutely, and whatever question they have, I can address the questions on an individual basis one at a time.

MR. SCALI: You've got a lot of faces individually to talk to.

MR. JALILI: I guess we didn't get all 400 of them.

MR. SCALI: I'm just wondering whether it would be helpful, and it's certainly up to you and to these people whether it would be helpful for you to maybe go and meet with them, meet with the

building, have a meeting with the condo association and whoever is in charge there to discuss what the questions are.

MR. JALILI: That is in the contract and it is in the plan.

MR. SCALI: It is in the plan?

MR. JALILI: Absolutely, yes.

MR. SCALI: But you haven't done it yet?

MR. JALILI: Haven't done it yet.

MR. HAAS: I think what the Chairman is trying to suggest to you is rather than us delaying this process, it might be in your best interest to go back and meet with the residents, see what they have to say, see if you can address their concerns, and then come back with a modified plan, as opposed to doing it the other way around.

MR. SCALI: I can tell you, it's not going to go well right now with the faces that are out there right now, because we're going to hear all the comments and then we can either continue it and make our decision, or you can go and meet with

them, have an opportunity to talk amongst them, get friendly with them, decide whether they want you there in the building or not.

MR. JALILI: It is in the plan to talk to them about the construction plan. We're going to talk to them about a whole bunch of other stuff.

MR. SCALI: Have you already bought the unit? Is the unit yours?

MR. JALILI: We have a P and S. We have a signed P and S subject to the association.

MR. SCALI: The licensing?

MR. JALILI: And licensing, yeah.

MR. SCALI: So you do have an out?

MR. JALILI: Yeah.

MR. SCALI: Deputy Chief?

MR. MAHONEY: What is the square footage of the area?

MR. JALILI: It's about 1,200 square feet.

MR. MAHONEY: What would be on either side of it?

MR. JALILI: The space originally was

part of a gym, which what they did was they cut off that portion and they made an extra unit out of it. So behind us is the gym and on the sides, I guess it's nothing. It's like common area on one side and on the other side is the street. I do have a plan somewhere if you do want to see it.

MR. SCALI: There should be one in the file.

I'm giving you the option now. We can take everybody one by one, and they can speak if they want to, or at my suggestion and your pleasure, if you want to continue the matter and go and meet with the condo association, have a meeting with the residents of the building, and try to work out the differences with them, and see if you can work it out. If not, then they can all come up and speak.

MR. JALILI: What do you think? We want to keep everybody happy. What's the best way to approach this?

MR. SCALI: I guess my suggestion to you is, having sat here for 24 years on this Board,

is that you should really have gone to them first, had a meeting with the association, introduced yourself, assured them that you're going to take every precaution to make sure there's no rodents and smell and trash and traffic; that they can go to you, and they have a number to call you if there's a problem. It is usually helpful to do that when it's such a large unit.

MR. JALILI: I already addressed some of this stuff with Maureen, the management, you know.

MR. SCALI: But she's not the residents; she's the managing agent or something.

MR. JALILI: That's correct.

So did you guys want to talk a little bit about it? I'd like to hear some of the stuff that you guys have.

MS. LINT: No, no, no.

MR. SCALI: Just turn this way. We can assist you with that, not that we do that all the time, but our investigators can assist you in having a meeting if you want. Or, you can hold

your own meeting. Have your residential agent, managing agent call the condo association together, have a meeting, talk with the residents of the building.

MR. JALILI: Maybe that will be the better way to approach it. We have plenty of time. Maybe if I take a night out and go in that direction.

MR. SCALI: I think they're willing to talk to you. I'm assuming they're willing to talk to you.

UNIDENTIFIED SPEAKER: Can't we just do it now?

MR. SCALI: We can certainly have you all come up one by one and speak and just make a list of what the issues are, if you want to do that.

UNIDENTIFIED SPEAKER: We've all spoken together pretty much here.

MR. SCALI: So you all can speak as one voice perhaps? Maybe condensed it down to a couple of speakers?

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. SCALI: Before you go on, do you want to hear what they have to say now?

MR. JALILI: If everyone --

MR. SCALI: I guess they would like to speak.

UNIDENTIFIED SPEAKER: Then will you vote on his license?

MR. SCALI: Maybe, maybe not, depending on how we hear the evidence.

So if you have somebody who wants to speak for you all, then you can come up and kind of condense what you want. Just say "ditto," if somebody has already said what you want to say. We will take everyone's name and address.

So why don't you come up then. Let's just do this in an orderly fashion and we'll try to get everyone's opinion. Have a seat right here and just tell us your name.

MS. PERLOW: My name is Audrey Perlow,  
P-E-R-L-O-W.

MR. SCALI: And your address?

MS. PERLOW: 8 Museum Way, Apartment 217, Cambridge, Mass. I own and live in the condominium directly above the commercial unit we're discussing. I'm here to raise concerns regarding the application for the Common Victualer license, and to state my opposition to granting the license.

My concerns, and I think those of my neighbors are many. We seek assurances that our apartments will not smell like pizza and garlic and other ingredients resulting from having a commercial restaurant operating in what was formerly a gym locker room.

We also have traffic concerns. There is limited parking by the building, and we speculate drivers will be idling in front of my apartment while passengers run into the pizza place to pick up orders. The noise of these vehicles as well as the exhaust from their cars is a nuisance and a potential health hazard to all of us living in that section of the building.

Other individuals will be hanging out

directly below my apartment inside the building and others will be eating, lining up, and mingling right outside my windows. I'm on the second-floor and can hear both the cars and people outside my apartment.

The increase in car and pedestrian traffic is worrisome enough alone; however, the problems granting this license will cause are exacerbated by the extremely excessive hours the license is requested for. It is not in the public good to have a pizza place open until 1:00 a.m. on week nights, and 3:00 a.m. on weekends in an almost entirely residential building. These hours of operation will bring intoxicated patrons to our building and street primarily below and outside my apartment during times when our building's residents are most concerned about noise and safety.

The unit in question has numerous uses more suitable than that of a restaurant. As one example, an office would be a good use of the space that would be much less likely to cause noise,

especially late at night, or idling traffic, to attract inebriated patrons either on foot or driving, to cause trash to be left on the sidewalk in the North Point Park, or to cause people's homes to smell like pizza almost, if not all, hours of the day and night. I recommend that the license be denied.

MR. SCALI: Thank you. Anybody else? If you already heard what someone else said, and you agree, just say your name and say "ditto."

MS. SOBERMAN: My name is Roy Soberman.

MR. SCALI: You've got to come up. Tell us your name again.

MR. SOBERMAN: Roy, R-O-Y, Soberman, S-O-B-E-R-M-A-N. My wife and I own No. 307, which is in the same building. I'm just going to add onto what was just very eloquently said by Audrey, and that there is a park across the street, so there is a real potential for increasing the amount of noise, traffic, for people buying pizza and then going out to the park especially at these hours.

So that's a public park plus a pizza parlor I think in a residential building is a very bad idea.

I'm not going to discuss what I think it will do to the property values because I think everybody is extremely concerned about that. I think it will be a very detrimental fact.

I think the concept of a pizza restaurant at 3:00 in the morning with a public park across the street is a very bad negative. So I would once again request that you deny the license.

MR. SCALI: Thank you. This lady right here and then this lady.

MS. VIGORITO: Good evening. My name is Ann Vigorito. I'm actually an attorney and I'm here on behalf of my client Deorah Zammuto who is the manager of the Museum Tower Market.

MR. SCALI: You're the attorney for the managing --

MS. VIGORITO: For the manager, the owner, and employees are here as well. I would have said "ditto" because some of their concerns

are the same as the residential residents.

One of my client's overriding concerns is the parking issue. They do have parking for their employees there and in the past several years, it's dwindled significantly as people going to the Museum of Science are parked over there. My client's hours range from -- they close at 11:00 in the evening from Monday to Saturday, and then Sunday at 6:00.

MR. SCALI: I just want to make clear that you're the attorney for --

MS. VIGORITO: For Museum Towers Market, not the building, the market.

MR. SCALI: I misunderstood what you were saying.

MS. VIGORITO: Like I said, my client owns that market and it's Deborah Zammuto. She is here this evening along with a couple of their employees. They have concerns obviously for parking as they have employees that are there, and they're open until 11:00 Monday through Saturday, and then on Sunday they do close at 6:00.

They also do sell food. They do sell pizza. The residents here know that they have that available. It doesn't seem that they have the attractiveness of a pizza parlor where people are going to be taking the pizza out. It's more something where people come down and they probably just take it up to their home.

MR. SCALI: Your client sells cooked pizza?

MS. VIGORITO: They do. They sell gourmet sandwiches, cooked pizza.

MR. SCALI: But not like grilling?

MS. VIGORITO: No, not like a pizza parlor like he would be presenting, no.

One of their overriding concerns is the parking. The noise is going to be a factor. Their contention is that they do provide the service for the building for the food accommodations. I know this gentleman is thinking it's going to be great for the building but they're very high-end condominiums.

MR. SCALI: I don't recall people

objecting to the market going in there.

MS. VIGORITO: No.

MR. SCALI: That's why I was kind of wondering what the difference is.

MS. VIGORITO: It's not a noise factor. I think it's more of a service because there's nothing really there. You come home and if you need a bottle of milk, you've got that. You want a sandwich, it's there. I understand where this gentleman is coming from but I think they already have that service provided through my client with if it's 11:00 at night, they can get a sandwich.

MR. SCALI: Thank you very much. This young lady right here, she was next.

MS. CABA: I'm Ebru Caba, E-B-R-U C-A-B-A.

MR. SCALI: What unit are you in?

MS. CABA: Unit 409. I'm directly above the loading dock that is on the same side as this proposed pizza parlor. The loading dock is strictly for loading and unloading, and also for

garbage pickup. I believe that if this pizza parlor is to go in until the hours of 3:00 a.m., they're going to need to park someplace and they're going to park in that loading dock because it's not policed. No one is going to be looking at it.

So there are going to be cars that are going to be idling. There's going to be noise in that area. I don't think you can even assure me that there isn't going to be parking there because there will be people who are parked. Even for delivery they will be parked over there because where else are you going to park? There is no parking whatsoever. Even for residents who have two cars there is no parking in that area.

This is why I am very against it and this is not even talking about decreasing the value of my property; two, the noise issue; three, the smells; four, rodents; and five, I really do not want to deal with drunk people as my fellow residents mentioned.

MR. SCALI: So ditto to everything that was said before.

MS. CABA: Ditto, and on top of that the loading dock issue.

MR. SCALI: Thank you. This lady right here and then this gentleman behind you after that.

MS. DILLON: My name is Rose Dillon and I'm in Apt. 504. I'm above the Regatta parking lot and I don't want to go to the gym in the morning and smell the pizza, and sleep at night and smell the pizza.

The thing that concerns me is fire. I don't like the fact that you have 437 units and somebody cooking away there from early morning until late into the night, and I really am concerned about that. I don't care what type of ventilation they put in, it's going to smell.

There are many resident buildings in this city that have restaurants below it, and every single tenant that I have ever talked to says that no matter what they do, how much they spend, they can still get the orders.

The thing that concerns me also, is

that for the police department, there is absolutely a fire lane that is marked off. We have valet parking. We don't need our valet parkers to be chasing away people making sure people aren't in the loading dock, they're not pulling into our area, blocking our fire lanes. This a great concern of ours. We pay a great deal of money for these condominiums. I can't understand it. There's not a parking lane in front of this restaurant. Where would they park? We have a shuttle service that runs down that lane, so you're going to block the shuttle service. How are people going to pass through there?

MR. SCALI: Do you know in your condo docs whether this is an allowable use?

MS. DILLON: I'm not sure but Maureen may know.

UNIDENTIFIED SPEAKER: It is an allowable use, yes.

MS. DILLON: Thank you very much.

MR. SCALI: This gentleman here and then this gentleman here.

MR. JALILI: I thought you were kidding that everyone here is from the building.

MR. SCALI: I tried to warn you.

MR. JALILI: I'm a popular person today.

MR. SCALI: We thought we were going to have a very short agenda tonight.

I'm sorry, sir. Go ahead.

MR. KLUNK: My name is Lewis Klunk,  
L-E-W-I-S K-L-U-N-K.

MR. SCALI: And your unit number?

MR. KLUNK: Our unit number is 929.  
I say "ditto" to everything, and I just want to make a couple of points of clarification.

Number one is the area around the loading dock that's been referred to, that is a fire lane, so nobody is allowed to park there, not even the residents who live in the building. In fact, we have No Parking signs there and cars are towed if they attempt to park there. So parking is definitely a big issue.

The only other thing I wanted to say

is most of the people who have been up here speaking are from the tower called the "South Tower," which is directly above where the proposed pizza restaurant will go. I live in the North Tower, and I'm just as opposed as the people in the South Tower even though I would not be directly affected by odors coming up into my windows. I would be definitely against having a pizza restaurant in there for all the reasons that have already been stated.

MR. SCALI: This gentleman right here.

MR. BOUSHARI: Good evening. My name is Elad Boushari. I'm a resident of the Regatta, Unit 2125. I'm also --

MR. SCALI: Unit 2125?

MR. BOUSHARI: Yes. I also represent the developer in the sale of this property, the commercial space.

MR. SCALI: So what tower do you live in?

MR. BOUSHARI: I live in the North Tower.

MR. SCALI: And you represent the --

MR. BOUSHARI: I represent the developer in the sale of this commercial space.

MS. LINT: Could you spell your name, please?

MR. BOUSHARI: E-L-A-D, and my last name is B-O-U-S-H-A-R-I.

I don't know how many of the residents, my neighbors here, actually visited the space, but I did, and I did my due diligence. The developer was very concerned about all of these issues. I can testify first-hand that there's no smell in the restaurant on Mass. Avenue. I was actually going through there and I've seen the equipment that Bahman is planning to use and there was no smell. I didn't see any rodents. And actually it's a very high-end upscale business space.

As a resident of the building, I think it can increase the value. I've seen -- actually I was allowed enough access to the property with engineers and I know that Bahman is very concerned

about it. We looked at the ventilation through the roof, ventilation through the side with equipment that will absolutely eliminate any possibility of smells.

In terms of parking, there are three parking spaces included in the sale of this property.

MR. SCALI: Where are they?

MR. BOUSHARI: In the building.

MR. SCALI: In the garage.

MR. BOUSHARI: In the garage.

MR. SCALI: So can customers get to that?

MR. BOUSHARI: No. Customers don't have to drive there. What do you do on Mass. Avenue if there's no parking?

MR. SCALI: Who will use those spaces?

MR. JALILI: Employees.

MR. BOUSHARI: Employees.

MR. SCALI: I'll ask him after.

MR. BOUSHARI: There are 436 units in the Regatta. There are about 400 units in

Archstone, which is just a block away. There are another 200 units in Northpoint which is right next door. People don't necessarily need to drive there, although I understand the concern. I don't want Museum Way to be blocked with traffic.

The park is a public park, and I think it's going to be great over weekends to get a selection of pizza. I also tasted it; it's actually really good. It's a very good selection. It's a healthy pizza. It's not \$.99 and you get two slices and a cup of soda. It's actually pretty pricey pizza to be honest.

My personal opinion is that it's going to be really nice, and for me just like Upper Crust in my building, and I think it's actually nice. I know the developer was very concerned about it and that's why I had to do the due diligence as a resident and as a representative of the developer to make sure it's not going to negatively affect the building.

MR. SCALI: Thank you very much.

MR. SCALI: This lady right here and

then this lady right here.

MS. BUTEAU: My name is Elie Buteau.

MR. SCALI: What's your unit number?

MS. BUTEAU: Unit 315.

MR. SCALI: Are you in the North Tower?

MS. BUTEAU: I'm in the South Tower so I'd be two levels above.

For the most part I'd like to ditto what the other owners have said. And I'd just like to add one perspective to these comments. I'm here representing myself as a unit owner, but I do serve on the Board of Directors for this building. So I well know that over the past few years that I've been on the Board that our most common types of complaints come from noise and smells in the building.

MR. SCALI: From who though?

MR. BUTEAU: From residents in the building.

MR. SCALI: Smells from people cooking?

MS. BUTEAU: Yes, smoke. And also smells from outside as we have had trucks idling on

Museum Way and the exhaust comes into the windows, and the noise is very audible. My windows open up right onto the loading dock Museum Way area.

I also can speak to the ventilation inside our building. I can smell what people are cooking sometimes. We have some problems with smoke coming into units. So my concern is about the ventilation. I think I would be hard-pressed to be convinced that all those issues could be taken care of in some way that we have not yet been able to figure out how to take care of over the years in this building. I personally don't want to be smelling pizza in my unit.

In terms of the noise that's coming from outside, I can hear cars coming down the street, I can hear motorcycles coming down the street, and I definitely don't want any additions to the noise that I'm hearing from my unit.

MR. SCALI: Did your Board of Directors discuss this particular restaurant coming in there at all? Was it presented to you as a Board or anything?

MS. BUTEAU: It was not presented to us as a Board. We all received letters in our mailboxes about tonight's meeting as individual owners.

MR. SCALI: Isn't there a condo association that would meet about this?

MS. BUTEAU: Yes, and we did.

MR. SCALI: Isn't that required to go before the Board?

MS. BUTEAU: This did not come before the Board.

MR. SCALI: It did not come before you as a Board?

MS. BUTEAU: No.

MR. SCALI: That surprises me that they wouldn't present it to the Board.

Thank you very much. This lady over here. Again, feel free to say "ditto" if you'd like to.

MS. HUGHES: Yes, I will. Michelle Hughes, H-U-G-H-E-S. I'm in 1723, which is in the North Tower, so it's not in the tower of this.

So ditto to everything.

The only thing I want to be maybe reiterate is two things: One, that is that since the road has opened between us, the back road between us and Northpoint, it's a freeway. There is no speed limit. Even the EZ-Ride Bus flies down there. I have a dog. I cross the street often to go to the grass and go to the park, and you take your life in your hands.

I love the Marketplace, but at noontime there's a row of double parked cars running in and getting sandwiches, so I would hate to increase that at noontime and in the evening at dinnertime when people are coming home and there's a lot of traffic in the area as it is, pulling into our condo. Because we have valet parking, very often we're actually waiting for the valet to be ready to take our car and what not. So any more congestion on that street -- there just is not room.

The other concern I have is trash. I think the reason why the location is so

attractive is because of the number of people there. There's also the college across the street, and Cambridge College on the other corner. So there's the EF Education and then there's the Cambridge College. So there's going to be an influx of students at noontime coming over to get sandwiches and pizza, taking their trash, taking their boxes, taking their things with them. As it is, I love Northpoint Park, but every third or fourth day the trash barrels are overflowing and pretty ugly looking because there's just so much they can manage.

MR. SCALI: Is that a city park?

MS. HUGHES: Yes, DCR.

MR. SCALI: Deputy Chief?

MR. MAHONEY: Is the restaurant still operating in the first-floor of the EF Education building?

MS. HUGHES: Lingo, yes. They have limited hours. I can never quite follow it.

MR. MAHONEY: I don't think they're open in the evening; is that correct?

MS. HUGHES: Not too late. They're never open when I go over there.

MR. SCALI: Thank you.

This gentleman over here and then that gentleman back there.

MR. CHEUNG: I'm Gabriel Cheung.

I live in 215 so I would also be on top of the pizzeria. I'm also Executive Chef and General Manager of the Paramount Restaurant in Beacon Hill.

I actually work next to Figs, and I have personally seen it go up in fire from flour being in all this equipment. It's 700 degree ovens. And if there's not rodents and roaches now, there will be, because they will bring it there either from the garbage outside or from inside.

I left the city not to live on top of a pizzeria. I wanted to live in a luxury residency, you know, and the condo fees we pay, the money we pay -- it's peace and quiet. Last night it was beautiful out. With the windows open you can hear the train pass by and there's nothing going on.

Last call in Boston is 1:45. You have to be out of the bars at 2:00. Where are they going to go? They're going to come out the Regatta Pizza place. You can't deny that. You know, where are they going to go? I know every place that's open after-hours and they're going to go there. I think it's just taking advantage of all the young people that live in the building also. It's not going to be pretty.

I left the North End and Beacon Hill not to live on top of a pizzeria. It's luxury and that's why I think it should stay that way. We have everything we need around there; Lingo, the Market sells everything you need from toothbrush to toilet paper. The Cambridgeside Galleria is right across the street. Then you start getting into the Lechmere area. I just don't want anyone to forget that it's luxury. That's what separates it. It's just outside the city and it's a great place to live. It's perfect.

MR. SCALI: Thank you. The gentleman back there.

MR. BLECHER: Mike Blecher, B-L-E-C-H-E-R. I live in Unit 1226 in the North Tower.

I pretty much say "ditto" to everything including the last thing I heard. But the big thing I haven't heard is security. The pizza place would abut the gym. There is actually a fire exit that goes through the pool that would go through this space, out the middle of his restaurant, unless that's being changed. I haven't seen the whole plan.

Also, taking trash, they'd either have to have access to our building through a key fob, so that's another security issue. We don't know who people are. I'm going to hope your employees are trustful, but to me that's the biggest thing other than noise pollution, trash pollution, future rodents.

Again, we have enough issues with the pool. Adding grease spills or anything else leaking in there and everything else to devalue the building, but to me the biggest thing for me is security that no one has talked about. How do you

address it; what do you do with it? But people wandering into the gym to use bathrooms; that's all right next to his space.

MR. SCALI: Thank you.

MR. BEWTRA: Hi, my name is Ravi Bewtra, R-A-V-I B-E-W-T-R-A. I live in Unit 1426 in the North Tower. I actually came here today pretty upbeat about the idea of a pizza joint in the building but I have developed a little bit of pause.

MR. SCALI: Influenced by your other neighbors?

MR. BEWTRA: Yes. I might have taken an approach that by adding amenities this actually would have increased the value of our building, but justifiably there are concerns as to what other influences it would bring to the building.

I wanted to take a different approach perhaps if this were to go through, what assurances would the gentleman to my right give us as building owners that he will operate his business appropriately? So that includes assurances about

loitering. Will he prevent people from standing outside the building? Will he provide some sort of means to get them away, or not service people outside?

Garbage bins, will he provide his own garbage bins which he will assure will be emptied at 3:00 a.m. or whenever his building closes?

MR. SCALI: There will be no garbage bins emptied at 3:00 a.m., I can guarantee you that.

MR. BEWTRA: Well, I certainly don't want to wake up and go for an 8:00 a.m. walk and see overflowing garbage bins. Will he be tapping into the common ventilation system of the building? And I guess one other possibility is, is his target market pizza by the slice or pizza by the pie? That might prevent some of the undesirables coming to our building.

Finally, actually this may not go over well in the crowd, but I actually had the pleasure of going to this business while in Providence, and thought it was quite nice as a gourmet pizza and my

company ordered pies from there.

MR. SCALI: So you liked the product anyway?

MR. BEWTRA: We did. I think it would be nice to have in the building, but again, considering about smells, rodents, garbage and people.

MR. JALILI: Can I ask you a question?

MR. SCALI: Hold on. We can go on and on and on; the list gets longer and longer, but the issues haven't changed.

MR. JALILI: But I've got an idea.

MR. SCALI: I think we need to come up with a plan because everyone is going to say the same thing or add a few more things on that may be very relevant. I want to give you the choice. I can give you the issues that you have to report back to us on, but my recommendation to you still is to think about this, come up with a plan. This is an internal issue in a condominium building, so you really should be meeting with these people to discuss these issues before you come here to us.

MR. JALILI: That definitely will be happening.

MR. SCALI: I can give you the list about what you need to talk about with them. You can go to the management, talk to the Board, set up a meeting and come up with some solutions to the different issues that you want to -- some of these things are solvable, some of them are. Others are more difficult.

MR. JALILI: Some of them that they discuss is the stuff that has nothing to do with us. It's existing problem that they already have and I haven't even added to it because we haven't even been there.

MR. SCALI: Everything they mentioned is relevant to every restaurant in the City: smell, rodents, trash, noise, traffic. Every restaurant has those very same issues whether you're in a condominium building or not. We ask those very same questions of anybody who comes before us.

UNIDENTIFIED SPEAKER: May I add on

something?

MR. SCALI: You can if you want to but at this point it's kind of lost.

UNIDENTIFIED SPEAKER: Alcoholic beverages, I know that they're not --

MR. SCALI: This is not an alcoholic -- we don't allow BYOB in the City so there will be no alcohol.

We can take the matter under advisement if you'd like, and you can report back to Mrs. Lint as to what you want to do. You can reconsider, you can convene with the management company to find out how you want to meet with the association about the issues, or you can tell us and we'll decide what we want to decide.

But if you were to come back to us, you'd need a number of things: a trash and rodent plan; you'd need a security plan; you'd need parking solutions as to where people are going to park; you'd need ventilation resolutions in terms of how that's going to happen in the building; and you would need a consideration on your hours as to

what's going to happen with the hours. That's all very standard. This is nothing unusual for any restaurant in the City. There are compromises you can make if you want to, or not, and come back to us.

MR. JALILI: I like that idea that we report back to you, but keep in mind, it's 400 residents in there. I don't think every single person is going to be happy 100 percent. I'm probably going to have one or two that just --

MR. HAAS: Right now, you've got more than one or two.

MR. SCALI: And if they're going to be your customers --

MR. JALILI: We will convert them over time.

MR. MAHONEY: More importantly, they're going to be your neighbors.

MR. SCALI: Yes. My suggestion to you is to think about your plan, hold a meeting with the building with resolutions to these issues that have already been talked about, if you have them.

And then come back and report to Mrs. Lint whether you're ready to be back on the agenda.

MR. JALILI: That sounds great.

Are you able to give us another date?

MR. SCALI: I think it really depends on how quickly you can come up with your solutions and have your meeting with the people. I'm gathering we're into the holidays now already.

MR. JALILI: Most of the solutions we already have.

MR. SCALI: You may, but they don't know what they are.

MR. JALILI: But we're going to run it by them. My gut feeling is maybe like two weeks.

MR. SCALI: I can tell you that our agendas are full until December right now, at least. We have one hearing in December, which is December 8, and then we don't meet again until January.

My suggestion to you is that you take the next few weeks and months and come back to us in January with your plan. To me that would be

probably the most reasonable.

UNIDENTIFIED SPEAKER: Would that include a ventilation and engineering thing?

MR. SCALI: It includes everything that you all mentioned.

MR. JALILI: Absolutely, yes.

MR. SCALI: Questions, Commissioners?

MR. HAAS: No questions.

MS. LINT: January 5.

MR. SCALI: We can give you a date of January 5, if you want.

MR. JALILI: Do we have anybody from the Board here? How often do you guys meet?

UNIDENTIFIED SPEAKER: Once a month. So the second Monday in December.

MS. LINT: So there would not be time for our hearing.

MR. SCALI: You wouldn't make our December meeting then, but you've got a lot of work to do, sir.

UNIDENTIFIED SPEAKER: It shouldn't be just meeting with the Board. You should be also

engaging the residents because, yes, the Board does speak for us but we do have individual issues. So you can't bypass the residents.

MR. SCALI: So let's be very clear, it needs to include everybody. I know people will not attend and do not want to come, but others will come, I'm sure, to a meeting.

Other questions?

MR. HAAS: No questions.

MR. SCALI: Motion to continue this matter to January 5.

MR. HAAS: Motion.

MR. MAHONEY: Seconded.

MR. SCALI: Moved and seconded.

All in favor?

MR. HAAS: Aye.

MR. MAHONEY: Aye.

MR. SCALI: And for you to report back before that to Mrs. Lint with your solutions.

MS. LINT: Just a minor point of discussion: The last hearing you all had voted to deny any jitney applications that came before the Board based on the City Council's position. I spoke with Margaret Drury today who saw the decision and she said the City Council has taken no position; that they charter wrote the issue and it will not be taken up. So in light of that she wanted me to --

MR. HAAS: It won't be taken up at all?

MS. LINT: No.

MR. SCALI: Unless someone pulls it off the charter write.

MS. LINT: So they have not taken a position and she wanted you to be aware of that so that you could take whatever action you feel is appropriate whenever there is a jitney application in the future.

MR. HAAS: I just think it's an exercise in futility to create the impression that we're going to entertain licenses when clearly

they're going to go back before the City Council and then get a negative vote. I was hoping we'd get some clear direction from the City Council.

MS. LINT: They're not planning on it.

MR. MAHONEY: What was the issue with the City Council; decrease the number of jitney licenses?

MR. HAAS: They're opposed to jitney licenses in general.

MR. SCALI: I think it's a split.

MS. HUGHES: But the majority keeps on carrying the denials, right.

MR. SCALI: I think as you get the applications that come in, we have to put them on our agenda. We can make that very clear at the hearing level that we can hear it, but my vote personally is going to be what I mentioned at the last hearing; that we refer it all to the City Council for their wisdom, because I don't know what they want us to do.

MS. LINT: My recommendation would be that you take whatever action that you feel is

necessary as an independent body without regard to what the City Council will do. So if it means you don't want to take action, that's fine. If you want to recommend denial, that's fine. Or approval, that's fine. But you have to take some position one way or another.

MR. HAAS: I guess the dilemma for me is there is no way for us to measure the market value of jitneys and what impact it's going to have on the taxicab license, and that seems to be the ongoing argument. So I don't know how you make an informed decision if we can't make an assessment whether or not the jitneys are hurting or helping in terms of the current market.

MR. MAHONEY: What are the jitneys as opposed to taxicabs, like shuttle buses and things like that?

MS. LINT: Exactly.

MR. MAHONEY: Like to do airport, hotel to airport and stuff?

MS. LINT: Exactly.

MR. HAAS: The taxicab community would

tell you that's their large fares.

MR. MAHONEY: Their bread and butter.

MR. HAAS: No. Their bread and butter are the local fares and they provide that local service, but the few times that they can have a lucrative run would be to and from the airport, and that's being denied to them because the jitneys are consuming a majority of that business.

MS. LINT: Of course, one of the issues surrounding that is if this Board recommends denial to City Council and then to the City Manager, and then the City Council denies it, it's appealed to the DPU, and the DPU generally grants it. So we have all these jitneys running around the City that are not licensed. At the very least, we would get a license fee out of it.

MR. SCALI: At least some conditions.

MS. LINT: With conditions as well.

MR. HAAS: The other point that they raised and I think it's a valid concern is that we don't have really an effective way of regulating them anyway. There are some suspicions that there

are some inside dealing going on. We talked a lot about the ability of the City to regulate and monitor their activity, and I don't think we have a viable means either in terms of doing that.

So we grant the license and let's say the City Council approves the license, then how do we monitor their -- unless we get a complaint. It's kind of a passive and negative.

MS. LINT: I guess what my point is, is that the idea is that you can approve it, recommend approval, recommend denial, or take no action, but not because of the City Council.

MR. HAAS: I understand that.

MR. MAHONEY: Maintain independence.

MS. LINT: Yes, maintain independence.

MR. HAAS: I just think there are a lot of issues.

MR. SCALI: We really are the recommending body. We're not the granting authority.

MS. LINT: That's what I'm saying.

MR. MAHONEY: From a consumer

standpoint, does this body have an obligation to look at the matter from a consumer standpoint? From a consumer standpoint, jitneys are certainly far more beneficial than taxicabs are.

MS. LINT: What's in the public good?

MR. HAAS: It's a choice, we understand that. There's probably a lesser fee.

MS. LINT: Part of that consideration is that many of the applications we get are strictly for picking up at the airport and drop off in the City, and not picking up in the City. It could go on and on.

MR. SCALI: There needs to be some kind of a plan but I don't know what that plan is though. That's the issue.

MS. LINT: Just the issue was that they wanted it very clear that there is no action taken by the City Council on that issue.

MR. HAAS: And there is none contemplated.

MS. LINT: None contemplated.

MS. LINT: Ratifications: Medallion  
253A, 114, 254A, 253A, 114 --

MR. HAAS: Why is 253A listed twice?

MS. LINT: Because one was a sale of the  
medallion and then the second one was a refinance  
of the loan.

MR. HAAS: Is that the same with 114?

MS. LINT: Yes.

MR. SCALI: Most times when there's a  
sale there's also a finance.

MS. LINT: So 48, 64, 139, and 139 is  
the same situation; one was a sale and one was the  
finance.

MR. SCALI: Is all the paperwork in  
order?

MS. LINT: It is.

MR. SCALI: Motion to accept.

MR. HAAS: Motion.

MR. MAHONEY: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. MAHONEY: Aye.

MS. LINT: That's all I have.

MR. SCALI: Just for the record, too, there was a meeting today with regard to the school curriculum, the taxicab school curriculum. Commissioner Haas was there and the curriculum is in its final, well, almost final draft version. It's being looked at up until -- people have up to December 1 to make comments and then we will place it on the agenda for hearing before our body. I think there will be an e-mail going out from Mrs. Lint as to dates that you're available in December to do that.

MS. LINT: I already sent it.

MR. SCALI: Whether you want to hear it on the 8th, or whether you want to hear on another night. Then the plan is to reopen the school in January with whatever curriculum we have, and then some kind of a subcommittee to be a continual curriculum review body that will add to that process and to the curriculum.

The vote on the election of the Board of Directors at the school will be November 18, which is next Wednesday at 10:00 a.m. There's a

slate of like 15 people, existing nine and then they'll be six new people that are also nominated as well, which will be whittled down to a total of nine.

So you're welcome to be there if you like but you're not required to be there, and the vote will take place at the Inn at Harvard at 10:00 a.m.

MR. HAAS: One of the discussions we had early on was the amount of taxicab jobs that are available in this economy. Does it make sense for us to try to run the school as soon as January?

MR. SCALI: The biggest concern is that there are no jobs out there, although, people are saying that at least they want the opportunity to be able to try and get a job. If they go to the school and pass the exam, then they at least have an opportunity. The Boston school has still been closed. It's been closed for more than a year-and-a-half now, and they don't have plans to re-open at all that I know of.

MR. HAAS: Would there be a decision

made with respect to the number of minimum enrollments you'd have before you'd run the school? If you only have two people that show up, are you going to still run the school?

MR. SCALI: We always have a full class.

MR. HAAS: I'm just saying, if the economy is such, you know, Boston hasn't run one in a year-and-a-half.

MR. SCALI: People are calling daily looking for the classes. We always have a full class. That's not our concern. Our concern is once they pass, where do they go? Where do they get a job? Are we flooding the market with drivers when we already have enough? We can talk about that when we have our hearing in December, too, as to what you want the school to do because remember, the school is directed by us as to what direction you want the school to go in.

MR. HAAS: What does the Board with respect to -- what's its oversight and responsibilities for the school?

MR. SCALI: The Board is responsible for the curriculum development at the direction of the License Commission: maintaining the books, the financing, keeping the minutes, making sure the director, Mr. Ewing does what he's supposed to do, making sure the school goes along smoothly, but following the direction that we give them in terms of policy, rules, and things you want to emphasize as opposed to important facts.

We can discuss that in December when we have the meeting as to what direction we all want them to go in. If we don't want them to open in January, that's okay too.

MR. HAAS: I just remember the conversation we had earlier on that we were concerned that there wouldn't be enough students to support a class.

MS. LINT: I think it's more that we have more than enough students to support the class; we don't have enough jobs for them once they get out. And many of them aren't passing it as well.

MR. HAAS: When they fail the course they'd have to take the course over again?

MR. SCALI: No. You're able to take the exam up to three times. If you don't pass on the third time, you have to go back to the school.

MR. SCALI: Anything else?

MS. LINT: Nothing.

MR. SCALI: Motion to adjourn.

MR. MAHONEY: So moved.

MR. SCALI: Seconded. All in favor?

MR. HAAS: Aye.

MR. MAHONEY: Aye.

(Whereupon, the proceeding was concluded at 7:23 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 17th day of November, 2009.

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