

COMMONWEALTH OF MASSACHUSETTS
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

Richard V. Scali, Chairman
Christopher Burke, Superintendent
Daniel Turner, Deputy Fire Chief

STAFF:

Elizabeth Y. Lint, Executive Officer

AT: Michael J. Lombardi Municipal Building
831 Massachusetts Avenue
Basement Conference Room
Cambridge, Massachusetts 02139

DATE: Monday, August 16, 2010

TIME: 6:04 p.m.

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INDEX OF AGENDA PROCEEDINGS

<u>AGENDA MATTERS</u>	<u>PAGE</u>
Disciplinary: Riverside Pizza & Seafood Restaurant and Sports Bar	4
Appeal: Hossein Ghamary	51
Application: Basha's	66
Informational: Bourbon Coffee	83
Application: TW Food, LLC	99
Application: Super Duck Tours, LLC and Boston Upper Deck Trolley Tours	106
Application: Trader Joe's	118
Application: City View, Inc.	116
Application: John Howard's Brew House	122
Application: New Asia Restaurant	130
Application: Domino's Pizza	130
Application: Bombay Club	139
Application: 277 Broadway, LLC	156
Application: Thelonious Monkfish	159
Application: Cambridge House Bed & Breakfast	166

P R O C E E D I N G S

ELIZABETH LINT: License Commission General Hearing, Monday, August 16, 2010 at 6:04 p.m. in the Michael J. Lombardi Municipal Building, 831 Mass Ave, basement conference room.

Before you're the Commissioners: Chairman Richard Scali, Deputy Chief Dan Turner and Superintendent Chris Burke.

If anyone is here for the matters of Enzo Pizzeria that is continued to October 12.

CHAIRMAN RICHARD SCALI: Enzo Pizzeria, anybody in for that?

October 12th.

Any other continuances?

ELIZABETH LINT: I have no other continuances.

We're going to go a little bit out of order.

RIVERSIDE PIZZA & SEAFOOD RESTAURANT

ELIZABETH LINT: The second matter on the agenda, disciplinary hearing, Riverside Pizza & Seafood Restaurant, Incorporated doing business as Riverside Pizza & Seafood Restaurant and Sports Bar, Alex Goulopoulos, manager, holder of an all alcoholic beverages as a restaurant license and entertainment license at 297 River Street due to a police report dated June 18, 2010 regarding an intoxicated person.

CHAIRMAN RICHARD SCALI: The officer on that? Oh, I didn't see you back there. Why don't you come up, officer, and have a seat over here.

All right. Mrs. Lint, so this is on a police complaint?

ELIZABETH LINT: Yes.

CHAIRMAN RICHARD SCALI: I think we have the documents here. How this normally works is, we have the police officer testify as to what happened that evening through your

report, they're able to respond and ask questions to you and then any other witnesses that want to speak can speak, and then you're able to present your evidence and information as to witnesses you may have to us as well.

And then, Officer, you can respond or give a response to that and you give a last word at the final portion of the testimony.

So we'll start with Officer -- your name, I'm sorry? Sergeant McGill.

CHAIRMAN RICHARD SCALI: Sergeant McGill. Why don't we start with your report.

SERGEANT MCGILL: You want me to read from it or the details --

CHAIRMAN RICHARD SCALI: If you could, that would be great.

SERGEANT MCGILL: Sergeant McGill from the Cambridge Police Department.

On the night of June 18, actually it was the morning of June 18, it was approximately 1:57 p.m. in the morning.

There was a call to 305 River Street, the Riverside Pizzeria for an unconscious person.

I arrived on scene along with another patrol unit and the Cambridge Fire Department.

Once we entered inside the restaurant, in the bar section of the restaurant, we discovered a female who was lying on the floor unconscious and unresponsive.

The Cambridge Fire Department personnel immediately rendered first-aid to this person. I began asking some simple questions to some employees. I found out who the manager was. I identified the manager on duty who was Mr. Goulopoulos. He identified himself right away.

I asked him if he knew anything about what the situation was with the woman.

He indicated to me that he didn't think she had drank that much in the bar.

I spoke to several patrons and an

employee of the bar. The employee was a waitress. The victim at this time was a friend of hers. She informed me that she was celebrating a birthday -- I'm not sure if it was the 30th or 40th birthday, a significant birthday -- and had been drinking at the bar for several hours.

To her knowledge, she had no -- the victim did not consume any alcohol at any other places, and, to the best of her knowledge, she was not an illegal drug user. She felt she was just intoxicated.

One of the patrons informed me that they saw the victim, at some point earlier in the evening, stumbling around and had fallen approximately three times inside the bar, and this person believed that was due to the victim's intoxication.

CHAIRMAN RICHARD SCALI: Who said that to you?

SERGEANT MCGILL: That was one of the patrons that was still in the bar at that

time. They had about been there all night and they had seen the girl, the victim, fall several times throughout the evening in what he believed was an intoxicated state.

At the time the EMTs and the fire personnel removed her, took her to the hospital, she was still unconscious and unresponsive, and that was the last of my interaction with her.

CHAIRMAN RICHARD SCALI: So, Sergeant, what time of day did this take place?

SERGEANT MCGILL: The call came in at 1:57 a.m.

CHAIRMAN RICHARD SCALI: Right before closing?

SERGEANT MCGILL: Mm-hmm.

CHAIRMAN RICHARD SCALI: Closing hours are at 2:00 a.m., am I right?

ALEX GOULOPOULOS: No, 2:00.

CHAIRMAN RICHARD SCALI: 1:00 a.m.?

ALEX GOULOPOULOS: 1:00. The call,

by the time we get there -- it happened earlier.

CHAIRMAN RICHARD SCALI: It says on report that the call was recorded at 1:57 a.m. and you were still open.

ALEX GOULOPOULOS: No.

CHAIRMAN RICHARD SCALI: Let me finish.

Sergeant, when you got there, what time did you get there?

SERGEANT MCGILL: Within a few minutes of the call. If the call was 1:57, by 2:00.

CHAIRMAN RICHARD SCALI: Did you observe patrons on the premises at that point in time?

SERGEANT MCGILL: Yes.

CHAIRMAN RICHARD SCALI: People were still drinking at that point in time?

SERGEANT MCGILL: Yes.

CHAIRMAN RICHARD SCALI: Alcohol on the bar and on the tables?

SERGEANT MCGILL: There was at least one person with a drink in their hand that I saw.

CHAIRMAN RICHARD SCALI: And did you see anybody being served still?

Were they still serving alcohol?
Did you see anybody behind the bar?

SERGEANT MCGILL: No. At this point there was maybe a handful of people, five or six people inside the bar, excluding the manager and that waitress that I knew. They were the only two employees I knew. Maybe there were other employees. But everybody was kinda standing around this female that was on the ground.

CHAIRMAN RICHARD SCALI: So when you got there, the woman was on the ground. Were there patrons around her? Employees around her? Who was around her?

SERGEANT MCGILL: There was approximately six or seven persons that were standing around. The manager identified

himself and the waitress identified herself as a employees. The others, to the best of my knowledge, were patrons.

CHAIRMAN RICHARD SCALI: So the people that you spoke to were all the people that were there? Did you interview each one of them?

SERGEANT MCGILL: Not all of them, no.

CHAIRMAN RICHARD SCALI: Did you interview the waitress?

SERGEANT MCGILL: The waitress, and one other person who came over and was talking to me.

CHAIRMAN RICHARD SCALI: Do you know who that person was?

SERGEANT MCGILL: I don't know his name, no.

CHAIRMAN RICHARD SCALI: But it was a patron?

SERGEANT MCGILL: I believe so.

He didn't identify himself as an

employee and he was intoxicated.

CHAIRMAN RICHARD SCALI: The person you interviewed was intoxicated?

SERGEANT MCGILL: He came over to me and told me about the situation, and he obviously had been drinking.

CHAIRMAN RICHARD SCALI: How did you make that determination?

SERGEANT MCGILL: His speech was slurred? He was stagger was uneven. His eyes were bloodshot and he smelled of booze.

CHAIRMAN RICHARD SCALI: At that point then you determined that this woman was unconscious. You called for the ambulance?

SERGEANT MCGILL: No, sir.

I arrived at the same time that the fire department and another police car arrived. The ambulance showed up just after we got there, Pro Ambulance.

CHAIRMAN RICHARD SCALI: Do you know who made the call into the station, the original call?

SERGEANT MCGILL: I do not.

CHAIRMAN RICHARD SCALI: It seems to me, Mrs. Lint, that perhaps this should be remarked up with a bunch of other charges.

ELIZABETH LINT: Exactly what I was thinking.

CHAIRMAN RICHARD SCALI: But I could be wrong.

Do we have any questions for the sergeant?

SUPERINTENDENT CHRISTOPHER BURKE: Could you tell me a little bit more about the patron who provided the information about the woman falling?

SERGEANT MCGILL: Other than just the statements he made, I don't know his name or anything like that.

SUPERINTENDENT CHRISTOPHER BURKE: Was this the same person you had a conversation with that you considered to be intoxicated?

SERGEANT MCGILL: Yes.

SUPERINTENDENT CHRISTOPHER BURKE:

Do you have any idea if he was with the woman or part of the party that was celebrating?

SERGEANT MCGILL: It seemed that everybody knew each other there, and whether they were with each other or just they knew each other from the neighborhood or from the bar or whatever, but they seemed to know each other. I don't know if they were with the party themselves.

SUPERINTENDENT CHRISTOPHER BURKE:

Did you have any conversations with any of the EMTs or the fire personnel about her condition?

SERGEANT MCGILL: Just that she was unconscious. I just asked her status and they told me that she was unconscious and unresponsive and they were going to take her to the hospital.

SUPERINTENDENT CHRISTOPHER BURKE:

Nothing further.

CHAIRMAN RICHARD SCALI: Deputy

Chief?

DEPUTY FIRE CHIEF DANIEL TURNER: No questions.

CHAIRMAN RICHARD SCALI: All right. You have an opportunity to ask questions of the officer and then present your information. We will also take testimony from the public as well if anybody has anything else to add.

Is there anything you want to ask of the officer what happened?

ALEX GOULOPOULOS: Because I wasn't in there the other night, my brother was there, so I'm here on behalf of my brother.

CHAIRMAN RICHARD SCALI: Tell us your name for the record?

ALEX GOULOPOULOS: My name is Alex Goulopoulos, G-O-U-L-O-P-O-U-L-O-S. I'm the manager of the Riverside Pizza & Bar.

CHAIRMAN RICHARD SCALI: You weren't there that evening, but your brother was?

ALEX GOULOPOULOS: I was off that

night because I was off. I had some stuff to do.

From what my brother told me, my partner, I guess the lady she did drop -- her mother dropped her off about 7:30 at the establishment.

CHAIRMAN RICHARD SCALI: She got dropped off at 7:30.

ALEX GOULOPOULOS: 7:30.

CHAIRMAN RICHARD SCALI: And she was there until 2:00 a.m.?

ALEX GOULOPOULOS: She was there until the closing, and Gina, who was the bartender, it's her friend, and she was going to give her a ride back. It was her 30th birthday.

She wasn't really drinking, you know, she had two drinks. The most we think she had was four or five drinks all night long.

CHAIRMAN RICHARD SCALI: Was she eating?

ALEX GOULOPOULOS: Yes, she had some food, she had food. About 12:00 midnight she cut the cake for her birthday, she serve everybody the cake around, and I believe about -- the last thing she had was about 12:30.

CHAIRMAN RICHARD SCALI: How do you know that?

ALEX GOULOPOULOS: I was told from the bartender and from my brother.

CHAIRMAN RICHARD SCALI: Is the bartender here?

ALEX GOULOPOULOS: Yes. So she can go --

CHAIRMAN RICHARD SCALI: You're the bartender?

GINA (BARTENDER): Yes.

CHAIRMAN RICHARD SCALI: So you served -- you're her friend?

ALEX GOULOPOULOS: Yes.

CHAIRMAN RICHARD SCALI: You weren't giving her free drinks, were you, that

evening?

GINA (BARTENDER): No.

CHAIRMAN RICHARD SCALI: So you served her how many drinks over the course of the evening?

GINA (BARTENDER): Four or five.

CHAIRMAN RICHARD SCALI: Did she have other friends there with her?

GINA (BARTENDER): No.

CHAIRMAN RICHARD SCALI: She was there by herself celebrating her birthday?

GINA (BARTENDER): Yeah, with me. Well, she knows people that come in there, so I guess they're her friends, too.

ALEX GOULOPOULOS: She has been there a few more times. She knows a few people there, and she knows Gina, and there was no signs all this time that she had too much to drink.

And I don't know about the officer said about she fall down. We didn't see anything like that, and she didn't notice it.

And it was nothing that we could see, so wouldn't serve her anymore until the last drink.

CHAIRMAN RICHARD SCALI: What time were you open until that night?

ALEX GOULOPOULOS: 1:00. 12:30 the was last call given. It was only like a few people left around, you know, 1:00, so most of the chairs were up, and I guess this happened like just before -- by the time we close up the registers, it was almost 1:30, we have to go and that's when -- she was sitting between two customers actually -- yeah and then I guess that's when she like she started a little bit acting up.

CHAIRMAN RICHARD SCALI: What time was that?

ALEX GOULOPOULOS: I think it was like before 1:30, around 1:30.

CHAIRMAN RICHARD SCALI: Because you got a 1:00 license --

ALEX GOULOPOULOS: We're ready to

go, everything --

CHAIRMAN RICHARD SCALI: Nothing served up past 1:00, all patrons are off the premises by 1:30, all drinks, and all patrons off the counters and off the bar.

ALEX GOULOPOULOS: Well, what happened --

CHAIRMAN RICHARD SCALI: The police officer testified there were drinks.

ALEX GOULOPOULOS: Maybe what happened when she start acting up and everybody's trying to help her out and then similar she was passing out, so -- which that's when everybody was trying to help. What happened, what's going on, and she -- there were no signs, like, you know, this all of a sudden just happened. So, by the time -- then she really wasn't responding, so it took a little time by the time they decide to call the police, everybody was just hanging around there and maybe there were a few drinks left in the bar, whatever, but

they weren't drinking, they were like, you know, probably just...

CHAIRMAN RICHARD SCALI: Do you know who called the police?

GINA (BARTENDER): I called the ambulance.

ALEX GOULOPOULOS: My brother, the manager, called the ambulance.

CHAIRMAN RICHARD SCALI: What time was that?

GINA (BARTENDER): Around that time.

ALEX GOULOPOULOS: It was probably like around 1:25 to 1:30, we're just ready to walk out of the place.

CHAIRMAN RICHARD SCALI: Well, the call came in at 1:57 a.m., that's what the report says.

ALEX GOULOPOULOS: So, I guess all this time it happen like try, you know, to see what's happening and what's going on with her and trying to figure out, and then when she was really passing out and not

responding, that's when, you know, we decide to call the ambulance and the police, and that's when they arrive over there and we had her down on the floor to make sure -- everybody got scared, what happened.

So after that, they rush her to the hospital with Gina, and my nephew, they went to the hospital follow up what's going on what happened.

GINA (BARTENDER): She was in a cast, her neck and brain were all fine.

CHAIRMAN RICHARD SCALI: What happened to her, did she recover?

GINA (BARTENDER): Yes, she woke up.

ALEX GOULOPOULOS: Yeah, she recover.

We noticed -- like Gina noticed like when she was going through her pocketbook for the driver's license and health -- she was taking some prescription from the doctor, some pills.

So, we don't know if that really

triggered with the alcohol because there were no signs of her being drunk and -- because midnight, 12:00, she cut the cake and serve everybody. You know, there really weren't too many people. She served the cake to everybody. Everybody would have noticed if she was drunk, the bartender, the manager, my brother, everybody would've, you know.

There were no signs, like especially being her friend, she would not serve her if she was drunk.

CHAIRMAN RICHARD SCALI: What about the other gentleman that was a patron there that she said was intoxicated as well, you don't know who he is?

ALEX GOULOPOULOS: No.

CHAIRMAN RICHARD SCALI: Questions of Mr. Goulopoulos?

SUPERINTENDENT CHRISTOPHER BURKE: I have a question for Gina.

So this woman was your friend?

GINA (BARTENDER): Yes.

SUPERINTENDENT CHRISTOPHER BURKE:

And did you speak to her the next day?

GINA (BARTENDER): I was with her until she woke up at the hospital. I drove her home.

SUPERINTENDENT CHRISTOPHER BURKE:

Were you with her when she was released from the hospital?

GINA (BARTENDER): Yes.

SUPERINTENDENT CHRISTOPHER BURKE:

Did she indicate to her what her issue was?

GINA (BARTENDER): She didn't remember what happened.

SUPERINTENDENT CHRISTOPHER BURKE:

She doesn't recall what happened?

GINA (BARTENDER): I asked her about the prescription.

SUPERINTENDENT CHRISTOPHER BURKE:

Did she have any recollection what she was told at the hospital about her condition or anything?

GINA (BARTENDER): I don't think so.

SUPERINTENDENT CHRISTOPHER BURKE:

Nothing that you're aware of?

GINA (BARTENDER): No.

ALEX GOULOPOULOS: When the police came and the ambulance came, they asked if she's under medication or something, and we don't know anything. So, we said she's not on medication, but Gina find that out later when she was going through the pocketbook she saw pills, and she talk to her the next day, too.

Whether this was triggered with alcohol or, you know, because we didn't think -- the way she was there a long time, but what she drank, it was like not even a drink for an hour and she was -- she's a very tiny and skinny girl and light weight, but the thing is, we don't think we over-serve her.

Gina is a certified bartender and she's been working with us for four years.

CHAIRMAN RICHARD SCALI: Sometimes

when it's your friend, and it's her birthday and maybe you're not watching like you should be watching and you're busy.

ALEX GOULOPOULOS: She's her friend, she's been watching her, she didn't see anything wrong. That's what bothers us.

GINA (BARTENDER): She really was --

ALEX GOULOPOULOS: And that's why we're trying to figure out maybe the prescription was taken maybe with the alcohol because there was no signs to prevent anything.

That's why we're kinda like surprised and we all got scared what happened and trying to figure out what happened, that's why it took some time, and then we decide she's not responding, we have to call the ambulance and take her to the hospital. We're all there, we follow her up to the hospital. We stay there she stayed there until got home, and...

CHAIRMAN RICHARD SCALI: Questions,

Deputy?

DEPUTY FIRE CHIEF DANIEL TURNER:

Yes. What was she drinking?

GINA (BARTENDER): Michelobe Ultras.

ALEX GOULOPOULOS: Michelobe Ultras.

Beer.

DEPUTY FIRE CHIEF DANIEL TURNER:

Michelobe Ultras, so she was drinking beer?

GINA (BARTENDER): Yes.

DEPUTY FIRE CHIEF DANIEL TURNER:

Did you bring the cash register receipts to show the last sale or when you closed out the cash register?

GINA (BARTENDER): No.

DEPUTY FIRE CHIEF DANIEL TURNER: So we don't know when the last drink was served?

CHAIRMAN RICHARD SCALI: We can ask for that information if you would like.

DEPUTY FIRE CHIEF DANIEL TURNER:

Thank you.

SUPERINTENDENT CHRISTOPHER BURKE:

Just a follow-up: Did she at any time have

any other type of drink other than beer?

GINA (BARTENDER): I think she had one mixed drink, but other than that, it was just beer.

SUPERINTENDENT CHRISTOPHER BURKE:
Do you recall what it was?

GINA (BARTENDER): Like grape crush vodka.

SUPERINTENDENT CHRISTOPHER BURKE:
Was that later in the evening or earlier, do you recall?

GINA (BARTENDER): Earlier.

ALEX GOULOPOULOS: Later.

GINA (BARTENDER): I think it was earlier. Pretty much beer. That's it.

SUPERINTENDENT CHRISTOPHER BURKE:
Nothing further.

CHAIRMAN RICHARD SCALI: Is there anything else you want us to know?

Any other witnesses?

ALEX GOULOPOULOS: (Shrugging.)

CHAIRMAN RICHARD SCALI: Is there

anybody from the public that wants to be heard on this matter?

One hand in the back. Two hands in the back. The person in the very back row who raised their hand first.

Sergeant, if you wouldn't mind, if you could move over. I appreciate that very much.

CRAIG KELLY: My name is Craig Kelly. I live at 16 St. Gerard Terrace, I'm a City Councillor, and if I get a complaints about any establishment this is the one.

I think I was here not that many months ago about the same establishment. I get emails from people who are frightened and uneasy about what goes on at the establishment.

From what I just heard, and I don't really care whether the woman was drinking beer or Tequila or whatever, it's a problematic place, and this is just one symptom of the fact that it's problematic.

People who live in the immediate area complain about patrons sitting on their steps and smoking cigarettes, using foul language, either intentionally or unintentionally -- I'm not sure that it's actually intentional -- being intimidating to folks on the street or in the immediate area. It's constant. I shouldn't say it's all the time. I mean, it's not like I get hundreds and hundreds of complaints about it, but if I get a complaint, it's about this place and it follows the same theme on a regular basis, so I don't know what the solution is.

I don't think anyone wants to shut it down, but people really want to figure out a way to make it work for the neighborhood, make it work for the patrons, and make it work for business owner, and what's going on now, generally doesn't seem to be working at least for the neighbors, at least the neighbors that are communicating with me.

CHAIRMAN RICHARD SCALI: Well, I

mean, we had a hearing two years ago, Mrs. Lint, or a year and a half ago, on the issues about the outside where people sitting on the steps smoking and the noise.

ELIZABETH LINT: It was a year ago.

CHAIRMAN RICHARD SCALI: So that has been an issue that was kinda ongoing last year, although we haven't gotten any complaints that I know of this year.

ELIZABETH LINT: If I can -- once this situation was noticed, then I received emails. I did not receive any prior to the notice for this hearing.

CHAIRMAN RICHARD SCALI: Questions?

SUPERINTENDENT CHRISTOPHER BURKE:
No questions.

CHAIRMAN RICHARD SCALI: Thank you, Councilor.

CRAIG KELLY: Thank you very much.

ALEX GOULOPOULOS: Is it illegal to speak a foreign language if you sit on the sidewalk? I don't understand that.

CHAIRMAN RICHARD SCALI: Nobody said anything about a foreign language.

We're talking about people just speaking loudly.

ELIZABETH LINT: No, no. He said foul language.

CHAIRMAN RICHARD SCALI: Foul language.

ALEX GOULOPOULOS: Oh, I'm sorry.

CHAIRMAN RICHARD SCALI: There was another person with the hand up back there.

This gentleman, yes, come on up.

Just give us your name and address, please.

NICHOLAS LEYDON: Nicholas Leydon, L-E-Y-D-O-N, 295 River Street. I don't know if it's helpful. I brought some of the transcripts from the meeting in July or August of last year.

CHAIRMAN RICHARD SCALI: Well, we have those.

NICHOLAS LEYDON: Great. And some

emails from other folks who live next door or nearby.

CHAIRMAN RICHARD SCALI: Recently, recent?

NICHOLAS LEYDON: Yeah, actually one that was from someone. I can share them with you here.

CHAIRMAN RICHARD SCALI: If you want us to look at them, just pass them this way.

NICHOLAS LEYDON: I printed a few copies if it's at all helpful.

So, basically, what is here is just some comments from a couple of the residents saying -- voicing their concerns. I won't read them to you. You can read them on your own.

CHAIRMAN RICHARD SCALI: All right. We'll take note of them and maybe make them part of the record.

NICHOLAS LEYDON: There are basically three concerns, I think, that folks have raised generally among the neighbors I

have spoken to.

One is, around the noise, which we just heard about, which is just folks being outside often on the bar side of the building, which is closer to the 295 side as opposed to the Putnam and River intersection.

There's noise, there's trash, so we often see a lot of paper plates from the pizza side, chicken bones, bottles, things like that in our weeds, in our -- like the trees area in front of our house. So there's trash.

The third thing is really safety, which someone was saying intimidation and, you know, I'm young male, so maybe I'm not necessarily as intimidated or maybe it's just being my naive, but I know a number of my female neighbors are more concerned, especially when patrons are seemingly intoxicated or loud or speaking very obscenely in front of the bar, or in front of our residence next door, and they're trying

to come home, or they have friends coming over.

So the testimony that's in here, or the comments in here, are reflective of those concerns.

And nowhere in here does anyone suggest shutting the bar down.

I just want to make that really clear because there's also been commentary back and forth on-line in the Cambridgeport Community and I just want to voice that I'm not interested in advocating shutting the bar down, but I think we have to find a way for all of us to live in peace in a way that it's -- the noise is respectful, that people handle themselves in a way that they respect their neighbors and that the bar is an integrated part of that solution ensuring that people move along when they're not drinking there, when they're not hanging out, when they're not smoking, that the bar help maintain the peace outside.

CHAIRMAN RICHARD SCALI: Were you at the hearings last year?

NICHOLAS LEYDON: I was not.

My partner who was here was at the hearings.

CHAIRMAN RICHARD SCALI: These are much the same issues we talked about last summer that we had imposed some conditions and some limitations and signage.

NICHOLAS LEYDON: One of the things that was talked about, and I definitely heard about, was posting some signs and signs did go up. There has been an improvement in fewer people being on that side, and I want to give credit where it's due in that signs went up and there was an improvement; however, it hasn't solved the problem, and certainly the noise and the trash issues are still there, and according to the folks who are most impacted, their windows are there, there are still some people standing out there smoking and being quite loud.

CHAIRMAN RICHARD SCALI: Were you around the evening of this event with the woman that was --

NICHOLAS LEYDON: I don't think so.

CHAIRMAN RICHARD SCALI: Have you seen anything like that where someone is intoxicated or passed out?

NICHOLAS LEYDON: I haven't seen someone flat passed out, no. It's actually surprising to me.

I mean, most of the folks -- the reasons we have complaints is because people are being loud.

They have been out and they're having maybe too good of a time, but never to the degree that we heard about this evening.

CHAIRMAN RICHARD SCALI: Questions?

SUPERINTENDENT CHRISTOPHER BURKE: I don't think so.

DEPUTY FIRE CHIEF DANIEL TURNER: No questions.

ALEX GOULOPOULOS: Can I respond to

that?

CHAIRMAN RICHARD SCALI: Yes, through me.

ALEX GOULOPOULOS: Back here about a year ago, whatever, about this, I think we did a lot of improvement and we don't let anybody smoke on that side, but we have smoking customers and they have to smoke.

I put a canopy when it rains so they will be under the canopy which is towards the Putnam side, River and Putnam, right in the middle pretty much. So they're away from the house, and there's nothing I can do about if there are two or three people outside smoking, I cannot make them stop smoking.

It seems like a couple of neighbors, I think there's especially one woman, she doesn't want to see anybody smoking. Can I avoid that? I cannot do anything about that. Everybody came is people smoking. I'm trying to control. I don't let too many people out.

I think there have been

improvements. We have been in the neighbor so many years people, this is all new, people come into the neighborhood, which is, you know --

CHAIRMAN RICHARD SCALI: Didn't we talk about where the people were going to stand?

ALEX GOULOPOULOS: Yes.

CHAIRMAN RICHARD SCALI: To the left and people were on the steps and you said you were going to move them around to the other side.

ALEX GOULOPOULOS: Well, it's the handicap ramp on one side which is we were going to use, yeah, we're not using it. So the smoke part is right in the middle of the place.

CHAIRMAN RICHARD SCALI: In the middle of where you are?

ALEX GOULOPOULOS: Middle of the building which --

CHAIRMAN RICHARD SCALI: It's not

near those steps?

ALEX GOULOPOULOS: Not near the steps, and sometimes in the summertime what happens, Holifield Park is full of people and kids. It's a busy street, River Street. I can't go on the streets, but I do control everything that's on our property. I think I did a lot of improvements.

I talked to couple of the neighbors who live in the same building that don't have issue with us, and there's a couple people I'm trying to work with them, and I told them: "Anytime you guys see something wrong, call me up and let me know." I haven't received one phone call.

The other thing I heard was a rumor a couple people there, they go to the neighborhood meetings and they kinda bad-mouth us like bad bar with this, with that into the neighborhood meetings, and I don't know, maybe it's a bad advertiser for us and we haven't done anything bad to these

people. I don't know why they turn their backs like at that.

CHAIRMAN RICHARD SCALI: Everybody has their own opinions about things. Okay.

Yes, Ms. Lint?

ELIZABETH LINT: A few things actually.

As a result of the police report that we received, I asked Ms. Boyer and Mr. Hedley to monitor that location on a regular basis, which they did, and they both reported back to me that they never saw any problems outside on the occasions that they went by, which isn't to say there aren't any, but when they were there, there were no problems. I also had --

CHAIRMAN RICHARD SCALI: When was that?

ELIZABETH LINT: Since the time -- just random.

CHAIRMAN RICHARD SCALI: What time, though?

ELIZABETH LINT: All hours of the evening when -- you know, when Mr. Hedley is out and about at night, he would make sure to go by, Ms. Boyer tells me that she drives by whenever she's leaving the city or coming into the city and would take notes.

CHAIRMAN RICHARD SCALI: It's a late night issue. I mean, was it like late at night?

ELIZABETH LINT: Late at night. I also had a meeting with Superintendent Williams two weeks ago with Ms. Boyer, and we actually were meeting about a different establishment, but he was kind enough to bring me -- he looked at the log to see what calls had come in, in regards to noise or any disturbances at that location, and there was one noise complaint on June 4. Apparently there was a group at that location. They were dispersed.

There was a noise complaint on June 12. They discovered there was a

Timousine parked at 260 Putnam, and they left, so that was certainly unrelated to Riverside. And then there was a noise complaint on July 14; when police arrived, there was nothing there.

CHAIRMAN RICHARD SCALI: These are the ones that were called in in the two months of June and July and made it to that location.

Any questions?

SUPERINTENDENT CHRISTOPHER BURKE:
No.

ALEX GOULOPOULOS: Can I make one comment to this?

CHAIRMAN RICHARD SCALI: Let see if there are any other people that want to testify.

Anybody else want to be heard?

Hi. Tell us your name.

ELIZABETH BALLIGAN: I'm Elizabeth Balligan, B-A-L-L-I-G-A-N.

CHAIRMAN RICHARD SCALI: You're at

2 --

ELIZABETH BALLIGAN: 295 River Street and I just -- I wanted to come up just to echo what Mr. Leydon's already said and councilor -- the councilor.

I also just want to reiterate, that the reason we -- it was myself and a few other people in the building who felt the need to come forth about a year ago, and I do want to acknowledge that, yes, things have improved, there have been signs posted, but I am not fully convinced that the problem is resolved for several reasons: One because there are still people smoking on the handicap ramps. I can provide photos if needed. There are some people sitting on our steps smoking pot and I can provide photos of that also if needed.

As Mr. Leydon mentioned, there's still trash, the signs that have been posted are now faded so you can't really see what they say.

And so, those are just a few examples that I wanted to convey of the current situation.

I mean, I will say that someone who lived in the building, a resident of Cambridge for the past ten years, decided to sell her home and move, and a large majority was because of the bar. And it's unclear whether or not she'll be able to buy in Cambridge again.

So, I do think this is impacting not just our lives, but the City of Cambridge as a whole in terms of its retention of its residents, and I would urge the council to consider coming up with a concrete solution to the problem.

Thank you.

CHAIRMAN RICHARD SCALI: Anybody else want to be heard?

The final word.

ALEX GOULOPOULOS: I disagree with comments the lady makes because there's some

other people that live in the same unit, which I talk to them and they don't have any problems, they don't wanna come forward, and I also if I knew I would bring that name and telephone number so -- if I knew, maybe I would ask them to come down because they don't see really we do anything wrong. Maybe in the past, whatever happened two times and we have improved ourselves, and there's no paper plates, there's no trash outside, and if it's something, we'll clean it up, and I think we're -- we have to do anything we supposed to do. If somebody goes in the front of the steps and smokes, it's not my customers. I like -- when the police come over there and see somebody to report, if this is my customer or somebody passing by or --

CHAIRMAN RICHARD SCALI: Who else would be there smoking? People who live in the building? They can smoke in their apartments.

ALEX GOULOPOULOS: Groups of people walking everyday, day and night, it's a busy street.

CHAIRMAN RICHARD SCALI: All right.

ALEX GOULOPOULOS: My customers, they go out and the signs that she's talking about fading, the signs really aren't working. It's us that are making the customers move them and pass the word around and bartenders kept reminding the customers and we remind the customers, keep the noise down and the smoke on that side. There's no smoke container on the other side. There's nothing. If someone walks out of the place and tries to light a cigarette and walk by, walking out...

CHAIRMAN RICHARD SCALI: Are you not there as much anymore?

ALEX GOULOPOULOS: Oh, I am. I am. I have been sick. I was diagnosed with cancer and I was getting treatment.

CHAIRMAN RICHARD SCALI: I'm sorry

to hear that.

ALEX GOULOPOULOS: I have -- I'm getting stressed out with the situation, so...

CHAIRMAN RICHARD SCALI: But when you're not there, who is in charge?

ALEX GOULOPOULOS: My brother, my partner. We have been there 25 years.

CHAIRMAN RICHARD SCALI: I know you have been there a long time.

ALEX GOULOPOULOS: I wish I was ready to retire.

CHAIRMAN RICHARD SCALI: All right. Any other questions?

SUPERINTENDENT CHRISTOPHER BURKE: I have none.

DEPUTY FIRE CHIEF DANIEL TURNER: No questions.

CHAIRMAN RICHARD SCALI: Sergeant, anything else you want us to know?

SERGEANT MCGILL: No, sir.

CHAIRMAN RICHARD SCALI: Any

discussion with regards to other issues or charges that the Commissioners wish to hear? I do think there's an issue of you being open later than 1:30.

ALEX GOULOPOULOS: The thing that happened with the situation, people hang around and get nervous, panicking, and she was panicking, nervous and left the glasses on the table. That's exactly -- there were only five, six, seven people.

CHAIRMAN RICHARD SCALI: Motion to take the matter under advisement?

ALEX GOULOPOULOS: I like to see if my neighbors if they have a little problem to call me and let me know. I'm willing to work it out with them. I think I'm working out with some of the people, they like to talk to me. These people that never like to walk into the establishment, they never like to call me. They never like to talk to me. And all they do is go to community meetings and bad-mouth me, I guess.

CHAIRMAN RICHARD SCALI: Maybe you should go to the community meetings.

ALEX GOULOPOULOS: I don't have time for that. I have two young kids home and between working and the kids and my family, there's no time left, and the hospital, there's no time for me.

CHAIRMAN RICHARD SCALI: Motion to take the matter under advisement? Moved and seconded? All in favor?

SUPERINTENDENT CHRISTOPHER BURKE:
Aye.

DEPUTY FIRE CHIEF DANIEL TURNER:
Aye.

CHAIRMAN RICHARD SCALI: We vote September 2nd at 10:00 a.m. on the matter.

If there's any more information that we need from you in the meantime, we'll contact you or contact the sergeant.

ALEX GOULOPOULOS: Thank you very much.

CHAIRMAN RICHARD SCALI: We'll take

the matter under advisement.

Thank you, Sergeant.

HOSSEIN GHAMARY

ELIZABETH LINT: Appeal, Hossein Ghamary, a Boston licensed hackney driver, due to a citation issued by Officer Cacciola for out-of-town pickup.

CHAIRMAN RICHARD SCALI:

Mr. Ghamary, Officer Cacciola. Good evening to both of you.

Ms. Lint, are you taking the lead on this or is this the officer's complaint?

ELIZABETH LINT: It was the officer's complaint.

CHAIRMAN RICHARD SCALI: Give us your report.

OFFICER CACCIOLA: Good evening, Officer Cacciola, Cambridge Police.

On June 17th of this year at approximately 10:35 p.m. while on Cambridge Street and Prospect Street, I observed a Boston taxi pick up a fare opposite my

location, to make a left on Cambridge Street and continue towards Boston. I noticed before the fare entered -- I'm sorry -- before the fare entered, I noticed he approached the driver and then walked around -- I'm sorry -- approached the driver and then walked around the front of the vehicle to the rear passenger side door and then stopped the taxi, Mass Reg 16918 on Cambridge Street just before Cardinal Medeiros, when I approached, I noticed the meter showed \$3.80.

The operator, Mr. Ghamary, stated that he was aware of the violation. I asked for the Boston Hackney license -- I'm sorry -- I asked for his Boston Hackney license, No. 11413, and explained that he will have to contact the Cambridge Hackney office on Friday to speak to the officer signed.

ELIZABETH LINT: All right. I can take it from there.

OFFICER CACCIOLA: Okay.

ELIZABETH LINT: Mr. Ghamary appealed the citation that was issued by the officer and we had a hearing on June 28th, and at that time, he did admit that he picked up the fare, but he said that the individual, the passenger, was drunk, and he feared for his safety.

He also said that he knew that the officer was there, but that the officer should have flashed his lights at him to let him know that he was there.

Both myself and Officer Arcos (phonetic) indicated to him "If you were concerned that the passenger was very drunk and you feared for your safety, there was a police officer right there, you should have approached the police officer rather than take a drunk person in your car."

As a result of that, I upheld the fine that was issued by the officer.

CHAIRMAN RICHARD SCALI: Let's handle this right.

So, Officer Cacciola, were you in a vehicle?

OFFICER CACCIOLA: I was on a motorcycle at the time.

CHAIRMAN RICHARD SCALI: And you were sitting where?

OFFICER CACCIOLA: Opposite All Star Sandwich in front of the Indian restaurant there just past the bus stop. So right almost in the crosswalk.

CHAIRMAN RICHARD SCALI: Okay. Where was Mr. Ghamary?

OFFICER CACCIOLA: He was coming from Somerville on Prospect Street with All Star to his right.

CHAIRMAN RICHARD SCALI: But he stopped and pulled over?

OFFICER CACCIOLA: Right.

CHAIRMAN RICHARD SCALI: And you saw --

OFFICER CACCIOLA: I think an ambulance might've come by. I think he

might've pulled over to let the ambulance -- for some reason he was over -- he might have been in the wrong lane just due to the ambulance, and the individual, I think, came towards him from, let's say, Elm Street or let's say, Tremont Street, came towards him from the other side.

CHAIRMAN RICHARD SCALI: Like a resident or a business person?

OFFICER CACCIOLA: It looked like just a patron in the area.

CHAIRMAN RICHARD SCALI: Coming out of a restaurant?

OFFICER CACCIOLA: A restaurant or something, yeah.

CHAIRMAN RICHARD SCALI: Did you see him flag him down?

OFFICER CACCIOLA: I saw him -- because the taxi was pulled over to the left, he was closest to the curb, I saw him approach the driver's side. It could've been a quick conversation, and he then, like I

said, walked around the front of the vehicle and hopped in the rear passenger's side door.

CHAIRMAN RICHARD SCALI: So he hopped in the car, had a quick conversation with the driver, hopped into the vehicle --

OFFICER CACCIOLA: The light turned green, the taxi took a left towards Boston.

CHAIRMAN RICHARD SCALI: So you proceeded to follow him and stopped him at some point further down --

OFFICER CACCIOLA: Cardinal Medeiros.

CHAIRMAN RICHARD SCALI: Down near Cardinal Medeiros and got out and spoke to Mr. Ghamary at that point, and what did he tell you again?

OFFICER CACCIOLA: He said that -- no, he just said that he was aware of the violation. Like I said, I took note that the meter was activated and I just...

CHAIRMAN RICHARD SCALI: Well, he

didn't say "Oh, this guy called me" or "I was here to pick him up from Boston," he just said to you, "I know that I'm in violation"?

OFFICER CACCIOLA: Right. I just had a quick conversation. I told the passenger he would have to find another taxi.

CHAIRMAN RICHARD SCALI: All right.

HOSSEIN GHAMARY: Good evening.

Thank you.

CHAIRMAN RICHARD SCALI:

Mr. Ghamary, good evening.

HOSSEIN GHAMARY: Thank you.

It's been a month since I've driven my cab because I lost it due to what is upheld here.

On that night, I was in a Cambridge Street around 10:30 at night, as the officer said. If the ambulance wouldn't have come by, I would have been gone, this would've never happened, but just like a good driver, a good citizen, I stopped, I waited for the

ambulance to drive by, and as I was sitting there -- I don't remember the passenger coming up to me and having a conversation with me, all I remember is, all of sudden, my door opened up and somebody jumped in my cab, and the officer, I saw him right there, he saw everything. You know what I mean?

CHAIRMAN RICHARD SCALI: Uh-huh.

HOSSEIN GHAMARY: I know it's not his job to like give me a flash, like "I know you're doing something wrong, don't do it. I'm watching you," you know, nothing like that.

I wasn't anywhere near Prospect Street. I wasn't -- I did turn left on Cambridge Street, I wasn't near Prospect.

CHAIRMAN RICHARD SCALI: When the passenger -- what did the passenger say to you? Did you talk to the passenger?

HOSSEIN GHAMARY: No. He jumped in and he kinda looked up here to me like he

might've been drinking. You know, as she says, you know, the other officer was standing there. We're in the business of serving people drunk or not.

If you're supposed to go through police officers every time somebody drunk and get in a cab, you know, we spending like ten hours of our 12-hour shift dealing with the police --

CHAIRMAN RICHARD SCALI: Were you fearful he was going to get hurt or were you fearful he was sick?

HOSSEIN GHAMARY: Well, we're not in business of, you know, fear. If you have a fear, you don't drive a taxi, period. Somebody jumps in your cab, you know, from my experience, which is really not much, but -- because I drive part-time, I --

CHAIRMAN RICHARD SCALI: How long have you been driving?

HOSSEIN GHAMARY: I got my license in 2006 because there was a flood in my

hometown of North Andover. I lost both my business and my home, and ever since then, I've been just driving basically part-time, Sundays.

CHAIRMAN RICHARD SCALI: What was your business?

HOSSEIN GHAMARY: I was an electronic engineer, I'm into video surveillance equipment usually for businesses, banks, financial institutions.

But the business -- my business has been just really awful and I have to drive a taxi once in awhile.

I just don't think, you know, the officer didn't cite me, he didn't give me a citation or anything that night when he pulled me over, and he basically just took my license and he said, "See you tomorrow" or something like that, "Come pick it up tomorrow."

I figured, you know, I just go in there and pick up my hackney license.

When I came in, you know, she said, "\$300."

I'm like "What? I don't understand. I don't understand," but --

CHAIRMAN RICHARD SCALI: That's the fine.

HOSSEIN GHAMARY: I understand.

CHAIRMAN RICHARD SCALI: Boston charges \$500.

HOSSEIN GHAMARY: Those are for the people that intentionally break the law. I understand you're not supposed to pick up in Cambridge, but other -- I would never-ever pick up anybody in Cambridge, period.

CHAIRMAN RICHARD SCALI: Why were they different?

HOSSEIN GHAMARY: Because I just was in the middle the street at the red light because the ambulance had passed by and someone just jumped in my cab, I wasn't going to argue with the person, you know, tell him, "Look this is a Boston cab, this is

Cambridge. This is the law." They don't want to hear these things, you know. I'm not going to throw a passenger out of my cab.

CHAIRMAN RICHARD SCALI: You took a chance.

HOSSEIN GHAMARY: Possibly, yes.

CHAIRMAN RICHARD SCALI: So you're paying the fine.

HOSSEIN GHAMARY: I don't think you should be punished, you know, for -- we're in the business of serving people. I wasn't competing with the Cambridge cab driver at that time of the night. You know, I think, you know, somebody needs a taxi, nobody else is around, just let him pick him up, you know. I see Cambridge drivers, Quincy drivers, you know, these drivers from all over, they have no business being in Boston, you see them all the time picking up. I never go pull in front of them and say, you know, "I wrote your number down, I'm going to report you." Let them pick him up. Come on.

We're all in the business of picking up the people.

In the taxi business real honestly is not that great. You fine people \$300, it's just way out of fairness, it really is.

CHAIRMAN RICHARD SCALI: Questions?

SUPERINTENDENT CHRISTOPHER BURKE:

You knew it was wrong to pick him up?

HOSSEIN GHAMARY: Yes. I would never pick up in Cambridge. I did say that. I will say it again. I knew I wasn't supposed to pick up in Cambridge.

Again, I'm not going to argue with the person that jumps in car and I try to explain to them. I'm sorry if that happened to me. It was beyond my control, and I would never have done it if this was any other situation.

They just jumped in my cab. I wasn't going to argue and explain to them and throw them out of my cab. It's just not the

right thing to do.

SUPERINTENDENT CHRISTOPHER BURKE:

No further questions.

DEPUTY FIRE CHIEF DANIEL TURNER:

No questions.

Anybody from the public want to be heard on this matter?

Motion to take the matter under advisement?

SUPERINTENDENT CHRISTOPHER BURKE:

Moved.

DEPUTY FIRE CHIEF DANIEL TURNER:

Seconded.

CHAIRMAN RICHARD SCALI: All in favor?

SUPERINTENDENT CHRISTOPHER BURKE:

Aye.

DEPUTY FIRE CHIEF DANIEL TURNER:

Aye.

HOSSEIN GHAMARY: Is it possible to get my license before that time? I really need to drive. I do really need to drive.

CHAIRMAN RICHARD SCALI: Well, unfortunately, what happens is, if you don't pay the fine, Officer Arco sends your license to Boston.

OFFICER ARCO: We hold the license as evidence.

HOSSEIN GHAMARY: I promise to come back by September 2nd.

CHAIRMAN RICHARD SCALI: Well, it's not a matter of that. The matter is -- that's evidence. In Boston, what they do is keep the medallion, take the meter. And our Cambridge cab drivers are out of work sometimes for months because of that.

HOSSEIN GHAMARY: I just don't want to be a victim between the Cambridge Hackney Department and Boston Hackney Department because I'm sure that a lot of the complaints that you get -- look, I see myself in Boston right in front of me some Cambridge drivers.

I don't understand where they come from. I mean, I'm sitting right there in

front of the stand and they come and they pick in front of me.

CHAIRMAN RICHARD SCALI: And they're in violation, too.

HOSSEIN GHAMARY: That's completely flagrant. I would never ever go near this. This was, like I said, beyond my control. I would never have picked anybody up from Cambridge.

I'm not going to take too much of your time. Thank you.

CHAIRMAN RICHARD SCALI: Thank you, sir.

BASHA CAFE, LLC d/b/a BASHA'S

ELIZABETH LINT: Application continued from January 28, 2010 and February 23, 2010. Basha Cafe, LLC doing business as Basha's, Jack Markarian, manager, holder of an all alcoholic beverages as a restaurant license and entertainment license at 26-48 New Street has applied to increase the hours of operation to be opened until

2:00 a.m. on Thursdays, Fridays, Saturdays and the night before a legal holiday.

CHAIRMAN RICHARD SCALI: Good evening.

JACK MARKARIAN: Good evening.

CHAIRMAN RICHARD SCALI: Just tell us your name for the record.

JACK MARKARIAN: Jack Markarian.

CHAIRMAN RICHARD SCALI:

Mr. Markarian, as I recall, you applied many, many months ago for this, and we put it on hold for awhile, and so now, it's back on the agenda, right?

So the application is for a 2:00 a.m., Thursday, Friday, Saturday and the night before a legal holiday.

Why do we need to do the 2:00 a.m., tell us what the reason is.

JACK MARKARIAN: I get a lot of customers, like I said last time, from Providence, Rhode Island. They get there late, and I figure it's 1:00, it's too early

for them because they travel from far away. And my area, there's nothing there except really my body shop and my businesses and I decided to open up a restaurant so it's like a ghost town.

CHAIRMAN RICHARD SCALI: Is there not some new residents on New Street, there's a whole new condominium building?

JACK MARKARIAN: They build them, yes, the other side.

CHAIRMAN RICHARD SCALI: Hopefully they'll come to you.

JACK MARKARIAN: I hope so, yeah. I hope they'll do good for my business.

CHAIRMAN RICHARD SCALI: This is entertainment as well?

JACK MARKARIAN: Yes.

CHAIRMAN RICHARD SCALI: You've got entertainment there, right?

JACK MARKARIAN: Yes.

CHAIRMAN RICHARD SCALI: What time does your patio stay open until?

JACK MARKARIAN: Till closing.

CHAIRMAN RICHARD SCALI: Until 2:00 a.m. -- if you get the 2:00 a.m.?

JACK MARKARIAN: If I get it.

CHAIRMAN RICHARD SCALI: We don't let patios stay open past 1:00 a.m. anyway at the latest.

JACK MARKARIAN: I can close the patio at 1:00.

CHAIRMAN RICHARD SCALI: Questions?

SUPERINTENDENT CHRISTOPHER BURKE: I'm just looking for an update on the status of the accessibility complaint that was filed.

JACK MARKARIAN: I could give my drawings. I'm in the process now. I just got it from the architect. It's existing ramp on the side. So I made a promise that I'm gonna take -- it was made out of wood and I'm going to take that out and make it out of concrete like I did in front of the restaurant. The restaurant is all set. It's

just the side entrance to the building, main building. There's a ramp there, so I'm just taking the ramp out and making it out of concrete.

CHAIRMAN RICHARD SCALI: So this is an order by the Architectural Access Board for to you comply, obviously?

JACK MARKARIAN: Yes.

CHAIRMAN RICHARD SCALI: You got a ramp that goes into the restaurant that's in compliance, but --

JACK MARKARIAN: The restaurant part it's in compliance. The side of the building where it's the front entrance of the building that's where everybody comes in. There's a ramp there that's there for a long time.

CHAIRMAN RICHARD SCALI: Is it an access to the restaurant and the patio?

JACK MARKARIAN: Correct.

CHAIRMAN RICHARD SCALI: But people can't get to the patio?

JACK MARKARIAN: No, they do. They

go in front of the door, there's a hallway and all my tenants are there and they go right to the restaurant and the restaurant goes out to the patio because the patio is like six inches below.

ELIZABETH LINT: The information that we have from the Architectural Access Board is that patio is not accessible.

JACK MARKARIAN: The patio is accessible.

ELIZABETH LINT: This says it's inaccessible.

CHAIRMAN RICHARD SCALI: There's no handrails provided on the ramp.

JACK MARKARIAN: I've got the pictures right there. Everything is there.

ELIZABETH LINT: I understand that, but I'm --

JACK MARKARIAN: The restaurant part is accessible. The patio is accessible. And they signed off, the licensing, they signed off saying that it's okay. It's the side of

the building.

CHAIRMAN RICHARD SCALI: Who said that? We didn't sign off.

JACK MARKARIAN: No. The special --

CHAIRMAN RICHARD SCALI: We don't sign off on this. This is bigger than us. This is Architectural Access Board. This is state telling you to comply.

So this is beyond our jurisdiction at this point, so...

I know that our disabilities commissioner is here, so I want to give her an opportunity to speak as well.

Good evening.

KATE THURMAN: Good evening.

CHAIRMAN RICHARD SCALI: Tell us your name for the record.

Kate Thurman, T-H-U-R-M-A-N, and I'm project coordinator with the Cambridge Disabilities Commission. I'm here on behalf of Michael Muehe, our director, who is out of town on vacation this week.

Michael did -- in addition to this notice from the Massachusetts Architectural Access Board dated August 11 indicating that the building has not been brought into compliance, Michael Muehe -- are you Mr. Markarian?

JACK MARKARIAN: Yes.

KATE THURMAN: You may recall getting a letter from Mr. Muehe on June 3, 2009, which I have some copies of.

(Forwarding.)

CHAIRMAN RICHARD SCALI: That's a copy of Mr. Muehe's letter?

KATE THURMAN: Yes.

CHAIRMAN RICHARD SCALI: I think we had that from before. He submitted that from the last time. Didn't he submit this information or is this new?

KATE THURMAN: No, this is the letter dated last June of 2009.

CHAIRMAN RICHARD SCALI: Right. We have that from last time because I know that

was an issue, and then Mr. Markarian was trying to get it resolved at that point.

So your department is still asking us to obviously wait until he complies with what the order is, is that what is you're saying?

KATE THURMAN: Yes. We're asking -- let's see. This is from Michael, again, who is on vacation. "The Commission for persons with Disabilities respectfully request that the Cambridge Licensing Commission refrain from extending or expanding any of Basha's Cafe's licenses until the accessibility problems at this facility have been resolved."

CHAIRMAN RICHARD SCALI:

Mr. Markarian, what are your plans? Is this going to be done soon?

JACK MARKARIAN: I start it already. I start taking it down. The restaurant is in compliance. It's the side of the building.

DEPUTY FIRE CHIEF DANIEL TURNER:

Excuse me, Mr. Chairman.

Have you read this?

JACK MARKARIAN: I've read it, yes.

DEPUTY FIRE CHIEF DANIEL TURNER:

You've read it. So we're not talking about the side of the building. This is talking about the restaurant's ramp not being in compliance.

JACK MARKARIAN: It's there.

DEPUTY FIRE CHIEF DANIEL TURNER:

But it's not in compliance. So you got to fix it. You got to make it meet the requirements that they're asking to you to make it meet.

JACK MARKARIAN: They did come and check it out with my architect.

DEPUTY FIRE CHIEF DANIEL TURNER:

Who is "they"?

JACK MARKARIAN: Mike Muehe, I think, came over with my architect, they went outside and checked the ramp.

You're talking about the restaurant

ramp?

DEPUTY FIRE CHIEF DANIEL TURNER:
Have you spoken with Mr. Lang from --

JACK MARKARIAN: No, I haven't
talked to him.

DEPUTY FIRE CHIEF DANIEL TURNER: I
suggest you give him a call.

JACK MARKARIAN: I will give him a
call.

KATE THURMAN: When was that?

JACK MARKARIAN: This was a month,
month and a half ago when we finished the
restaurant's ramp.

KATE THURMAN: So you redid the
ramp?

JACK MARKARIAN: Yes. There was no
ramp there at all. We put a new ramp. Now
I'm doing the side of the building.

KATE THURMAN: I can't speak for
Michael.

CHAIRMAN RICHARD SCALI: This came
in August 11th and there's three points -- it

states three things that need to be fixed. We need to get you in compliance with the order, and then, I think at that point, we can properly consider the proposal.

DEPUTY FIRE CHIEF DANIEL TURNER: I don't want to bring a disciplinary action or not approve this based on, you know, we're talking about the restaurant, and if there's an issue with the other part of the building that has nothing to do with the 2:00 a.m. and so I don't want to hold the 2:00 a.m. up if there's an issue with another -- you know, again this has nothing to do with the restaurant, it's another part of the property.

So, if it's the ramp in question, then once these conditions are satisfied, then we can go ahead and move on this.

But Mr. Markarian seems like he's not understanding that it's the restaurant ramp we're talking about.

JACK MARKARIAN: It's confusing,

yes. They say the compliance is the restaurant, but the restaurant is brand-new ramp that I built. So, they're talking about the side one. I'll straighten it out.

CHAIRMAN RICHARD SCALI: Whatever ramps you have they're saying that ramp is not in compliance.

JACK MARKARIAN: I know which one.

ELIZABETH LINT: I do have emails as well in opposition to the 2:00 a.m. I don't know if you want to hear that now.

CHAIRMAN RICHARD SCALI: Well, let me ask: Is there anybody else here that wants to testify for or against this?

DEPUTY FIRE CHIEF DANIEL TURNER:
Can I just clarify my point?

CHAIRMAN RICHARD SCALI: Sure,
Deputy Chief.

DEPUTY FIRE CHIEF DANIEL TURNER:
Just understand this one now, just so I have it straight, they have to use the side ramp to get into the restaurant, and then there's

another ramp from the restaurant to the patio?

JACK MARKARIAN: Correct.

DEPUTY FIRE CHIEF DANIEL TURNER: Okay. So, in essence, yeah, if you got to use the first ramp to get to the second ramp, I was thinking --

CHAIRMAN RICHARD SCALI: You have to go in to connect to the other.

DEPUTY FIRE CHIEF DANIEL TURNER: That's what the plans are that are being worked on?

JACK MARKARIAN: Yes.

DEPUTY FIRE CHIEF DANIEL TURNER: Okay. Now I have it straight.

CHAIRMAN RICHARD SCALI: Emails, Ms. Lint.

ELIZABETH LINT: Yes. I have an email from an Alicia St. Clair who lives around the corner on Alpine Street asking that the hours not be extended. She worries about driving accidents, they'll be

additional problems because of the new residential building on New Street, and a late bar will attract residents that like to drink late. Both sides close to the rotary, so many people could be put at risk.

There's also an email from Eva Conway on Fairweather Street writing to express her opposition to the increase in hours. It was less than a year ago that they violated various Mass. General Laws while garnering some press in their involvement with the unfortunate incident involving a state senator, they remain an inexperienced licensee, and she remains concerned that the additional late night hours will adversely affect her quality of life.

DEPUTY FIRE CHIEF DANIEL TURNER:

Is there any neighborhood organization --

CHAIRMAN RICHARD SCALI: It's kinda further out than the neighborhood.

DEPUTY FIRE CHIEF DANIEL TURNER:

Didn't you reach out to the neighbors in the

prior request as part of this?

JACK MARKARIAN: Yes. I mean, I'm in the middle -- I own everything around me, there's no neighbors, and then behind me there's no businesses, so Fairweather is like far away on the other side.

CHAIRMAN RICHARD SCALI: Let's get you into compliance with this first to make sure you're in compliance with all state, federal and local laws.

JACK MARKARIAN: That's no problem.

CHAIRMAN RICHARD SCALI: We can take other actions, if we need to which we really don't want to do.

If you refuse to comply with this then we have to do other things. Let's get you to do that first. You say you're doing that and you have it underway, so it shouldn't take you very much longer, right?

Let's take a motion to take the matter of under advisement until we wait for the results of the Architectural Board and

then we'll take it up at that point.

KATE THURMAN: We're happy to do another site visit.

CHAIRMAN RICHARD SCALI: A motion?

DEPUTY FIRE CHIEF DANIEL TURNER:
When do you dispatch the construction beginning?

JACK MARKARIAN: I started already taking the woods out.

DEPUTY FIRE CHIEF DANIEL TURNER: A couple weeks.

JACK MARKARIAN: I would say a couple weeks, yeah.

DEPUTY FIRE CHIEF DANIEL TURNER:
Do you want to go ahead --

CHAIRMAN RICHARD SCALI: As soon as he notifies Ms. Lint, we'll put it back on the agenda. Okay.

Motion moved?

DEPUTY FIRE CHIEF DANIEL TURNER:
Seconded.

CHAIRMAN RICHARD SCALI: All in

favor?

SUPERINTENDENT CHRISTOPHER BURKE:

Aye.

DEPUTY FIRE CHIEF DANIEL TURNER:

Aye.

JACK MARKARIAN: Thank you.

BOURBON COFFEE NORTH AMERICA

ELIZABETH LINT: Other informational matter continued from July 26, 2010, Bourbon Coffee North America, Incorporated doing business as Bourbon Coffee, Matthew Hodges, manager, holder of an all alcoholic beverages as a restaurant license approved but not yet issued due to the restaurant not being opened. The License Commission's six months' approval expired June 14.

ATTORNEY SHAWN HOPE: Attorney Shawn Hope. I'm here tonight with Stacey Manley. She's a representative for Bourbon Coffee North America and Bourbon Coffee, LLC.

CHAIRMAN RICHARD SCALI: What is your position?

STACEY MANLEY: Sort've of director of operations. I get the stores up and running and oversee them.

CHAIRMAN RICHARD SCALI: So where are you located now?

STACEY MANLEY: DC.

ATTORNEY SHAWN HOPE: In Washington, DC. And I just want to make a point that we did pay the second half of the fee, so it's current.

ELIZABETH LINT: They did.

CHAIRMAN RICHARD SCALI: All right. That's a good step in the right direction.

So, is your operation aware that you're still in possession of this license?

STACEY MANLEY: Yes. We're trying to work with the owners, the Marinos, to sell it in conjunction with leasing out that property, because it's going to be difficult for them to lease it without it. But we're totally open to selling it to anyone else who wants to buy it.

CHAIRMAN RICHARD SCALI: So are you actively looking?

STACEY MANLEY: Boxco is. He's my boss. He's pretty much of CEO of Bourbon Coffee.

CHAIRMAN RICHARD SCALI: They have people looking for licenses and our cap policy has changed a little over the years to allow more flexibility in different areas now. Do you want to stay in that one area?

I realize the landlord is going to want you to probably keep it in that same location, but if you get a buyer somewhere else, I mean, that could happen.

It doesn't mean, they wouldn't get a license later on from somebody else. But we want to make sure these licenses are being used for people who need them.

You being in DC, not really around, it kinda -- maybe you might've forgotten about it and it's sitting and no one is really doing anything about it, it can be a

problem.

So you guys are you actively involved looking?

STACEY MANLEY: Boxco is the guy and, as far as I know, he's working with owner of Marino's and trying to get someone to take the license because we're not doing anything with it.

CHAIRMAN RICHARD SCALI: It's the same, so is the property.

ATTORNEY SHAWN HOPE: There was a question last time when we were here about why the first location, the relocation didn't work, and I'll ask Stacey to speak to that a little bit because I went before the Zoning Board about a new location, which we didn't get approval for on Mass Ave. I think Stacey would be able to speak on that.

STACEY MANLEY: Originally, the idea with the Marinos was to make something like the stores in Cadalli, which are gigantic and they have a full service menu and alcohol and

everything, but we decided that would be a big too much for us to bite off right now. So we took a smaller space, maybe 2500 square feet, instead of like the 11,000 that Marino's was, and we're going to do strictly coffee with sandwiches so.

CHAIRMAN RICHARD SCALI: That's at Porter Exchange or Porter --

STACEY MANLEY: It's --

ATTORNEY SHAWN HOPE: Porter Exchange?

STACEY MANLEY: Porter Square.

ATTORNEY SHAWN HOPE: Right next to the Bally's parking lot across the street.

CHAIRMAN RICHARD SCALI: Is that coming along soon?

STACEY MANLEY: Uh-huh. Yeah, we'll probably be open in October or November.

CHAIRMAN RICHARD SCALI: Questions?

SUPERINTENDENT CHRISTOPHER BURKE:
No questions.

DEPUTY FIRE CHIEF DANIEL TURNER:

No questions.

CHAIRMAN RICHARD SCALI: Anybody from the public want to be heard on this matter?

Let's start with this gentleman over here, and we'll work our way over.

Good evening.

MICHAEL ROAN: I'm Michael Roan, 20 Gold Star Road, Cambridge, Mass, and Marino's is very, very close to where I live. It's basically a couple doors down. And I feel like that the liquor license should stay with the Marino's property so that we can attract a tenant that can, you know, bring -- just attract a good tenant or a good restaurant. I think it's a key thing for that liquor license to stay there for just in case any restaurant is interested in opening there.

CHAIRMAN RICHARD SCALI: Well, I understand your reasoning. I want to make sure you understand that the license and property don't automatically go together,

because the entity owns the license and the landlord doesn't own the license.

I mean, your reasoning is valid and obviously the landlord's going to want that to be there.

But there are other people in the city who are looking for licenses as well, and, you know, it may very well work out that they find someone very quickly and have a tenant that can transfer the license.

MICHAEL ROAN: There's been nothing happening there for a long time, and it's kind of a key place to have to have in the community that has retail and lively community.

Thank you.

CHAIRMAN RICHARD SCALI: Someone else?

MAXI BROOKS: My name is Maxi Brooks, 20 Gold Star Road, same as his address, and I basically have the same request, and I understand that they own the

liquor license and that can sell it wherever they want.

CHAIRMAN RICHARD SCALI: With our approval.

MAXI BROOKS: So, the reason I came is they have tied up that liquor license and the rental of that place for -- I don't know if it's been -- between a year and two years. I forget how long it's been.

STACEY MANLEY: A little over a year.

MAXI BROOKS: A little over a year. That has held back that site being rented out, and the impact on that in North Cambridge is significant.

It's, as Michael said, it's a key place, it was a successful restaurant for many, many years. Mr. Marino died. It could be a successful restaurant again. It does need some work. They took a bite at it, they decided it was too big, they went down to DuPont Circle and made their other

restaurant, which I understand is successful, and I think that's a cool thing.

But because they tied up this liquor license for over a year, there has been no ability for that site to be filled by another restaurant, and I feel like -- so I say to you, just in terms of the way I kinda think that there's a sort've extenuating circumstance, something else like that that I believe that it should be attempted to be -- if the guy still wants it who owns that building, he has a right to it also. Do you understand my reasoning?

CHAIRMAN RICHARD SCALI: The landlord?

MAXI BROOKS: The landlord.

CHAIRMAN RICHARD SCALI: The way the law works, the landlord cannot own the licenses because that means that the landlord that has control, sole control over licenses -- that's the way the state law is written -- so the person that applies the licensee, the

lessee, owns the license --

MAXI BROOKS: These buys own the -- right.

CHAIRMAN RICHARD SCALI: So obviously, they're trying to work very closely with Mr. Catis because I know him, they're trying to do that.

MAXI BROOKS: Okay. Well, then I just really support that because they have held up moving forward in our neighborhood for over a year and North Cambridge is struggling to maintain its commercial stuff, and there's a lot of us in North Cambridge who are really concerned about that and beginning to like take a look at what are we going to do around here, so...

CHAIRMAN RICHARD SCALI: It's an eyesore definitely.

MAXI BROOKS: Well, it's not so much an eyesore, it's that it's empty and we need business there, and with a liquor license, we're a little bit more likely to get a

restaurant there.

And the last thing we want is another giant condo project.

Thank you.

CHAIRMAN RICHARD SCALI: Thank you very much.

Anybody else?

Sir?

JOHN DARRAH: I'll be very brief because I think you already answered our statement.

CHAIRMAN RICHARD SCALI: Tell us your name.

JOHN DERRAH: John Darrah. I live at 47 Reed Street, a couple blocks from the Marino's restaurant site. And I want to agree with my neighbors about the importance of the Marino's site. We're a neighborhood group particularly focused on improving retail and restaurant experience between Marino's and Frank's Steak House. There's a number of very vibrant restaurants around

there Frank's Steak House, Om Sushi, Singa Bella, and the retail starts to die as you get towards Marino's, and we see that has an anchor opportunity for bringing a lot more life and street life to that neighborhood.

So, whether it's -- I understand they own the liquor license, but if this comes up before for Mr. Catis and the owners of the property, to have a liquor license, I think we would do anything in our power to make it an attractive leasing opportunity for a dynamite restaurant. We're very much in favor of that.

CHAIRMAN RICHARD SCALI: Thank you.
Councilor?

CRAIG KELLY: Hello, again. My name is Craig Kelly. I live at 6 St. Gerard Terrace not all that far from the Marino's property.

The statements made by the earlier speakers are very accurate. Without this license associated with this building, and I

understand that we can't legally associate them, the building becomes much less valuable and to most people, including myself, I see a building like that and I think that's a solid building. For someone who is better with numbers, they look at a building like that and they think, well, we can knock it down for X amount of money at so many square feet and we just met FAR with the setbacks and we could put up so many condos, a completely different calculation that most of us don't understand and that terrifies us because once that restaurant building goes away, it's not going to come back, and this part of Mass Ave is desperately in need of as many anchor and destination restaurants and whatnot as possible.

I know that we can't and you can't tell the people what to do with their license, but there is a cap. There's a whole variety of capped areas, and where this license goes is very much dependent on what

you say about the cap.

And how attractive it is to other people is also dependent on that, and it flows down to if there are some thought that this license can walk to Harvard Square where it will have more value than perhaps the people who own the license and the people who own the building would not be as eager to make something work at the current site.

So, I would just encourage you to look at this license as being in this capped area, that's what the rules are, that's where it should stay. And, hopefully, it will stay in this building given those constraints.

Thank you very much.

CHAIRMAN RICHARD SCALI: Just so you know actually when Mr. Hope was here a few weeks ago by himself and we said where is your client, that's typically why we asked him to go and get and bring them here because we want to make sure that they're working with the landlord to try and make this work.

STACEY MANLEY: We are, too.

CRAIG KELLY: I know everyone wants to make it work, but the -- and I can't begin to understand the finances and the math involved because the property itself has a value to someone who doesn't want to run it as a business, the license itself has a value within the capped area, it has a different value somehow it can get moved out of the capped area and I'm there are tax consequences and all those other things that I couldn't begin to explain, but I do know what I would like to see at the end of all this is a successful restaurant there and that's not gonna happen without a liquor license associated with it, so to the extent that any decisions that the Board can make makes it's more likely for that license to stay there, then I think that would be a good thing.

Thank you.

CHAIRMAN RICHARD SCALI: Thank you

very much.

STACEY MANLEY: Can I say, too, the owner of the property was really great -- I mean, we had a ten-year lease -- in letting us get out of that lease with an okay penalty. So, I mean, we're more than willing to work with him on this.

CHAIRMAN RICHARD SCALI: So you're in communication and you're working with them. I know they're actively looking for a tenant. It's not that they're not looking. It's just a matter of making the numbers work and making sure they get the proper restaurant in there.

STACEY MANLEY: I think the place was empty two years before we took it over.

CHAIRMAN RICHARD SCALI: Okay.
Anybody else that wants to be heard on this matter?

Questions?

DEPUTY FIRE CHIEF DANIEL TURNER:
No questions.

CHAIRMAN RICHARD SCALI: So the motion is then to allow them a six-month extension on the license. We give only six month extensions at a time, so you come and update us every six months, which means, if you don't sell it or Mr. Catis doesn't find a tenant in six months, we'll see you again updating us as to what the license is doing.

Six-month extension. Motion.

DEPUTY FIRE CHIEF DANIEL TURNER:

Seconded.

CHAIRMAN RICHARD SCALI: All in favor?

SUPERINTENDENT CHRISTOPHER BURKE:

Aye.

TW FOOD, LLC

ELIZABETH LINT: Application, continued from February 23, 2010, June 22, 2010 and July 26, 2010. T.W. Food, LLC, Tim Wiechmann, manager, holder of wine and malt beverages as a restaurant license at 377 Walden Street has applied for an

entertainment license to include background jazz with three instruments and no vocals. Applicant is also applying to extend the current Saturday and Sunday hours, which are 5:00 p.m. until 12:00 a.m. to the 9:00 a.m. to 2:00 p.m. and then reopening at 5:00 p.m. alcohol service will start after 12:00 noon on Sundays.

CHAIRMAN RICHARD SCALI: Good evening.

TIM WIECHMANN: How are you?

CHAIRMAN RICHARD SCALI: Are you back finally?

TIM WIECHMANN: I'm sorry I missed the last one. I assumed it was Tuesdays.

CHAIRMAN RICHARD SCALI: Our summer schedule messed you up.

TIM WIECHMANN: It was poor communication between my wife and myself.

CHAIRMAN RICHARD SCALI: That's understandable. We don't normally meet on Mondays, it's normally Tuesdays.

We forgive you.

TIM WIECHMANN: Okay, thanks.

CHAIRMAN RICHARD SCALI: Tell us where you are.

TIM WIECHMANN: We were held up because we were kinda trying to work out ventilation issues with our neighbors. We have installed a brand-new system and it's very quiet. We got our landlord to chip in a third, I put in a third, the condominium put in a third and it works great.

CHAIRMAN RICHARD SCALI: So it's in, it's operating and it's working?

TIM WIECHMANN: Yeah.

CHAIRMAN RICHARD SCALI: No complaints?

TIM WIECHMANN: I don't think so.

CHAIRMAN RICHARD SCALI: No noise?

ELIZABETH LINT: I have nothing.

CHAIRMAN RICHARD SCALI: No one called to complain?

TIM WIECHMANN: It's really quiet.

DEPUTY FIRE CHIEF DANIEL TURNER:

So, the neighbors have spoken in the past --

ELIZABETH LINT: No.

CHAIRMAN RICHARD SCALI: Anybody want to be heard on this matter at all?

BEN BATTAGLIA: Ben

B-A-T-T-A-G-L-I-A. As Tim said, the driver behind the original protest was the vent, we have made a fine example of how to co-exist in the community and shared the financial responsibility.

TIM WIECHMANN: We're very proud of this.

CHAIRMAN RICHARD SCALI: It took awhile.

BEN BATTAGLIA: Well, you know what? It took way longer to figure out somebody to put in a reasonable vent than it did to agree on the split. It's in, fine, no problem. I was here with my neighbor. No problems there. So we're all good.

CHAIRMAN RICHARD SCALI: You're all

happy.

BEN BATTAGLIA: Yeah. I mean, we split it as we agreed, as an ownership group, all 11 units to come and put together the third alongside Tim's third and the third from the unit's owner to replace the vent.

CHAIRMAN RICHARD SCALI: You guys should write a book.

TIM WIECHMANN: It was tricky.

CHAIRMAN RICHARD SCALI: Maybe you can work at Marino's.

All right. If that issue is resolved, then before us is the issue of extending the current hours, correct? So we're going to be going to --

TIM WIECHMANN: We'd like to do a brunch.

CHAIRMAN RICHARD SCALI: Thank you. To include your background jazz of three instruments and no vocals and to extend the hours on Saturday and Sundays to 9 a.m. to 2:00 p.m. and then reopening at 5:00 p.m. and

alcohol service starting after -- you know, the law was changed actually recently where you can now serve alcohol at 10:00 a.m. on Sundays.

TIM WIECHMANN: Oh really?

CHAIRMAN RICHARD SCALI: We haven't accepted the ruling, yet, but --

TIM WIECHMANN: That's good news if you do that.

CHAIRMAN RICHARD SCALI: We have a hearing in September on accepting the new law. I don't know if you want to do it at 10:00 a.m.

TIM WIECHMANN: We won't open at 9:00, we'll probably open at 10:00.

CHAIRMAN RICHARD SCALI: What we can do is probably amend your application.

DEPUTY FIRE CHIEF DANIEL TURNER:
Can we actually do that before?

CHAIRMAN RICHARD SCALI: Well --

ELIZABETH LINT: No.

CHAIRMAN RICHARD SCALI: We can

include you in the vote maybe when we do vote in September.

DEPUTY FIRE CHIEF DANIEL TURNER:

Blanket amendment.

CHAIRMAN RICHARD SCALI: Yeah.

Anybody want to be heard on the hours?

Questions?

DEPUTY FIRE CHIEF DANIEL TURNER:

No questions.

SUPERINTENDENT CHRISTOPHER BURKE:

No questions.

CHAIRMAN RICHARD SCALI: Motion to

approve?

DEPUTY FIRE CHIEF DANIEL TURNER:

Seconded.

CHAIRMAN RICHARD SCALI: I approve

and seconded. All in favor?

SUPERINTENDENT CHRISTOPHER BURKE:

Aye.

DEPUTY FIRE CHIEF DANIEL TURNER:

Aye.

TIM WIECHMANN: Thank you very much.

CHAIRMAN RICHARD SCALI: Make sure you get your new licenses and all that before you do anything.

TIM WIECHMANN: I will. Thank you.

SUPER DUCK TOURS, LLC

ELIZABETH LINT: Application. Super Duck Tours, LLC and Boston Upper Deck Trolley Tours have applied to amend a stop on their existing route. A new stop on Brattle Street will be replacing the previous stop on Mount Auburn Street. Applicant is also applying to use new zero-emissions green and yellow trolleys.

CHAIRMAN RICHARD SCALI: Hello again. I'm sorry to call you back in again, but we didn't vote last time because it was temporary so now this is the permanent change, right?

DENNIS KRAEZ: Hopefully.

CHAIRMAN RICHARD SCALI: So everything's working okay?

JACK HARTE: Very well.

CHAIRMAN RICHARD SCALI: No problems with the stop on Brattle.

JACK HARTE: No.

CHAIRMAN RICHARD SCALI: I see it's a light tight.

DENNIS KRAEZ: If there's someone there, they go around the block. We haven't had any issues.

JACK HARTE: At that point they just stop, drop and roll, you know.

CHAIRMAN RICHARD SCALI: I don't know if that's so good. I mean, there's also the issue -- I know they were talking about it at the City Council with that barricade on the corner of JFK as you go around the corner there, have you had any trouble making any turns?

DENNIS KRAEZ: No.

JACK HARTE: As a matter of fact, that's actually worked to our advantage on a couple times, I mean, there's a little buffer spot there a little bit.

CHAIRMAN RICHARD SCALI: All right. We're going to be using the zero emissions, green and yellow trolleys?

DENNIS KRAEZ: The first one came in, we still have a few more that have to be built, probably a week or two before they start if you approve it.

CHAIRMAN RICHARD SCALI: Questions?

SUPERINTENDENT CHRISTOPHER BURKE:

No questions.

DEPUTY FIRE CHIEF DANIEL TURNER:

No questions.

CHAIRMAN RICHARD SCALI: Anybody from the public want to be heard?

Ms. Jillson?

DENISE JILLSON: Good evening.

CHAIRMAN RICHARD SCALI: I don't know what you're going to say, but go ahead.

DENISE JILLSON: So, for the record, Denise Jillson, Executive Director for the Harvard Square Business Association.

We want to support this application

of course, but I do have some concerns. And this is really about the signage at that stop right now.

And, you know, my office is right over that stop, so I really get to see what is going on.

First of all, we're delighted with Super Duck Tours, they have been wonderful members of the association and do a lot of community work, and when they come in, on average, they're there two, two and a half minutes, people get off, people get on and they leave.

Now this spot has traditionally been an active loading and unloading zone for people delivering, you know, mostly UPS delivering to the tannery, Cardullo's, Black Ink, MDF, Dickson Brothers, they all receive -- they unload and load at that stop.

The signage is very confusing. There are three signs there right now that are all sort've -- they're in opposition to

each other, and one says, you know, loading only between certain hours, the other one says it's trolley stop only, there's another one that says no parking, and then there's one that just added today, a smaller one that says this has now become a shuttle stop for the Best Western. Now, when -- yeah.

CHAIRMAN RICHARD SCALI: I didn't know about that.

DENISE JILLSON: That's fine. We welcome it all, right.

CHAIRMAN RICHARD SCALI: If they can all fit, that's the problem.

DENISE JILLSON: It's a little bit of a problem. But, you know, these guys come in, they spend, as I said, two, two and a half, three minutes and they're gone, and then 45 minutes later they come back again.

So just to designate the space for just the trolley makes absolutely no sense at all, particularly when we're dying for space for loading and unloading.

I mentioned this problem to Sue Clippinger and to Wayne Amaral, and Sue feels the same way I do, pretty much, is that -- it really needs to be mixed use. And I will say that everybody, you know, bar none, has been really careful because particularly right now with the MBTA construction that's going on typically on the plaza, you know, we're down to one lane sometimes.

There's JF White contracting trucks that come in, they have been very good about not staying there, but they come in and they do something quickly and they leave. There's an awful lot going on there.

I just want to make sure that we're all on the same page, that we love the trolley being there.

You know, I spoke to many of our restaurants and retail stores in the immediate area they have been benefited greatly from the amount of tourists that have come in to the Square this summer. People --

I mean, we're not, you know, hitting it out of the ballpark, but people are doing quite well.

Went around a week ago with Councilor Leland Cheung, and the feedback we get is really positive. So I just want to make sure that the signage works with what you're doing there. And everybody is aware that it's mixed use, you know, the trolley, the shuttle, UPS, you know, JF White, MBTA, you name it, it's all there.

CHAIRMAN RICHARD SCALI: Is Ms. Clippinger changing anything at all?

DENISE JILLSON: Wayne was reluctant to change it. Sue, you know, didn't have any particular issues and understood that we have been using it as mixed use space since May, early May and it has worked beautifully. Actually, was it April or May.

DENNIS KRAEZ: I think the hearing was in April, wasn't it?

DENISE JILLSON: It was April. And

it has worked.

CHAIRMAN RICHARD SCALI: Is there anything else that we can do -- you know, not changing the signs anyway, is there anything else that we can do to make it better that you --

DENISE JILLSON: No. I think it's working, it's just that the signs are not in sync with what is actually taking place there.

One police officer did come and he said to the UPS guy, "You have to leave because, you know, the signage says 'trolley stop only,' until today when it said 'shuttle stop,'" also, so anyway --

CHAIRMAN RICHARD SCALI: Maybe they can clarify the signs in some way?

DENISE JILLSON: I would encourage that. That's what I wanted to say.

CHAIRMAN RICHARD SCALI: You're saying you would like me to talk to Mr. Amara about clarifying the signs?

DENISE JILLSON: That would be lovely. I want to make sure that we're all on the same page. That it really does work and the same thing, you know, as City View gets more actively involved in this, you know, that it's a space that highly desirable, we welcome the trolleys. It's great for the Square. It's good for business, but we need to be safe and we need to be in compliance.

CHAIRMAN RICHARD SCALI: We can do that.

DENISE JILLSON: Thank you.

CHAIRMAN RICHARD SCALI: Thanks very much.

DENISE JILLSON: You're welcome.

CHAIRMAN RICHARD SCALI: I assuming your comments are the same for City View?

DENISE JILLSON: Indeed, yes.

CHAIRMAN RICHARD SCALI: Anyone else want to be heard on Super Duck Tours? any questions? Comments?

DEPUTY FIRE CHIEF DANIEL TURNER:

No comments.

SUPERINTENDENT CHRISTOPHER BURKE:

No comments.

CHAIRMAN RICHARD SCALI: All right.

On this one, this has to now go to the City Council. So, the vote would be to recommend to the city manager and recommend to the City Council, approval on a permanent change to the stop with a recommendation of clarification of the signs for traffic and parking, and I'll talk to Mr. Amaral about that as well. Also, the zero emissions green and yellow trolleys to be used.

Any discussion?

SUPERINTENDENT CHRISTOPHER BURKE:

No.

CHAIRMAN RICHARD SCALI: Motion?

DEPUTY FIRE CHIEF DANIEL TURNER:

Seconded.

CHAIRMAN RICHARD SCALI: Moved.

Seconded. All in favor?

SUPERINTENDENT CHRISTOPHER BURKE:

Aye.

DEPUTY FIRE CHIEF DANIEL TURNER:

Aye.

DENNIS KRAEZ: Thank you.

CITY VIEW, INC.

ELIZABETH LINT: Application, City View, Incorporated doing business as City View Trolley Tours has applied to amend a stop on their existing route. A new stop on Brattle Street will be replacing a previous stop on Mount Auburn Street.

CHAIRMAN RICHARD SCALI: Good evening.

MICHAEL THOMAS: Good evening.

CHAIRMAN RICHARD SCALI: Your name for the record?

MICHAEL THOMAS: Michael Thomas, City View Trolley.

CHAIRMAN RICHARD SCALI: You heard that discussion we just had about the signage

and stopping, and you're doing the same thing. You're replacing the Mount Auburn Street stop with the Brattle Street stop, nothing else of yours is changing, right?

MICHAEL THOMAS: That's correct.

CHAIRMAN RICHARD SCALI: Anybody want to be heard on this matter? Ms. Jillson has already dittoed her previous comments.

Motion then to recommend approval on this one as well to City Manager with clarification to traffic and parking on the signage.

That's moved.

DEPUTY FIRE CHIEF DANIEL TURNER:
Seconded.

CHAIRMAN RICHARD SCALI: Seconded.
All in favor?

SUPERINTENDENT CHRISTOPHER BURKE:
Aye.

DEPUTY FIRE CHIEF DANIEL TURNER:
Aye.

SUPERINTENDENT CHRISTOPHER BURKE:

Thank you, Mr. Thomas. Same for you,
September 13 is the date.

MICHAEL THOMAS: Excellent. Thank
you. Have a good night.

TRADER JOE'S EAST, INC.

ELIZABETH LINT: Application, Trader
Joe's East, Inc., doing business as Trader
Joe's, Gayle Pamphrey, manager, holder of a
wine and malt beverages as a package store
license at 748 Memorial Drive has applied for
a change of manager from Gayle Pamphrey to
Jennifer M. Eno-Ballbach at said address.

CHAIRMAN RICHARD SCALI: Good
evening.

JENNIFER ENO-BALLBACH: Good
evening.

CHAIRMAN RICHARD SCALI: Tell us
your name.

JENNIFER ENO-BALLBACH: I'm Jennifer
Eno-Ballbach.

CHAIRMAN RICHARD SCALI: Jennifer,
you're the new manager.

JENNIFER ENO-BALLBACH: Right.

CHAIRMAN RICHARD SCALI: How long have you been there?

JENNIFER ENO-BALLBACH: I transferred to the store on January 18.

CHAIRMAN RICHARD SCALI: January 18?

JENNIFER ENO-BALLBACH: Correct. Gayle Pamphrey was my assistant manager. She transferred to the Brookline store in June, and therefore, it has to be in my name.

CHAIRMAN RICHARD SCALI: So this is the first time this has been in your name?

JENNIFER ENO-BALLBACH: Correct.

CHAIRMAN RICHARD SCALI: First time?

JENNIFER ENO-BALLBACH: Yes.

CHAIRMAN RICHARD SCALI: So you're not aware of your rules and regulations?

JENNIFER ENO-BALLBACH: Yes. I was the assistant manager at Brookline store for two years, and was certified in the Town of Brookline. We also had the 21 proof -- I forget his name.

CHAIRMAN RICHARD SCALI: Frank Conley.

JENNIFER ENO-BALLBACH: Yes. He came to the Cambridge store in February, I went through that training.

CHAIRMAN RICHARD SCALI: Good. Are you aware of the issue with the trucks and the loading and unloading in the back?

JENNIFER ENO-BALLBACH: It has all been resolved.

CHAIRMAN RICHARD SCALI: I just want to make sure you continue to resolve.

JENNIFER ENO-BALLBACH: Oh yes. It's in our best interest.

CHAIRMAN RICHARD SCALI: You got that covered now that the trucks go into?

JENNIFER ENO-BALLBACH: There's no cover, but all issues have been resolved with the hotel. We changed the delivery times and there's no issues.

CHAIRMAN RICHARD SCALI: So you deliver at a different time now?

JENNIFER ENO-BALLBACH: Correct.

CHAIRMAN RICHARD SCALI: It's not in the middle of the night anymore?

JENNIFER ENO-BALLBACH: I wouldn't want it that way. That was the previous manager.

CHAIRMAN RICHARD SCALI: You're completely confident this is not going to be an issue in the future?

JENNIFER ENO-BALLBACH: Not an issue.

CHAIRMAN RICHARD SCALI: All right.

DEPUTY FIRE CHIEF DANIEL TURNER:
Background check?

ELIZABETH LINT: Don't have it.

CHAIRMAN RICHARD SCALI: Hasn't come in yet?

Anybody from the public want to be heard on Trader Joe's?

Motion to approve subject to the background check.

SUPERINTENDENT CHRISTOPHER BURKE:

Seconded.

CHAIRMAN RICHARD SCALI: Seconded.

All in favor?

DEPUTY FIRE CHIEF DANIEL TURNER:

Aye.

CHAIRMAN RICHARD SCALI: Aye.

SUPERINTENDENT CHRISTOPHER BURKE:

Aye.

CHAIRMAN RICHARD SCALI: Thank you very much.

JENNIFER ENO-BALLBACH: Thank you.

JH RESTAURANT CAMBRIDGE, LLC

ELIZABETH LINT: Application, JH Restaurant Cambridge, LLC doing business as John Harvard's Brew House, Steen Sawyer, manager, holder of an all alcoholic beverages as a restaurant license at 33 Dunster Street has applied for a change of officers, directors and transfer of membership interests. All other aspects of the business will remain the same.

CHAIRMAN RICHARD SCALI: Good

evening.

KAREN SIMAO: Good evening.

CHAIRMAN RICHARD SCALI: Tell us who you're. We'll start at this end and go down.

DAVE O'BLANDER: I'm Dave O'Blander, I'm vice president of operations.

CHAIRMAN RICHARD SCALI: Dave O'Blander.

KAREN SIMAO: Karen Simao from McDermott, Quilty & Miller.

STEEN SAWYER: Steen Sawyer, manager.

CHAIRMAN RICHARD SCALI: Okay. Ms. Simao, I'll let you go forward.

KAREN SIMAO: Thank you, Mr. Chairman. Good to see you again.

CHAIRMAN RICHARD SCALI: Nice to see you.

KAREN SIMAO: This is a relatively straightforward transaction, and I say relatively because unlike just a change of officers and directors, we're changing the

underlying ownership interest of this entity.

That being said, there's absolutely no change to the management or the day-to-day operation of John Harvard's.

And so, the application before you when we look at the underlying entity that is now stepping into the shoes of the prior one hundred percent interest holder, it would become the Jade Holdings, LLC transferring one hundred percent of its interest from what was previously a trust to this new entity.

The way the application is set up, and I know that the Chairman is familiar with sort've of the way a lot of these corporations structure this nowadays, we have the licensee that's one hundred percent hold by this subsequent LLC that's one hundred percent held by Volume, Inc., which is the entity that we get to that has actual officers and directors, and so the one hundred percent interest holder doesn't have officers and directors. I wanted to go the

next step and make sure you had all of that information. That's the individuals that we get to and their addresses and all the relevant information for the Board is all submitted as it relates to those officers and directors.

CHAIRMAN RICHARD SCALI: So the people that we met many, many years ago that were the main officers and directors are no longer involved?

KAREN SIMAO: Correct.

CHAIRMAN RICHARD SCALI: Is it basically a whole new ownership under a different entity?

KAREN SIMAO: Underlying the ownership, legally the ownership remains the same. It's the underlying ownership of that entity that has changed.

CHAIRMAN RICHARD SCALI: The individual faces have changed, but the entity --

KAREN SIMAO: The individual faces

of the underlying ownership has changed. For example, Mr. O'Blander has been involved with John Harvard's for several, several years, as has the manager. These faces are going to remain the same.

It's ultimately the funds that control and have an interest and have investors in these entities. That is what is changing.

CHAIRMAN RICHARD SCALI: So there are new investors, new financing involved?

KAREN SIMAO: Correct. There is new financing involved. There's a commitment letter for you. You'll see that this purchase was part of an extraordinarily large transaction, which was of six different locations, John Harvard's locations. So, the commitment letter that you have in your packet covers financing not only for this Cambridge location, but for the Boston location, the Connecticut locations, the New York locations. So you will see large dollar

amounts based on the nature of the larger transaction.

CHAIRMAN RICHARD SCALI: Are there banks involved in these loans and financing or is it individual --

KAREN SIMAO: No. They're institutional lenders, which again, the commitment letter details. It's actually several different lending institutions, for example, because I'm looking at the letter, you have UBS Securities, you have GE Capital, they're all institutional lenders they're putting up.

CHAIRMAN RICHARD SCALI: Are there pledges on --

KAREN SIMAO: The funds here. There is not a pledge of this license to the institutional lenders, no.

CHAIRMAN RICHARD SCALI: So the banks are not requesting security in this?

KAREN SIMAO: No, they're not.

CHAIRMAN RICHARD SCALI: So the

day-to-day operations is still Mr. Sawyer will be there, still the same menu, still the same operation and setup and floor plan, the way you're operating now?

KAREN SIMAO: Absolutely. So the average customer that comes in, they're going to experience zero change.

CHAIRMAN RICHARD SCALI: Background information?

ELIZABETH LINT: All set.

CHAIRMAN RICHARD SCALI: All set. Has that already gone before the ABCC? Have you already submitted like an overall plan for this?

KAREN SIMAO: There was, prior to this transaction for the six locations that I mentioned, there were a few different Boston locations, so the ABCC has seen it, they're aware of the overall transaction, but they have not seen -- we were just in Framingham last week on part of the exact same transaction, so the ABCC is probably looking

at that application next week, so by the time this one gets up there --

CHAIRMAN RICHARD SCALI: It will be --

KAREN SIMAO: It will be the same -- yeah, it will be backup documents on it.

CHAIRMAN RICHARD SCALI: All right. Anything, Ms. Lint, of concern?

ELIZABETH LINT: No.

CHAIRMAN RICHARD SCALI:

Comments?

SUPERINTENDENT CHRISTOPHER BURKE:

No.

CHAIRMAN RICHARD SCALI: Anybody from the public?

Ms. Jillson is not concerned as long as everything will be the same.

All right. Motion and to approve? Moved and seconded. All in favor?

DEPUTY FIRE CHIEF DANIEL TURNER:

Aye.

SUPERINTENDENT CHRISTOPHER BURKE:

Aye.

CHAIRMAN RICHARD SCALI: Thank you very much.

NEW ASIA RESTAURANT

ELIZABETH LINT: New Asia in Cambridge, Inc., doing business as New Asia Restaurant, Sally Loh, manager, holder of a wine and malt beverages as a restaurant license at 1105 Massachusetts Avenue has applied to hold said license in inactive status.

CHAIRMAN RICHARD SCALI: New Asia? Not here. No contact from New Asia?

ELIZABETH LINT: No.

DOMINO'S PIZZA

ELIZABETH LINT: Application, Farah Enterprises, Inc., doing business as Domino's Pizza, Mohammad Sibai, manager, has applied for a common victualer license to be exercised at 1033 Massachusetts Avenue. Said licence, if granted, would allow food and non-alcoholic beverages to be sold, served

and consumed on said premises with a seating capacity of 32 (16 seats inside and 16 seats outside). The hours of operation will be from 11:00 a.m. to 2:00 a.m. Monday through Saturday and 11:00 a.m. to 1:00 a.m. on Sunday.

CHAIRMAN RICHARD SCALI: Good evening. Tell us your name, please.

ATTORNEY KEN LEITNER: Sure, Mr. Chairman, Ken Leitner representing Farah Enterprises.

CHAIRMAN RICHARD SCALI: Light?

ATTORNEY KEN LEITNER: Leitner, L-E-I-T-N-E-R.

CHAIRMAN RICHARD SCALI: You're an attorney for Domino's?

ATTORNEY KEN LEITNER: Yes.

CHAIRMAN RICHARD SCALI: You have with you?

ATTORNEY KEN LEITNER: Mohammad Sibai who is the manager.

CHAIRMAN RICHARD SCALI: Is he also

the owner?

ATTORNEY KEN LEITNER: Yes, he is. He's the owner of the corporation.

CHAIRMAN RICHARD SCALI: Are there other people involved besides him?

ATTORNEY KEN LEITNER: Just him.

CHAIRMAN RICHARD SCALI: Just you alone, one hundred percent.

MOHAMMAD SIBAI: Of course.

CHAIRMAN RICHARD SCALI: Very good. Tell us about the application.

ATTORNEY KEN LEITNER: 1032 Mass Ave would be a new site for a restaurant. We have been to zoning, obtained permission to build out the space that is currently vacant. There are 16 seats inside and 16 seats outside, it's about 20, 22 square feet. It has accommodations for the public and handicap accessibilities.

CHAIRMAN RICHARD SCALI: What was there before?

ATTORNEY KEN LEITNER: A furniture

store.

CHAIRMAN RICHARD SCALI: Oh. I'm trying to figure out which space it was in the actual building there because -- all right.

ATTORNEY KEN LEITNER: There are four parking spaces for deliveries in the rear of the premises. Mr. Sibai has been working with Domino's for 20 years. He has been managing One Broadway right up in Kendall Square, North Cambridge area for the past five-year period.

Presently in North Cambridge they have 11:00 to 2:00 license, seven days a week. He's seeking an 11:00 to 2:00 license from Monday through Saturday, 11:00 to 1:00 on Sunday. We understand the preference of the Board will be for the patio area to close at 1:00. We would also agree to that for the restaurant that 2:00 is for deliveries. Deliveries have been made from the rear of the premises.

CHAIRMAN RICHARD SCALI: That was my big question. That's what everybody will ask. Where are you going to stop and have your cars park, in the back of the building?

MOHAMMAD SIBAI: In the back of the building. There's a big parking space over there.

ATTORNEY KEN LEITNER: They have four spaces under the lease.

CHAIRMAN RICHARD SCALI: How many drivers are you going to have?

MOHAMMAD SIBAI: Four or five in and out.

CHAIRMAN RICHARD SCALI: So they all will be able to park in those spaces?

MOHAMMAD SIBAI: Yes.

CHAIRMAN RICHARD SCALI: And there's a door in the back where the pizzas go out?

ATTORNEY KEN LEITNER: Two doors in the back.

CHAIRMAN RICHARD SCALI: Where is the patio?

MOHAMMAD SIBAI: On the side of the street.

ATTORNEY KEN LEITNER: Just inside the public sidewalk there's a little plaza in front of the stores there.

CHAIRMAN RICHARD SCALI: Is this where the overhang is?

MOHAMMAD SIBAI: Yes.

CHAIRMAN RICHARD SCALI: The front right there?

MOHAMMAD SIBAI: In the front.

ATTORNEY KEN LEITNER: And, obviously, that would be seasonal.

CHAIRMAN RICHARD SCALI: So, obviously, you're catering to the student crowd, I'm sure.

MOHAMMAD SIBAI: Yes.

CHAIRMAN RICHARD SCALI: You're right near Harvard, right?

MOHAMMAD SIBAI: And MIT.

CHAIRMAN RICHARD SCALI: Are you down at the Broadway area now?

MOHAMMAD SIBAI: Yes.

CHAIRMAN RICHARD SCALI: Are you the manager there and the owner there?

MOHAMMAD SIBAI: Yes.

CHAIRMAN RICHARD SCALI: Questions?

SUPERINTENDENT CHRISTOPHER BURKE:

None.

DEPUTY FIRE CHIEF DANIEL TURNER:

No questions.

CHAIRMAN RICHARD SCALI: Does anybody on the public want to be heard on this?

Did you notify abutters?

ATTORNEY KEN LEITNER: There are 26 returned, but I think it was over 330 so...

CHAIRMAN RICHARD SCALI: All the condominiums in the back there?

ATTORNEY KEN LEITNER: Yes.

CHAIRMAN RICHARD SCALI: There was a day when Domino's applied that everybody in the world would come out of the woodwork for that. I remember an application down on

Broadway. It wasn't One Broadway, it was further up Prospect. Everybody hated it.

All right. So the 2:00 a.m., that's really not -- you got later places than 2:00 a.m. in the city.

What is the latest you want for the patio? We don't grant past 1:00 a.m.

ATTORNEY KEN LEITNER: 1:00 a.m.

CHAIRMAN RICHARD SCALI: Is that an issue at all for the Commissioners, 1:00 a.m. on the patio?

SUPERINTENDENT CHRISTOPHER BURKE:

No, no issue.

CHAIRMAN RICHARD SCALI: Discussion?

DEPUTY FIRE CHIEF DANIEL TURNER:

No.

CHAIRMAN RICHARD SCALI: All right.

Motion to approve 16 seats inside and 16 outside. 11:00 to 2:00 a.m., six days a week.

ATTORNEY KEN LEITNER: Monday through Saturday.

CHAIRMAN RICHARD SCALI: 11:00 to 1:00 on Sundays.

MOHAMMAD SIBAI: They want us to close on Sunday early, Harvard University, it's owned by Harvard.

CHAIRMAN RICHARD SCALI: They want you to close at 1:00 a.m. on Sunday?

MOHAMMAD SIBAI: Yes.

CHAIRMAN RICHARD SCALI: Patio only to 1:00 a.m. Moved.

DEPUTY FIRE CHIEF DANIEL TURNER: Seconded.

CHAIRMAN RICHARD SCALI: Seconded.

CHAIRMAN RICHARD SCALI: All in favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

DEPUTY FIRE CHIEF DANIEL TURNER: Aye.

CHAIRMAN RICHARD SCALI: Let me ask you a question: Where is your trash going to be?

MOHAMMAD SIBAI: It will be dumped in the back of the building.

CHAIRMAN RICHARD SCALI: In the back?

MOHAMMAD SIBAI: Yes.

CHAIRMAN RICHARD SCALI: Everything will be dumped back there and taken out to the back of the building?

MOHAMMAD SIBAI: Yes.

CHAIRMAN RICHARD SCALI: Thank you.

MOHAMMAD SIBAI: Thank you.

BOMBAY CLUB

ELIZABETH LINT: Application, Disciples, LLC doing business as Bull BBQ, Daniel Shin, manager, holder of a common victualer license and entertainment license at 57 JFK Street, basement level, has applied to transfer the all alcoholic beverages as a restaurant license currently held by India House of Mass, Incorporated doing business as Bombay Club, 57 JFK Street.

CHAIRMAN RICHARD SCALI: Good

evening. You should certainly come on up. You have done your time. Tell us who you are for the record, please.

YEOM KIM: Yeom Kim, Y-E-O-M, K-I-M for Disciples, LLC.

CHAIRMAN RICHARD SCALI: Mr. Kim, who do you have with you?

YEOM KIM: Mr. Daniel Shin, he's going to be the manager for the liquor license.

CHAIRMAN RICHARD SCALI: Shin.

VINOD KAPOOR: My name is Vinod Kapoor, V-I-N-O-D, last name Kapoor, K-A-P-O-O-R, the president of India House of Massachusetts.

CHAIRMAN RICHARD SCALI: So I gather you've come to an agreement?

YEOM KIM: We did, sir. Before we begin, I really would like to express our sincere appreciation for the members of committee, Ms. Lint and Mr. O'Neil. And we have Ms. Jillson, she's sitting over there,

who has been right in the middle of trying to put everything together and we came this far. We have to go a little farther, but we came this far and we did sign an offer of acceptance initially and it was initially submitted.

Today we did sign purchase and sale agreement, and the purchase and sale agreement has been provided to Ms. Lint.

I really apologize for providing the agreement kinda late. I did talk to Ms. Lint awhile ago and I promised to her that any proposed purchase and sale agreement, any kind of pledge agreement will be provided to her in advance, but we provided a liquor license, purchase and sale agreement and the terms sheet which will be detailing basic terms for the financing for Mr. Dhanda and that has been reviewed by Ms. Lint.

CHAIRMAN RICHARD SCALI: So we have an agreement between the parties for a certain purchase price, which, I gather, is

reasonable from what I heard.

YEOM KIM: \$233,500.

CHAIRMAN RICHARD SCALI: You did okay, Mr. Kapoor, that's a reasonable price.

VINOD KAPOOR: We appreciate it.

ELIZABETH LINT: I do have one issue. I did see an unsigned copy of the purchase and sale agreement for the liquor license today, but I don't see a copy of it here right now in case you wanted to see it.

CHAIRMAN RICHARD SCALI: Well, I mean you probably need to review it anyways.

ELIZABETH LINT: I looked at it this afternoon.

YEOM KIM: I have one copy of the signed agreement if I could give that to you.

ELIZABETH LINT: That would be good.

CHAIRMAN RICHARD SCALI: What I'm concerned about is not so much your purchase and sale agreement, but it's your pledge, which is not finalized yet.

YEOM KIM: It has not been finalized. I was in contact with Mr. Dhanda's attorney today. They're working on the terms of the pledge. We have the term sheet which is gonna be pretty much the baseline of what the pledge agreement is going to look like. Do you have the signed term sheet with you?

ELIZABETH LINT: Yep.

YEOM KIM: Oh you do. If you could...

ELIZABETH LINT: They have it.

CHAIRMAN RICHARD SCALI: This is the one --

ELIZABETH LINT: That's what I gave you.

CHAIRMAN RICHARD SCALI: All right. I was really hoping, really hoping that Mr. Dhanda would have gotten the message that we would -- that he would somehow see to it that his tenants would have a very reasonable existence there and make up the terms

liveable that they could survive in that location, you know, Mr. Kapoor was there 17 years and the end was not very pretty.

I guess my question is: Is there no other way to finance this particular agreement?

YEOM KIM: We did -- initially, when we initially applied for the liquor license, Mr. Kim and the members of the LLC did not finance anything for the liquor license at that time last year. We were told that the liquor license should be freely given because of the unavailability of liquor license available in 2009. But when we signed the lease, all of a sudden, we have Wagamamma, we have Bombay, Mr. Kapoor there, we had a couple other restaurants, all of a sudden selling the liquor license. Therefore, within the limited time frame we had, we were unable to secure close to \$230,000.

CHAIRMAN RICHARD SCALI: The pledge is not before us, but I guess in order for us

to move ahead and give you some direction, you're telling me you're not able to get financing elsewhere, and therefore, you have to go to Mr. Dhanda, or are you telling me that Mr. Dhanda is telling you that you have to go to him?

YEOM KIM: I think we do have --

HYUK KIM: I can answer that.

CHAIRMAN RICHARD SCALI: Tell us your name.

HYUK KIM: My last name is Kim, first name H-Y-U-K. We look around. We look around for institutional money that's out there. We went to a couple different banks, obviously restaurant, no, no.

It's 200-something-thousand dollars is too much from a private lender, so we look at couple different institutional monies and it's tough these days. I am still looking. We were, not anymore, but we just got everything signed today, so we're not anymore, but we were looking around for at

least three or four month, last, everywhere. But no one stepped up except for Mr. Dhanda.

CHAIRMAN RICHARD SCALI: Well, I would encourage you to continue to look to see what you can find between now and when you file your pledge documents because what this Board wants -- at least from my point of view -- I don't care who it is, what landlord it is, whether it's Mr. Dhanda or anybody else, there should be no pressure put on a tenant to say you're not going in there unless I loan you the money and you pay me under these terms. So that's what is happening.

I see Ms. Simao is here and she's representing her client here very, very well, I am sure she will bring the message back.

HYUK KIM: In this case we approached him first before he approached us. That's a true fact. We asked him first.

CHAIRMAN RICHARD SCALI: You asked him first before you asked anyone else?

YEOM KIM: Yes.

HYUK KIM: Have you seen the pledge agreement?

CHAIRMAN RICHARD SCALI: No, they haven't filed it yet. It may be very reasonable. I don't know.

YEOM KIM: He has signed it. We have the term sheet which will be the baseline for the pledge agreement, but have not been signed yet.

CHAIRMAN RICHARD SCALI: Ms. Simao, did you want to speak?

KAREN SIMAO: I did. Karen Simao from McDermott, Quilty & Miller. In a very limited capacity representing Mr. Dhanda.

I only happened to stay because he was on the agenda today and I was here for another client.

As you know, there has not been a pledge filed that will be an application short to come. Just a point of reference for the Commission, and I know you're very well

informed on the restaurant market right now and the liquor license market now, and I also know you're very familiar with our firm and we handle in the course of a year thousands of transactions.

I will tell you that every one of my clients when I represent a buyer is having a very difficult time with institutional financing. Banks don't want to give this money.

I will also say that although I am here as Mr. Dhanda's attorney, if you look at the terms in the term sheet, you're not going to get that interest rate at an institutional lender. They're going to ask for a higher interest rate any percent at this point on what they consider a risk, which is a restaurant.

And so, as Mr. Kim stated they approached Mr. Dhanda and I have a very limited knowledge of the history, but I will say that our firm, when we represent a

seller, whether it's a seller financed deal, we represent institutional lenders -- occasionally this year I had one institutional lender do one of these loans -- the note, and the pledge agreement that you will see before you will emulate the notes and the pledge agreements that we see for institutional lenders.

The only unique circumstance which I did put in my letter in the interest of full disclosure is this right of first refusal, which although typical with a private lender, you don't see in an institutional lender and the terms of that will be very clear, very above the board, it's only in the event that they get a bona fide offer.

If Mr. Dhanda wants to purchase it on the terms of that bona fide offer they got from a third party, he can do that, and he will have to pay the monetary value for that.

As for the pledge, it is for the consideration, it's for the collateral,

rather, which is the note, which is the purchase price to the seller here.

So this is in no way connected to the lease, although he is the landlord, clearly he has an interest in getting a good tenant in who's going to run a good business, and I think that's reflected in the lease terms as well as the terms that you will see in the note but are the material terms of which are in that term sheet.

CHAIRMAN RICHARD SCALI: I'm not sure that this is relevant now, but I recall there were some terms in previous agreements where Mr. Dhanda was charging us some kind of a management fee and a security fee on the loan and you had to pay a monthly -- I mean, there were all those things --

KAREN SIMAO: I understand that that was sort of a larger ABCC issue that really went to the heart of an option, not a first right of refusal, but an option. And it was in effect forcing some of the tenants -- at

least this was the decision of the ABCC -- to effectively transfer the license to him.

The distinction between that, as you know, and the first right of refusal is that his actions are based on any offer that's made to them by a third party.

So that is a big distinction and he came to us in part knowing our expertise in the area, and that we had done these transactions, both providing the correct and accurate documentation to the local board and the ABCC as well navigating him through there. There are certain things you can do and certain things you can't do, and that's the way the law works.

So I think you will be pleased with the package that's provided.

I just really wanted to speak to try to give the Board some sense of comfort with the overall transaction, specifically as it relates to the financing because I know that was a point of concern.

CHAIRMAN RICHARD SCALI: Thank you.

Obviously, the financing has a lot to do with the approval on this transaction. I certainly want to see this happen for you. I mean, I think Bull BBQ is a qualified applicant and runs a great operation and I'm sure they're very responsible, but the financing is very crucial in this particular building particularly how that works. I assume you will submit that very soon.

HYUK KIM: We're still working on it Mr. Scali. Maybe the next week or so. Within a few days we should be able to submit a draft.

CHAIRMAN RICHARD SCALI: As I recall with our communication with the ABCC, anybody having an interest in the license need to be declared on the application. I don't know if you have to amend your application to include Mr. --

YEOM KIM: We may have to include him as a party.

CHAIRMAN RICHARD SCALI: Anybody on the public want to be heard on this matter? Ms. Jillson.

DENISE JILLSON: Denise Jillson with the Harvard Square Business Association. You know, we're pleased that Mr. Kapoor and our friends at Bull Restaurant have finally been prevention able to work something out. We share your concerns relative to all of the things that are going on at the Crimson Galleria building. We hope that the financing will meet with your approval.

I'm delighted to hear that you will be looking at them closely. You know, there have been things going on in that building for the past six months to a year that, you know, really concern us. Because it involves every single one of our members that are in that building from Wagamma to Shabooya to Om to Bull Restaurant and, you know, we're so sorry that Bombay Club has left, they had a wonderful reputation in the Square, and to

have that 17 years, you know, things just erupt the way they did is just really disconcerting. So we're supportive of this.

I'm delighted with all the help that the Commission has given and we look forward to a very successful opening of Bull Restaurant.

So thank you for all your help.

YEOM KIM: Thanks, Ms. Jillson.

CHAIRMAN RICHARD SCALI: Thanks for your assistance.

Anybody else want to be heard?

So I'm going to make a motion to continue obviously until you have your financing in place, and we look at the documents. Ms. Lint will go over all those closely with Mr. Mayo (*phonetic*) and yourself to make sure we have all the terms properly in place if that's what you should so choose to do, your client -- if they find other financing that's appropriate as well. So we'll look at all those questions.

Anything else, Ms. Lint?

ELIZABETH LINT: No.

CHAIRMAN RICHARD SCALI: Motion to continue the matter to the hearing on the financing and pledge whenever that may be in September.

SUPERINTENDENT CHRISTOPHER BURKE:
Second that.

CHAIRMAN RICHARD SCALI: Moved.
Seconded and all in favor?

SUPERINTENDENT CHRISTOPHER BURKE:
Aye.

DEPUTY FIRE CHIEF DANIEL TURNER:
Aye.

CHAIRMAN RICHARD SCALI: Thank you
all very much.

ELIZABETH LINT: May I add, once you
have everything, please contact me and say
that you have it so we can get you scheduled
for another hearing?

YEOM KIM: Thank you very much.

277 BROADWAY, LLC

ELIZABETH LINT: Application, 277 Broadway, LLC has applied for a garage license for ten parking places and 100 gallons of gasoline to be stored in the tanks of cars only at 277 Broadway.

CHAIRMAN RICHARD SCALI: Good evening. Tell us your name.

KIM LAU: My name is Kim Lau, L-A-U. K-I-M.

PHILIP RICARDI: I'm Philip Ricardi, R-I-C-A-R-D-I.

CHAIRMAN RICHARD SCALI: And your positions?

KIM LAU: I'm one of the owners.

CHAIRMAN RICHARD SCALI: You're the owner of the building?

KIM LAU: Yes, one of the owners and I'm project director.

CHAIRMAN RICHARD SCALI: So is this a new garage?

KIM LAU: Yes.

CHAIRMAN RICHARD SCALI: New building?

KIM LAU: New building.

CHAIRMAN RICHARD SCALI: The building is to serve what use, residents?

KIM LAU: The parking is to serve the residents there, nine units of residents there.

CHAIRMAN RICHARD SCALI: Are these parking spaces assigned to each unit so each person is a condominium owner?

KIM LAU: No, rental.

CHAIRMAN RICHARD SCALI: When you rent the unit, you get a space or you have to pay additional --

KIM LAU: You rent a space.

CHAIRMAN RICHARD SCALI: You rent a space.

All right. Storage of the gasoline in the tanks for cars only ten spaces, residential use.

DEPUTY FIRE CHIEF DANIEL TURNER:

Mr. Chair, this application was reviewed by the fire department, signed and approved and a permit was issued.

CHAIRMAN RICHARD SCALI: Meets all your standards?

DEPUTY FIRE CHIEF DANIEL TURNER: Yes.

CHAIRMAN RICHARD SCALI: Any comments?

DEPUTY FIRE CHIEF DANIEL TURNER: No comments.

CHAIRMAN RICHARD SCALI: Anybody on the public want to be heard on this matter?

Motion to approve.

SUPERINTENDENT CHRISTOPHER BURKE: Seconded.

CHAIRMAN RICHARD SCALI: Approved and seconded, all in favor?

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

DEPUTY FIRE CHIEF DANIEL TURNER: Aye.

THELONIOUS MONKFISH

ELIZABETH LINT: Application, Thelonious Monkfish LTD doing business as Thelonious Monkfish, Jamme Chantler, manager, has applied for a common victualer license to be exercised at 524 Massachusetts Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 49. The hours of operation will be 11:00 a.m. to 11:00 p.m. seven days per week. Applicant is also applying for an entertainment license to include one TV, compact disc, and an iPod.

CHAIRMAN RICHARD SCALI: What is a Thelonious Monkfish?

ATTORNEY BERNARD GOLDBERG: Attorney Bernard Goldberg.

CHAIRMAN RICHARD SCALI:
Mr. Goldberg and --

JAMME CHANTLER: Jamme Chantler.

CHAIRMAN RICHARD SCALI: So what is

a Thelonious Monkfish?

JAMME CHANTLER: Well, it's just a play on the name, Thelonious monk who is a jazz pianist.

CHAIRMAN RICHARD SCALI: Just curious. Tell us your experience in the restaurant business.

JAMME CHANTLER: Well, Pepper Skies is my restaurant and then also Wings Express in Brighton, Mass and then I have been involved in restaurants for 21 years.

CHAIRMAN RICHARD SCALI: Is this your first in Cambridge?

JAMME CHANTLER: No. Second one, Pepper Skies.

CHAIRMAN RICHARD SCALI: What's your venue going to be like?

JAMME CHANTLER: It's going to be sushi as well as more of an Asian fusion, some Thai, but also different kinds of Asian mixed.

CHAIRMAN RICHARD SCALI: Mostly sit

down or take out?

JAMME CHANTLER: Mostly sit down. I would say only ten to 15 percent will be take out.

CHAIRMAN RICHARD SCALI: So luncheon menu, dinner menu?

JAMME CHANTLER: Yes.

CHAIRMAN RICHARD SCALI: 11 to 11 seven days a week?

ATTORNEY BERNARD GOLDBERG: I wanted to speak to that, Mr. Chairman. After talking with Mr. Chantler, he thought that he would open up and prepare for 11:00. So he would like to get in there at 10:00. On Thursdays, Fridays and Saturdays from 10:00 to midnight would be the change from his application as he presently has. Mondays, Tuesdays, Wednesdays and Sundays would be from 10:00 to 11:00.

CHAIRMAN RICHARD SCALI: Ms. Lint?

ELIZABETH LINT: That's a problem.

ATTORNEY BERNARD GOLDBERG: Then

we'll stay with that.

CHAIRMAN RICHARD SCALI: We can certainly re-advertise it for, we don't mind doing that. If it's less, we can reduce it, but when you're adding on, we have to re-advertise.

ATTORNEY BERNARD GOLDBERG: We'll leave it as it's presently and necessarily if Mr. Chantler wants to go forward at some other time, he'll make the change to midnight because that's a reasonable hour.

CHAIRMAN RICHARD SCALI: Yeah. Maybe you might do fabulously well and be later than midnight.

ELIZABETH LINT: Certainly there's no problem with him being there at 10:00 a.m. to prepare.

CHAIRMAN RICHARD SCALI: You can prep as long as you're not open. You can prepare before 11:00.

ATTORNEY BERNARD GOLDBERG: Mr. Chairman, I have some plans, if I may.

CHAIRMAN RICHARD SCALI: Sure.

ATTORNEY BERNARD GOLDBERG: These plans will be submitted to the Building Department sometime the latter part of the week, and as it indicates from the plans itself, as you come in the entrance there's a sushi bar. The victualer's license indicates that the capacity is 49, and as you walk in, there's a bar with seven seats at the bar, the sushi bar, and there are ten tables -- I should say 12 tables, 11 tables, at two apiece, making it a total of 42.

CHAIRMAN RICHARD SCALI: Hold on one second. I'm a little lost. I'm looking at the top or the second...

The entrance is from my right to your left? On your right?

JAMME CHANTLER: On my left here.

CHAIRMAN RICHARD SCALI: Your left.

JAMME CHANTLER: Well, it should say Massachusetts Avenue on there.

CHAIRMAN RICHARD SCALI: Got it. So

my left. There's the entrance?

JAMME CHANTLER: That's the entrance there. The cash register is on the left, and then, if you look down a little ways, you see a sushi bar there.

ATTORNEY BERNARD GOLDBERG: How many tables are there, Jamme?

JAMME CHANTLER: 21.

ATTORNEY BERNARD GOLDBERG: 21 tables and seven at the bar. They have storage downstairs and also their refrigeration is downstairs as well as up on the first level.

CHAIRMAN RICHARD SCALI: No outside seats?

ATTORNEY BERNARD GOLDBERG: No, not at this particular moment in time.

CHAIRMAN RICHARD SCALI: No alcohol?

ATTORNEY BERNARD GOLDBERG: No alcohol.

CHAIRMAN RICHARD SCALI: In the future?

ATTORNEY BERNARD GOLDBERG:

Hopefully so.

CHAIRMAN RICHARD SCALI: Okay. What was there before? What's there now?

ATTORNEY BERNARD GOLDBERG: It was a tailor shop, a cleanser, I should say, a cleaning shop.

CHAIRMAN RICHARD SCALI: What is next door?

ATTORNEY BERNARD GOLDBERG: It's between Western Union, and adjacent to Western Union, the Rendezvous is there and Phoenix is to the right.

CHAIRMAN RICHARD SCALI: Abutter notifications, you're all set with those, madam?

Anybody from the public want to be heard on this matter?

Concerns?

SUPERINTENDENT CHRISTOPHER BURKE:

No.

DEPUTY FIRE CHIEF DANIEL TURNER:

No.

CHAIRMAN RICHARD SCALI: Motion to approve?

SUPERINTENDENT CHRISTOPHER BURKE:
Second that.

CHAIRMAN RICHARD SCALI: Seconded.
All in favor?

SUPERINTENDENT CHRISTOPHER BURKE:
Aye.

DEPUTY FIRE CHIEF DANIEL TURNER:
Aye.

ATTORNEY BERNARD GOLDBERG: Thank
you.

CAMBRIDGE HOUSE BED & BREAKFAST

ELIZABETH LINT: Disciplinary matter, Hong Lui doing business as Cambridge House Bed & Breakfast, holder of an innholder's with food license at 2218 Massachusetts Avenue due to having an unlicensed annex at 2210 Massachusetts Avenue.

CHAIRMAN RICHARD SCALI: Did Ms. Lui

bring her whole family?

Good evening, again.

ATTORNEY SHAWN HOPE: Good evening, Mr. Chair, Attorney Shawn Hope on behalf of the petitioners.

HONG LUI: Hong Lui.

CHAIRMAN RICHARD SCALI: All right. This is really our hearing and we'll let Ms. Lint take full heat on this one.

ELIZABETH LINT: Well, this matter came to me actually from two different directions.

First, I was notified by the Assessor's Office that there was commercial property at 2210 Mass Ave that actually was being operated as a bed and breakfast, so I contacted Inspectional Services and they said actually they had just made the same discovery and that 2210 was being used as some type of annex to 2218 and nobody had been in to inspect it, that this is a commercial property, it can't be operated as

a bed and breakfast.

I do know that there's an application for a variance that's -- I believe going to be heard September 30th.

CHAIRMAN RICHARD SCALI: Okay.

ELIZABETH LINT: So, as far as we know, but without anybody being able to get in to inspect, she's been operating an annex to what she is licensed for at 2218, which is 15 rooms.

CHAIRMAN RICHARD SCALI: So 2218 is licensed for 15 rooms, but this is not the same building. This is a building separate.

ELIZABETH LINT: Different buildings and it's not licensed.

ATTORNEY SHAWN HOPE: So, first, this is a unique situation. And it's true that there's a variance application for September to kinda clarify the property.

Like several properties in Cambridge in that area, this property can be broken down into three categories, so it's one

property. There was a variance to add on a townhouse which is residential.

What makes this a little bit more confusing is that this also -- this property is split in half. The half or the first 100 feet, which is located closest to Mass Ave is in a B2A, a business A2 district, which actually under the category for the use table does allow for an inn lodging.

After that 100 feet, it's in Resident C2, and I think that's where in terms of zoning, you have your use as of right. Obviously they have to come before the commission to operate an inn lodging. Mrs. Lui purchased the property and had family and still has family living in the rear.

CHAIRMAN RICHARD SCALI: When did she purchase it?

HONG LUI: 2005.

ATTORNEY SHAWN HOPE: I think the real issue and there are some -- there is in

terms of procedural, we do need to come before the Commission to do lodging, and that's without saying, and Mrs. Lui will speak to why and the circumstances as to why that happened.

But the interesting part about the first 100 feet, it has --

What is the square footage you say about the first 100 feet of room?

HONG LUI: About eight.

ATTORNEY SHAWN HOPE: -- about 800 square feet and eight different rooms.

It is right now zoned mixed use, so it's office, medical and commercial space.

What it isn't is lodging. And so Mrs. Lui didn't -- she owns 2218 and was operating the bed and breakfast, wanting to operate since 2009 this first portion of 100 feet.

And in Mrs. Lui's mind, this was an allowed use under Article 4. She is a business owner, but she had used it as

such.

CHAIRMAN RICHARD SCALI: You know what I'm going to say, don't you? Mrs. Lui is not inexperienced in the city. She's been operating for many, many years here. Even though she assumes that it was zoned for that use, that still -- I mean, I'm assuming she was operating as a lodging house, am I right?

ATTORNEY SHAWN HOPE: Not entirely. So because it was mixed use, there was a dental office. She has leases. There was a medical office. There was also a lease for a general office.

So the front part is broken up into a series of eight different rooms. You can do -- you can have a dentist's office in one room, you could have any kind of dot com or small business.

CHAIRMAN RICHARD SCALI: Could be or is?

ATTORNEY SHAWN HOPE: Was and is in some cases because there's eight different

rooms so there's different leases going on.

But the whole point is, none of those uses are allowed lodging. We're not conceding that issue.

But from the zoning purposes, and the reason I'm going before the Zoning Board is, because it's split up and Mrs. Lui would like to have the option, because it's a permitted use, to be able to use different sections for lodging as seen fit.

I would like Ms. Lui to kinda explain the circumstances why, being a business owner and running a lodging house, why in 2009 to today she has subsequently at times operated and rented rooms as a lodging house and didn't come before the Board.

CHAIRMAN RICHARD SCALI: I mean, she certainly can speak.

The issue is, it's not licensed, it can't be used as lodging, it shouldn't be used as lodging right now. So if it's being used as lodging now, that needs to stop, and

until you get the proper authority to do that, I'm not saying we're for or against the lodging issue, I'm not sure how the neighbors feel about that, but it's not zoned for that use, and if you have an explanation other than that, I'm not willing to --

ATTORNEY SHAWN HOPE: There are letters of support which we collected for the zoning hearing.

CHAIRMAN RICHARD SCALI: Fine.

ATTORNEY SHAWN HOPE: In terms of the neighborhood support for that and it is zoned as allowed use for lodging. So this -- so it's an allowed use for lodging.

What the issue is, is the whole property, as an entirety, Inspectional Services, the back is residential, so you can't use that for lodging.

Mrs. Lui's family lived in the rear portion, so we still need to go make our case in front of the Zoning Board because it's a split property and to say, you know, these

pieces were not used for lodging, the front was.

So it doesn't change our responsibility for licensing to come before you to get the proper permit to operate a lodging house.

CHAIRMAN RICHARD SCALI: My main concern is what is happening there right now there. What use are you -- what is happening in that building right now? Are there any lodging rooms and people lodging in that space?

HONG LUI: Yes, there are.

CHAIRMAN RICHARD SCALI: There are?

HONG LUI: Yes.

CHAIRMAN RICHARD SCALI: How many people are there?

HONG LUI: The back is mainly -- before I answer this, I just want to show this picture.

CHAIRMAN RICHARD SCALI: Sure.

ATTORNEY SHAWN HOPE: This is the

site plan here. The rear portion, the horizontal portion, that's a townhouse. There was a variance to build a townhouse in 1990s and that is allowed residential.

There are people living in the rear which is different than operating a lodging house as an inn and charging and paying commercial taxes on that. I think that's where the confusion came with with Inspectional Services that we need to clarify, and I think that's ultimately where the confusion came with the Assessors office. That is an important distinction.

HONG LUI: Thank you. It's the first time I received the letter notifying me and then it just, oh, there's something I should've done and somehow I didn't do it.

And the reason are several factors: First of all, I just took out my purchase and sale and then I have inherited one hundred percent, Article 33, I inherited one hundred percent occupancy of medical use offices and

residences and the tenants, so I inherited them all.

CHAIRMAN RICHARD SCALI: I don't understand what you mean. You inherited them from who?

HONG LUI: I purchase the property from the previous owner, Mr. Gaylan, Ralph Gaylan, and then after I purchased it, he continued living there taking care of the property and then rent certain residence for the leases and old tenants-at-will. There's also offices -- Dr. Wilson, he's the one who has the rental. They're operating that way as long as all the leases are there because a dental office is a long-term lease. And I cannot break it, so he was going to renew another ten years, and something happened to his wife, his wife has cancer, so that's why it interrupt him from wanting to continue another ten years to not to do it anymore.

CHAIRMAN RICHARD SCALI: Just let's

show down a bit.

So, Dr. Gaylan was the one who owned the building and you bought it from him?

HONG LUI: Yes.

CHAIRMAN RICHARD SCALI: And he had his dental office in there?

HONG LUI: Yes.

CHAIRMAN RICHARD SCALI: So, is he gone from there?

HONG LUI: Yes.

CHAIRMAN RICHARD SCALI: Is there another dental office there?

HONG LUI: No. He moved out in 2008.

CHAIRMAN RICHARD SCALI: 2009, okay. So who is in his space now?

HONG LUI: The spaces are offices and then I slowly -- it was vacant in 2008 and '9, it was vacant because I tried to get Chinese massage doctors and Dr. Jason Cheung, he couldn't get the lease, and my sister, who just retired, and she's a nurse and she's

good massage doctor and she want to open an office.

CHAIRMAN RICHARD SCALI: So commercially that you could do according to zoning. Commercial space you could rent out to a commercial person.

HONG LUI: Yes.

CHAIRMAN RICHARD SCALI: So behind that is the residential?

HONG LUI: Residential which was owner-occupied and it was built in 1990.

CHAIRMAN RICHARD SCALI: Okay.

HONG LUI: When the doctors had --

CHAIRMAN RICHARD SCALI: Is that an apartment or a condo?

HONG LUI: It's townhouse.

CHAIRMAN RICHARD SCALI: It's a townhouse?

HONG LUI: Yes. Sometimes we rent it. Mostly my brother and sister live there and they're back and forth and there's a death in the family. I have another paper.

CHAIRMAN RICHARD SCALI: So in that commercial residential space, your brother and sister live there now?

HONG LUI: Right.

CHAIRMAN RICHARD SCALI: How many rooms is that?

HONG LUI: Four.

CHAIRMAN RICHARD SCALI: Are there other nonfamily members living at other spaces in that same building?

HONG LUI: Yes, there are.

CHAIRMAN RICHARD SCALI: Do you have leases with them?

HONG LUI: No. It's a monthly tenants-at-will. I have a one lease. I have a one lease. It depends on which location and the need because last year -- the reason I stopped in 2009 because I was at the hearing for my next door neighbor and I know lodging is allowed, and then I had Mr. Tim Burke do the floor plan and I did approach some lawyer, but somehow he didn't go

through and then there's a death in my family.

CHAIRMAN RICHARD SCALI: You have been trying to do this over the last year or so.

HONG LUI: Right.

CHAIRMAN RICHARD SCALI: And so how many units ultimately are you planning on having there? How many residential units in the lodging house do you want?

HONG LUI: Maybe 15 to 16.

CHAIRMAN RICHARD SCALI: Does that mean the commercial space as well?

HONG LUI: Yes. The front house I will do the lodging. I asked my sister to work hard and get a license and do massage and, in fact, my mother... *(weeping)*

CHAIRMAN RICHARD SCALI: No need to get emotional. We're trying to resolve the matter for you. I just want to know what is there now. I'm sure Mr. Hope will help you figure out what the legal solution to it is.

The concern I'm having -- how many tenants do you have there now that are nonfamily members that are in those units, do you know.

HONG LUI: About four or five.

CHAIRMAN RICHARD SCALI: So you've got four or five people who have month-to-month leases with you that are living there, and the rest is commercial, and the other space is your family?

HONG LUI: Yes.

CHAIRMAN RICHARD SCALI: So you've got a hearing on September 30th, from what Mr. Hope tells us, for your variance. Do you anticipate huge disgruntled residential abutters that are going to be --

ATTORNEY SHAWN HOPE: Ms. Lui has done a lot of the legwork and has over 15 letters of support and Councilor Kelly and there are some other people who are supporting. There's zoning implications we need to work out. There are all the

variances we need. We may not get all 15. It will be scaled to size.

But, needless to say, I do think this wasn't -- I think the distinction she was making when you have a month-to-month tenant and you have a week tenant and you have overnight tenant, the overnight tenant if it's an inn, it's not like something you can't do it. We're understanding that, but as well as we're hoping tonight at the Commission that we can be allowed to -- and she's concerned about her family being viewed as lodging residents.

CHAIRMAN RICHARD SCALI: That's why she brought the whole family to let me know they're actually living there.

ATTORNEY SHAWN HOPE: Right, right. And so that's a distinction that was lost in Inspectional Services, and we just --

CHAIRMAN RICHARD SCALI: Lodging is lodging according to Inspectional Services I'm sure us as well.

In order to not have a license in that building, it's less than four units, less than four unrelated persons sharing a kitchen and/or a bathroom does not require a license.

So in order to come into compliance temporarily with us, it has to be three or less people that are living there. That doesn't solve your zoning and Inspectional Services issue. That only solves our issue.

So, your commercial space, I gather, is -- would not involve us at this point in time because that's not a lodging issue, so it definitely would be those four or five people that are there that would be in violation.

ATTORNEY SHAWN HOPE: So if Ms. Lui is able to -- family members aside, is that your understanding, family members in the townhouse in the rear who are living there --

CHAIRMAN RICHARD SCALI: Is it a

townhouse where people are sharing a kitchen and/or bathroom or is it a condominium or apartment?

HONG LUI: Yes, sharing a kitchen and bathroom. The basement is private.

CHAIRMAN RICHARD SCALI: Are there locks on the individual doors? Do your family member have individual rooms with locks on them?

HONG LUI: No.

CHAIRMAN RICHARD SCALI: It's like an apartment, everybody is sharing the apartment?

HONG LUI: Yes.

CHAIRMAN RICHARD SCALI: That's not lodging, that's like a condominium or an apartment.

What we're talking about are individual rooms where there's locks on the doors and people share a bathroom or kitchen across the hall, that's lodging.

ATTORNEY SHAWN HOPE: I can't speak

for Ms. Lui, but if she was right now to take the max, five people, who are termed as lodging, aside from the family living in the rear, if Ms. Lui could bring that into compliance by having a maximum of three people living there --

CHAIRMAN RICHARD SCALI: That fits our compliance.

I can't speak for Inspectional Services or Zoning. If they object to that, that's up to them.

You have three tenants that are there, that are renting separate rooms, you don't need a license from us.

So I'm hoping what happens by September 30th that you got things worked out and that you can apply to us and we'll see how that goes at that point.

Questions?

DEPUTY FIRE CHIEF DANIEL TURNER:

No.

CHAIRMAN RICHARD SCALI: Anybody

else want to be heard?

CRAIG KELLY: My name is Craig Kelly. I live at 16 St. Gerard Terrace. I'm getting closer and closer to the subjects tonight. The Cambridge House is about four lots away from me.

And I can certainly vouch for the plus, the overall plus it brings to us, as I said earlier tonight a struggling part of Cambridge. I understand that there are rules that need to be followed and you're obviously here to enforce those rules because otherwise the playing field gets kinda skewed and whatnot.

But to the extent there's any discretion and assistance you can give the Cambridge House, it would be much appreciated, not just by them, but really by the whole neighborhood because it's something that we want to see succeed and that will be with us for a long, long time.

Thank you very much.

CHAIRMAN RICHARD SCALI: Thank you, Councilor. Ms. Jillson.

DENISE JILLSON: Thank you. Just as a neighbor, Denise Jillson, 2203 Mass Ave. I'm directly address the street from Hong Lui's operation and you know, while, of course it concerns me, as it would with any business in the area not being in compliance, but Hong Lui's been a wonderful neighbor and, you know, just takes care of her property beautifully, and we have had many guests, you know, family and friends who come from out of town that stay there and, you know, the businesses are very well run.

And so to the extent there's some wiggle room, we would certainly support that and hope that very soon she's in compliance, but she's a wonderful neighbor and good friend and a great resource for North Cambridge. Thank you.

CHAIRMAN RICHARD SCALI: Anybody else want to be heard?

Comments at all?

SUPERINTENDENT CHRISTOPHER BURKE:

No.

CHAIRMAN RICHARD SCALI: Well, I mean we certainly can take this matter under advisement until September 2nd, Mrs. Lui, and you can work with Mr. Hope on the application, but I guess you need to solve your zoning issue first, which you have -- which you will have some time to do that. I guess if you could be as cooperative as possible with the inspectors, with our inspectors and special services that makes it easier for us to figure out what is inside and go inside to look at the interior is helpful and that can help you in terms of your application as well.

The big key is zoning whether you can get 15 or not. And I know you worked very, very hard over the years to maintain your properties, and you had many issues years ago, I remember that were kinda a bump

in the road, but that's many, many years ago, so I think things have completely turned around since then.

I'm going to make a motion and take the matter under advisement, and that you work with Ms. Lint and the inspectors on the application to get that in once you know what your zoning determination is.

SUPERINTENDENT CHRISTOPHER BURKE: I second that.

CHAIRMAN RICHARD SCALI: Moved and seconded, all in favor?

SUPERINTENDENT CHRISTOPHER BURKE:
Aye.

DEPUTY FIRE CHIEF DANIEL TURNER:
Aye.

ATTORNEY SHAWN HOPE: Thank you.
*(Whereupon the proceedings were
adjourned for the evening.)*

COMMONWEALTH OF MASSACHUSETTS.

MIDDLESEX, ss.

I, Jill Kourafas, Certified Shorthand Reporter and Notary Public duly commissioned and qualified in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing record, Pages 1 through 189, is a complete, accurate and true transcription of my stenographic notes taken in the aforementioned matter to the best of my skills and ability.

In Witness Whereof, I have hereunto set my hand and affixed my seal this 18th day of August 2010.

Notary Public
My Commission Expires:
February 2, 2017

**THE FOREGOING CERTIFICATION OF THIS
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\$	10:30 ^[1] - 1:57:18	13 ^[1] - 1:118:2	1:20:3, 1:67:22, 1:69:6, 1:69:9, 1:131:5, 1:133:16, 1:133:19, 1:137:7, 1:137:8, 1:137:10, 1:138:2, 1:138:7, 1:138:10	1:73:10, 1:73:20, 1:144:14, 1:170:18, 1:172:14, 1:177:15, 1:179:18
\$230,000 ^[1] - 1:144:20	10:35 ^[1] - 1:51:20	130 ^[2] - 1:2:14, 1:2:15		
\$233,500 ^[1] - 1:142:2	11 ^[5] - 1:73:3, 1:103:4, 1:161:8, 1:163:11	139 ^[1] - 1:2:16		
\$3.80 ^[1] - 1:52:12	11,000 ^[1] - 1:87:4	14 ^[2] - 1:43:4, 1:83:16		
\$300 ^[2] - 1:61:2, 1:63:4	1105 ^[1] - 1:130:9	15 ^[7] - 1:161:3, 1:168:10, 1:168:12, 1:180:11, 1:181:18, 1:182:1, 1:188:19	1:25 ^[1] - 1:21:13	2010 ^[10] - 1:1:16, 1:3:4, 1:4:10, 1:66:16, 1:66:17, 1:83:9, 1:99:18, 1:99:19, 1:190:15
\$500 ^[1] - 1:61:9	11413 ^[1] - 1:52:17	156 ^[1] - 1:2:17		
'shuttle ^[1] - 1:113:14	116 ^[1] - 1:2:12	159 ^[1] - 1:2:18	1:30 ^[6] - 1:19:11, 1:19:19, 1:20:4, 1:21:13, 1:49:4	2017 ^[1] - 1:190:17
'trolley ^[1] - 1:113:13	118 ^[1] - 1:2:11	16 ^[11] - 1:1:16, 1:3:4, 1:29:10, 1:131:2, 1:132:16, 1:137:18, 1:180:11, 1:186:3		21 ^[4] - 1:119:21, 1:160:11, 1:164:8, 1:164:9
0	11:00 ^[12] - 1:131:4, 1:131:5, 1:133:14, 1:133:15, 1:133:16, 1:137:19, 1:138:1, 1:159:11, 1:159:12, 1:161:13, 1:161:19, 1:162:20	166 ^[1] - 1:2:20	1:57 ^[5] - 1:5:22, 1:8:14, 1:9:4, 1:9:12, 1:21:16	22 ^[2] - 1:99:18, 1:132:17
02139 ^[1] - 1:1:15	11th ^[1] - 1:76:22	16918 ^[1] - 1:52:9	2	2203 ^[1] - 1:187:4
1	12 ^[3] - 1:3:13, 1:42:22, 1:163:11	17 ^[2] - 1:144:2, 1:154:1	2 ^[2] - 1:44:1, 1:190:17	2210 ^[3] - 1:166:20, 1:167:15, 1:167:19
1 ^[1] - 1:190:7	12-hour ^[1] - 1:59:8	17th ^[1] - 1:51:19	20 ^[4] - 1:88:8, 1:89:20, 1:132:17, 1:133:9	2218 ^[5] - 1:166:18, 1:167:20, 1:168:9, 1:168:11, 1:170:16
100 ^[6] - 1:156:4, 1:169:5, 1:169:10, 1:170:7, 1:170:9, 1:170:18	122 ^[1] - 1:2:13	18 ^[5] - 1:4:10, 1:5:20, 1:5:21, 1:119:5, 1:119:6	2005 ^[1] - 1:169:20	23 ^[2] - 1:66:17, 1:99:18
1032 ^[1] - 1:132:12	12:00 ^[4] - 1:17:2, 1:23:3, 1:100:5, 1:100:7	189 ^[1] - 1:190:8	2006 ^[1] - 1:59:22	25 ^[1] - 1:48:8
1033 ^[1] - 1:130:20	12:30 ^[2] - 1:17:6, 1:19:6	18th ^[1] - 1:190:14	2008 ^[2] - 1:177:14, 1:177:18	2500 ^[1] - 1:87:3
106 ^[1] - 1:2:10	12th ^[1] - 1:3:16	1990 ^[1] - 1:178:11	2009 ^[7] -	26 ^[3] - 1:83:9, 1:99:19, 1:136:14
10:00 ^[8] - 1:50:16, 1:104:3, 1:104:13, 1:104:15, 1:161:14, 1:161:15, 1:161:19, 1:162:16		1990s ^[1] - 1:175:4		
		1:00 ^[18] - 1:8:21, 1:8:22, 1:19:6, 1:19:8, 1:19:21,		

<p>26-48 ^[1] - 1:66:21 260 ^[1] - 1:43:1 277 ^[4] - 1:2:17, 1:156:1, 1:156:2, 1:156:6 28 ^[1] - 1:66:16 28th ^[1] - 1:53:3 295 ^[3] - 1:32:16, 1:34:5, 1:44:2 297 ^[1] - 1:4:9 2:00 ^[21] - 1:8:19, 1:8:20, 1:9:13, 1:16:11, 1:67:1, 1:67:15, 1:67:17, 1:69:2, 1:69:3, 1:77:10, 1:77:11, 1:78:10, 1:100:6, 1:103:22, 1:131:4, 1:133:14, 1:133:15, 1:133:20, 1:137:3, 1:137:4, 1:137:19 2nd ^[3] - 1:50:16, 1:65:8, 1:188:6</p>	<p>1:181:13, 1:185:16 32 ^[1] - 1:131:2 33 ^[2] - 1:122:17, 1:175:21 330 ^[1] - 1:136:15 377 ^[1] - 1:99:21</p>	<p style="text-align: center;">7</p> <p>748 ^[1] - 1:118:10 7:30 ^[3] - 1:16:5, 1:16:8, 1:16:9</p> <p style="text-align: center;">8</p> <p>800 ^[1] - 1:170:11 83 ^[1] - 1:2:7 831 ^[2] - 1:1:14, 1:3:6</p> <p style="text-align: center;">9</p> <p>9 ^[2] - 1:103:21, 1:177:19 99 ^[1] - 1:2:8 9:00 ^[2] - 1:100:5, 1:104:15</p> <p style="text-align: center;">A</p> <p>a.m. ^[35] - 1:8:14, 1:8:19, 1:8:21, 1:9:5, 1:16:11, 1:21:16, 1:50:16, 1:67:1, 1:67:15, 1:67:17, 1:69:3, 1:69:6, 1:77:10, 1:77:11, 1:78:10, 1:100:5, 1:103:21, 1:104:3, 1:104:13, 1:131:4, 1:131:5, 1:137:3, 1:137:5, 1:137:7, 1:137:8,</p>	<p>1:137:10, 1:137:19, 1:138:7, 1:138:10, 1:159:11, 1:162:16 A2 ^[1] - 1:169:7 ABCC ^[7] - 1:128:12, 1:128:18, 1:128:22, 1:150:19, 1:151:1, 1:151:12, 1:152:16 ability ^[2] - 1:91:5, 1:190:11 able ^[11] - 1:5:1, 1:5:4, 1:45:9, 1:86:18, 1:134:15, 1:145:2, 1:152:13, 1:153:8, 1:168:7, 1:172:9, 1:183:19 absolutely ^[3] - 1:110:20, 1:124:2, 1:128:5 abutter ^[1] - 1:165:14 abutters ^[2] - 1:136:13, 1:181:16 acceptance ^[1] - 1:141:5 accepted ^[1] - 1:104:7 accepting ^[1] - 1:104:11 Access ^[4] -</p>	<p>1:70:6, 1:71:7, 1:72:7, 1:73:3 access ^[1] - 1:70:18 accessibilities ^[1] - 1:132:19 accessibility ^[2] - 1:69:13, 1:74:13 accessible ^[4] - 1:71:8, 1:71:10, 1:71:20 accidents ^[1] - 1:79:22 accommodati ons ^[1] - 1:132:18 according ^[3] - 1:36:19, 1:178:4, 1:182:21 accurate ^[3] - 1:94:21, 1:151:11, 1:190:8 acknowledge ^[1] - 1:44:10 acting ^[2] - 1:19:15, 1:20:11 action ^[1] - 1:77:6 actions ^[2] - 1:81:13, 1:151:5 activated ^[1] - 1:56:21 active ^[1] - 1:109:15 actively ^[4] - 1:85:2, 1:86:2, 1:98:10, 1:114:5</p>
<p style="text-align: center;">3</p> <p>3 ^[1] - 1:73:9 305 ^[1] - 1:6:1 30th ^[5] - 1:7:5, 1:16:15, 1:168:4,</p>	<p style="text-align: center;">4</p> <p>4 ^[3] - 1:2:4, 1:42:18, 1:170:21 40th ^[1] - 1:7:5 42 ^[1] - 1:163:12 45 ^[1] - 1:110:18 47 ^[1] - 1:93:15 49 ^[2] - 1:159:10, 1:163:8</p> <p style="text-align: center;">5</p> <p>51 ^[1] - 1:2:5 524 ^[1] - 1:159:6 57 ^[2] - 1:139:17, 1:139:21 5:00 ^[3] - 1:100:5, 1:100:6, 1:103:22</p> <p style="text-align: center;">6</p> <p>6 ^[1] - 1:94:17 617.639.0396 ^[1] - 1:1:21 617.786.7783/ FAX ^[1] - 1:1:21 66 ^[1] - 1:2:6 6:04 ^[2] - 1:1:17, 1:3:5</p>			

<p>actual ^[2] - 1:124:19, 1:133:4</p> <p>add ^[3] - 1:15:9, 1:155:17, 1:169:1</p> <p>added ^[1] - 1:110:5</p> <p>adding ^[1] - 1:162:5</p> <p>addition ^[1] - 1:73:1</p> <p>additional ^[3] - 1:80:1, 1:80:15, 1:157:15</p> <p>address ^[4] - 1:32:13, 1:89:21, 1:118:12, 1:187:5</p> <p>addresses ^[1] - 1:125:3</p> <p>adjacent ^[1] - 1:165:11</p> <p>adjourned ^[1] - 1:189:19</p> <p>admit ^[1] - 1:53:4</p> <p>advance ^[1] - 1:141:15</p> <p>advantage ^[1] - 1:107:20</p> <p>adversely ^[1] - 1:80:15</p> <p>advertise ^[2] - 1:162:3, 1:162:6</p> <p>advertiser ^[1] - 1:40:21</p> <p>advisement ^[7] - 1:49:12, 1:50:9, 1:51:1, 1:64:9,</p>	<p>1:81:21, 1:188:6, 1:189:5</p> <p>advocating ^[1] - 1:35:12</p> <p>affect ^[1] - 1:80:16</p> <p>affixed ^[1] - 1:190:14</p> <p>aforemention ed ^[1] - 1:190:10</p> <p>afternoon ^[1] - 1:142:14</p> <p>AGENDA ^[2] - 1:2:1, 1:2:2</p> <p>agenda ^[4] - 1:4:3, 1:67:13, 1:82:18, 1:147:17</p> <p>ago ^[16] - 1:29:14, 1:31:1, 1:31:2, 1:31:5, 1:38:5, 1:42:12, 1:44:9, 1:67:11, 1:76:12, 1:80:9, 1:96:18, 1:112:4, 1:125:8, 1:141:12, 1:188:22, 1:189:1</p> <p>agree ^[3] - 1:93:17, 1:102:18, 1:133:19</p> <p>agreed ^[1] - 1:103:3</p> <p>agreement ^[16] - 1:140:17, 1:141:8,</p>	<p>1:141:9, 1:141:11, 1:141:13, 1:141:14, 1:141:16, 1:141:21, 1:142:8, 1:142:16, 1:142:21, 1:143:6, 1:144:6, 1:147:3, 1:147:9, 1:149:5</p> <p>agreements ^[2] - 1:149:7, 1:150:13</p> <p>ahead ^[4] - 1:77:18, 1:82:15, 1:108:18, 1:145:1</p> <p>aid ^[1] - 1:6:12</p> <p>alcohol ^[12] - 1:7:9, 1:9:21, 1:10:6, 1:23:1, 1:25:13, 1:26:10, 1:86:22, 1:100:7, 1:104:1, 1:104:3, 1:164:18, 1:164:20</p> <p>alcoholic ^[7] - 1:4:8, 1:66:19, 1:83:12, 1:122:16, 1:130:22, 1:139:18, 1:159:8</p> <p>aLEX ^[1] - 1:8:20</p> <p>Alex ^[2] - 1:4:7,</p>	<p>1:15:17</p> <p>ALEX ^[48] - 1:8:22, 1:9:6, 1:15:12, 1:15:17, 1:15:22, 1:16:9, 1:16:12, 1:17:1, 1:17:9, 1:17:13, 1:17:20, 1:18:15, 1:19:6, 1:19:18, 1:19:22, 1:20:6, 1:20:10, 1:21:7, 1:21:12, 1:21:18, 1:22:15, 1:23:16, 1:25:4, 1:26:4, 1:26:8, 1:27:5, 1:28:13, 1:28:21, 1:31:20, 1:32:9, 1:37:22, 1:38:4, 1:39:8, 1:39:13, 1:39:20, 1:40:2, 1:43:13, 1:45:21, 1:47:1, 1:47:5, 1:47:19, 1:48:2, 1:48:7, 1:48:11, 1:49:5, 1:49:13, 1:50:3, 1:50:20</p> <p>Alicia ^[1] -</p>	<p>1:79:19</p> <p>allow ^[5] - 1:85:9, 1:99:2, 1:130:21, 1:159:7, 1:169:9</p> <p>allowed ^[7] - 1:170:21, 1:172:3, 1:173:13, 1:173:14, 1:175:4, 1:179:20, 1:182:11</p> <p>almost ^[2] - 1:19:11, 1:54:10</p> <p>alone ^[1] - 1:132:8</p> <p>alongside ^[1] - 1:103:5</p> <p>Alpine ^[1] - 1:79:20</p> <p>Amaral ^[3] - 1:111:2, 1:113:22, 1:115:12</p> <p>ambulance ^[13] - 1:12:14, 1:12:18, 1:21:6, 1:21:8, 1:22:2, 1:25:5, 1:26:18, 1:54:22, 1:55:1, 1:55:4, 1:57:19, 1:58:1, 1:61:19</p> <p>Ambulance ^[1] - 1:12:19</p> <p>amend ^[4] - 1:104:17, 1:106:8, 1:116:10,</p>
---	--	---	---	---

<p>1:152:19 amendment ^[1] - 1:105:4 AMERICA ^[1] - 1:83:7 America ^[2] - 1:83:10, 1:83:20 amount ^[2] - 1:95:8, 1:111:21 amounts ^[1] - 1:127:1 anchor ^[2] - 1:94:4, 1:95:15 and.. ^[1] - 1:26:21 AND/OR ^[1] - 1:190:21 Andover ^[1] - 1:60:1 annex ^[3] - 1:166:20, 1:167:20, 1:168:8 answer ^[2] - 1:145:8, 1:174:19 answered ^[1] - 1:93:10 anticipate ^[1] - 1:181:15 ANY ^[2] - 1:190:20, 1:190:20 Anytime ^[1] - 1:40:13 anyway ^[3] - 1:69:6, 1:113:4, 1:113:15 anyways ^[1] - 1:142:12</p>	<p>apartment ^[5] - 1:178:15, 1:184:3, 1:184:12, 1:184:13, 1:184:17 apartments ^[1] - 1:46:22 apiece ^[1] - 1:163:12 apologize ^[1] - 1:141:10 appeal ^[1] - 1:51:4 Appeal ^[1] - 1:2:5 appealed ^[1] - 1:53:2 applicant ^[2] - 1:100:3, 1:152:6 Applicant ^[2] - 1:106:11, 1:159:12 application ^[24] - 1:66:15, 1:67:14, 1:99:17, 1:104:17, 1:106:6, 1:108:22, 1:116:8, 1:124:5, 1:124:12, 1:129:1, 1:130:16, 1:132:11, 1:136:22, 1:139:13, 1:147:20, 1:152:18, 1:152:19, 1:158:1, 1:161:17,</p>	<p>1:168:3, 1:168:18, 1:188:8, 1:188:17, 1:189:7 Application ^[16] - 1:2:6, 1:2:8, 1:2:9, 1:2:11, 1:2:12, 1:2:13, 1:2:14, 1:2:15, 1:2:16, 1:2:17, 1:2:18, 1:2:19, 1:118:6, 1:122:13, 1:156:2, 1:159:2 applied ^[14] - 1:66:21, 1:67:10, 1:99:22, 1:106:8, 1:116:10, 1:118:10, 1:122:18, 1:130:10, 1:130:18, 1:136:20, 1:139:17, 1:144:8, 1:156:3, 1:159:5 applies ^[1] - 1:91:22 apply ^[1] - 1:185:17 APPLY ^[1] - 1:190:20 applying ^[3] - 1:100:3, 1:106:11, 1:159:13 appreciate ^[2] - 1:29:7, 1:142:5</p>	<p>appreciated ^[1] - 1:186:18 appreciation ^[1] - 1:140:20 approach ^[2] - 1:55:21, 1:179:21 approached ^[7] - 1:52:5, 1:52:6, 1:52:11, 1:53:17, 1:146:19, 1:148:20 appropriate ^[1] - 1:154:21 approval ^[7] - 1:83:16, 1:86:17, 1:90:4, 1:115:9, 1:117:9, 1:152:3, 1:153:12 approve ^[9] - 1:77:7, 1:105:13, 1:105:16, 1:108:7, 1:121:20, 1:129:18, 1:137:18, 1:158:14, 1:166:3 approved ^[3] - 1:83:13, 1:158:2, 1:158:17 April ^[3] - 1:112:19, 1:112:21, 1:112:22 architect ^[3] - 1:69:17,</p>	<p>1:75:16, 1:75:20 Architectural ^[5] - 1:70:6, 1:71:7, 1:72:7, 1:73:2, 1:81:22 Arco ^[1] - 1:65:3 ARCO ^[1] - 1:65:5 Arcos ^[1] - 1:53:12 area ^[16] - 1:30:2, 1:30:7, 1:34:11, 1:55:11, 1:68:2, 1:85:10, 1:96:12, 1:97:8, 1:97:10, 1:111:20, 1:133:11, 1:133:18, 1:135:22, 1:151:9, 1:168:21, 1:187:8 areas ^[2] - 1:85:9, 1:95:21 argue ^[3] - 1:61:21, 1:63:14, 1:63:21 arrive ^[1] - 1:22:3 arrived ^[4] - 1:6:3, 1:12:16, 1:12:18, 1:43:4 Article ^[2] - 1:170:21, 1:175:21</p>
---	---	--	--	---

ASIA ^[1] - 1:130:4	1:114:17, 1:171:7	1:169:21, 1:170:11, 1:171:9, 1:171:21, 1:173:7, 1:173:11, 1:174:22, 1:181:17, 1:182:17, 1:183:18, 1:184:22, 1:189:17	1:86:17, 1:95:14, 1:132:12, 1:167:15, 1:169:6, 1:187:4	1:105:21, 1:116:2, 1:116:4, 1:117:19, 1:117:21, 1:122:5, 1:122:6, 1:122:8, 1:129:21, 1:130:1, 1:138:17, 1:138:19, 1:155:12, 1:155:14, 1:158:20, 1:158:22, 1:166:9, 1:166:11, 1:189:14, 1:189:16
Asia ^[5] - 1:2:14, 1:130:5, 1:130:6, 1:130:12, 1:130:13	AT ^[1] - 1:1:14 attempted ^[1] - 1:91:10	Attorney ^[2] - 1:159:17, 1:167:4	Avenue ^[7] - 1:1:14, 1:130:9, 1:130:20, 1:159:6, 1:163:21, 1:166:19, 1:166:21	
Asian ^[2] - 1:160:19, 1:160:20	ATTORNEY ^[50] - 1:83:17, 1:84:7, 1:86:11, 1:87:10, 1:87:13, 1:131:9, 1:131:13, 1:131:17, 1:131:20, 1:132:2, 1:132:6, 1:132:12, 1:132:22, 1:133:6, 1:134:8, 1:134:19, 1:135:3, 1:135:12, 1:136:14, 1:136:18, 1:137:8, 1:137:21, 1:159:17, 1:161:10, 1:161:22, 1:162:7, 1:162:21, 1:163:2, 1:164:6, 1:164:9, 1:164:16, 1:164:19, 1:165:1, 1:165:5, 1:165:10, 1:166:12, 1:167:3, 1:168:16,	attorney ^[4] - 1:83:17, 1:131:16, 1:143:3, 1:148:12	average ^[2] - 1:109:11, 1:128:6	
aside ^[2] - 1:183:19, 1:185:3	aspects ^[1] - 1:122:20	attract ^[3] - 1:80:3, 1:88:13, 1:88:15	avoid ^[1] - 1:38:19	
Assessor's ^[1] - 1:167:14	Assessors ^[1] - 1:175:12	attractive ^[2] - 1:94:11, 1:96:2	aware ^[8] - 1:25:2, 1:52:14, 1:56:19, 1:84:14, 1:112:8, 1:119:17, 1:120:7, 1:128:19	B
assigned ^[1] - 1:157:10	assistance ^[2] - 1:154:11, 1:186:16	Auburn ^[3] - 1:106:11, 1:116:13, 1:117:2	awful ^[2] - 1:60:12, 1:111:14	B-A-L-L-I-G-A-N ^[1] - 1:43:21
assistant ^[2] - 1:119:8, 1:119:19	associate ^[1] - 1:95:1	August ^[6] - 1:1:16, 1:3:4, 1:32:19, 1:73:3, 1:76:22, 1:190:15	awhile ^[4] - 1:60:13, 1:67:12, 1:102:15, 1:141:12	B-A-T-T-A-G-L-I-A ^[1] - 1:102:7
associated ^[2] - 1:94:22, 1:97:16	Association ^[2] - 1:108:21, 1:153:5	authority ^[1] - 1:173:1	Aye ^[1] - 1:64:19	B2A ^[1] - 1:169:7
association ^[1] - 1:109:9	assume ^[1] - 1:152:10	automatically ^[1] - 1:88:22	aye ^[27] - 1:50:12, 1:50:14, 1:64:17, 1:83:3, 1:83:5, 1:99:15, 1:105:19,	background ^[5] - 1:100:1, 1:103:19, 1:121:14, 1:121:21, 1:128:8
assumed ^[1] - 1:100:15	assumes ^[1] - 1:171:6	available ^[1] - 1:144:14		backs ^[1] - 1:41:2
assuming ^[2] -		Ave ^[7] - 1:3:6,		backup ^[1] - 1:129:6
				bad ^[5] - 1:40:19, 1:40:21, 1:40:22, 1:49:22

<p>bad-mouth ^[2] - 1:40:19, 1:49:22</p> <p>Ballbach ^[2] - 1:118:12, 1:118:20</p> <p>BALLBACH ^[16] - 1:118:15, 1:118:19, 1:119:1, 1:119:4, 1:119:7, 1:119:13, 1:119:15, 1:119:18, 1:120:3, 1:120:9, 1:120:13, 1:120:17, 1:121:1, 1:121:4, 1:121:10, 1:122:11</p> <p>BALLIGAN ^[2] - 1:43:20, 1:44:2</p> <p>Balligan ^[1] - 1:43:21</p> <p>ballpark ^[1] - 1:112:2</p> <p>Bally's ^[1] - 1:87:14</p> <p>banks ^[5] - 1:60:10, 1:127:4, 1:127:20, 1:145:14, 1:148:9</p> <p>Bar ^[3] - 1:2:4, 1:4:6, 1:15:19</p> <p>bar ^[28] - 1:6:7, 1:6:21, 1:7:1, 1:7:6, 1:7:16, 1:7:22, 1:9:22,</p>	<p>1:10:7, 1:10:10, 1:14:8, 1:20:5, 1:20:22, 1:34:4, 1:34:21, 1:35:7, 1:35:13, 1:35:17, 1:35:21, 1:40:19, 1:45:8, 1:80:3, 1:111:5, 1:163:7, 1:163:9, 1:163:10, 1:164:5, 1:164:10</p> <p>barricade ^[1] - 1:107:14</p> <p>bartender ^[6] - 1:16:14, 1:17:10, 1:17:12, 1:17:16, 1:23:7, 1:25:20</p> <p>BARTENDER ^[24] - 1:17:17, 1:18:2, 1:18:6, 1:18:9, 1:18:12, 1:21:5, 1:21:11, 1:22:10, 1:22:14, 1:23:22, 1:24:3, 1:24:9, 1:24:12, 1:24:16, 1:24:22, 1:25:3, 1:26:7, 1:27:4, 1:27:9, 1:27:14,</p>	<p>1:28:2, 1:28:7, 1:28:12, 1:28:14</p> <p>bartenders ^[1] - 1:47:10</p> <p>based ^[3] - 1:77:7, 1:127:1, 1:151:5</p> <p>baseline ^[2] - 1:143:6, 1:147:9</p> <p>Basement ^[1] - 1:1:15</p> <p>basement ^[3] - 1:3:6, 1:139:17, 1:184:5</p> <p>BASHA ^[1] - 1:66:14</p> <p>Basha ^[1] - 1:66:17</p> <p>Basha's ^[3] - 1:2:6, 1:66:18, 1:74:12</p> <p>BASHA'S ^[1] - 1:66:14</p> <p>basic ^[1] - 1:141:17</p> <p>basis ^[2] - 1:30:12, 1:41:11</p> <p>bathroom ^[4] - 1:183:4, 1:184:2, 1:184:5, 1:184:20</p> <p>BATTAGLIA ^[3] - 1:102:6, 1:102:16, 1:103:2</p> <p>BBQ ^[2] - 1:139:14, 1:152:5</p>	<p>beautifully ^[2] - 1:112:18, 1:187:11</p> <p>become ^[2] - 1:110:6, 1:124:9</p> <p>becomes ^[1] - 1:95:2</p> <p>BED ^[1] - 1:166:14</p> <p>Bed ^[2] - 1:2:19, 1:166:17</p> <p>bed ^[3] - 1:167:16, 1:168:1, 1:170:17</p> <p>beer ^[6] - 1:27:6, 1:27:8, 1:28:1, 1:28:4, 1:28:15, 1:29:20</p> <p>began ^[1] - 1:6:13</p> <p>begin ^[3] - 1:97:3, 1:97:12, 1:140:19</p> <p>beginning ^[2] - 1:82:7, 1:92:15</p> <p>behalf ^[3] - 1:15:14, 1:72:20, 1:167:4</p> <p>behind ^[4] - 1:10:7, 1:81:4, 1:102:8, 1:178:8</p> <p>Bella ^[1] - 1:94:2</p> <p>below ^[1] - 1:71:5</p> <p>BEN ^[3] - 1:102:6, 1:102:16,</p>	<p>1:103:2</p> <p>Ben ^[1] - 1:102:6</p> <p>benefited ^[1] - 1:111:20</p> <p>BERNARD ^[14] - 1:159:17, 1:161:10, 1:161:22, 1:162:7, 1:162:21, 1:163:2, 1:164:6, 1:164:9, 1:164:16, 1:164:19, 1:165:1, 1:165:5, 1:165:10, 1:166:12</p> <p>Bernard ^[1] - 1:159:18</p> <p>Best ^[1] - 1:110:7</p> <p>best ^[4] - 1:7:10, 1:11:2, 1:120:14, 1:190:10</p> <p>better ^[2] - 1:95:5, 1:113:5</p> <p>between ^[11] - 1:19:13, 1:50:5, 1:65:16, 1:90:8, 1:93:20, 1:100:19, 1:110:2, 1:141:21, 1:146:5, 1:151:3, 1:165:11</p> <p>beverages ^[10] -</p>
---	---	---	---	--

<p>1:4:8, 1:66:19, 1:83:12, 1:99:21, 1:118:9, 1:122:16, 1:130:8, 1:130:22, 1:139:18, 1:159:8 beyond [3] - 1:63:17, 1:66:7, 1:72:9 big [6] - 1:87:2, 1:90:21, 1:134:2, 1:134:6, 1:151:7, 1:188:18 bigger [1] - 1:72:6 birthday [7] - 1:7:4, 1:7:5, 1:7:6, 1:16:16, 1:17:3, 1:18:11, 1:26:1 bit [9] - 1:3:20, 1:13:12, 1:19:15, 1:86:15, 1:92:22, 1:107:22, 1:110:14, 1:169:3, 1:177:1 bite [2] - 1:87:2, 1:90:20 Black [1] - 1:109:17 blanket [1] - 1:105:4 block [1] - 1:107:7 blocks [1] -</p>	<p>1:93:15 bloodshot [1] - 1:12:11 board [2] - 1:149:15, 1:151:11 BOARD [1] - 1:1:6 Board [14] - 1:70:6, 1:71:8, 1:72:7, 1:73:3, 1:81:22, 1:86:16, 1:97:17, 1:125:4, 1:133:18, 1:146:7, 1:151:19, 1:172:6, 1:172:16, 1:173:21 body [1] - 1:68:3 BOMBAY [1] - 1:139:12 Bombay [4] - 1:2:16, 1:139:21, 1:144:16, 1:153:21 bona [2] - 1:149:16, 1:149:18 bones [1] - 1:34:9 book [1] - 1:103:8 booze [1] - 1:12:11 boss [1] - 1:85:4 Boston [18] - 1:2:10, 1:51:5, 1:51:22, 1:52:2, 1:52:15,</p>	<p>1:52:16, 1:56:8, 1:57:2, 1:61:8, 1:61:22, 1:62:18, 1:65:4, 1:65:11, 1:65:17, 1:65:19, 1:106:7, 1:126:20, 1:128:17 bothers [1] - 1:26:6 bottles [1] - 1:34:9 bought [1] - 1:177:3 BOURBON [1] - 1:83:7 Bourbon [6] - 1:2:7, 1:83:9, 1:83:11, 1:83:19, 1:83:20, 1:85:4 Boxco [2] - 1:85:3, 1:86:4 Boyer [3] - 1:41:9, 1:42:4, 1:42:12 brain [1] - 1:22:11 brand [2] - 1:78:2, 1:101:8 brand-new [2] - 1:78:2, 1:101:8 Brattle [4] - 1:106:9, 1:107:2, 1:116:12, 1:117:3</p>	<p>break [2] - 1:61:11, 1:176:16 Breakfast [2] - 1:2:20, 1:166:17 BREAKFAST [1] - 1:166:14 breakfast [3] - 1:167:16, 1:168:1, 1:170:17 Brew [2] - 1:2:13, 1:122:15 brief [1] - 1:93:9 Brighton [1] - 1:160:10 bring [9] - 1:27:11, 1:42:15, 1:46:4, 1:77:6, 1:88:14, 1:96:20, 1:146:17, 1:167:1, 1:185:4 bringing [1] - 1:94:4 brings [1] - 1:186:8 BROADWAY [1] - 1:156:1 Broadway [7] - 1:2:17, 1:133:10, 1:135:22, 1:137:1, 1:156:3, 1:156:6 broken [2] - 1:168:21, 1:171:14 Brookline [3] -</p>	<p>1:119:9, 1:119:19, 1:119:21 BROOKS [7] - 1:89:19, 1:90:5, 1:90:12, 1:91:16, 1:92:2, 1:92:8, 1:92:19 Brooks [1] - 1:89:20 brother [10] - 1:15:13, 1:15:14, 1:15:21, 1:16:3, 1:17:10, 1:21:7, 1:23:8, 1:48:7, 1:178:20, 1:179:2 Brothers [1] - 1:109:18 brought [3] - 1:32:17, 1:73:4, 1:182:15 brunch [1] - 1:103:17 buffer [1] - 1:107:21 build [3] - 1:68:9, 1:132:15, 1:175:3 building [46] - 1:34:5, 1:39:21, 1:40:10, 1:44:8, 1:45:5, 1:46:21, 1:68:8, 1:70:1, 1:70:2,</p>
---	--	---	---	--

1:70:13, 1:70:14, 1:72:1, 1:73:4, 1:74:21, 1:75:6, 1:76:18, 1:77:9, 1:80:2, 1:91:12, 1:94:22, 1:95:2, 1:95:4, 1:95:5, 1:95:6, 1:95:13, 1:96:8, 1:96:14, 1:133:4, 1:134:4, 1:134:6, 1:139:2, 1:139:8, 1:152:9, 1:153:11, 1:153:15, 1:153:19, 1:156:17, 1:157:2, 1:157:3, 1:157:5, 1:168:13, 1:174:10, 1:177:3, 1:179:10, 1:183:2 Building ^[3] - 1:1:14, 1:3:6, 1:163:3 buildings ^[1] - 1:168:14 built ^[3] - 1:78:3, 1:108:6, 1:178:11 Bull ^[5] - 1:139:14, 1:152:5, 1:153:7,	1:153:20, 1:154:6 bump ^[1] - 1:188:22 bunch ^[1] - 1:13:4 Burke ^[3] - 1:1:7, 1:3:10, 1:179:21 BURKE ^[54] - 1:13:11, 1:13:18, 1:14:1, 1:14:11, 1:14:20, 1:23:19, 1:24:1, 1:24:6, 1:24:10, 1:24:14, 1:24:18, 1:25:1, 1:27:21, 1:28:5, 1:28:9, 1:28:16, 1:31:15, 1:37:18, 1:43:11, 1:48:15, 1:50:11, 1:63:8, 1:64:2, 1:64:10, 1:64:16, 1:69:11, 1:83:2, 1:87:20, 1:99:14, 1:105:10, 1:105:18, 1:108:9, 1:115:3, 1:115:16, 1:116:1, 1:117:18, 1:117:22,	1:121:22, 1:122:7, 1:129:12, 1:129:22, 1:136:6, 1:137:12, 1:138:16, 1:155:7, 1:155:11, 1:158:15, 1:158:19, 1:165:20, 1:166:4, 1:166:8, 1:188:2, 1:189:9, 1:189:13 bus ^[1] - 1:54:9 business ^[36] - 1:4:5, 1:30:18, 1:55:9, 1:59:3, 1:59:14, 1:60:2, 1:60:6, 1:60:11, 1:62:11, 1:62:18, 1:63:1, 1:63:3, 1:66:18, 1:68:14, 1:83:11, 1:92:21, 1:97:7, 1:114:9, 1:116:9, 1:118:7, 1:122:14, 1:122:20, 1:130:6, 1:130:17, 1:139:14, 1:139:20, 1:150:6, 1:159:3, 1:160:7,	1:166:16, 1:169:7, 1:170:22, 1:171:18, 1:172:13, 1:187:8 Business ^[2] - 1:108:21, 1:153:5 businesses ^[4] - 1:60:10, 1:68:3, 1:81:5, 1:187:14 busy ^[3] - 1:26:3, 1:40:5, 1:47:2 buy ^[2] - 1:45:9, 1:84:22 buyer ^[2] - 1:85:13, 1:148:7 buys ^[1] - 1:92:2 C C2 ^[1] - 1:169:11 cab ^[11] - 1:57:15, 1:58:6, 1:59:7, 1:59:16, 1:61:20, 1:61:22, 1:62:3, 1:62:12, 1:63:20, 1:63:22, 1:65:13 Cacciola ^[4] - 1:51:6, 1:51:9, 1:51:18, 1:54:1 CACCIOLA ^[14] - 1:51:17, 1:52:22, 1:54:3, 1:54:7,	1:54:13, 1:54:18, 1:54:21, 1:55:10, 1:55:14, 1:55:18, 1:56:7, 1:56:12, 1:56:18, 1:57:4 Cadalli ^[1] - 1:86:21 CAFE ^[1] - 1:66:14 Cafe ^[1] - 1:66:17 Cafe's ^[1] - 1:74:13 cake ^[4] - 1:17:3, 1:17:4, 1:23:3, 1:23:5 calculation ^[1] - 1:95:11 CAMBRIDGE ^[3] - 1:1:2, 1:122:12, 1:166:14 Cambridge ^[45] - 1:1:15, 1:2:19, 1:5:19, 1:6:4, 1:6:11, 1:45:6, 1:45:10, 1:45:12, 1:51:18, 1:51:20, 1:52:1, 1:52:10, 1:52:18, 1:57:17, 1:58:17, 1:61:13, 1:61:14, 1:62:1,
--	---	--	---	--

<p>1:62:12, 1:62:16, 1:63:11, 1:63:13, 1:65:13, 1:65:16, 1:65:20, 1:66:9, 1:72:19, 1:74:11, 1:88:9, 1:90:15, 1:92:11, 1:92:13, 1:120:4, 1:122:14, 1:126:20, 1:130:6, 1:133:11, 1:133:13, 1:160:13, 1:166:16, 1:168:20, 1:186:5, 1:186:10, 1:186:17, 1:187:20</p> <p>Cambridgepor t^[1] - 1:35:10</p> <p>cancer^[2] - 1:47:21, 1:176:18</p> <p>cannot^[4] - 1:38:15, 1:38:19, 1:91:18, 1:176:16</p> <p>canopy^[2] - 1:38:9, 1:38:10</p> <p>cap^[3] - 1:85:7, 1:95:20, 1:96:1</p> <p>capacity^[4] -</p>	<p>1:131:2, 1:147:15, 1:159:10, 1:163:8</p> <p>Capital^[1] - 1:127:11</p> <p>capped^[4] - 1:95:21, 1:96:11, 1:97:8, 1:97:10</p> <p>CAPTURING^[1] - 1:1:20</p> <p>car^[4] - 1:12:17, 1:53:18, 1:56:5, 1:63:15</p> <p>Cardinal^[3] - 1:52:10, 1:56:12, 1:56:15</p> <p>Cardullo's^[1] - 1:109:17</p> <p>care^[4] - 1:29:19, 1:146:8, 1:176:9, 1:187:10</p> <p>careful^[1] - 1:111:6</p> <p>cars^[3] - 1:134:4, 1:156:6, 1:157:20</p> <p>case^[4] - 1:88:17, 1:142:10, 1:146:18, 1:173:20</p> <p>cases^[1] - 1:171:22</p> <p>cash^[3] - 1:27:11, 1:27:13,</p>	<p>1:164:3</p> <p>cast^[1] - 1:22:11</p> <p>categories^[1] - 1:168:22</p> <p>category^[1] - 1:169:8</p> <p>catering^[1] - 1:135:15</p> <p>Catis^[3] - 1:92:6, 1:94:8, 1:99:6</p> <p>celebrating^[3] - 1:7:4, 1:14:3, 1:18:11</p> <p>CEO^[1] - 1:85:4</p> <p>certain^[5] - 1:110:2, 1:141:22, 1:151:13, 1:151:14, 1:176:10</p> <p>certainly^[10] - 1:36:18, 1:43:2, 1:140:1, 1:152:4, 1:162:3, 1:162:15, 1:172:18, 1:186:7, 1:187:16, 1:188:5</p> <p>CERTIFICATI ON^[1] - 1:190:19</p> <p>certified^[2] - 1:25:20, 1:119:20</p> <p>Certified^[1] - 1:190:3</p> <p>certify^[1] - 1:190:7</p> <p>CERTIFYING^[1]</p>	<p>- 1:190:21</p> <p>chair^[2] - 1:158:1, 1:167:4</p> <p>Chairman^[4] - 1:1:7, 1:3:9, 1:123:16, 1:124:13</p> <p>chairman^[4] - 1:75:1, 1:131:10, 1:161:11, 1:162:22</p> <p>CHAIRMAN^[431] - 1:3:14, 1:4:12, 1:4:19, 1:5:12, 1:5:16, 1:7:19, 1:8:10, 1:8:15, 1:8:18, 1:8:21, 1:9:3, 1:9:7, 1:9:14, 1:9:18, 1:9:21, 1:10:4, 1:10:16, 1:11:4, 1:11:10, 1:11:15, 1:11:19, 1:12:2, 1:12:7, 1:12:12, 1:12:20, 1:13:2, 1:13:7, 1:14:22, 1:15:4, 1:15:15, 1:15:20, 1:16:7, 1:16:10, 1:16:21, 1:17:7, 1:17:11, 1:17:15, 1:17:18, 1:17:21,</p>	<p>1:18:3, 1:18:7, 1:18:10, 1:19:4, 1:19:16, 1:19:20, 1:20:2, 1:20:8, 1:21:3, 1:21:9, 1:21:15, 1:22:12, 1:23:12, 1:23:17, 1:25:22, 1:26:22, 1:27:17, 1:28:18, 1:28:22, 1:30:22, 1:31:6, 1:31:14, 1:31:17, 1:32:1, 1:32:7, 1:32:10, 1:32:20, 1:33:3, 1:33:8, 1:33:17, 1:36:1, 1:36:6, 1:37:1, 1:37:5, 1:37:17, 1:38:2, 1:39:5, 1:39:9, 1:39:18, 1:39:22, 1:41:3, 1:41:17, 1:41:21, 1:42:7, 1:43:6, 1:43:15, 1:43:22, 1:45:18, 1:46:19, 1:47:4, 1:47:17, 1:47:22, 1:48:5, 1:48:9,</p>
--	---	---	--	---

1:48:13, 1:48:19, 1:48:22, 1:49:11, 1:50:1, 1:50:8, 1:50:15, 1:50:22, 1:51:8, 1:51:15, 1:53:21, 1:54:5, 1:54:11, 1:54:16, 1:54:19, 1:55:8, 1:55:12, 1:55:16, 1:56:4, 1:56:9, 1:56:14, 1:56:22, 1:57:8, 1:57:11, 1:58:9, 1:58:18, 1:59:10, 1:59:19, 1:60:5, 1:61:5, 1:61:8, 1:61:15, 1:62:4, 1:62:7, 1:63:7, 1:64:14, 1:65:1, 1:65:9, 1:66:3, 1:66:12, 1:67:3, 1:67:6, 1:67:9, 1:68:6, 1:68:11, 1:68:15, 1:68:18, 1:68:21, 1:69:2, 1:69:5, 1:69:10, 1:70:5, 1:70:9,	1:70:17, 1:70:20, 1:71:13, 1:72:2, 1:72:5, 1:72:16, 1:73:12, 1:73:15, 1:73:21, 1:74:16, 1:76:21, 1:78:5, 1:78:12, 1:78:17, 1:79:8, 1:79:16, 1:80:19, 1:81:7, 1:81:12, 1:82:4, 1:82:16, 1:82:22, 1:83:21, 1:84:4, 1:84:12, 1:85:1, 1:85:6, 1:86:9, 1:87:7, 1:87:15, 1:87:19, 1:88:2, 1:88:19, 1:89:17, 1:90:3, 1:91:14, 1:91:17, 1:92:4, 1:92:17, 1:93:5, 1:93:12, 1:94:14, 1:96:16, 1:97:22, 1:98:8, 1:98:17, 1:99:1,	1:99:12, 1:100:9, 1:100:12, 1:100:16, 1:100:20, 1:101:3, 1:101:12, 1:101:15, 1:101:18, 1:101:20, 1:102:4, 1:102:14, 1:102:22, 1:103:7, 1:103:10, 1:103:18, 1:104:6, 1:104:10, 1:104:16, 1:104:20, 1:104:22, 1:105:5, 1:105:12, 1:105:16, 1:106:1, 1:106:14, 1:106:20, 1:107:1, 1:107:4, 1:107:11, 1:108:1, 1:108:8, 1:108:13, 1:108:17, 1:110:8, 1:110:12, 1:112:12, 1:113:2, 1:113:16, 1:113:20, 1:114:11, 1:114:14, 1:114:17, 1:114:20,	1:115:5, 1:115:18, 1:115:21, 1:116:14, 1:116:17, 1:116:21, 1:117:6, 1:117:16, 1:118:13, 1:118:17, 1:118:21, 1:119:2, 1:119:6, 1:119:11, 1:119:14, 1:119:16, 1:120:1, 1:120:6, 1:120:11, 1:120:15, 1:120:21, 1:121:2, 1:121:7, 1:121:12, 1:121:16, 1:122:2, 1:122:6, 1:122:9, 1:122:22, 1:123:3, 1:123:7, 1:123:13, 1:123:17, 1:125:7, 1:125:12, 1:125:19, 1:126:10, 1:127:3, 1:127:14, 1:127:19, 1:127:22, 1:128:8, 1:128:11, 1:129:3,	1:129:7, 1:129:10, 1:129:14, 1:130:2, 1:130:12, 1:131:7, 1:131:12, 1:131:15, 1:131:18, 1:131:22, 1:132:4, 1:132:7, 1:132:10, 1:132:20, 1:133:2, 1:134:1, 1:134:10, 1:134:14, 1:134:17, 1:134:21, 1:135:6, 1:135:9, 1:135:14, 1:135:18, 1:135:21, 1:136:2, 1:136:5, 1:136:10, 1:136:16, 1:136:19, 1:137:9, 1:137:14, 1:137:17, 1:138:1, 1:138:6, 1:138:9, 1:138:13, 1:138:14, 1:138:20, 1:139:3, 1:139:6, 1:139:10, 1:139:22, 1:140:6,
---	--	--	---	--

1:140:11, 1:140:16, 1:141:20, 1:142:3, 1:142:11, 1:142:19, 1:143:13, 1:143:17, 1:144:21, 1:145:9, 1:146:3, 1:146:21, 1:147:4, 1:147:11, 1:150:11, 1:152:1, 1:152:15, 1:153:1, 1:154:10, 1:155:3, 1:155:9, 1:155:15, 1:156:7, 1:156:13, 1:156:16, 1:156:20, 1:157:1, 1:157:4, 1:157:9, 1:157:13, 1:157:17, 1:158:4, 1:158:8, 1:158:12, 1:158:17, 1:159:15, 1:159:19, 1:159:22, 1:160:5, 1:160:12, 1:160:16, 1:160:22, 1:161:5, 1:161:8,	1:161:20, 1:162:2, 1:162:12, 1:162:18, 1:163:1, 1:163:13, 1:163:19, 1:163:22, 1:164:14, 1:164:18, 1:164:21, 1:165:3, 1:165:8, 1:165:14, 1:166:2, 1:166:6, 1:166:22, 1:167:7, 1:168:5, 1:168:11, 1:169:18, 1:171:2, 1:171:19, 1:172:17, 1:173:10, 1:174:7, 1:174:14, 1:174:16, 1:174:21, 1:176:3, 1:176:22, 1:177:5, 1:177:8, 1:177:11, 1:177:15, 1:178:3, 1:178:8, 1:178:12, 1:178:14, 1:178:17, 1:179:1, 1:179:5, 1:179:8, 1:179:12,	1:180:3, 1:180:7, 1:180:12, 1:180:18, 1:181:6, 1:181:12, 1:182:14, 1:182:20, 1:183:22, 1:184:6, 1:184:11, 1:184:15, 1:185:7, 1:185:22, 1:187:1, 1:187:21, 1:188:4, 1:189:11 chairs ^[1] - 1:19:9 chance ^[1] - 1:62:5 change ^[11] - 1:106:18, 1:112:15, 1:115:9, 1:118:11, 1:122:18, 1:123:21, 1:124:3, 1:128:7, 1:161:16, 1:162:10, 1:174:3 changed ^[6] - 1:85:8, 1:104:2, 1:120:19, 1:125:18, 1:125:20, 1:126:1 changing ^[5] - 1:112:13, 1:113:4,	1:117:4, 1:123:22, 1:126:9 Chantler ^[4] - 1:159:4, 1:159:21, 1:161:12, 1:162:9 CHANTLER ^[11] - 1:159:21, 1:160:2, 1:160:8, 1:160:14, 1:160:18, 1:161:2, 1:161:7, 1:163:18, 1:163:20, 1:164:2, 1:164:8 charge ^[1] - 1:48:6 charges ^[3] - 1:13:4, 1:49:2, 1:61:9 charging ^[2] - 1:150:14, 1:175:7 check ^[3] - 1:75:16, 1:121:14, 1:121:21 checked ^[1] - 1:75:21 Cheung ^[2] - 1:112:5, 1:177:20 chicken ^[1] - 1:34:9 CHIEF ^[62] - 1:15:2, 1:27:2, 1:27:7, 1:27:10, 1:27:15,	1:27:19, 1:37:20, 1:48:17, 1:50:13, 1:64:4, 1:64:12, 1:64:18, 1:74:22, 1:75:4, 1:75:10, 1:75:17, 1:76:2, 1:76:6, 1:77:5, 1:78:15, 1:78:19, 1:79:4, 1:79:10, 1:79:14, 1:80:17, 1:80:21, 1:82:5, 1:82:10, 1:82:14, 1:82:20, 1:83:4, 1:87:22, 1:98:21, 1:99:10, 1:102:1, 1:104:18, 1:105:3, 1:105:8, 1:105:14, 1:105:20, 1:108:11, 1:115:1, 1:115:19, 1:116:3, 1:117:14, 1:117:20, 1:121:13, 1:122:4, 1:129:20, 1:136:8,
---	--	--	---	--

<p>1:137:15, 1:138:11, 1:138:18, 1:155:13, 1:157:22, 1:158:6, 1:158:10, 1:158:21, 1:165:22, 1:166:10, 1:185:20, 1:189:15 Chief ^[4] - 1:1:8, 1:3:9, 1:15:1, 1:78:18 Chinese ^[1] - 1:177:20 chip ^[1] - 1:101:9 choose ^[1] - 1:154:19 Chris ^[1] - 1:3:10 CHRISTOPHE R ^[54] - 1:13:11, 1:13:18, 1:14:1, 1:14:11, 1:14:20, 1:23:19, 1:24:1, 1:24:6, 1:24:10, 1:24:14, 1:24:18, 1:25:1, 1:27:21, 1:28:5, 1:28:9, 1:28:16, 1:31:15, 1:37:18, 1:43:11, 1:48:15, 1:50:11, 1:63:8, 1:64:2,</p>	<p>1:64:10, 1:64:16, 1:69:11, 1:83:2, 1:87:20, 1:99:14, 1:105:10, 1:105:18, 1:108:9, 1:115:3, 1:115:16, 1:116:1, 1:117:18, 1:117:22, 1:121:22, 1:122:7, 1:129:12, 1:129:22, 1:136:6, 1:137:12, 1:138:16, 1:155:7, 1:155:11, 1:158:15, 1:158:19, 1:165:20, 1:166:4, 1:166:8, 1:188:2, 1:189:9, 1:189:13 Christopher ^[1] - 1:1:7 cigarette ^[1] - 1:47:15 cigarettes ^[1] - 1:30:3 Circle ^[1] - 1:90:22 circumstance ^[2] - 1:91:9, 1:149:9 circumstance s ^[2] - 1:170:4,</p>	<p>1:172:12 citation ^[3] - 1:51:6, 1:53:2, 1:60:16 cite ^[1] - 1:60:15 citizen ^[1] - 1:57:22 City ^[12] - 1:2:12, 1:29:11, 1:45:12, 1:107:14, 1:114:4, 1:114:18, 1:115:6, 1:115:8, 1:116:8, 1:116:9, 1:116:20, 1:117:10 city ^[6] - 1:42:5, 1:42:6, 1:89:7, 1:115:8, 1:137:5, 1:171:4 CITY ^[2] - 1:1:2, 1:116:7 Clair ^[1] - 1:79:19 clarification ^[2] - 1:115:11, 1:117:11 clarify ^[4] - 1:78:16, 1:113:17, 1:168:19, 1:175:11 clarifying ^[1] - 1:113:22 clean ^[1] - 1:46:11 cleaning ^[1] - 1:165:7 cleanser ^[1] -</p>	<p>1:165:6 clear ^[2] - 1:35:9, 1:149:14 clearly ^[1] - 1:150:5 client ^[4] - 1:96:19, 1:146:16, 1:147:18, 1:154:20 clients ^[1] - 1:148:7 Clippinger ^[2] - 1:111:2, 1:112:13 close ^[8] - 1:19:11, 1:69:8, 1:80:4, 1:88:10, 1:133:18, 1:138:4, 1:138:7, 1:144:20 closed ^[1] - 1:27:12 closely ^[3] - 1:92:6, 1:153:14, 1:154:17 closer ^[3] - 1:34:5, 1:186:4 closest ^[2] - 1:55:20, 1:169:6 closing ^[4] - 1:8:16, 1:8:18, 1:16:13, 1:69:1 CLUB ^[1] - 1:139:12 Club ^[3] - 1:2:16,</p>	<p>1:139:21, 1:153:21 co ^[1] - 1:102:9 co-exist ^[1] - 1:102:9 coffee ^[1] - 1:87:6 COFFEE ^[1] - 1:83:7 Coffee ^[6] - 1:2:7, 1:83:10, 1:83:11, 1:83:19, 1:83:20, 1:85:5 collateral ^[1] - 1:149:22 collected ^[1] - 1:173:8 com ^[1] - 1:171:17 comfort ^[1] - 1:151:19 coming ^[7] - 1:35:1, 1:42:5, 1:45:15, 1:54:13, 1:55:12, 1:58:3, 1:87:16 comment ^[1] - 1:43:14 commentary ^[1] - 1:35:9 comments ^[12] - 1:33:13, 1:35:4, 1:45:22, 1:114:18, 1:114:22, 1:115:2, 1:115:4, 1:117:8, 1:129:11,</p>
---	---	---	---	---

<p>1:158:9, 1:158:11, 1:188:1</p> <p>commercial ^[11] - 1:92:12, 1:167:14, 1:167:22, 1:170:14, 1:175:8, 1:178:5, 1:178:6, 1:179:2, 1:180:13, 1:181:9, 1:183:12</p> <p>commercially ^[1] - 1:178:4</p> <p>Commission ^[9] - 1:3:3, 1:72:20, 1:74:9, 1:74:11, 1:147:22, 1:154:5, 1:170:2, 1:182:11, 1:190:17</p> <p>COMMISSION ^[2] - 1:1:4, 1:1:6</p> <p>commission ^[1] - 1:169:14</p> <p>Commission's ^[1] - 1:83:15</p> <p>commissione d ^[1] - 1:190:5</p> <p>commissioner ^[1] - 1:72:12</p> <p>Commissione rs ^[3] - 1:3:8, 1:49:2, 1:137:10</p> <p>commitment ^[3] - 1:126:13,</p>	<p>1:126:18, 1:127:8</p> <p>committee ^[1] - 1:140:21</p> <p>common ^[3] - 1:130:19, 1:139:15, 1:159:5</p> <p>Commonweal th ^[1] - 1:190:6</p> <p>COMMONWE ALTH ^[2] - 1:1:1, 1:190:1</p> <p>communicatin g ^[1] - 1:30:21</p> <p>communicatio n ^[3] - 1:98:9, 1:100:19, 1:152:16</p> <p>Community ^[1] - 1:35:11</p> <p>community ^[6] - 1:49:21, 1:50:2, 1:89:14, 1:89:15, 1:102:10, 1:109:10</p> <p>compact ^[1] - 1:159:14</p> <p>competing ^[1] - 1:62:12</p> <p>complain ^[2] - 1:30:2, 1:101:21</p> <p>complaint ^[8] - 1:4:17, 1:30:11, 1:42:18, 1:42:21, 1:43:4, 1:51:12, 1:51:14, 1:69:13</p>	<p>complaints ^[6] - 1:29:11, 1:30:10, 1:31:9, 1:37:12, 1:65:18, 1:101:16</p> <p>complete ^[1] - 1:190:8</p> <p>completely ^[4] - 1:66:5, 1:95:10, 1:121:8, 1:189:2</p> <p>compliance ^[17] - 1:70:11, 1:70:13, 1:73:5, 1:74:21, 1:75:8, 1:75:11, 1:77:2, 1:78:1, 1:78:7, 1:81:8, 1:81:9, 1:114:10, 1:183:6, 1:185:5, 1:185:8, 1:187:8, 1:187:17</p> <p>complies ^[1] - 1:74:4</p> <p>comply ^[3] - 1:70:7, 1:72:8, 1:81:15</p> <p>conceding ^[1] - 1:172:4</p> <p>concern ^[5] - 1:129:8, 1:151:22, 1:153:17, 1:174:8, 1:181:1</p> <p>concerned ^[7] -</p>	<p>1:34:18, 1:53:14, 1:80:14, 1:92:14, 1:129:16, 1:142:20, 1:182:12</p> <p>concerns ^[7] - 1:33:14, 1:33:21, 1:35:5, 1:109:1, 1:153:9, 1:165:19, 1:187:7</p> <p>concrete ^[3] - 1:45:15, 1:69:21, 1:70:4</p> <p>condition ^[2] - 1:14:14, 1:24:20</p> <p>conditions ^[2] - 1:36:8, 1:77:17</p> <p>condo ^[2] - 1:93:3, 1:178:15</p> <p>condominium ^[5] - 1:68:8, 1:101:10, 1:157:11, 1:184:2, 1:184:16</p> <p>condominium s ^[1] - 1:136:17</p> <p>condos ^[1] - 1:95:10</p> <p>conference ^[1] - 1:3:7</p> <p>Conference ^[1] - 1:1:15</p> <p>confident ^[1] - 1:121:8</p>	<p>confusing ^[3] - 1:77:22, 1:109:20, 1:169:4</p> <p>confusion ^[2] - 1:175:9, 1:175:12</p> <p>conjunction ^[1] - 1:84:18</p> <p>Conley ^[1] - 1:120:2</p> <p>connect ^[1] - 1:79:9</p> <p>connected ^[1] - 1:150:3</p> <p>Connecticut ^[1] - 1:126:21</p> <p>consequence s ^[1] - 1:97:11</p> <p>consider ^[3] - 1:45:15, 1:77:4, 1:148:17</p> <p>consideration ^[1] - 1:149:22</p> <p>considered ^[1] - 1:13:20</p> <p>constant ^[1] - 1:30:8</p> <p>constraints ^[1] - 1:96:14</p> <p>construction ^[2] - 1:82:6, 1:111:7</p> <p>consume ^[1] - 1:7:9</p> <p>consumed ^[2] - 1:131:1, 1:159:9</p> <p>contact ^[6] - 1:50:19, 1:52:18, 1:130:13, 1:143:2,</p>
--	--	--	--	--

<p>1:155:18 contacted ^[1] - 1:167:17 container ^[1] - 1:47:13 continuances ^[2] - 1:3:17, 1:3:19 continue ^[6] - 1:52:2, 1:120:12, 1:146:4, 1:154:14, 1:155:4, 1:176:20 continued ^[5] - 1:3:12, 1:66:16, 1:83:9, 1:99:18, 1:176:9 contracting ^[1] - 1:111:10 CONTROL ^[1] - 1:190:21 control ^[7] - 1:38:21, 1:40:6, 1:63:17, 1:66:7, 1:91:20, 1:126:7 conversation ^[5] - 1:13:20, 1:55:22, 1:56:5, 1:57:5, 1:58:3 conversations ^[1] - 1:14:12 convey ^[1] - 1:45:2 convinced ^[1] - 1:44:12 Conway ^[1] -</p>	<p>1:80:7 cool ^[1] - 1:91:2 cooperative ^[1] - 1:188:11 coordinator ^[1] - 1:72:19 copies ^[2] - 1:33:11, 1:73:10 copy ^[4] - 1:73:13, 1:142:7, 1:142:9, 1:142:15 corner ^[3] - 1:79:20, 1:107:15 corporation ^[1] - 1:132:3 corporations ^[1] - 1:124:15 correct ^[10] - 1:70:19, 1:79:3, 1:103:14, 1:117:5, 1:119:7, 1:119:13, 1:121:1, 1:125:11, 1:126:12, 1:151:10 could've ^[1] - 1:55:21 could.. ^[1] - 1:143:11 Council ^[3] - 1:107:14, 1:115:7, 1:115:9 council ^[1] - 1:45:14 Councillor ^[1] - 1:29:11</p>	<p>Councilor ^[4] - 1:31:18, 1:112:5, 1:181:19, 1:187:2 councilor ^[3] - 1:44:5, 1:94:15 counters ^[1] - 1:20:5 couple ^[13] - 1:33:13, 1:38:16, 1:40:9, 1:40:11, 1:40:17, 1:82:11, 1:82:13, 1:88:11, 1:93:15, 1:107:21, 1:144:17, 1:145:14, 1:145:18 course ^[5] - 1:18:4, 1:109:1, 1:132:9, 1:148:4, 1:187:7 cover ^[1] - 1:120:18 covered ^[1] - 1:120:16 covers ^[1] - 1:126:19 CRAIG ^[5] - 1:29:9, 1:31:19, 1:94:16, 1:97:2, 1:186:2 Craig ^[3] - 1:29:9,</p>	<p>1:94:17, 1:186:2 credit ^[1] - 1:36:15 Crimson ^[1] - 1:153:10 crosswalk ^[1] - 1:54:10 crowd ^[1] - 1:135:16 crucial ^[1] - 1:152:8 crush ^[1] - 1:28:7 curb ^[1] - 1:55:20 curious ^[1] - 1:160:6 current ^[5] - 1:45:3, 1:84:10, 1:96:9, 1:100:4, 1:103:14 customer ^[2] - 1:46:17, 1:128:6 customers ^[8] - 1:19:13, 1:38:8, 1:46:15, 1:47:5, 1:47:9, 1:47:10, 1:47:11, 1:67:20 cut ^[2] - 1:17:3, 1:23:3</p>	<p>1:27:7, 1:27:10, 1:27:15, 1:27:19, 1:37:20, 1:48:17, 1:50:13, 1:64:4, 1:64:12, 1:64:18, 1:74:22, 1:75:4, 1:75:10, 1:75:17, 1:76:2, 1:76:6, 1:77:5, 1:78:15, 1:78:19, 1:79:4, 1:79:10, 1:79:14, 1:80:17, 1:80:21, 1:82:5, 1:82:10, 1:82:14, 1:82:20, 1:83:4, 1:87:22, 1:98:21, 1:99:10, 1:102:1, 1:104:18, 1:105:3, 1:105:8, 1:105:14, 1:105:20, 1:108:11, 1:115:1, 1:115:19, 1:116:3, 1:117:14, 1:117:20, 1:121:13,</p>
			D	
			<p>d/b/a ^[1] - 1:66:14 Dan ^[1] - 1:3:9 DANIEL ^[62] - 1:15:2, 1:27:2,</p>	

1:122:4, 1:129:20, 1:136:8, 1:137:15, 1:138:11, 1:138:18, 1:155:13, 1:157:22, 1:158:6, 1:158:10, 1:158:21, 1:165:22, 1:166:10, 1:185:20, 1:189:15 Daniel [3] - 1:1:8, 1:139:15, 1:140:8 DARRAH [1] - 1:93:9 Darrah [1] - 1:93:14 DATE [1] - 1:1:16 date [1] - 1:118:2 dated [3] - 1:4:10, 1:73:3, 1:73:20 DAVE [1] - 1:123:5 Dave [2] - 1:123:5, 1:123:7 day-to-day [2] - 1:124:3, 1:128:1 days [6] - 1:133:14, 1:137:19, 1:145:19, 1:152:13, 1:159:12,	1:161:9 DC [3] - 1:84:6, 1:84:8, 1:85:19 deal [1] - 1:149:1 dealing [1] - 1:59:8 death [2] - 1:178:22, 1:180:1 decide [3] - 1:20:19, 1:22:1, 1:26:17 decided [4] - 1:45:6, 1:68:4, 1:87:1, 1:90:21 decision [1] - 1:151:1 decisions [1] - 1:97:17 Deck [2] - 1:2:10, 1:106:7 declared [1] - 1:152:18 definitely [3] - 1:36:11, 1:92:18, 1:183:15 degree [1] - 1:37:16 delighted [3] - 1:109:7, 1:153:13, 1:154:4 deliver [1] - 1:120:22 deliveries [3] - 1:133:7, 1:133:20, 1:133:21	delivering [2] - 1:109:16, 1:109:17 delivery [1] - 1:120:19 DENISE [14] - 1:108:16, 1:108:19, 1:110:10, 1:110:14, 1:112:14, 1:112:22, 1:113:7, 1:113:18, 1:114:1, 1:114:13, 1:114:16, 1:114:19, 1:153:4, 1:187:3 Denise [3] - 1:108:20, 1:153:4, 1:187:4 DENNIS [6] - 1:106:19, 1:107:6, 1:107:18, 1:108:4, 1:112:20, 1:116:5 dental [4] - 1:171:11, 1:176:15, 1:177:6, 1:177:12 dentist's [1] - 1:171:16 Department [6] - 1:5:19, 1:6:5, 1:6:11, 1:65:17, 1:163:4 department [3] -	1:12:17, 1:74:3, 1:158:2 dependent [2] - 1:95:22, 1:96:3 Deputy [5] - 1:1:8, 1:3:9, 1:14:22, 1:27:1, 1:78:18 DEPUTY [62] - 1:15:2, 1:27:2, 1:27:7, 1:27:10, 1:27:15, 1:27:19, 1:37:20, 1:48:17, 1:50:13, 1:64:4, 1:64:12, 1:64:18, 1:74:22, 1:75:4, 1:75:10, 1:75:17, 1:76:2, 1:76:6, 1:77:5, 1:78:15, 1:78:19, 1:79:4, 1:79:10, 1:79:14, 1:80:17, 1:80:21, 1:82:5, 1:82:10, 1:82:14, 1:82:20, 1:83:4, 1:87:22, 1:98:21, 1:99:10,	1:102:1, 1:104:18, 1:105:3, 1:105:8, 1:105:14, 1:105:20, 1:108:11, 1:115:1, 1:115:19, 1:116:3, 1:117:14, 1:117:20, 1:121:13, 1:122:4, 1:129:20, 1:136:8, 1:137:15, 1:138:11, 1:138:18, 1:155:13, 1:157:22, 1:158:6, 1:158:10, 1:158:21, 1:165:22, 1:166:10, 1:185:20, 1:189:15 DERRAH [1] - 1:93:14 designate [1] - 1:110:19 desirable [1] - 1:114:7 desperately [1] - 1:95:15 destination [1] - 1:95:16 detailing [1] - 1:141:17 details [2] - 1:5:15, 1:127:8 determination
--	--	---	---	--

<p>[2] - 1:12:8, 1:189:8 determined [1] - 1:12:13 Dhanda [10] - 1:141:18, 1:143:19, 1:145:4, 1:145:5, 1:146:2, 1:146:9, 1:147:15, 1:148:20, 1:149:17, 1:150:14 Dhanda's [2] - 1:143:3, 1:148:12 diagnosed [1] - 1:47:20 Dickson [1] - 1:109:18 die [1] - 1:94:2 died [1] - 1:90:18 different [21] - 1:42:13, 1:61:16, 1:85:9, 1:95:11, 1:97:8, 1:120:22, 1:125:14, 1:126:16, 1:127:9, 1:128:17, 1:145:14, 1:145:18, 1:160:20, 1:167:11, 1:168:14, 1:170:12, 1:171:15, 1:171:22,</p>	<p>1:172:1, 1:172:9, 1:175:6 difficult [2] - 1:84:19, 1:148:8 dinner [1] - 1:161:6 DIRECT [1] - 1:190:21 direction [2] - 1:84:13, 1:145:1 DIRECTION [1] - 1:190:21 directions [1] - 1:167:12 directly [1] - 1:187:5 director [3] - 1:72:21, 1:84:1, 1:156:19 Director [1] - 1:108:20 directors [6] - 1:122:19, 1:123:22, 1:124:20, 1:124:22, 1:125:6, 1:125:9 disabilities [1] - 1:72:11 Disabilities [2] - 1:72:20, 1:74:10 disagree [1] - 1:45:21 disc [1] - 1:159:14 Disciples [2] - 1:139:14, 1:140:5</p>	<p>disciplinary [3] - 1:4:3, 1:77:6, 1:166:15 Disciplinary [1] - 1:2:3 disclosure [1] - 1:149:11 disconcerting [1] - 1:154:3 discovered [2] - 1:6:8, 1:42:22 discovery [1] - 1:167:19 discretion [1] - 1:186:16 discussion [4] - 1:49:1, 1:115:15, 1:116:22, 1:137:14 disgruntled [1] - 1:181:15 dispatch [1] - 1:82:6 dispersed [1] - 1:42:20 distinction [5] - 1:151:3, 1:151:7, 1:175:13, 1:182:4, 1:182:18 district [1] - 1:169:7 disturbances [1] - 1:42:17 dittoed [1] - 1:117:8 doctor [2] - 1:22:20, 1:178:1 doctors [2] - 1:177:20,</p>	<p>1:178:13 documentatio n [1] - 1:151:11 documents [4] - 1:4:20, 1:129:6, 1:146:6, 1:154:16 DOES [1] - 1:190:20 dollar [1] - 1:126:22 dollars [1] - 1:145:16 DOMINO'S [1] - 1:130:15 Domino's [5] - 1:2:15, 1:130:17, 1:131:16, 1:133:9, 1:136:20 done [7] - 1:40:22, 1:63:18, 1:74:18, 1:140:2, 1:151:9, 1:175:17, 1:181:18 door [9] - 1:33:1, 1:34:22, 1:52:8, 1:56:3, 1:58:5, 1:71:1, 1:134:18, 1:165:9, 1:179:19 doors [4] - 1:88:11, 1:134:19, 1:184:7, 1:184:20 dot [1] -</p>	<p>1:171:17 down [24] - 1:18:21, 1:22:4, 1:30:15, 1:35:7, 1:35:13, 1:46:6, 1:47:12, 1:55:17, 1:56:11, 1:62:21, 1:74:20, 1:88:11, 1:90:21, 1:95:7, 1:96:4, 1:111:8, 1:123:4, 1:135:22, 1:136:22, 1:161:1, 1:161:2, 1:164:4, 1:168:22, 1:177:1 Down [1] - 1:56:14 downstairs [2] - 1:164:11, 1:164:12 Dr [3] - 1:176:12, 1:177:2, 1:177:20 draft [1] - 1:152:14 drank [2] - 1:6:21, 1:25:15 drawings [1] - 1:69:16 drink [8] - 1:10:2, 1:18:19,</p>
---	--	---	--	---

<p>1:19:3, 1:25:16, 1:27:16, 1:28:1, 1:28:3, 1:80:4 drinking ^[10] - 1:7:6, 1:9:19, 1:12:6, 1:16:17, 1:21:1, 1:27:3, 1:27:8, 1:29:19, 1:35:20, 1:59:1 drinks ^[7] - 1:16:18, 1:16:19, 1:17:22, 1:18:4, 1:20:4, 1:20:9, 1:20:22 Drive ^[1] - 1:118:10 drive ^[6] - 1:58:1, 1:59:15, 1:59:18, 1:60:12, 1:64:22 driven ^[1] - 1:57:14 driver ^[7] - 1:51:5, 1:52:5, 1:52:6, 1:56:6, 1:57:21, 1:62:12, 1:102:7 driver's ^[2] - 1:22:19, 1:55:21 drivers ^[6] - 1:62:16, 1:62:17, 1:65:13,</p>	<p>1:65:20, 1:134:11 drives ^[1] - 1:42:4 driving ^[3] - 1:59:20, 1:60:3, 1:79:22 drop ^[2] - 1:16:4, 1:107:10 dropped ^[2] - 1:16:5, 1:16:8 drove ^[1] - 1:24:4 drug ^[1] - 1:7:11 drunk ^[8] - 1:23:2, 1:23:7, 1:23:11, 1:53:6, 1:53:14, 1:53:18, 1:59:4, 1:59:6 DUCK ^[1] - 1:106:5 Duck ^[4] - 1:2:9, 1:106:7, 1:109:8, 1:114:21 due ^[8] - 1:4:10, 1:7:17, 1:36:15, 1:51:6, 1:55:3, 1:57:15, 1:83:14, 1:166:19 duly ^[1] - 1:190:4 dumped ^[2] - 1:139:1, 1:139:7 Dunster ^[1] - 1:122:17 DuPont ^[1] -</p>	<p>1:90:22 duty ^[1] - 1:6:16 dying ^[1] - 1:110:21 dynamite ^[1] - 1:94:12</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>eager ^[1] - 1:96:8 early ^[3] - 1:67:22, 1:112:18, 1:138:4 easier ^[1] - 1:188:14 EAST ^[1] - 1:118:5 East ^[1] - 1:118:7 eating ^[1] - 1:16:22 echo ^[1] - 1:44:4 effect ^[1] - 1:150:22 effectively ^[1] - 1:151:2 eight ^[4] - 1:170:10, 1:170:12, 1:171:15, 1:171:22 either ^[1] - 1:30:4 electronic ^[1] - 1:60:8 Elizabeth ^[2] - 1:1:10, 1:43:20 ELIZABETH ^[57] - 1:3:3, 1:3:18, 1:4:2, 1:4:18, 1:13:5, 1:31:5,</p>	<p>1:31:10, 1:32:5, 1:41:6, 1:41:19, 1:42:1, 1:42:10, 1:43:20, 1:44:2, 1:51:4, 1:51:13, 1:52:20, 1:53:1, 1:66:15, 1:71:6, 1:71:11, 1:71:17, 1:78:9, 1:79:18, 1:83:8, 1:84:11, 1:99:17, 1:101:19, 1:102:3, 1:104:21, 1:106:6, 1:116:8, 1:118:6, 1:121:15, 1:122:13, 1:128:10, 1:129:9, 1:130:5, 1:130:14, 1:130:16, 1:139:13, 1:142:6, 1:142:13, 1:142:18, 1:143:9, 1:143:12, 1:143:15, 1:155:2, 1:155:17, 1:156:2, 1:159:2, 1:161:21,</p>	<p>1:162:15, 1:166:15, 1:167:10, 1:168:6, 1:168:14 Elm ^[1] - 1:55:5 elsewhere ^[1] - 1:145:3 email ^[2] - 1:79:19, 1:80:6 emails ^[5] - 1:29:15, 1:31:12, 1:33:1, 1:78:9, 1:79:16 emissions ^[3] - 1:106:12, 1:108:2, 1:115:13 emotional ^[1] - 1:180:19 employee ^[3] - 1:7:1, 1:12:1 employees ^[5] - 1:6:14, 1:10:12, 1:10:13, 1:10:18, 1:11:2 empty ^[2] - 1:92:20, 1:98:16 EMTs ^[2] - 1:8:5, 1:14:13 emulate ^[1] - 1:149:6 encourage ^[3] - 1:96:10, 1:113:18, 1:146:4 end ^[3] - 1:97:13, 1:123:4,</p>
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<p>1:144:3 enforce ^[1] - 1:186:12 engineer ^[1] - 1:60:8 Eno ^[2] - 1:118:12, 1:118:20 ENO ^[16] - 1:118:15, 1:118:19, 1:119:1, 1:119:4, 1:119:7, 1:119:13, 1:119:15, 1:119:18, 1:120:3, 1:120:9, 1:120:13, 1:120:17, 1:121:1, 1:121:4, 1:121:10, 1:122:11 Eno-Ballbach ^[2] - 1:118:12, 1:118:20 ENO- BALLBACH ^[16] - 1:118:15, 1:118:19, 1:119:1, 1:119:4, 1:119:7, 1:119:13, 1:119:15, 1:119:18, 1:120:3, 1:120:9, 1:120:13, 1:120:17, 1:121:1, 1:121:4,</p>	<p>1:121:10, 1:122:11 ensuring ^[1] - 1:35:18 entered ^[3] - 1:6:6, 1:52:3, 1:52:4 Enterprises ^[2] - 1:130:17, 1:131:11 entertainment ^[7] - 1:4:9, 1:66:20, 1:68:16, 1:68:19, 1:100:1, 1:139:16, 1:159:13 entirely ^[1] - 1:171:9 entirety ^[1] - 1:173:16 entities ^[1] - 1:126:8 entity ^[8] - 1:89:1, 1:124:1, 1:124:6, 1:124:11, 1:124:19, 1:125:14, 1:125:18, 1:125:21 entrance ^[6] - 1:70:1, 1:70:14, 1:163:6, 1:163:16, 1:164:1, 1:164:2 Enzo ^[2] - 1:3:12, 1:3:14 equipment ^[1] - 1:60:9</p>	<p>erupt ^[1] - 1:154:2 especially ^[3] - 1:23:9, 1:34:19, 1:38:17 essence ^[1] - 1:79:5 establishment ^[6] - 1:16:6, 1:29:12, 1:29:14, 1:29:17, 1:42:14, 1:49:19 Eva ^[1] - 1:80:6 evening ^[33] - 1:4:22, 1:7:15, 1:8:3, 1:15:21, 1:18:1, 1:18:5, 1:28:10, 1:37:2, 1:37:16, 1:42:2, 1:51:9, 1:51:17, 1:57:9, 1:57:12, 1:67:4, 1:67:5, 1:72:14, 1:72:15, 1:88:7, 1:100:10, 1:108:16, 1:116:15, 1:116:16, 1:118:14, 1:118:16, 1:123:1, 1:123:2, 1:131:8, 1:140:1, 1:156:8, 1:167:2, 1:167:3,</p>	<p>1:189:19 event ^[2] - 1:37:2, 1:149:15 everyday ^[1] - 1:47:2 everywhere ^[1] - 1:146:1 evidence ^[3] - 1:5:4, 1:65:6, 1:65:11 exact ^[1] - 1:128:21 exactly ^[2] - 1:13:5, 1:49:9 example ^[3] - 1:102:9, 1:126:2, 1:127:10 examples ^[1] - 1:45:2 Excellent ^[1] - 1:118:3 except ^[2] - 1:68:2, 1:146:2 Exchange ^[2] - 1:87:8, 1:87:11 excluding ^[1] - 1:10:10 excuse ^[1] - 1:75:1 Executive ^[2] - 1:1:10, 1:108:20 exercised ^[2] - 1:130:20, 1:159:6 exist ^[1] - 1:102:9 existence ^[1] - 1:143:22 existing ^[3] -</p>	<p>1:69:17, 1:106:9, 1:116:11 expanding ^[1] - 1:74:12 experience ^[4] - 1:59:17, 1:93:20, 1:128:7, 1:160:6 expertise ^[1] - 1:151:8 expired ^[1] - 1:83:16 Expires ^[1] - 1:190:17 explain ^[4] - 1:63:16, 1:63:21, 1:97:12, 1:172:12 explained ^[1] - 1:52:17 explanation ^[1] - 1:173:5 Express ^[1] - 1:160:9 express ^[2] - 1:80:8, 1:140:19 extend ^[2] - 1:100:3, 1:103:20 extended ^[1] - 1:79:21 extending ^[2] - 1:74:12, 1:103:14 extension ^[2] - 1:99:3, 1:99:9 extensions ^[1] - 1:99:4 extent ^[3] - 1:97:16,</p>
---	---	---	--	---

<p>1:186:15, 1:187:15 extenuating ^[1] - 1:91:8 extraordinaril y ^[1] - 1:126:15 eyes ^[1] - 1:12:11 eyesore ^[2] - 1:92:18, 1:92:20</p>	<p>1:124:13, 1:148:3 family ^[15] - 1:50:5, 1:167:1, 1:169:16, 1:173:19, 1:178:22, 1:180:2, 1:181:10, 1:182:12, 1:182:15, 1:183:19, 1:183:20, 1:184:8, 1:185:3, 1:187:12 FAR ^[1] - 1:95:9 far ^[7] - 1:68:1, 1:81:6, 1:86:5, 1:94:18, 1:141:2, 1:141:4, 1:168:6 Farah ^[2] - 1:130:16, 1:131:10 fare ^[4] - 1:51:22, 1:52:3, 1:52:4, 1:53:5 favor ^[15] - 1:50:10, 1:64:15, 1:83:1, 1:94:13, 1:99:13, 1:105:17, 1:115:22, 1:117:17, 1:122:3, 1:129:19, 1:138:15, 1:155:10,</p>	<p>1:158:18, 1:166:7, 1:189:12 fear ^[2] - 1:59:14, 1:59:15 feared ^[2] - 1:53:6, 1:53:15 fearful ^[2] - 1:59:11, 1:59:12 February ^[4] - 1:66:17, 1:99:18, 1:120:4, 1:190:17 federal ^[1] - 1:81:10 fee ^[3] - 1:84:9, 1:150:15 feedback ^[1] - 1:112:5 feet ^[9] - 1:87:4, 1:95:8, 1:132:17, 1:169:6, 1:169:10, 1:170:7, 1:170:9, 1:170:12, 1:170:19 felt ^[2] - 1:7:12, 1:44:8 female ^[3] - 1:6:8, 1:10:14, 1:34:18 few ^[13] - 1:9:11, 1:18:16, 1:19:7, 1:20:22, 1:33:10, 1:41:6, 1:44:7, 1:45:1,</p>	<p>1:96:17, 1:108:5, 1:128:17, 1:152:13 fewer ^[1] - 1:36:14 fide ^[2] - 1:149:16, 1:149:18 field ^[1] - 1:186:13 figure ^[9] - 1:21:21, 1:26:9, 1:26:15, 1:30:15, 1:67:22, 1:102:17, 1:133:3, 1:180:22, 1:188:14 figured ^[1] - 1:60:21 file ^[1] - 1:146:6 filed ^[3] - 1:69:14, 1:147:5, 1:147:20 filled ^[1] - 1:91:5 final ^[2] - 1:5:8, 1:45:20 finalized ^[2] - 1:142:22, 1:143:2 finally ^[2] - 1:100:13, 1:153:7 finance ^[2] - 1:144:5, 1:144:10 financed ^[1] - 1:149:1 finances ^[1] - 1:97:4</p>	<p>financial ^[2] - 1:60:10, 1:102:10 financing ^[14] - 1:126:11, 1:126:13, 1:126:19, 1:127:4, 1:141:18, 1:145:3, 1:148:9, 1:151:21, 1:152:2, 1:152:8, 1:153:12, 1:154:15, 1:154:21, 1:155:5 fine ^[10] - 1:22:11, 1:53:20, 1:61:6, 1:62:8, 1:63:4, 1:65:3, 1:102:9, 1:102:19, 1:110:10, 1:173:10 finish ^[1] - 1:9:8 finished ^[1] - 1:76:12 fire ^[4] - 1:8:5, 1:12:17, 1:14:13, 1:158:2 FIRE ^[62] - 1:15:2, 1:27:2, 1:27:7, 1:27:10, 1:27:15, 1:27:19, 1:37:20, 1:48:17, 1:50:13, 1:64:4,</p>
F				
<p>fabulously ^[1] - 1:162:13 faces ^[3] - 1:125:20, 1:125:22, 1:126:4 facility ^[1] - 1:74:14 fact ^[4] - 1:29:22, 1:107:19, 1:146:20, 1:180:17 factors ^[1] - 1:175:18 faded ^[1] - 1:44:21 fading ^[1] - 1:47:7 fairness ^[1] - 1:63:5 Fairweather ^[2] - 1:80:7, 1:81:5 fall ^[2] - 1:8:2, 1:18:21 fallen ^[1] - 1:7:15 falling ^[1] - 1:13:14 familiar ^[2] -</p>				

<p>1:64:12, 1:64:18, 1:74:22, 1:75:4, 1:75:10, 1:75:17, 1:76:2, 1:76:6, 1:77:5, 1:78:15, 1:78:19, 1:79:4, 1:79:10, 1:79:14, 1:80:17, 1:80:21, 1:82:5, 1:82:10, 1:82:14, 1:82:20, 1:83:4, 1:87:22, 1:98:21, 1:99:10, 1:102:1, 1:104:18, 1:105:3, 1:105:8, 1:105:14, 1:105:20, 1:108:11, 1:115:1, 1:115:19, 1:116:3, 1:117:14, 1:117:20, 1:121:13, 1:122:4, 1:129:20, 1:136:8, 1:137:15, 1:138:11, 1:138:18, 1:155:13, 1:157:22,</p>	<p>1:158:6, 1:158:10, 1:158:21, 1:165:22, 1:166:10, 1:185:20, 1:189:15 Fire ^[3] - 1:1:8, 1:6:4, 1:6:11 firm ^[2] - 1:148:3, 1:148:22 first ^[28] - 1:6:12, 1:29:5, 1:79:6, 1:81:8, 1:81:17, 1:86:13, 1:108:4, 1:109:7, 1:119:12, 1:119:14, 1:145:12, 1:146:19, 1:146:20, 1:146:22, 1:149:11, 1:150:20, 1:151:4, 1:160:13, 1:164:13, 1:167:13, 1:168:16, 1:169:5, 1:170:7, 1:170:9, 1:170:18, 1:175:15, 1:175:19, 1:188:9 first-aid ^[1] - 1:6:12 fit ^[2] - 1:110:13, 1:172:10 fits ^[1] - 1:185:7</p>	<p>five ^[10] - 1:10:9, 1:16:19, 1:18:6, 1:49:10, 1:133:12, 1:134:12, 1:181:5, 1:181:7, 1:183:15, 1:185:2 five-year ^[1] - 1:133:12 fix ^[1] - 1:75:12 fixed ^[1] - 1:77:1 flag ^[1] - 1:55:17 flagrant ^[1] - 1:66:6 flash ^[1] - 1:58:11 flashed ^[1] - 1:53:10 flat ^[1] - 1:37:9 flexibility ^[1] - 1:85:9 flood ^[1] - 1:59:22 floor ^[4] - 1:6:9, 1:22:4, 1:128:3, 1:179:21 flows ^[1] - 1:96:4 focused ^[1] - 1:93:19 folks ^[6] - 1:30:7, 1:33:1, 1:33:21, 1:34:3, 1:36:19, 1:37:11 follow ^[4] - 1:22:8, 1:26:19, 1:27:22,</p>	<p>1:56:10 follow-up ^[1] - 1:27:22 followed ^[1] - 1:186:11 follows ^[1] - 1:30:12 Food ^[2] - 1:2:8, 1:99:19 FOOD ^[1] - 1:99:16 food ^[5] - 1:17:2, 1:130:21, 1:159:7, 1:166:18 footage ^[1] - 1:170:8 forcing ^[1] - 1:150:22 foregoing ^[1] - 1:190:7 FOREGOING ^[1] - 1:190:19 foreign ^[2] - 1:31:21, 1:32:2 forget ^[2] - 1:90:9, 1:119:22 forgive ^[1] - 1:101:1 forgotten ^[1] - 1:85:20 forth ^[3] - 1:35:10, 1:44:9, 1:178:21 forward ^[5] - 1:46:3, 1:92:10, 1:123:14, 1:154:5, 1:162:9</p>	<p>forwarding ^[1] - 1:73:11 foul ^[3] - 1:30:3, 1:32:6, 1:32:7 four ^[14] - 1:16:19, 1:18:6, 1:25:21, 1:133:7, 1:134:9, 1:134:12, 1:146:1, 1:179:7, 1:181:5, 1:181:7, 1:183:2, 1:183:3, 1:183:15, 1:186:5 frame ^[1] - 1:144:19 Framingham ^[1] - 1:128:20 Frank ^[1] - 1:120:1 Frank's ^[2] - 1:93:21, 1:94:1 free ^[1] - 1:17:22 freely ^[1] - 1:144:12 Friday ^[2] - 1:52:19, 1:67:15 Fridays ^[2] - 1:67:1, 1:161:15 friend ^[8] - 1:7:3, 1:16:14, 1:17:19, 1:23:10, 1:23:21, 1:26:1, 1:26:4, 1:187:19</p>
--	---	---	--	---

<p>friends ^[5] - 1:18:8, 1:18:14, 1:35:1, 1:153:7, 1:187:12</p> <p>frightened ^[1] - 1:29:15</p> <p>front ^[21] - 1:34:11, 1:34:21, 1:46:14, 1:52:7, 1:54:8, 1:56:1, 1:62:20, 1:65:20, 1:66:1, 1:66:2, 1:69:21, 1:70:14, 1:71:1, 1:135:5, 1:135:9, 1:135:11, 1:171:14, 1:173:21, 1:174:1, 1:180:14</p> <p>full ^[4] - 1:40:4, 1:86:22, 1:149:10, 1:167:9</p> <p>fully ^[1] - 1:44:12</p> <p>funds ^[2] - 1:126:6, 1:127:16</p> <p>furniture ^[1] - 1:132:22</p> <p>fusion ^[1] - 1:160:19</p> <p>future ^[2] - 1:121:9, 1:164:22</p>	<p style="text-align: center;">G</p> <p>G-O-U-L-O-P-O-U-L-O-S ^[1] - 1:15:18</p> <p>Galleria ^[1] - 1:153:11</p> <p>gallons ^[1] - 1:156:5</p> <p>garage ^[2] - 1:156:3, 1:156:21</p> <p>garnering ^[1] - 1:80:11</p> <p>gasoline ^[2] - 1:156:5, 1:157:19</p> <p>gather ^[3] - 1:140:16, 1:141:22, 1:183:12</p> <p>Gaylan ^[3] - 1:176:7, 1:176:8, 1:177:2</p> <p>Gayle ^[3] - 1:118:8, 1:118:11, 1:119:8</p> <p>GE ^[1] - 1:127:11</p> <p>General ^[2] - 1:3:4, 1:80:10</p> <p>general ^[1] - 1:171:13</p> <p>GENERAL ^[1] - 1:1:4</p> <p>generally ^[2] - 1:30:19, 1:33:22</p> <p>gentleman ^[3] - 1:23:13, 1:32:12, 1:88:5</p>	<p>Gerard ^[3] - 1:29:10, 1:94:17, 1:186:3</p> <p>Ghamary ^[8] - 1:2:5, 1:51:5, 1:51:9, 1:52:13, 1:53:1, 1:54:12, 1:56:16, 1:57:12</p> <p>GHAMARY ^[18] - 1:51:3, 1:57:9, 1:57:13, 1:58:10, 1:58:21, 1:59:13, 1:59:21, 1:60:7, 1:61:7, 1:61:10, 1:61:17, 1:62:6, 1:62:9, 1:63:10, 1:64:20, 1:65:7, 1:65:15, 1:66:5</p> <p>ghost ^[1] - 1:68:5</p> <p>giant ^[1] - 1:93:3</p> <p>gigantic ^[1] - 1:86:21</p> <p>Gina ^[7] - 1:16:13, 1:18:17, 1:22:7, 1:22:17, 1:23:20, 1:25:8, 1:25:20</p> <p>GINA ^[24] - 1:17:17, 1:18:2, 1:18:6,</p>	<p>1:18:9, 1:18:12, 1:21:5, 1:21:11, 1:22:10, 1:22:14, 1:23:22, 1:24:3, 1:24:9, 1:24:12, 1:24:16, 1:24:22, 1:25:3, 1:26:7, 1:27:4, 1:27:9, 1:27:14, 1:28:2, 1:28:7, 1:28:12, 1:28:14</p> <p>girl ^[2] - 1:8:2, 1:25:17</p> <p>given ^[4] - 1:19:7, 1:96:14, 1:144:12, 1:154:5</p> <p>glasses ^[1] - 1:49:8</p> <p>Gold ^[2] - 1:88:9, 1:89:20</p> <p>GOLDBERG ^[14] - 1:159:17, 1:161:10, 1:161:22, 1:162:7, 1:162:21, 1:163:2, 1:164:6, 1:164:9, 1:164:16, 1:164:19, 1:165:1, 1:165:5, 1:165:10, 1:166:12</p>	<p>Goldberg ^[2] - 1:159:18, 1:159:20</p> <p>gonna ^[3] - 1:69:19, 1:97:15, 1:143:5</p> <p>Goulopoulos ^[4] - 1:4:7, 1:6:16, 1:15:18, 1:23:18</p> <p>GOULOPOUL OS ^[49] - 1:8:20, 1:8:22, 1:9:6, 1:15:12, 1:15:17, 1:15:22, 1:16:9, 1:16:12, 1:17:1, 1:17:9, 1:17:13, 1:17:20, 1:18:15, 1:19:6, 1:19:18, 1:19:22, 1:20:6, 1:20:10, 1:21:7, 1:21:12, 1:21:18, 1:22:15, 1:23:16, 1:25:4, 1:26:4, 1:26:8, 1:27:5, 1:28:13, 1:28:21, 1:31:20, 1:32:9, 1:37:22, 1:38:4, 1:39:8, 1:39:13, 1:39:20,</p>
--	--	---	---	--

<p>1:40:2, 1:43:13, 1:45:21, 1:47:1, 1:47:5, 1:47:19, 1:48:2, 1:48:7, 1:48:11, 1:49:5, 1:49:13, 1:50:3, 1:50:20 grant ^[1] - 1:137:7 granted ^[2] - 1:130:21, 1:159:7 grape ^[1] - 1:28:7 great ^[8] - 1:5:17, 1:32:22, 1:63:4, 1:98:3, 1:101:11, 1:114:8, 1:152:6, 1:187:19 greatly ^[1] - 1:111:21 green ^[4] - 1:56:8, 1:106:12, 1:108:3, 1:115:13 ground ^[2] - 1:10:15, 1:10:17 group ^[3] - 1:42:19, 1:93:19, 1:103:3 groups ^[1] - 1:47:1 guess ^[10] - 1:16:4,</p>	<p>1:18:14, 1:19:9, 1:19:14, 1:21:18, 1:49:22, 1:144:4, 1:144:22, 1:188:8, 1:188:11 guests ^[1] - 1:187:11 guy ^[4] - 1:57:1, 1:86:4, 1:91:11, 1:113:12 guys ^[4] - 1:40:13, 1:86:2, 1:103:7, 1:110:15</p>	<p>1:10:2, 1:29:3, 1:29:5, 1:32:11, 1:190:14 handful ^[1] - 1:10:9 handicap ^[3] - 1:39:14, 1:44:15, 1:132:19 handle ^[3] - 1:35:16, 1:53:22, 1:148:4 handrails ^[1] - 1:71:14 hands ^[1] - 1:29:3 hang ^[1] - 1:49:6 hanging ^[2] - 1:20:21, 1:35:20 happy ^[2] - 1:82:2, 1:103:1 hard ^[2] - 1:180:16, 1:188:20 HARTE ^[4] - 1:106:22, 1:107:3, 1:107:9, 1:107:19 Harvard ^[6] - 1:96:5, 1:108:21, 1:135:19, 1:138:4, 1:138:5, 1:153:5 Harvard's ^[4] - 1:122:15, 1:124:4, 1:126:3,</p>	<p>1:126:17 hated ^[1] - 1:137:2 health ^[1] - 1:22:19 hear ^[5] - 1:48:1, 1:49:2, 1:62:2, 1:78:11, 1:153:13 heard ^[27] - 1:29:2, 1:29:18, 1:34:3, 1:36:11, 1:37:16, 1:40:16, 1:43:18, 1:45:19, 1:64:7, 1:88:3, 1:98:18, 1:102:5, 1:105:6, 1:108:14, 1:114:21, 1:116:21, 1:117:7, 1:121:19, 1:136:11, 1:142:1, 1:153:2, 1:154:12, 1:158:13, 1:165:18, 1:168:4, 1:186:1, 1:187:22 HEARING ^[1] - 1:1:4 Hearing ^[1] - 1:3:4 hearing ^[12] - 1:4:3, 1:31:1, 1:31:13, 1:53:3,</p>	<p>1:104:11, 1:112:20, 1:155:4, 1:155:20, 1:167:8, 1:173:9, 1:179:19, 1:181:13 hearings ^[2] - 1:36:2, 1:36:5 heart ^[1] - 1:150:20 heat ^[1] - 1:167:9 Hedley ^[2] - 1:41:10, 1:42:2 held ^[5] - 1:90:13, 1:92:10, 1:101:5, 1:124:18, 1:139:19 Hello ^[2] - 1:94:16, 1:106:14 help ^[7] - 1:20:12, 1:20:14, 1:35:21, 1:154:4, 1:154:8, 1:180:21, 1:188:16 helpful ^[3] - 1:32:17, 1:33:11, 1:188:16 hereby ^[1] - 1:190:6 hereunto ^[1] - 1:190:13 herself ^[2] - 1:11:1,</p>
	H			
	<p>H-Y-U-K ^[1] - 1:145:12 Hackney ^[5] - 1:52:15, 1:52:16, 1:52:18, 1:65:16, 1:65:17 hackney ^[2] - 1:51:5, 1:60:22 half ^[7] - 1:31:2, 1:76:12, 1:84:9, 1:109:11, 1:110:17, 1:169:5 hall ^[1] - 1:184:21 hallway ^[1] - 1:71:1 hand ^[5] -</p>			

1:18:11 hi ^[1] - 1:43:19 higher ^[1] - 1:148:15 highly ^[1] - 1:114:6 himself ^[4] - 1:6:17, 1:11:1, 1:11:22, 1:96:18 history ^[1] - 1:148:21 hitting ^[1] - 1:112:1 hmm ^[1] - 1:8:17 Hodges ^[1] - 1:83:11 hold ^[6] - 1:65:5, 1:67:12, 1:77:11, 1:124:16, 1:130:10, 1:163:13 holder ^[11] - 1:4:7, 1:66:19, 1:83:12, 1:99:20, 1:118:8, 1:122:16, 1:124:8, 1:124:21, 1:130:7, 1:139:15, 1:166:17 Holdings ^[1] - 1:124:9 holiday ^[2] - 1:67:2, 1:67:16 Holifield ^[1] - 1:40:4 home ^[6] - 1:24:5, 1:26:21,	1:35:1, 1:45:7, 1:50:4, 1:60:2 hometown ^[1] - 1:60:1 honestly ^[1] - 1:63:3 Hong ^[4] - 1:166:16, 1:167:6, 1:187:5, 1:187:9 HONG ^[30] - 1:167:6, 1:169:20, 1:170:10, 1:174:13, 1:174:15, 1:174:18, 1:175:14, 1:176:6, 1:177:4, 1:177:7, 1:177:10, 1:177:13, 1:177:17, 1:178:7, 1:178:10, 1:178:13, 1:178:16, 1:178:19, 1:179:4, 1:179:7, 1:179:11, 1:179:14, 1:180:6, 1:180:11, 1:180:14, 1:181:5, 1:181:11, 1:184:4, 1:184:10, 1:184:14 hope ^[8] - 1:68:13,	1:68:14, 1:96:17, 1:153:11, 1:180:21, 1:181:14, 1:187:17, 1:188:7 HOPE ^[19] - 1:83:17, 1:84:7, 1:86:11, 1:87:10, 1:87:13, 1:167:3, 1:168:16, 1:169:21, 1:170:11, 1:171:9, 1:171:21, 1:173:7, 1:173:11, 1:174:22, 1:181:17, 1:182:17, 1:183:18, 1:184:22, 1:189:17 Hope ^[2] - 1:83:18, 1:167:4 hopefully ^[4] - 1:68:11, 1:96:13, 1:106:19, 1:165:2 hoping ^[4] - 1:143:18, 1:182:10, 1:185:15 hopped ^[3] - 1:56:2, 1:56:5, 1:56:6 horizontal ^[1] - 1:175:2	hospital ^[10] - 1:8:7, 1:14:19, 1:22:7, 1:22:8, 1:24:4, 1:24:8, 1:24:20, 1:26:18, 1:26:20, 1:50:6 Hossein ^[2] - 1:2:5, 1:51:4 HOSSEIN ^[18] - 1:51:3, 1:57:9, 1:57:13, 1:58:10, 1:58:21, 1:59:13, 1:59:21, 1:60:7, 1:61:7, 1:61:10, 1:61:17, 1:62:6, 1:62:9, 1:63:10, 1:64:20, 1:65:7, 1:65:15, 1:66:5 hotel ^[1] - 1:120:19 hour ^[2] - 1:25:16, 1:162:11 hours ^[15] - 1:7:7, 1:8:19, 1:42:1, 1:59:8, 1:66:22, 1:79:21, 1:80:9, 1:80:15, 1:100:4, 1:103:14, 1:103:21, 1:105:6, 1:110:2, 1:131:3,	1:159:10 HOUSE ^[1] - 1:166:14 house ^[9] - 1:34:11, 1:38:13, 1:171:8, 1:172:13, 1:172:16, 1:174:6, 1:175:7, 1:180:10, 1:180:14 House ^[10] - 1:2:13, 1:2:19, 1:93:21, 1:94:1, 1:122:15, 1:139:20, 1:140:14, 1:166:17, 1:186:5, 1:186:17 Howard's ^[1] - 1:2:13 huge ^[1] - 1:181:15 hundred ^[8] - 1:124:8, 1:124:10, 1:124:16, 1:124:17, 1:124:21, 1:132:8, 1:175:20, 1:175:21 hundreds ^[2] - 1:30:9, 1:30:10 hurt ^[1] - 1:59:11 HYUK ^[5] - 1:145:8, 1:145:11,
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1:146:18, 1:147:2, 1:152:11	1:40:8 improving ^[1] - 1:93:19 IN ^[2] - 1:1:4, 1:190:20 inaccessible ^[1] - 1:71:12 inactive ^[1] - 1:130:10 Inc ^[5] - 1:2:12, 1:118:7, 1:124:18, 1:130:6, 1:130:17 INC ^[3] - 1:1:20, 1:116:7, 1:118:5 inches ^[1] - 1:71:5 incident ^[1] - 1:80:12 include ^[6] - 1:100:1, 1:103:19, 1:105:1, 1:152:19, 1:152:21, 1:159:14 including ^[1] - 1:95:3 Incorporated ^[4] - 1:4:5, 1:83:10, 1:116:9, 1:139:20 increase ^[2] - 1:66:21, 1:80:8 indeed ^[1] - 1:114:19 INDEX ^[1] - 1:2:1 India ^[2] - 1:139:19,	1:140:14 Indian ^[1] - 1:54:8 indicate ^[1] - 1:24:11 indicated ^[2] - 1:6:20, 1:53:13 indicates ^[2] - 1:163:5, 1:163:7 indicating ^[1] - 1:73:3 individual ^[8] - 1:53:5, 1:55:4, 1:125:20, 1:125:22, 1:127:5, 1:184:7, 1:184:8, 1:184:19 individuals ^[1] - 1:125:2 inexperienced ^[2] - 1:80:13, 1:171:4 information ^[10] - 1:5:4, 1:13:13, 1:15:7, 1:27:18, 1:50:17, 1:71:6, 1:73:18, 1:125:2, 1:125:4, 1:128:9 Informational ^[1] - 1:2:7 informational ^[1] - 1:83:8 informed ^[3] - 1:7:3, 1:7:13, 1:148:1	inherited ^[4] - 1:175:20, 1:175:21, 1:176:1, 1:176:4 Ink ^[1] - 1:109:18 inn ^[4] - 1:169:9, 1:169:14, 1:175:7, 1:182:8 innholder's ^[1] - 1:166:18 inside ^[9] - 1:6:6, 1:7:16, 1:10:10, 1:131:2, 1:132:16, 1:135:3, 1:137:18, 1:188:14, 1:188:15 inspect ^[2] - 1:167:21, 1:168:8 Inspectional ^[7] - 1:167:17, 1:173:16, 1:175:10, 1:182:19, 1:182:21, 1:183:10, 1:185:9 inspectors ^[3] - 1:188:12, 1:188:13, 1:189:6 installed ^[1] - 1:101:8 instead ^[1] - 1:87:4 institutional ^[11] - 1:127:7, 1:127:12,	1:127:18, 1:145:13, 1:145:18, 1:148:8, 1:148:14, 1:149:2, 1:149:4, 1:149:8, 1:149:13 institutions ^[2] - 1:60:10, 1:127:9 instruments ^[2] - 1:100:2, 1:103:20 integrated ^[1] - 1:35:18 intentional ^[1] - 1:30:6 intentionally ^[2] - 1:30:4, 1:61:11 interaction ^[1] - 1:8:9 interest ^[11] - 1:120:14, 1:124:1, 1:124:8, 1:124:10, 1:124:21, 1:126:7, 1:148:14, 1:148:16, 1:149:10, 1:150:5, 1:152:17 interested ^[1] - 1:88:18 interesting ^[2] - 1:35:12, 1:170:6 interests ^[1] - 1:122:20 interior ^[1] -
-----------------------------------	--	--	--	--

1:188:15 interrupt ^[1] - 1:176:19 intersection ^[1] - 1:34:6 interview ^[2] - 1:11:6, 1:11:11 interviewed ^[1] - 1:12:3 intimidated ^[1] - 1:34:16 intimidating ^[1] - 1:30:6 intimidation ^[1] - 1:34:14 intoxicated ^[9] - 1:4:11, 1:7:12, 1:8:4, 1:12:1, 1:12:3, 1:13:21, 1:23:14, 1:34:20, 1:37:7 intoxication ^[1] - 1:7:18 investors ^[2] - 1:126:8, 1:126:11 involve ^[1] - 1:183:13 involved ^[10] - 1:86:3, 1:97:5, 1:114:5, 1:125:10, 1:126:2, 1:126:11, 1:126:13, 1:127:4, 1:132:5, 1:160:11 involvement ^[1] - 1:80:11 involves ^[1] -	1:153:17 involving ^[1] - 1:80:12 iPod ^[1] - 1:159:14 Island ^[1] - 1:67:21 issue ^[27] - 1:24:11, 1:31:7, 1:40:11, 1:42:8, 1:49:3, 1:74:1, 1:77:9, 1:77:12, 1:103:12, 1:103:13, 1:107:13, 1:120:7, 1:121:9, 1:121:11, 1:137:10, 1:137:13, 1:142:7, 1:150:19, 1:169:22, 1:172:4, 1:172:19, 1:173:3, 1:173:15, 1:183:10, 1:183:11, 1:183:14, 1:188:9 issued ^[5] - 1:51:6, 1:53:2, 1:53:20, 1:83:14, 1:158:3 issues ^[10] - 1:31:3, 1:36:7, 1:36:18, 1:49:1, 1:101:7, 1:107:8,	1:112:16, 1:120:18, 1:120:20, 1:188:21 itself ^[3] - 1:97:5, 1:97:7, 1:163:6 J Jack ^[1] - 1:66:18 JACK ^[42] - 1:67:5, 1:67:8, 1:67:19, 1:68:9, 1:68:13, 1:68:17, 1:68:20, 1:69:1, 1:69:4, 1:69:8, 1:69:15, 1:70:8, 1:70:12, 1:70:19, 1:70:22, 1:71:9, 1:71:15, 1:71:19, 1:72:4, 1:73:7, 1:74:19, 1:75:3, 1:75:9, 1:75:15, 1:75:19, 1:76:4, 1:76:8, 1:76:11, 1:76:16, 1:77:22, 1:78:8, 1:79:3, 1:79:13, 1:81:2, 1:81:11, 1:82:8, 1:82:12, 1:83:6,	1:106:22, 1:107:3, 1:107:9, 1:107:19 jack ^[1] - 1:67:8 Jade ^[1] - 1:124:9 Jamme ^[3] - 1:159:4, 1:159:21, 1:164:7 JAMME ^[11] - 1:159:21, 1:160:2, 1:160:8, 1:160:14, 1:160:18, 1:161:2, 1:161:7, 1:163:18, 1:163:20, 1:164:2, 1:164:8 January ^[3] - 1:66:16, 1:119:5, 1:119:6 Jason ^[1] - 1:177:20 jazz ^[3] - 1:100:2, 1:103:19, 1:160:4 Jennifer ^[3] - 1:118:12, 1:118:19, 1:118:21 JENNIFER ^[16] - 1:118:15, 1:118:19, 1:119:1, 1:119:4, 1:119:7, 1:119:13,	1:119:15, 1:119:18, 1:120:3, 1:120:9, 1:120:13, 1:120:17, 1:121:1, 1:121:4, 1:121:10, 1:122:11 JF ^[2] - 1:111:10, 1:112:10 JFK ^[3] - 1:107:15, 1:139:17, 1:139:21 JH ^[2] - 1:122:12, 1:122:13 Jill ^[1] - 1:190:3 Jillson ^[10] - 1:108:15, 1:108:20, 1:117:7, 1:129:16, 1:140:22, 1:153:3, 1:153:4, 1:154:9, 1:187:2, 1:187:4 JILLSON ^[14] - 1:108:16, 1:108:19, 1:110:10, 1:110:14, 1:112:14, 1:112:22, 1:113:7, 1:113:18, 1:114:1, 1:114:13, 1:114:16,
--	---	--	---	--

1:114:19, 1:153:4, 1:187:3 job ^[1] - 1:58:11 Joe's ^[4] - 1:2:11, 1:118:7, 1:118:8, 1:121:19 JOE'S ^[1] - 1:118:5 JOHN ^[1] - 1:93:9 John ^[6] - 1:2:13, 1:93:14, 1:122:15, 1:124:4, 1:126:3, 1:126:17 JOHN ^[1] - 1:93:14 July ^[5] - 1:32:18, 1:43:4, 1:43:8, 1:83:9, 1:99:19 jumped ^[4] - 1:58:5, 1:58:21, 1:61:20, 1:63:20 jumps ^[2] - 1:59:16, 1:63:15 June ^[13] - 1:4:10, 1:5:20, 1:5:21, 1:42:18, 1:42:22, 1:43:8, 1:51:19, 1:53:3, 1:73:9, 1:73:20,	1:83:16, 1:99:18, 1:119:9 jurisdiction ^[1] - 1:72:9 just.. ^[2] - 1:21:2, 1:56:21 K K-I-M ^[1] - 1:156:10 KAPOOR ^[3] - 1:140:12, 1:140:14, 1:142:5 Kapoor ^[6] - 1:140:13, 1:142:4, 1:144:2, 1:144:16, 1:153:6 KAREN ^[16] - 1:123:2, 1:123:9, 1:123:15, 1:123:19, 1:125:11, 1:125:15, 1:125:22, 1:126:12, 1:127:6, 1:127:16, 1:127:21, 1:128:5, 1:128:15, 1:129:5, 1:147:13, 1:150:18 Karen ^[2] - 1:123:9, 1:147:13 KATE ^[9] - 1:72:15,	1:73:8, 1:73:14, 1:73:19, 1:74:7, 1:76:10, 1:76:14, 1:76:19, 1:82:2 Kate ^[1] - 1:72:18 keep ^[3] - 1:47:11, 1:65:12, 1:85:12 KELLY ^[5] - 1:29:9, 1:31:19, 1:94:16, 1:97:2, 1:186:2 Kelly ^[4] - 1:29:10, 1:94:17, 1:181:19, 1:186:3 KEN ^[17] - 1:131:9, 1:131:13, 1:131:17, 1:131:20, 1:132:2, 1:132:6, 1:132:12, 1:132:22, 1:133:6, 1:134:8, 1:134:19, 1:135:3, 1:135:12, 1:136:14, 1:136:18, 1:137:8, 1:137:21 Ken ^[1] -	1:131:10 Kendall ^[1] - 1:133:11 kept ^[1] - 1:47:10 key ^[4] - 1:88:16, 1:89:13, 1:90:16, 1:188:18 kids ^[3] - 1:40:5, 1:50:4, 1:50:5 KIM ^[28] - 1:140:4, 1:140:8, 1:140:18, 1:142:2, 1:142:15, 1:143:1, 1:143:10, 1:144:7, 1:145:7, 1:145:8, 1:145:11, 1:146:18, 1:147:1, 1:147:2, 1:147:7, 1:152:11, 1:152:21, 1:154:9, 1:155:21, 1:156:9, 1:156:15, 1:156:18, 1:156:22, 1:157:3, 1:157:6, 1:157:12, 1:157:16 Kim ^[6] - 1:140:4, 1:140:6, 1:144:9,	1:145:11, 1:148:19, 1:156:9 kind ^[5] - 1:42:14, 1:89:13, 1:141:14, 1:150:14, 1:171:17 kinda ^[14] - 1:10:14, 1:26:13, 1:31:7, 1:40:18, 1:58:22, 1:80:19, 1:85:20, 1:91:7, 1:101:6, 1:141:11, 1:168:19, 1:172:11, 1:186:13, 1:188:22 kinds ^[1] - 1:160:20 kitchen ^[4] - 1:183:4, 1:184:1, 1:184:4, 1:184:20 knock ^[1] - 1:95:7 knowing ^[1] - 1:151:8 knowledge ^[4] - 1:7:8, 1:7:11, 1:11:3, 1:148:21 knows ^[3] - 1:18:13, 1:18:16, 1:18:17 Kourafas ^[1] -
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1:190:3 KRAEZ ^[6] - 1:106:19, 1:107:6, 1:107:18, 1:108:4, 1:112:20, 1:116:5	last ^[26] - 1:5:8, 1:8:8, 1:17:5, 1:19:2, 1:19:7, 1:27:12, 1:27:16, 1:31:7, 1:32:19, 1:36:2, 1:36:7, 1:67:20, 1:73:17, 1:73:20, 1:73:22, 1:86:12, 1:93:2, 1:100:15, 1:106:16, 1:128:21, 1:140:13, 1:144:11, 1:145:11, 1:146:1, 1:179:17, 1:180:4 late ^[8] - 1:42:7, 1:42:8, 1:42:10, 1:67:22, 1:80:3, 1:80:4, 1:80:15, 1:141:11 latest ^[2] - 1:69:7, 1:137:6 latter ^[1] - 1:163:4 LAU ^[8] - 1:156:9, 1:156:15, 1:156:18, 1:156:22, 1:157:3, 1:157:6, 1:157:12, 1:157:16	Lau ^[1] - 1:156:9 law ^[7] - 1:61:11, 1:62:1, 1:91:18, 1:91:21, 1:104:2, 1:104:12, 1:151:15 laws ^[1] - 1:81:10 Laws ^[1] - 1:80:10 lawyer ^[1] - 1:179:22 lead ^[1] - 1:51:11 lease ^[12] - 1:84:20, 1:98:4, 1:98:5, 1:134:9, 1:144:15, 1:150:4, 1:150:7, 1:171:12, 1:176:15, 1:177:21, 1:179:15, 1:179:16 leases ^[6] - 1:171:11, 1:172:1, 1:176:11, 1:176:14, 1:179:13, 1:181:8 leasing ^[2] - 1:84:18, 1:94:11 least ^[6] - 1:10:1, 1:30:20, 1:146:1, 1:146:7,	1:151:1 leave ^[4] - 1:109:13, 1:111:13, 1:113:12, 1:162:8 leaving ^[1] - 1:42:5 left ^[16] - 1:19:8, 1:20:22, 1:39:9, 1:43:2, 1:49:8, 1:50:6, 1:52:1, 1:55:19, 1:56:8, 1:58:16, 1:153:21, 1:163:17, 1:163:18, 1:163:19, 1:164:1, 1:164:3 legal ^[3] - 1:67:2, 1:67:16, 1:180:22 legally ^[2] - 1:95:1, 1:125:16 legwork ^[1] - 1:181:18 LEITNER ^[17] - 1:131:9, 1:131:13, 1:131:17, 1:131:20, 1:132:2, 1:132:6, 1:132:12, 1:132:22, 1:133:6, 1:134:8, 1:134:19, 1:135:3,	1:135:12, 1:136:14, 1:136:18, 1:137:8, 1:137:21 Leitner ^[2] - 1:131:10, 1:131:13 Leland ^[1] - 1:112:5 lender ^[5] - 1:145:17, 1:148:15, 1:149:4, 1:149:12, 1:149:13 lenders ^[5] - 1:127:7, 1:127:12, 1:127:18, 1:149:2, 1:149:8 lending ^[1] - 1:127:9 less ^[6] - 1:80:9, 1:95:2, 1:162:4, 1:183:2, 1:183:3, 1:183:8 lessee ^[1] - 1:92:1 letter ^[9] - 1:73:9, 1:73:13, 1:73:20, 1:126:14, 1:126:18, 1:127:8, 1:127:10, 1:149:10, 1:175:15 letters ^[2] - 1:173:8,
L				
L-A-U ^[1] - 1:156:9 L-E-I-T-N-E-R ^[1] - 1:131:14 lady ^[2] - 1:16:4, 1:45:22 landlord ^[10] - 1:85:11, 1:89:2, 1:91:15, 1:91:16, 1:91:18, 1:91:19, 1:96:22, 1:101:9, 1:146:8, 1:150:4 landlord's ^[1] - 1:89:4 lane ^[2] - 1:55:3, 1:111:9 lang ^[1] - 1:76:3 language ^[5] - 1:30:4, 1:31:21, 1:32:2, 1:32:6, 1:32:8 large ^[3] - 1:45:7, 1:126:15, 1:126:22 larger ^[2] - 1:127:1, 1:150:19				

<p>1:181:19 letting ^[1] - 1:98:4 level ^[2] - 1:139:17, 1:164:13 LEYDON ^[10] - 1:32:15, 1:32:16, 1:32:22, 1:33:5, 1:33:10, 1:33:20, 1:36:3, 1:36:10, 1:37:4, 1:37:8 Leydon ^[2] - 1:32:15, 1:44:19 Leydon's ^[1] - 1:44:4 licence ^[1] - 1:130:21 license ^[76] - 1:4:8, 1:4:9, 1:19:21, 1:22:19, 1:52:15, 1:52:16, 1:59:21, 1:60:18, 1:60:22, 1:64:21, 1:65:3, 1:65:5, 1:66:20, 1:83:13, 1:84:15, 1:85:16, 1:86:7, 1:88:12, 1:88:17, 1:88:21, 1:89:1, 1:89:2, 1:89:10,</p>	<p>1:90:1, 1:90:6, 1:91:4, 1:92:1, 1:92:21, 1:94:7, 1:94:9, 1:94:22, 1:95:20, 1:95:22, 1:96:5, 1:96:7, 1:96:11, 1:97:7, 1:97:16, 1:97:18, 1:99:3, 1:99:8, 1:99:21, 1:100:1, 1:118:10, 1:122:17, 1:127:17, 1:130:9, 1:130:10, 1:130:19, 1:133:14, 1:133:15, 1:139:16, 1:139:19, 1:140:10, 1:141:16, 1:142:9, 1:144:8, 1:144:10, 1:144:12, 1:144:13, 1:144:18, 1:148:2, 1:151:2, 1:152:17, 1:156:4, 1:159:5, 1:159:7, 1:159:13, 1:163:7, 1:166:18, 1:180:16, 1:183:1,</p>	<p>1:183:5, 1:185:14 LICENSE ^[2] - 1:1:4, 1:1:6 License ^[2] - 1:3:3, 1:83:15 licensed ^[5] - 1:51:5, 1:168:9, 1:168:12, 1:168:15, 1:172:19 licensee ^[3] - 1:80:14, 1:91:22, 1:124:16 licenses ^[7] - 1:74:13, 1:85:7, 1:85:17, 1:89:7, 1:91:19, 1:91:20, 1:106:2 licensing ^[2] - 1:71:21, 1:174:4 Licensing ^[1] - 1:74:11 life ^[3] - 1:80:16, 1:94:5 light ^[6] - 1:25:17, 1:47:15, 1:56:7, 1:61:18, 1:107:5, 1:131:12 lights ^[1] - 1:53:10 likely ^[2] - 1:92:22, 1:97:18 limitations ^[1] -</p>	<p>1:36:9 limited ^[3] - 1:144:19, 1:147:15, 1:148:21 limousine ^[1] - 1:43:1 line ^[1] - 1:35:10 LINT ^[55] - 1:3:3, 1:3:18, 1:4:2, 1:4:18, 1:13:5, 1:31:5, 1:31:10, 1:32:5, 1:41:6, 1:41:19, 1:42:1, 1:42:10, 1:51:4, 1:51:13, 1:52:20, 1:53:1, 1:66:15, 1:71:6, 1:71:11, 1:71:17, 1:78:9, 1:79:18, 1:83:8, 1:84:11, 1:99:17, 1:101:19, 1:102:3, 1:104:21, 1:106:6, 1:116:8, 1:118:6, 1:121:15, 1:122:13, 1:128:10, 1:129:9, 1:130:5, 1:130:14, 1:130:16, 1:139:13,</p>	<p>1:142:6, 1:142:13, 1:142:18, 1:143:9, 1:143:12, 1:143:15, 1:155:2, 1:155:17, 1:156:2, 1:159:2, 1:161:21, 1:162:15, 1:166:15, 1:167:10, 1:168:6, 1:168:14 Lint ^[18] - 1:1:10, 1:4:16, 1:13:3, 1:31:2, 1:41:5, 1:51:11, 1:79:17, 1:82:17, 1:129:8, 1:140:21, 1:141:9, 1:141:11, 1:141:19, 1:154:16, 1:155:1, 1:161:20, 1:167:9, 1:189:6 liquor ^[18] - 1:88:12, 1:88:16, 1:90:1, 1:90:6, 1:91:3, 1:92:21, 1:94:7, 1:94:9, 1:97:15, 1:140:9, 1:141:15, 1:142:8, 1:144:8,</p>
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<p>1:144:10, 1:144:12, 1:144:13, 1:144:18, 1:148:2</p> <p>live^[13] -</p> <p>1:29:10, 1:30:1, 1:33:1, 1:35:14, 1:40:10, 1:46:1, 1:46:20, 1:88:10, 1:93:14, 1:94:17, 1:178:20, 1:179:3, 1:186:3</p> <p>liveable^[1] -</p> <p>1:144:1</p> <p>lived^[2] -</p> <p>1:45:5, 1:173:19</p> <p>lively^[1] -</p> <p>1:89:14</p> <p>lives^[2] -</p> <p>1:45:12, 1:79:19</p> <p>living^[10] -</p> <p>1:169:16, 1:175:5, 1:176:9, 1:179:9, 1:181:9, 1:182:16, 1:183:8, 1:183:21, 1:185:3, 1:185:6</p> <p>LLC^[19] - 1:2:8, 1:2:9, 1:2:17, 1:66:14, 1:66:17, 1:83:20,</p>	<p>1:99:16, 1:99:19, 1:106:5, 1:106:7, 1:122:12, 1:122:14, 1:124:9, 1:124:17, 1:139:14, 1:140:5, 1:144:9, 1:156:1, 1:156:3</p> <p>load^[1] -</p> <p>1:109:19</p> <p>loading^[4] -</p> <p>1:109:15, 1:110:1, 1:110:22, 1:120:8</p> <p>loan^[2] -</p> <p>1:146:12, 1:150:16</p> <p>loans^[2] -</p> <p>1:127:4, 1:149:4</p> <p>local^[2] -</p> <p>1:81:10, 1:151:11</p> <p>located^[2] -</p> <p>1:84:5, 1:169:6</p> <p>location^[12] -</p> <p>1:41:10, 1:42:17, 1:42:19, 1:43:9, 1:52:1, 1:85:13, 1:86:13, 1:86:16, 1:126:20, 1:126:21, 1:144:2, 1:179:16</p>	<p>locations^[6] -</p> <p>1:126:17, 1:126:21, 1:126:22, 1:128:16, 1:128:18</p> <p>locks^[3] -</p> <p>1:184:7, 1:184:9, 1:184:19</p> <p>lodging^[31] -</p> <p>1:169:9, 1:169:14, 1:170:2, 1:170:15, 1:171:8, 1:172:3, 1:172:10, 1:172:13, 1:172:15, 1:172:20, 1:172:21, 1:172:22, 1:173:3, 1:173:13, 1:173:14, 1:173:18, 1:174:1, 1:174:6, 1:174:11, 1:175:6, 1:179:20, 1:180:10, 1:180:15, 1:182:13, 1:182:20, 1:182:21, 1:183:14, 1:184:16, 1:184:21, 1:185:3</p> <p>log^[1] - 1:42:15</p> <p>Loh^[1] - 1:130:7</p> <p>Lombardi^[2] -</p>	<p>1:1:14, 1:3:5</p> <p>long-term^[1] -</p> <p>1:176:15</p> <p>Look^[1] -</p> <p>1:61:22</p> <p>look^[17] -</p> <p>1:33:9, 1:65:19, 1:92:15, 1:95:6, 1:96:11, 1:124:6, 1:143:7, 1:145:12, 1:145:17, 1:146:4, 1:148:12, 1:154:5, 1:154:15, 1:154:22, 1:164:4, 1:188:15</p> <p>looked^[4] -</p> <p>1:42:15, 1:55:10, 1:58:22, 1:142:13</p> <p>looking^[13] -</p> <p>1:69:12, 1:85:2, 1:85:7, 1:86:3, 1:89:7, 1:98:10, 1:98:11, 1:127:10, 1:128:22, 1:145:19, 1:145:22, 1:153:14, 1:163:14</p> <p>lost^[4] -</p> <p>1:57:15, 1:60:1, 1:163:14, 1:182:18</p>	<p>loud^[3] -</p> <p>1:34:20, 1:36:22, 1:37:13</p> <p>loudly^[1] -</p> <p>1:32:4</p> <p>love^[1] -</p> <p>1:111:16</p> <p>lovely^[1] -</p> <p>1:114:2</p> <p>LTD^[1] -</p> <p>1:159:3</p> <p>Lui^[14] -</p> <p>1:166:16, 1:166:22, 1:167:6, 1:169:15, 1:170:3, 1:170:16, 1:171:3, 1:172:7, 1:172:11, 1:181:17, 1:183:18, 1:185:1, 1:185:4, 1:188:6</p> <p>LUI^[30] -</p> <p>1:167:6, 1:169:20, 1:170:10, 1:174:13, 1:174:15, 1:174:18, 1:175:14, 1:176:6, 1:177:4, 1:177:7, 1:177:10, 1:177:13, 1:177:17, 1:178:7, 1:178:10, 1:178:13,</p>
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<p>1:178:16, 1:178:19, 1:179:4, 1:179:7, 1:179:11, 1:179:14, 1:180:6, 1:180:11, 1:180:14, 1:181:5, 1:181:11, 1:184:4, 1:184:10, 1:184:14 Lui's ^[4] - 1:170:20, 1:173:19, 1:187:6, 1:187:9 luncheon ^[1] - 1:161:5 lying ^[1] - 1:6:9</p>	<p>1:150:15 Manager ^[1] - 1:117:10 manager ^[28] - 1:4:7, 1:6:15, 1:10:11, 1:10:22, 1:15:19, 1:21:8, 1:23:7, 1:66:18, 1:83:12, 1:99:20, 1:115:8, 1:118:8, 1:118:11, 1:118:22, 1:119:8, 1:119:19, 1:121:6, 1:122:16, 1:123:12, 1:126:4, 1:130:7, 1:130:18, 1:131:21, 1:136:3, 1:139:15, 1:140:9, 1:159:4 managing ^[1] - 1:133:10 Manley ^[1] - 1:83:18 MANLEY ^[13] - 1:84:1, 1:84:6, 1:84:16, 1:85:3, 1:86:4, 1:86:19, 1:87:9, 1:87:12, 1:87:17, 1:90:10, 1:97:1, 1:98:2, 1:98:15</p>	<p>Marino ^[1] - 1:90:18 Marino's ^[10] - 1:86:6, 1:87:5, 1:88:9, 1:88:13, 1:93:16, 1:93:18, 1:93:21, 1:94:3, 1:94:18, 1:103:11 Marinos ^[2] - 1:84:17, 1:86:20 Markarian ^[5] - 1:66:18, 1:67:8, 1:67:10, 1:73:6, 1:74:17 markarian ^[2] - 1:74:1, 1:77:19 MARKARIAN ^[38] - 1:67:5, 1:67:8, 1:67:19, 1:68:9, 1:68:13, 1:68:17, 1:68:20, 1:69:1, 1:69:4, 1:69:8, 1:69:15, 1:70:8, 1:70:12, 1:70:19, 1:70:22, 1:71:9, 1:71:15, 1:71:19, 1:72:4, 1:73:7, 1:74:19,</p>	<p>1:75:3, 1:75:9, 1:75:15, 1:75:19, 1:76:4, 1:76:8, 1:76:11, 1:76:16, 1:77:22, 1:78:8, 1:79:3, 1:79:13, 1:81:2, 1:81:11, 1:82:8, 1:82:12, 1:83:6 market ^[2] - 1:148:1, 1:148:2 Mass ^[12] - 1:3:6, 1:52:9, 1:80:10, 1:86:17, 1:88:9, 1:95:14, 1:132:12, 1:139:20, 1:160:10, 1:167:15, 1:169:6, 1:187:4 MASSACHUS ETTS ^[2] - 1:1:1, 1:190:1 Massachusetts s ^[11] - 1:1:14, 1:1:15, 1:73:2, 1:130:9, 1:130:20, 1:140:15, 1:159:6, 1:163:21, 1:166:19, 1:166:20, 1:190:6 massage ^[3] -</p>	<p>1:177:20, 1:178:1, 1:180:16 material ^[1] - 1:150:9 math ^[1] - 1:97:4 matter ^[28] - 1:4:2, 1:29:2, 1:49:12, 1:50:9, 1:50:16, 1:51:1, 1:64:7, 1:64:8, 1:65:10, 1:81:21, 1:83:9, 1:88:4, 1:98:12, 1:98:19, 1:102:5, 1:107:19, 1:117:7, 1:153:2, 1:155:4, 1:158:13, 1:165:18, 1:166:16, 1:167:10, 1:180:20, 1:188:5, 1:189:5, 1:190:10 MATTERS ^[1] - 1:2:2 matters ^[1] - 1:3:11 Matthew ^[1] - 1:83:11 max ^[1] - 1:185:2 MAXI ^[7] - 1:89:19, 1:90:5, 1:90:12, 1:91:16,</p>
M				
<p>madam ^[1] - 1:165:16 main ^[3] - 1:70:1, 1:125:9, 1:174:7 maintain ^[3] - 1:35:22, 1:92:12, 1:188:20 majority ^[1] - 1:45:7 male ^[1] - 1:34:15 malt ^[3] - 1:99:20, 1:118:9, 1:130:8 management ^[2] - 1:124:3,</p>				

<p>1:92:2, 1:92:8, 1:92:19 Maxi ^[1] - 1:89:19 maximum ^[1] - 1:185:5 mayo ^[1] - 1:154:17 MBTA ^[2] - 1:111:7, 1:112:10 McDermott ^[2] - 1:123:10, 1:147:14 McGill ^[27] - 1:5:11, 1:5:13, 1:5:14, 1:5:18, 1:7:21, 1:8:13, 1:8:17, 1:9:11, 1:9:17, 1:9:20, 1:10:1, 1:10:8, 1:10:20, 1:11:8, 1:11:12, 1:11:17, 1:11:21, 1:12:4, 1:12:9, 1:12:15, 1:13:1, 1:13:15, 1:13:22, 1:14:4, 1:14:15, 1:48:21 MDF ^[1] - 1:109:18 mean ^[25] - 1:30:9, 1:31:1, 1:37:11, 1:42:8, 1:45:4, 1:58:8, 1:65:22, 1:81:2, 1:85:14,</p>	<p>1:85:15, 1:89:3, 1:98:4, 1:98:6, 1:103:2, 1:107:12, 1:107:21, 1:112:1, 1:142:12, 1:150:16, 1:152:5, 1:171:7, 1:172:17, 1:176:4, 1:180:13, 1:188:5 means ^[2] - 1:91:19, 1:99:5 meantime ^[1] - 1:50:18 medallion ^[1] - 1:65:12 Medeiros ^[3] - 1:52:11, 1:56:13, 1:56:15 medical ^[3] - 1:170:14, 1:171:12, 1:175:22 medication ^[2] - 1:25:6, 1:25:8 meet ^[4] - 1:75:12, 1:75:14, 1:100:21, 1:153:12 meeting ^[3] - 1:32:18, 1:42:11, 1:42:13 meetings ^[4] - 1:40:18, 1:40:20,</p>	<p>1:49:21, 1:50:2 meets ^[1] - 1:158:4 member ^[1] - 1:184:8 MEMBERS ^[1] - 1:1:6 members ^[8] - 1:109:9, 1:140:20, 1:144:9, 1:153:18, 1:179:9, 1:181:3, 1:183:19, 1:183:20 membership ^[1] - 1:122:19 Memorial ^[1] - 1:118:10 mentioned ^[3] - 1:44:19, 1:111:1, 1:128:17 menu ^[4] - 1:86:22, 1:128:2, 1:161:6 message ^[2] - 1:143:19, 1:146:17 messed ^[1] - 1:100:17 met ^[2] - 1:95:9, 1:125:8 meter ^[3] - 1:52:12, 1:56:21, 1:65:12 Michael ^[10] - 1:1:14, 1:3:5, 1:72:21, 1:73:1, 1:73:5,</p>	<p>1:74:8, 1:76:20, 1:88:8, 1:90:16, 1:116:19 MICHAEL ^[6] - 1:88:8, 1:89:11, 1:116:16, 1:116:19, 1:117:5, 1:118:3 Michelobe ^[3] - 1:27:4, 1:27:5, 1:27:8 middle ^[8] - 1:38:12, 1:39:16, 1:39:19, 1:39:20, 1:61:18, 1:81:3, 1:121:3, 1:141:1 MIDDLESEX ^[1] - 1:190:2 midnight ^[5] - 1:17:2, 1:23:3, 1:161:16, 1:162:10, 1:162:14 might ^[2] - 1:55:2, 1:162:13 might've ^[4] - 1:54:22, 1:55:1, 1:59:1, 1:85:20 mike ^[1] - 1:75:19 Miller ^[2] - 1:123:10, 1:147:14 mind ^[3] -</p>	<p>1:29:6, 1:162:3, 1:170:20 minutes ^[4] - 1:9:12, 1:109:12, 1:110:17, 1:110:18 missed ^[1] - 1:100:14 MIT ^[1] - 1:135:20 mixed ^[7] - 1:28:3, 1:111:4, 1:112:9, 1:112:17, 1:160:21, 1:170:13, 1:171:10 Mohammad ^[2] - 1:130:18, 1:131:20 MOHAMMAD ^[17] - 1:132:9, 1:134:5, 1:134:12, 1:134:16, 1:135:1, 1:135:8, 1:135:11, 1:135:17, 1:135:20, 1:136:1, 1:136:4, 1:138:3, 1:138:8, 1:139:1, 1:139:5, 1:139:9, 1:139:11 moment ^[1] - 1:164:17 Monday ^[5] -</p>
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1:1:16, 1:3:4, 1:131:4, 1:133:16, 1:137:21 Mondays ^[2] - 1:100:22, 1:161:17 monetary ^[1] - 1:149:20 money ^[4] - 1:95:8, 1:145:13, 1:146:12, 1:148:10 monies ^[1] - 1:145:18 monitor ^[1] - 1:41:10 monk ^[1] - 1:160:3 Monkfish ^[5] - 1:2:18, 1:159:3, 1:159:4, 1:159:16, 1:160:1 MONKFISH ^[1] - 1:159:1 month ^[11] - 1:57:14, 1:76:11, 1:76:12, 1:99:2, 1:99:4, 1:99:9, 1:146:1, 1:181:8, 1:182:5 month-to- month ^[2] - 1:181:8, 1:182:5 monthly ^[2] - 1:150:16, 1:179:14	months ^[7] - 1:29:14, 1:43:8, 1:65:14, 1:67:11, 1:99:5, 1:99:7, 1:153:16 months' ^[1] - 1:83:15 morning ^[2] - 1:5:21, 1:5:22 most ^[6] - 1:16:18, 1:19:8, 1:36:20, 1:37:11, 1:95:3, 1:95:11 mostly ^[4] - 1:109:16, 1:160:22, 1:161:2, 1:178:20 mother ^[1] - 1:16:5 mother.. ^[1] - 1:180:17 motion ^[19] - 1:49:11, 1:50:8, 1:64:8, 1:81:20, 1:82:4, 1:82:19, 1:99:2, 1:99:9, 1:105:12, 1:115:18, 1:117:9, 1:121:20, 1:129:18, 1:137:18, 1:154:13, 1:155:3, 1:158:14, 1:166:2,	1:189:4 motorcycle ^[1] - 1:54:4 Mount ^[3] - 1:106:10, 1:116:13, 1:117:2 mouth ^[2] - 1:40:19, 1:49:22 move ^[7] - 1:29:7, 1:35:19, 1:39:11, 1:45:7, 1:47:9, 1:77:18, 1:145:1 Moved ^[1] - 1:138:10 moved ^[10] - 1:50:9, 1:64:11, 1:82:19, 1:97:9, 1:115:21, 1:117:13, 1:129:19, 1:155:9, 1:177:13, 1:189:11 moving ^[1] - 1:92:10 Muehe ^[4] - 1:72:21, 1:73:5, 1:73:9, 1:75:19 Muehe's ^[1] - 1:73:13 Municipal ^[2] - 1:1:14, 1:3:6	name ^[30] - 1:5:11, 1:11:18, 1:13:16, 1:15:16, 1:15:17, 1:29:9, 1:32:13, 1:43:19, 1:46:4, 1:67:7, 1:72:17, 1:89:19, 1:93:13, 1:94:16, 1:112:11, 1:116:17, 1:118:18, 1:119:10, 1:119:12, 1:119:22, 1:131:8, 1:140:12, 1:140:13, 1:145:10, 1:145:11, 1:145:12, 1:156:8, 1:156:9, 1:160:3, 1:186:2 nature ^[1] - 1:127:1 navigating ^[1] - 1:151:12 near ^[7] - 1:40:1, 1:40:2, 1:56:14, 1:58:15, 1:58:17, 1:66:6, 1:135:19 nearby ^[1] - 1:33:2 necessarily ^[2] -	1:34:16, 1:162:8 neck ^[1] - 1:22:11 need ^[26] - 1:44:9, 1:50:18, 1:64:22, 1:67:17, 1:77:1, 1:77:2, 1:81:13, 1:85:18, 1:90:20, 1:92:20, 1:95:15, 1:114:9, 1:142:12, 1:152:17, 1:170:1, 1:173:20, 1:175:10, 1:179:17, 1:180:18, 1:181:22, 1:182:1, 1:185:14, 1:186:11, 1:188:8 needed ^[2] - 1:44:16, 1:44:18 needless ^[1] - 1:182:3 needs ^[3] - 1:62:14, 1:111:4, 1:172:22 neighbor ^[6] - 1:39:1, 1:102:20, 1:179:19, 1:187:4, 1:187:9, 1:187:18
		N		
		naive ^[1] - 1:34:17		

neighborhood ^[12] - 1:14:7, 1:30:16, 1:39:3, 1:40:18, 1:40:20, 1:80:18, 1:80:20, 1:92:10, 1:93:18, 1:94:5, 1:173:12, 1:186:19 neighbors ^[14] - 1:30:20, 1:30:21, 1:33:22, 1:34:18, 1:35:17, 1:38:16, 1:40:9, 1:49:14, 1:80:22, 1:81:4, 1:93:17, 1:101:7, 1:102:2, 1:173:3 nephew ^[1] - 1:22:7 nervous ^[2] - 1:49:7, 1:49:8 never ^[12] - 1:37:15, 1:41:12, 1:49:18, 1:49:19, 1:49:20, 1:57:21, 1:61:13, 1:62:20, 1:63:11, 1:63:18, 1:66:6, 1:66:8	never-ever ^[1] - 1:61:13 NEW ^[1] - 1:130:4 New ^[8] - 1:2:14, 1:66:21, 1:68:7, 1:80:2, 1:126:21, 1:130:6, 1:130:12, 1:130:13 new ^[25] - 1:39:2, 1:68:7, 1:68:8, 1:73:18, 1:76:17, 1:78:2, 1:80:1, 1:86:16, 1:101:8, 1:104:11, 1:106:2, 1:106:9, 1:106:12, 1:116:11, 1:118:22, 1:124:11, 1:125:13, 1:126:11, 1:126:12, 1:130:5, 1:132:13, 1:156:21, 1:157:1, 1:157:3 news ^[1] - 1:104:8 next ^[10] - 1:24:2, 1:25:10, 1:33:1, 1:34:22, 1:87:13, 1:125:1, 1:129:1,	1:152:12, 1:165:9, 1:179:19 nice ^[1] - 1:123:17 NICHOLAS ^[9] - 1:32:15, 1:32:22, 1:33:5, 1:33:10, 1:33:20, 1:36:3, 1:36:10, 1:37:4, 1:37:8 Nicholas ^[1] - 1:32:15 night ^[20] - 1:5:20, 1:8:1, 1:15:13, 1:16:1, 1:16:19, 1:19:5, 1:42:3, 1:42:8, 1:42:9, 1:42:10, 1:47:2, 1:57:17, 1:57:18, 1:60:16, 1:62:13, 1:67:2, 1:67:16, 1:80:15, 1:118:4, 1:121:3 nine ^[1] - 1:157:7 nobody ^[3] - 1:32:1, 1:62:14, 1:167:20 noise ^[11] - 1:31:4, 1:34:2, 1:34:7, 1:35:15,	1:36:18, 1:42:16, 1:42:18, 1:42:21, 1:43:3, 1:47:11, 1:101:18 non ^[2] - 1:130:22, 1:159:8 non-alcoholic ^[2] - 1:130:22, 1:159:8 none ^[4] - 1:48:16, 1:111:5, 1:136:7, 1:172:2 nonfamily ^[2] - 1:179:9, 1:181:3 noon ^[1] - 1:100:7 normally ^[3] - 1:4:20, 1:100:21, 1:100:22 NORTH ^[1] - 1:83:7 North ^[9] - 1:60:1, 1:83:10, 1:83:20, 1:90:14, 1:92:11, 1:92:13, 1:133:11, 1:133:13, 1:187:19 NOT ^[1] - 1:190:20 Notary ^[2] ^[1] - 1:190:4, 1:190:16	note ^[5] - 1:33:18, 1:56:20, 1:149:5, 1:150:1, 1:150:9 notes ^[3] - 1:42:6, 1:149:6, 1:190:9 nothing ^[15] - 1:14:21, 1:19:1, 1:20:2, 1:25:2, 1:28:17, 1:38:13, 1:43:5, 1:47:14, 1:58:13, 1:68:2, 1:77:10, 1:77:13, 1:89:11, 1:101:19, 1:117:4 notice ^[3] - 1:18:22, 1:31:13, 1:73:2 noticed ^[7] - 1:22:17, 1:23:6, 1:31:11, 1:52:2, 1:52:4, 1:52:11 notifications ^[1] - 1:165:15 notified ^[1] - 1:167:13 notifies ^[1] - 1:82:17 notify ^[1] - 1:136:13 notifying ^[1] -
---	---	--	--	---

<p>1:175:15 November ^[1] - 1:87:18 nowadays ^[1] - 1:124:15 nowhere ^[1] - 1:35:6 number ^[4] - 1:34:17, 1:46:5, 1:62:21, 1:93:22 numbers ^[2] - 1:95:6, 1:98:12 nurse ^[1] - 1:177:22</p>	<p>1:152:2, 1:154:14, 1:169:13, 1:186:11 occasionally ^[1] - 1:149:3 occasions ^[1] - 1:41:13 occupancy ^[1] - 1:175:22 occupied ^[1] - 1:178:11 October ^[3] - 1:3:13, 1:3:16, 1:87:18 OF ^[7] - 1:1:1, 1:1:2, 1:2:1, 1:190:1, 1:190:19, 1:190:20, 1:190:21 offer ^[4] - 1:141:4, 1:149:16, 1:149:18, 1:151:5 Office ^[1] - 1:167:14 office ^[12] - 1:52:18, 1:109:4, 1:170:14, 1:171:11, 1:171:12, 1:171:13, 1:171:16, 1:175:12, 1:176:15, 1:177:6, 1:177:12, 1:178:2 officer ^[19] - 1:4:12, 1:4:14, 1:4:21, 1:15:6,</p>	<p>1:15:11, 1:18:20, 1:20:9, 1:52:19, 1:53:3, 1:53:9, 1:53:16, 1:53:17, 1:53:20, 1:57:18, 1:58:6, 1:59:2, 1:60:15, 1:113:11 Officer ^[9] - 1:1:10, 1:5:6, 1:5:10, 1:51:6, 1:51:9, 1:51:18, 1:53:12, 1:54:1, 1:65:3 OFFICER ^[15] - 1:51:17, 1:52:22, 1:54:3, 1:54:7, 1:54:13, 1:54:18, 1:54:21, 1:55:10, 1:55:14, 1:55:18, 1:56:7, 1:56:12, 1:56:18, 1:57:4, 1:65:5 officer's ^[2] - 1:51:12, 1:51:14 officers ^[7] - 1:59:6, 1:122:18, 1:123:22, 1:124:20, 1:124:22, 1:125:5, 1:125:9</p>	<p>offices ^[3] - 1:175:22, 1:176:12, 1:177:17 OFFICIAL ^[1] - 1:1:20 often ^[2] - 1:34:4, 1:34:8 old ^[1] - 1:176:11 Om ^[2] - 1:94:1, 1:153:20 on-line ^[1] - 1:35:10 once ^[7] - 1:6:6, 1:31:10, 1:60:13, 1:77:17, 1:95:12, 1:155:17, 1:189:7 one ^[64] - 1:7:13, 1:7:21, 1:10:2, 1:11:6, 1:11:13, 1:28:3, 1:29:3, 1:29:12, 1:29:21, 1:33:5, 1:34:2, 1:36:10, 1:38:17, 1:39:14, 1:40:15, 1:42:18, 1:43:13, 1:44:13, 1:78:4, 1:78:8, 1:78:20, 1:85:10, 1:85:21, 1:100:15, 1:101:20, 1:108:4, 1:110:1,</p>	<p>1:110:2, 1:110:4, 1:110:5, 1:111:9, 1:113:11, 1:115:6, 1:117:10, 1:124:7, 1:124:10, 1:124:16, 1:124:17, 1:124:20, 1:129:2, 1:132:8, 1:142:6, 1:142:15, 1:143:14, 1:146:2, 1:148:6, 1:149:3, 1:149:4, 1:153:18, 1:156:15, 1:156:18, 1:159:14, 1:160:14, 1:163:13, 1:167:9, 1:168:22, 1:171:16, 1:175:20, 1:175:21, 1:176:13, 1:177:2, 1:179:15, 1:179:16 One ^[2] - 1:133:10, 1:137:1 ones ^[1] - 1:43:7 ongoing ^[1] - 1:31:7 open ^[13] - 1:9:5, 1:19:5, 1:49:3,</p>
O				
<p>O'BLANDER ^[1] - 1:123:5 O'Blander ^[3] - 1:123:5, 1:123:8, 1:126:2 O'Neil ^[1] - 1:140:21 object ^[1] - 1:185:10 obscenely ^[1] - 1:34:21 observe ^[1] - 1:9:15 observed ^[1] - 1:51:21 obtained ^[1] - 1:132:14 obviously ^[12] - 1:12:6, 1:70:7, 1:74:4, 1:89:4, 1:92:5, 1:135:13, 1:135:15, 1:145:15,</p>				

1:68:4, 1:68:22, 1:69:6, 1:84:21, 1:87:18, 1:104:14, 1:104:15, 1:161:13, 1:162:19, 1:178:1 opened [3] - 1:58:5, 1:66:22, 1:83:15 opening [2] - 1:88:18, 1:154:6 operate [3] - 1:169:14, 1:170:18, 1:174:5 operated [3] - 1:167:16, 1:167:22, 1:172:15 operating [8] - 1:101:13, 1:128:4, 1:168:8, 1:170:17, 1:171:5, 1:171:8, 1:175:6, 1:176:13 operation [8] - 1:66:22, 1:84:14, 1:124:4, 1:128:3, 1:131:3, 1:152:6, 1:159:11, 1:187:6 operations [3] -	1:84:2, 1:123:6, 1:128:1 operator [1] - 1:52:13 opinions [1] - 1:41:4 opportunity [4] - 1:15:5, 1:72:13, 1:94:4, 1:94:11 opposed [1] - 1:34:6 opposite [2] - 1:51:22, 1:54:7 opposition [3] - 1:78:10, 1:80:8, 1:109:22 option [3] - 1:150:20, 1:150:21, 1:172:8 order [7] - 1:3:21, 1:70:6, 1:74:5, 1:77:3, 1:144:22, 1:183:1, 1:183:6 organization [1] - 1:80:18 original [2] - 1:12:22, 1:102:8 originally [1] - 1:86:19 otherwise [1] - 1:186:12 ourselves [1] - 1:46:9 out-of-town [1] - 1:51:7	out.. [1] - 1:47:16 outside [10] - 1:31:3, 1:34:4, 1:35:22, 1:38:14, 1:41:13, 1:46:10, 1:75:21, 1:132:17, 1:137:19, 1:164:14 outside [1] - 1:131:3 over-serve [1] - 1:25:18 overall [4] - 1:128:13, 1:128:19, 1:151:20, 1:186:8 overhang [1] - 1:135:7 overnight [2] - 1:182:7 oversee [1] - 1:84:3 own [10] - 1:33:16, 1:41:4, 1:81:3, 1:89:2, 1:89:22, 1:91:18, 1:92:2, 1:94:7, 1:96:7, 1:96:8 owned [2] - 1:138:5, 1:177:2 owner [13] - 1:30:18, 1:86:6, 1:98:3, 1:103:6, 1:132:1, 1:132:3,	1:136:3, 1:156:17, 1:157:11, 1:170:22, 1:172:13, 1:176:7, 1:178:11 owner- occupied [1] - 1:178:11 owners [4] - 1:84:17, 1:94:8, 1:156:15, 1:156:18 ownership [7] - 1:103:3, 1:124:1, 1:125:13, 1:125:16, 1:125:17, 1:126:1 owns [4] - 1:89:1, 1:91:11, 1:92:1, 1:170:16	PAGE [1] - 1:2:2 Pages [1] - 1:190:7 Pamphrey [3] - 1:118:8, 1:118:11, 1:119:8 panicking [2] - 1:49:7, 1:49:8 paper [3] - 1:34:8, 1:46:10, 1:178:22 park [2] - 1:134:4, 1:134:15 Park [1] - 1:40:4 parked [1] - 1:43:1 parking [9] - 1:87:14, 1:110:4, 1:115:12, 1:117:11, 1:133:7, 1:134:6, 1:156:4, 1:157:6, 1:157:10 part [19] - 1:14:3, 1:33:19, 1:35:18, 1:39:16, 1:59:18, 1:60:3, 1:70:12, 1:71:19, 1:77:9, 1:77:14, 1:81:1, 1:95:14, 1:126:15, 1:128:21,
				P
				p.m [10] - 1:1:17, 1:3:5, 1:5:22, 1:51:20, 1:100:5, 1:100:6, 1:103:22, 1:159:12 package [2] - 1:118:9, 1:151:17 packet [1] - 1:126:19 page [2] - 1:111:16, 1:114:3

<p>1:151:8, 1:163:4, 1:170:6, 1:171:14, 1:186:9</p> <p>part-time ^[2] - 1:59:18, 1:60:3</p> <p>particular ^[4] - 1:112:16, 1:144:5, 1:152:8, 1:164:17</p> <p>particularly ^[4] - 1:93:19, 1:110:21, 1:111:6, 1:152:9</p> <p>parties ^[1] - 1:141:21</p> <p>partner ^[3] - 1:16:4, 1:36:4, 1:48:8</p> <p>party ^[5] - 1:14:3, 1:14:10, 1:149:19, 1:151:6, 1:152:22</p> <p>pass ^[2] - 1:33:9, 1:47:9</p> <p>passed ^[3] - 1:37:7, 1:37:9, 1:61:19</p> <p>passenger ^[9] - 1:52:8, 1:53:6, 1:53:14, 1:57:6, 1:58:2, 1:58:19, 1:58:20, 1:62:3</p> <p>passenger's ^[1] - 1:56:2</p> <p>passing ^[3] -</p>	<p>1:20:13, 1:21:22, 1:46:17</p> <p>past ^[9] - 1:20:3, 1:45:6, 1:46:8, 1:54:9, 1:69:6, 1:102:2, 1:133:12, 1:137:7, 1:153:16</p> <p>patio ^[15] - 1:68:22, 1:69:9, 1:70:18, 1:70:21, 1:71:4, 1:71:8, 1:71:9, 1:71:20, 1:79:2, 1:133:18, 1:134:22, 1:137:7, 1:137:11, 1:138:9</p> <p>patios ^[1] - 1:69:6</p> <p>patrol ^[1] - 1:6:4</p> <p>patron ^[4] - 1:11:20, 1:13:13, 1:23:13, 1:55:11</p> <p>patrons ^[11] - 1:6:22, 1:7:13, 1:7:22, 1:9:15, 1:10:18, 1:11:3, 1:20:3, 1:20:4, 1:30:2, 1:30:17, 1:34:19</p> <p>pay ^[6] - 1:65:3, 1:84:9, 1:146:12, 1:149:20,</p>	<p>1:150:16, 1:157:15</p> <p>paying ^[2] - 1:62:8, 1:175:7</p> <p>peace ^[2] - 1:35:14, 1:35:22</p> <p>penalty ^[1] - 1:98:6</p> <p>people ^[74] - 1:9:18, 1:10:9, 1:10:10, 1:11:5, 1:18:13, 1:18:17, 1:19:8, 1:23:5, 1:29:15, 1:30:1, 1:30:15, 1:31:3, 1:32:3, 1:35:15, 1:35:19, 1:36:14, 1:36:21, 1:37:12, 1:38:14, 1:38:20, 1:38:21, 1:39:2, 1:39:6, 1:39:10, 1:40:4, 1:40:11, 1:40:17, 1:41:1, 1:43:16, 1:44:8, 1:44:14, 1:44:16, 1:46:1, 1:46:20, 1:47:1, 1:49:6, 1:49:10, 1:49:17,</p>	<p>1:49:18, 1:59:4, 1:61:11, 1:62:11, 1:63:2, 1:63:4, 1:70:20, 1:80:5, 1:85:7, 1:85:18, 1:89:6, 1:95:3, 1:95:19, 1:96:3, 1:96:7, 1:109:12, 1:109:16, 1:111:22, 1:112:2, 1:125:8, 1:132:5, 1:174:11, 1:174:17, 1:175:5, 1:181:7, 1:181:20, 1:183:8, 1:183:16, 1:184:1, 1:184:20, 1:185:2, 1:185:6</p> <p>Pepper ^[2] - 1:160:8, 1:160:15</p> <p>per ^[1] - 1:159:12</p> <p>percent ^[10] - 1:124:8, 1:124:10, 1:124:16, 1:124:18, 1:124:21, 1:132:8, 1:148:16, 1:161:3, 1:175:21, 1:175:22</p>	<p>perhaps ^[2] - 1:13:3, 1:96:6</p> <p>period ^[3] - 1:59:15, 1:61:14, 1:133:12</p> <p>permanent ^[2] - 1:106:17, 1:115:9</p> <p>permission ^[1] - 1:132:14</p> <p>permit ^[2] - 1:158:3, 1:174:5</p> <p>permitted ^[1] - 1:172:9</p> <p>person ^[18] - 1:4:11, 1:6:2, 1:6:13, 1:7:17, 1:10:2, 1:11:13, 1:11:16, 1:12:2, 1:13:19, 1:29:4, 1:32:11, 1:53:18, 1:55:9, 1:61:21, 1:63:15, 1:91:22, 1:157:11, 1:178:6</p> <p>personnel ^[3] - 1:6:12, 1:8:6, 1:14:13</p> <p>persons ^[3] - 1:10:21, 1:74:9, 1:183:3</p> <p>petitioners ^[1] - 1:167:5</p> <p>PHILIP ^[1] - 1:156:11</p>
--	---	--	--	--

Philip ^[1] - 1:156:11	1:34:9	plates ^[2] - 1:34:8, 1:46:10	1:82:1, 1:84:8, 1:107:9, 1:146:7, 1:147:21, 1:148:16, 1:151:22, 1:172:2, 1:183:13, 1:185:18	positions ^[1] - 1:156:14
Phoenix ^[1] - 1:165:13	PIZZA ^[2] - 1:4:1, 1:130:15	play ^[1] - 1:160:3	1:147:21, 1:148:16, 1:151:22, 1:172:2, 1:183:13, 1:185:18	positive ^[1] - 1:112:6
phone ^[1] - 1:40:15	Pizza ^[6] - 1:2:3, 1:2:15, 1:4:4, 1:4:6, 1:15:19, 1:130:18	playing ^[1] - 1:186:13	1:147:21, 1:148:16, 1:151:22, 1:172:2, 1:183:13, 1:185:18	possession ^[1] - 1:84:15
phonetic ^[2] - 1:53:13, 1:154:17	pizzas ^[1] - 1:134:18	plaza ^[2] - 1:111:8, 1:135:4	1:147:21, 1:148:16, 1:151:22, 1:172:2, 1:183:13, 1:185:18	possible ^[3] - 1:64:20, 1:95:17, 1:188:12
photos ^[2] - 1:44:15, 1:44:17	Pizzeria ^[3] - 1:3:12, 1:3:15, 1:6:2	pleased ^[2] - 1:151:16, 1:153:6	points ^[1] - 1:76:22	possibly ^[1] - 1:62:6
pianist ^[1] - 1:160:4	place ^[13] - 1:8:12, 1:21:14, 1:29:21, 1:30:11, 1:39:17, 1:47:14, 1:89:13, 1:90:7, 1:90:17, 1:98:15, 1:113:9, 1:154:15, 1:154:19	pledge ^[14] - 1:127:17, 1:141:14, 1:142:21, 1:143:4, 1:143:6, 1:144:21, 1:146:6, 1:147:2, 1:147:9, 1:147:20, 1:149:5, 1:149:7, 1:149:21, 1:155:5	police ^[17] - 1:4:10, 1:4:17, 1:4:21, 1:12:17, 1:20:8, 1:20:20, 1:21:4, 1:22:2, 1:25:4, 1:41:8, 1:43:4, 1:46:15, 1:53:16, 1:53:17, 1:59:6, 1:59:9, 1:113:11	posted ^[2] - 1:44:11, 1:44:20
pick ^[12] - 1:51:22, 1:57:2, 1:60:19, 1:60:22, 1:61:12, 1:61:14, 1:62:15, 1:62:22, 1:63:9, 1:63:11, 1:63:13, 1:66:2	places ^[3] - 1:7:10, 1:137:4, 1:156:4	pledges ^[1] - 1:127:15	posting ^[1] - 1:36:12	posting ^[1] - 1:36:12
picked ^[2] - 1:53:4, 1:66:8	plan ^[4] - 1:128:3, 1:128:13, 1:175:1, 1:179:21	plus ^[2] - 1:186:8	pot ^[1] - 1:44:17	pot ^[1] - 1:44:17
picking ^[2] - 1:62:19, 1:63:1	planning ^[1] - 1:180:8	pocketbook ^[2] - 1:22:18, 1:25:9	power ^[1] - 1:94:10	power ^[1] - 1:94:10
pickup ^[1] - 1:51:7	plans ^[5] - 1:74:17, 1:79:11, 1:162:22, 1:163:3, 1:163:5	point ^[21] - 1:7:14, 1:9:15, 1:9:19, 1:10:8, 1:12:13, 1:56:11, 1:56:16, 1:72:10, 1:74:2, 1:77:3, 1:78:16,	preference ^[1] - 1:133:17	preference ^[1] - 1:133:17
picture ^[1] - 1:174:20			premises ^[6] - 1:9:15, 1:20:4, 1:131:1, 1:133:8, 1:133:22, 1:159:9	premises ^[6] - 1:9:15, 1:20:4, 1:131:1, 1:133:8, 1:133:22, 1:159:9
pictures ^[1] - 1:71:16			Police ^[2] - 1:5:19, 1:51:18	prep ^[1] - 1:162:19
pieces ^[1] - 1:174:1			policy ^[1] - 1:85:8	prepare ^[3] - 1:161:13, 1:162:17, 1:162:20
pills ^[2] - 1:22:21, 1:25:10			poor ^[1] - 1:100:18	prescription ^[3] - 1:22:20, 1:24:17, 1:26:10
pizza ^[1] -			Porter ^[4] - 1:87:8, 1:87:10, 1:87:12	present ^[2] - 1:5:4, 1:15:6
			portion ^[5] - 1:5:8, 1:170:18, 1:173:20, 1:175:1, 1:175:2	presently ^[3] - 1:133:13, 1:161:17, 1:162:8
			position ^[1] - 1:83:22	

president ^[2] - 1:123:6, 1:140:14	1:86:1, 1:102:19, 1:110:13, 1:110:15, 1:111:1, 1:161:21, 1:162:16	1:77:4, 1:154:18	provided ^[6] - 1:13:13, 1:71:14, 1:141:9, 1:141:14, 1:141:15, 1:151:17	1:149:17, 1:150:2, 1:169:19, 1:175:19, 1:176:6
press ^[1] - 1:80:11		properties ^[2] - 1:168:20, 1:188:21	Providence ^[1] - 1:67:21	purchased ^[2] - 1:169:15, 1:176:8
pressure ^[1] - 1:146:10	problematic ^[2] - 1:29:21, 1:29:22	property ^[22] - 1:40:7, 1:77:15, 1:84:19, 1:86:10, 1:88:13, 1:88:22, 1:94:9, 1:94:19, 1:97:5, 1:98:3, 1:167:15, 1:167:22, 1:168:19, 1:168:21, 1:169:1, 1:169:4, 1:169:15, 1:173:16, 1:173:22, 1:176:6, 1:176:10, 1:187:10	providing ^[2] - 1:141:10, 1:151:10	purposes ^[1] - 1:172:5
pretty ^[6] - 1:28:15, 1:38:12, 1:85:4, 1:111:3, 1:143:5, 1:144:3	problems ^[7] - 1:41:12, 1:41:15, 1:46:3, 1:74:14, 1:80:1, 1:102:20, 1:107:1		Public ^[2] - 1:190:4, 1:190:16	put ^[13] - 1:38:9, 1:67:11, 1:76:17, 1:80:5, 1:82:17, 1:95:10, 1:101:10, 1:102:18, 1:103:4, 1:141:2, 1:146:10, 1:149:10
prevent ^[1] - 1:26:11	procedural ^[1] - 1:170:1		public ^[13] - 1:15:8, 1:29:1, 1:64:6, 1:88:3, 1:108:14, 1:121:18, 1:129:15, 1:132:18, 1:135:4, 1:136:11, 1:153:2, 1:158:13, 1:165:17	Putnam ^[4] - 1:34:6, 1:38:11, 1:43:1
prevention ^[1] - 1:153:8	proceeded ^[1] - 1:56:10		pull ^[1] - 1:62:20	putting ^[1] - 1:127:13
previous ^[6] - 1:106:10, 1:116:12, 1:117:8, 1:121:5, 1:150:13, 1:176:7	proceedings ^[1] - 1:189:18		pulled ^[4] - 1:54:17, 1:55:1, 1:55:19, 1:60:17	
previously ^[1] - 1:124:11	PROCEEDING S ^[1] - 1:2:1		punished ^[1] - 1:62:10	qualified ^[2] - 1:152:5, 1:190:5
price ^[3] - 1:141:22, 1:142:4, 1:150:2	process ^[1] - 1:69:16	proposal ^[1] - 1:77:4	purchase ^[13] - 1:126:15, 1:141:7, 1:141:8, 1:141:13, 1:141:16, 1:141:22, 1:142:8, 1:142:20,	quality ^[1] - 1:80:16
printed ^[1] - 1:33:10	project ^[3] - 1:72:19, 1:93:3, 1:156:19	proposed ^[1] - 1:141:13		questions ^[34] - 1:5:2, 1:6:14, 1:13:9, 1:15:3, 1:15:5, 1:23:17, 1:26:22, 1:31:14, 1:31:16, 1:37:17,
private ^[3] - 1:145:17, 1:149:12, 1:184:5	promise ^[2] - 1:65:7, 1:69:18	Prospect ^[5] - 1:51:21, 1:54:14, 1:58:15, 1:58:17, 1:137:2		
Pro ^[1] - 1:12:19	promised ^[1] - 1:141:12	protest ^[1] - 1:102:8		
problem ^[12] - 1:36:17, 1:44:12, 1:45:16, 1:49:14, 1:81:11,	proof ^[1] - 1:119:21	proud ^[1] - 1:102:12		
	proper ^[3] - 1:98:13, 1:173:1, 1:174:5	provide ^[2] - 1:44:15, 1:44:17		
	properly ^[2] -			
				Q

1:37:21, 1:43:10, 1:48:14, 1:48:18, 1:63:7, 1:64:3, 1:64:5, 1:69:10, 1:87:19, 1:87:21, 1:88:1, 1:98:20, 1:98:22, 1:105:7, 1:105:9, 1:105:11, 1:108:8, 1:108:10, 1:108:12, 1:114:22, 1:136:5, 1:136:9, 1:154:22, 1:185:19 quick ^[3] - 1:55:22, 1:56:5, 1:57:5 quickly ^[2] - 1:89:9, 1:111:13 quiet ^[2] - 1:101:9, 1:101:22 Quilty ^[2] - 1:123:10, 1:147:14 Quincy ^[1] - 1:62:16 quite ^[2] - 1:36:22, 1:112:2	rains ^[1] - 1:38:9 raised ^[2] - 1:29:5, 1:33:22 Ralph ^[1] - 1:176:7 ramp ^[22] - 1:39:14, 1:69:18, 1:70:2, 1:70:3, 1:70:10, 1:70:16, 1:71:14, 1:75:7, 1:75:21, 1:76:1, 1:76:13, 1:76:15, 1:76:17, 1:77:16, 1:77:21, 1:78:3, 1:78:6, 1:78:21, 1:79:1, 1:79:6 ramps ^[2] - 1:44:15, 1:78:6 random ^[1] - 1:41:20 rate ^[2] - 1:148:14, 1:148:16 rather ^[2] - 1:53:17, 1:150:1 RE ^[1] - 1:1:4 re ^[2] - 1:162:3, 1:162:6 re-advertise ^[2] - 1:162:3, 1:162:6 reach ^[1] - 1:80:22 read ^[6] - 1:5:15,	1:33:15, 1:75:2, 1:75:3, 1:75:5 ready ^[3] - 1:19:22, 1:21:13, 1:48:12 real ^[2] - 1:63:3, 1:169:22 realize ^[1] - 1:85:11 really ^[44] - 1:16:17, 1:20:18, 1:21:22, 1:22:22, 1:23:4, 1:26:7, 1:29:19, 1:30:15, 1:34:13, 1:35:8, 1:44:21, 1:46:7, 1:47:7, 1:59:17, 1:60:12, 1:63:5, 1:64:21, 1:64:22, 1:68:3, 1:81:13, 1:85:19, 1:85:22, 1:92:9, 1:92:14, 1:98:3, 1:101:22, 1:104:5, 1:109:2, 1:109:5, 1:111:4, 1:111:6, 1:112:6, 1:114:3, 1:137:4,	1:140:19, 1:141:10, 1:143:18, 1:150:19, 1:151:18, 1:153:17, 1:154:2, 1:167:8, 1:186:18 rear ^[10] - 1:52:8, 1:56:2, 1:133:8, 1:133:21, 1:169:17, 1:173:19, 1:175:1, 1:175:5, 1:183:21, 1:185:4 reason ^[7] - 1:44:7, 1:55:2, 1:67:18, 1:90:5, 1:172:6, 1:175:18, 1:179:17 reasonable ^[6] - 1:102:18, 1:142:1, 1:142:4, 1:143:21, 1:147:6, 1:162:11 reasoning ^[3] - 1:88:20, 1:89:3, 1:91:13 reasons ^[2] - 1:37:12, 1:44:13 receipts ^[1] - 1:27:11 receive ^[2] - 1:31:12,	1:109:18 received ^[4] - 1:31:11, 1:40:15, 1:41:9, 1:175:15 recent ^[1] - 1:33:4 recently ^[2] - 1:33:3, 1:104:2 recollection ^[1] - 1:24:19 recommend ^[3] - 1:115:7, 1:115:8, 1:117:9 recommendati on ^[1] - 1:115:10 RECORD ^[1] - 1:1:20 record ^[8] - 1:15:16, 1:33:19, 1:67:7, 1:72:17, 1:108:19, 1:116:18, 1:140:3, 1:190:7 recorded ^[1] - 1:9:4 recover ^[2] - 1:22:13, 1:22:16 red ^[1] - 1:61:18 redid ^[1] - 1:76:14 reduce ^[1] - 1:162:4 Reed ^[1] - 1:93:15 reference ^[1] -
R				
R-I-C-A-R-D-I ^[1] - 1:156:12				

<p>1:147:21 reflected ^[1] - 1:150:7 reflective ^[1] - 1:35:4 refrain ^[1] - 1:74:11 refrigeration ^[1] - 1:164:12 refusal ^[3] - 1:149:11, 1:150:21, 1:151:4 refuse ^[1] - 1:81:15 Reg ^[1] - 1:52:9 regarding ^[1] - 1:4:11 regards ^[2] - 1:42:16, 1:49:1 register ^[3] - 1:27:11, 1:27:13, 1:164:3 registers ^[1] - 1:19:11 regular ^[2] - 1:30:12, 1:41:10 regulations ^[1] - 1:119:17 reiterate ^[1] - 1:44:6 relates ^[2] - 1:125:5, 1:151:21 relative ^[1] - 1:153:9 relatively ^[2] - 1:123:19, 1:123:21 released ^[1] - 1:24:7</p>	<p>relevant ^[2] - 1:125:4, 1:150:12 relocation ^[1] - 1:86:13 reluctant ^[1] - 1:112:14 remain ^[3] - 1:80:13, 1:122:21, 1:126:5 remains ^[2] - 1:80:14, 1:125:16 remarked ^[1] - 1:13:4 remember ^[5] - 1:24:13, 1:58:2, 1:58:4, 1:136:22, 1:188:22 remind ^[1] - 1:47:11 reminding ^[1] - 1:47:10 removed ^[1] - 1:8:6 rendered ^[1] - 1:6:12 Rendezvous ^[1] - 1:165:12 renew ^[1] - 1:176:17 rent ^[6] - 1:157:14, 1:157:16, 1:157:17, 1:176:10, 1:178:5, 1:178:19 rental ^[3] - 1:90:7, 1:157:12, 1:176:13</p>	<p>rented ^[2] - 1:90:13, 1:172:15 renting ^[1] - 1:185:13 reopening ^[2] - 1:100:6, 1:103:22 replace ^[1] - 1:103:6 replacing ^[3] - 1:106:10, 1:116:12, 1:117:2 report ^[9] - 1:4:10, 1:5:1, 1:5:13, 1:9:4, 1:21:17, 1:41:8, 1:46:16, 1:51:16, 1:62:22 reported ^[1] - 1:41:11 REPORTER ^[1] - 1:190:21 Reporter ^[1] - 1:190:4 REPORTERS ^[1] - 1:1:20 represent ^[3] - 1:148:7, 1:148:22, 1:149:2 representative ^[1] - 1:83:19 representing ^[3] - 1:131:10, 1:146:16, 1:147:15 REPRODUCTI ON ^[1] - 1:190:20 reputation ^[1] -</p>	<p>1:153:22 request ^[3] - 1:74:10, 1:81:1, 1:89:22 requesting ^[1] - 1:127:20 require ^[1] - 1:183:4 requirements ^[1] - 1:75:13 residence ^[2] - 1:34:22, 1:176:10 residences ^[1] - 1:176:1 resident ^[2] - 1:45:5, 1:55:9 Resident ^[1] - 1:169:11 residential ^[10] - 1:80:2, 1:157:21, 1:169:2, 1:173:17, 1:175:4, 1:178:9, 1:178:10, 1:179:2, 1:180:9, 1:181:15 residents ^[8] - 1:33:13, 1:45:14, 1:68:7, 1:80:3, 1:157:5, 1:157:7, 1:182:13 resolve ^[2] - 1:120:12, 1:180:19 resolved ^[6] - 1:44:13, 1:74:2,</p>	<p>1:74:15, 1:103:13, 1:120:10, 1:120:18 resource ^[1] - 1:187:19 respect ^[1] - 1:35:16 RESPECT ^[1] - 1:190:20 respectful ^[1] - 1:35:15 respectfully ^[1] - 1:74:10 respond ^[3] - 1:5:1, 1:5:6, 1:37:22 responding ^[3] - 1:20:18, 1:22:1, 1:26:17 response ^[1] - 1:5:7 responsibility ^[2] - 1:102:11, 1:174:4 responsible ^[1] - 1:152:7 rest ^[1] - 1:181:9 Restaurant ^[9] - 1:2:4, 1:2:14, 1:4:4, 1:4:6, 1:122:14, 1:130:7, 1:153:7, 1:153:20, 1:154:7 RESTAURANT ^[3] - 1:4:1, 1:122:12, 1:130:4 restaurant ^[51] - 1:4:8, 1:6:7, 1:6:8, 1:54:8,</p>
---	--	--	--	--

1:55:13, 1:55:14, 1:66:20, 1:68:4, 1:69:22, 1:70:10, 1:70:12, 1:70:18, 1:71:3, 1:71:19, 1:74:20, 1:75:22, 1:77:8, 1:77:14, 1:77:20, 1:78:2, 1:78:22, 1:79:1, 1:83:13, 1:83:14, 1:88:15, 1:88:18, 1:90:17, 1:90:19, 1:91:1, 1:91:6, 1:93:1, 1:93:16, 1:93:20, 1:94:12, 1:95:13, 1:97:14, 1:98:14, 1:99:21, 1:122:17, 1:130:8, 1:132:13, 1:133:20, 1:139:19, 1:145:15, 1:148:1, 1:148:18, 1:160:7, 1:160:9 restaurant's ^[2]	- 1:75:7, 1:76:13 restaurants ^[5] - 1:93:22, 1:95:16, 1:111:19, 1:144:17, 1:160:11 result ^[2] - 1:41:8, 1:53:19 results ^[1] - 1:81:22 retail ^[4] - 1:89:14, 1:93:20, 1:94:2, 1:111:19 retention ^[1] - 1:45:13 retire ^[1] - 1:48:12 retired ^[1] - 1:177:22 returned ^[1] - 1:136:15 review ^[1] - 1:142:12 reviewed ^[2] - 1:141:19, 1:158:1 Rhode ^[1] - 1:67:21 RICARDI ^[1] - 1:156:11 Ricardi ^[1] - 1:156:11 Richard ^[2] - 1:1:7, 1:3:9 RICHARD ^[431] - 1:3:14, 1:4:12, 1:4:19, 1:5:12, 1:5:16, 1:7:19, 1:8:10, 1:8:15,	1:8:18, 1:8:21, 1:9:3, 1:9:7, 1:9:14, 1:9:18, 1:9:21, 1:10:4, 1:10:16, 1:11:4, 1:11:10, 1:11:15, 1:11:19, 1:12:2, 1:12:7, 1:12:12, 1:12:20, 1:13:2, 1:13:7, 1:14:22, 1:15:4, 1:15:15, 1:15:20, 1:16:7, 1:16:10, 1:16:21, 1:17:7, 1:17:11, 1:17:15, 1:17:18, 1:17:21, 1:18:3, 1:18:7, 1:18:10, 1:19:4, 1:19:16, 1:19:20, 1:20:2, 1:20:8, 1:21:3, 1:21:9, 1:21:15, 1:22:12, 1:23:12, 1:23:17, 1:25:22, 1:26:22, 1:27:17, 1:28:18, 1:28:22, 1:30:22, 1:31:6, 1:31:14,	1:31:17, 1:32:1, 1:32:7, 1:32:10, 1:32:20, 1:33:3, 1:33:8, 1:33:17, 1:36:1, 1:36:6, 1:37:1, 1:37:5, 1:37:17, 1:38:2, 1:39:5, 1:39:9, 1:39:18, 1:39:22, 1:41:3, 1:41:17, 1:41:21, 1:42:7, 1:43:6, 1:43:15, 1:43:22, 1:45:18, 1:46:19, 1:47:4, 1:47:17, 1:47:22, 1:48:5, 1:48:9, 1:48:13, 1:48:19, 1:48:22, 1:49:11, 1:50:1, 1:50:8, 1:50:15, 1:50:22, 1:51:8, 1:51:15, 1:53:21, 1:54:5, 1:54:11, 1:54:16, 1:54:19, 1:55:8, 1:55:12, 1:55:16, 1:56:4, 1:56:9, 1:56:14,	1:56:22, 1:57:8, 1:57:11, 1:58:9, 1:58:18, 1:59:10, 1:59:19, 1:60:5, 1:61:5, 1:61:8, 1:61:15, 1:62:4, 1:62:7, 1:63:7, 1:64:14, 1:65:1, 1:65:9, 1:66:3, 1:66:12, 1:67:3, 1:67:6, 1:67:9, 1:68:6, 1:68:11, 1:68:15, 1:68:18, 1:68:21, 1:69:2, 1:69:5, 1:69:10, 1:70:5, 1:70:9, 1:70:17, 1:70:20, 1:71:13, 1:72:2, 1:72:5, 1:72:16, 1:73:12, 1:73:15, 1:73:21, 1:74:16, 1:76:21, 1:78:5, 1:78:12, 1:78:17, 1:79:8, 1:79:16, 1:80:19, 1:81:7, 1:81:12, 1:82:4,
--	--	---	---	---

1:82:16, 1:82:22, 1:83:21, 1:84:4, 1:84:12, 1:85:1, 1:85:6, 1:86:9, 1:87:7, 1:87:15, 1:87:19, 1:88:2, 1:88:19, 1:89:17, 1:90:3, 1:91:14, 1:91:17, 1:92:4, 1:92:17, 1:93:5, 1:93:12, 1:94:14, 1:96:16, 1:97:22, 1:98:8, 1:98:17, 1:99:1, 1:99:12, 1:100:9, 1:100:12, 1:100:16, 1:100:20, 1:101:3, 1:101:12, 1:101:15, 1:101:18, 1:101:20, 1:102:4, 1:102:14, 1:102:22, 1:103:7, 1:103:10, 1:103:18, 1:104:6, 1:104:10, 1:104:16,	1:104:20, 1:104:22, 1:105:5, 1:105:12, 1:105:16, 1:106:1, 1:106:14, 1:106:20, 1:107:1, 1:107:4, 1:107:11, 1:108:1, 1:108:8, 1:108:13, 1:108:17, 1:110:8, 1:110:12, 1:112:12, 1:113:2, 1:113:16, 1:113:20, 1:114:11, 1:114:14, 1:114:17, 1:114:20, 1:115:5, 1:115:18, 1:115:21, 1:116:14, 1:116:17, 1:116:21, 1:117:6, 1:117:16, 1:118:13, 1:118:17, 1:118:21, 1:119:2, 1:119:6, 1:119:11, 1:119:14, 1:119:16, 1:120:1, 1:120:6, 1:120:11,	1:120:15, 1:120:21, 1:121:2, 1:121:7, 1:121:12, 1:121:16, 1:122:2, 1:122:6, 1:122:9, 1:122:22, 1:123:3, 1:123:7, 1:123:13, 1:123:17, 1:125:7, 1:125:12, 1:125:19, 1:126:10, 1:127:3, 1:127:14, 1:127:19, 1:127:22, 1:128:8, 1:128:11, 1:129:3, 1:129:7, 1:129:10, 1:129:14, 1:130:2, 1:130:12, 1:131:7, 1:131:12, 1:131:15, 1:131:18, 1:131:22, 1:132:4, 1:132:7, 1:132:10, 1:132:20, 1:133:2, 1:134:1, 1:134:10, 1:134:14, 1:134:17,	1:134:21, 1:135:6, 1:135:9, 1:135:14, 1:135:18, 1:135:21, 1:136:2, 1:136:5, 1:136:10, 1:136:16, 1:136:19, 1:137:9, 1:137:14, 1:137:17, 1:138:1, 1:138:6, 1:138:9, 1:138:13, 1:138:14, 1:138:20, 1:139:3, 1:139:6, 1:139:10, 1:139:22, 1:140:6, 1:140:11, 1:140:16, 1:141:20, 1:142:3, 1:142:11, 1:142:19, 1:143:13, 1:143:17, 1:144:21, 1:145:9, 1:146:3, 1:146:21, 1:147:4, 1:147:11, 1:150:11, 1:152:1, 1:152:15, 1:153:1, 1:154:10,	1:155:3, 1:155:9, 1:155:15, 1:156:7, 1:156:13, 1:156:16, 1:156:20, 1:157:1, 1:157:4, 1:157:9, 1:157:13, 1:157:17, 1:158:4, 1:158:8, 1:158:12, 1:158:17, 1:159:15, 1:159:19, 1:159:22, 1:160:5, 1:160:12, 1:160:16, 1:160:22, 1:161:5, 1:161:8, 1:161:20, 1:162:2, 1:162:12, 1:162:18, 1:163:1, 1:163:13, 1:163:19, 1:163:22, 1:164:14, 1:164:18, 1:164:21, 1:165:3, 1:165:8, 1:165:14, 1:166:2, 1:166:6, 1:166:22, 1:167:7, 1:168:5,
--	--	--	---	---

1:168:11, 1:169:18, 1:171:2, 1:171:19, 1:172:17, 1:173:10, 1:174:7, 1:174:14, 1:174:16, 1:174:21, 1:176:3, 1:176:22, 1:177:5, 1:177:8, 1:177:11, 1:177:15, 1:178:3, 1:178:8, 1:178:12, 1:178:14, 1:178:17, 1:179:1, 1:179:5, 1:179:8, 1:179:12, 1:180:3, 1:180:7, 1:180:12, 1:180:18, 1:181:6, 1:181:12, 1:182:14, 1:182:20, 1:183:22, 1:184:6, 1:184:11, 1:184:15, 1:185:7, 1:185:22, 1:187:1, 1:187:21, 1:188:4, 1:189:11 ride ^[1] - 1:16:15	risk ^[2] - 1:80:5, 1:148:17 River ^[7] - 1:4:9, 1:6:1, 1:32:16, 1:34:6, 1:38:11, 1:40:5, 1:44:2 Riverside ^[6] - 1:2:3, 1:4:4, 1:4:5, 1:6:2, 1:15:19, 1:43:3 RIVERSIDE ^[1] - 1:4:1 Road ^[2] - 1:88:9, 1:89:20 road ^[1] - 1:189:1 ROAN ^[2] - 1:88:8, 1:89:11 Roan ^[1] - 1:88:8 roll ^[1] - 1:107:10 room ^[4] - 1:3:7, 1:170:9, 1:171:17, 1:187:16 Room ^[1] - 1:1:15 rooms ^[11] - 1:168:10, 1:168:12, 1:170:12, 1:171:15, 1:172:1, 1:172:15, 1:174:11, 1:179:6, 1:184:8, 1:184:19, 1:185:13	rotary ^[1] - 1:80:4 route ^[2] - 1:106:9, 1:116:11 row ^[1] - 1:29:4 rules ^[4] - 1:96:12, 1:119:17, 1:186:10, 1:186:12 ruling ^[1] - 1:104:7 rumor ^[1] - 1:40:16 run ^[3] - 1:97:6, 1:150:6, 1:187:14 running ^[2] - 1:84:3, 1:172:13 runs ^[1] - 1:152:6 rush ^[1] - 1:22:6	1:190:20 Sandwich ^[1] - 1:54:8 sandwiches ^[1] - 1:87:6 satisfied ^[1] - 1:77:17 Saturday ^[6] - 1:67:15, 1:100:4, 1:103:21, 1:131:5, 1:133:16, 1:137:22 Saturdays ^[2] - 1:67:1, 1:161:15 saw ^[9] - 1:7:14, 1:10:3, 1:25:10, 1:41:12, 1:54:20, 1:55:18, 1:55:20, 1:58:6, 1:58:7 SAWYER ^[1] - 1:123:11 Sawyer ^[3] - 1:122:15, 1:123:11, 1:128:1 scaled ^[1] - 1:182:2 Scali ^[3] - 1:1:7, 1:3:9, 1:152:12 SCALI ^[431] - 1:3:14, 1:4:12, 1:4:19, 1:5:12, 1:5:16, 1:7:19, 1:8:10, 1:8:15, 1:8:18, 1:8:21, 1:9:3, 1:9:7, 1:9:14, 1:9:18,	1:9:21, 1:10:4, 1:10:16, 1:11:4, 1:11:10, 1:11:15, 1:11:19, 1:12:2, 1:12:7, 1:12:12, 1:12:20, 1:13:2, 1:13:7, 1:14:22, 1:15:4, 1:15:15, 1:15:20, 1:16:7, 1:16:10, 1:16:21, 1:17:7, 1:17:11, 1:17:15, 1:17:18, 1:17:21, 1:18:3, 1:18:7, 1:18:10, 1:19:4, 1:19:16, 1:19:20, 1:20:2, 1:20:8, 1:21:3, 1:21:9, 1:21:15, 1:22:12, 1:23:12, 1:23:17, 1:25:22, 1:26:22, 1:27:17, 1:28:18, 1:28:22, 1:30:22, 1:31:6, 1:31:14, 1:31:17, 1:32:1, 1:32:7, 1:32:10,
		S		
		safe ^[1] - 1:114:9 safety ^[3] - 1:34:13, 1:53:7, 1:53:15 sale ^[8] - 1:27:12, 1:141:7, 1:141:8, 1:141:13, 1:141:16, 1:142:8, 1:142:21, 1:175:20 Sally ^[1] - 1:130:7 SAME ^[1] -		

1:32:20, 1:33:3, 1:33:8, 1:33:17, 1:36:1, 1:36:6, 1:37:1, 1:37:5, 1:37:17, 1:38:2, 1:39:5, 1:39:9, 1:39:18, 1:39:22, 1:41:3, 1:41:17, 1:41:21, 1:42:7, 1:43:6, 1:43:15, 1:43:22, 1:45:18, 1:46:19, 1:47:4, 1:47:17, 1:47:22, 1:48:5, 1:48:9, 1:48:13, 1:48:19, 1:48:22, 1:49:11, 1:50:1, 1:50:8, 1:50:15, 1:50:22, 1:51:8, 1:51:15, 1:53:21, 1:54:5, 1:54:11, 1:54:16, 1:54:19, 1:55:8, 1:55:12, 1:55:16, 1:56:4, 1:56:9, 1:56:14, 1:56:22, 1:57:8, 1:57:11,	1:58:9, 1:58:18, 1:59:10, 1:59:19, 1:60:5, 1:61:5, 1:61:8, 1:61:15, 1:62:4, 1:62:7, 1:63:7, 1:64:14, 1:65:1, 1:65:9, 1:66:3, 1:66:12, 1:67:3, 1:67:6, 1:67:9, 1:68:6, 1:68:11, 1:68:15, 1:68:18, 1:68:21, 1:69:2, 1:69:5, 1:69:10, 1:70:5, 1:70:9, 1:70:17, 1:70:20, 1:71:13, 1:72:2, 1:72:5, 1:72:16, 1:73:12, 1:73:15, 1:73:21, 1:74:16, 1:76:21, 1:78:5, 1:78:12, 1:78:17, 1:79:8, 1:79:16, 1:80:19, 1:81:7, 1:81:12, 1:82:4, 1:82:16, 1:82:22, 1:83:21,	1:84:4, 1:84:12, 1:85:1, 1:85:6, 1:86:9, 1:87:7, 1:87:15, 1:87:19, 1:88:2, 1:88:19, 1:89:17, 1:90:3, 1:91:14, 1:91:17, 1:92:4, 1:92:17, 1:93:5, 1:93:12, 1:94:14, 1:96:16, 1:97:22, 1:98:8, 1:98:17, 1:99:1, 1:99:12, 1:100:9, 1:100:12, 1:100:16, 1:100:20, 1:101:3, 1:101:12, 1:101:15, 1:101:18, 1:101:20, 1:102:4, 1:102:14, 1:102:22, 1:103:7, 1:103:10, 1:103:18, 1:104:6, 1:104:10, 1:104:16, 1:104:20, 1:104:22, 1:105:5,	1:105:12, 1:105:16, 1:106:1, 1:106:14, 1:106:20, 1:107:1, 1:107:4, 1:107:11, 1:108:1, 1:108:8, 1:108:13, 1:108:17, 1:110:8, 1:110:12, 1:112:12, 1:113:2, 1:113:16, 1:113:20, 1:114:11, 1:114:14, 1:114:17, 1:114:20, 1:115:5, 1:115:18, 1:115:21, 1:116:14, 1:116:17, 1:116:21, 1:117:6, 1:117:16, 1:118:13, 1:118:17, 1:118:21, 1:119:2, 1:119:6, 1:119:11, 1:119:14, 1:119:16, 1:120:1, 1:120:6, 1:120:11, 1:120:15, 1:120:21, 1:121:2,	1:121:7, 1:121:12, 1:121:16, 1:122:2, 1:122:6, 1:122:9, 1:122:22, 1:123:3, 1:123:7, 1:123:13, 1:123:17, 1:125:7, 1:125:12, 1:125:19, 1:126:10, 1:127:3, 1:127:14, 1:127:19, 1:127:22, 1:128:8, 1:128:11, 1:129:3, 1:129:7, 1:129:10, 1:129:14, 1:130:2, 1:130:12, 1:131:7, 1:131:12, 1:131:15, 1:131:18, 1:131:22, 1:132:4, 1:132:7, 1:132:10, 1:132:20, 1:133:2, 1:134:1, 1:134:10, 1:134:14, 1:134:17, 1:134:21, 1:135:6, 1:135:9,
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1:135:14, 1:135:18, 1:135:21, 1:136:2, 1:136:5, 1:136:10, 1:136:16, 1:136:19, 1:137:9, 1:137:14, 1:137:17, 1:138:1, 1:138:6, 1:138:9, 1:138:13, 1:138:14, 1:138:20, 1:139:3, 1:139:6, 1:139:10, 1:139:22, 1:140:6, 1:140:11, 1:140:16, 1:141:20, 1:142:3, 1:142:11, 1:142:19, 1:143:13, 1:143:17, 1:144:21, 1:145:9, 1:146:3, 1:146:21, 1:147:4, 1:147:11, 1:150:11, 1:152:1, 1:152:15, 1:153:1, 1:154:10, 1:155:3, 1:155:9, 1:155:15,	1:156:7, 1:156:13, 1:156:16, 1:156:20, 1:157:1, 1:157:4, 1:157:9, 1:157:13, 1:157:17, 1:158:4, 1:158:8, 1:158:12, 1:158:17, 1:159:15, 1:159:19, 1:159:22, 1:160:5, 1:160:12, 1:160:16, 1:160:22, 1:161:5, 1:161:8, 1:161:20, 1:162:2, 1:162:12, 1:162:18, 1:163:1, 1:163:13, 1:163:19, 1:163:22, 1:164:14, 1:164:18, 1:164:21, 1:165:3, 1:165:8, 1:165:14, 1:166:2, 1:166:6, 1:166:22, 1:167:7, 1:168:5, 1:168:11, 1:169:18, 1:171:2,	1:171:19, 1:172:17, 1:173:10, 1:174:7, 1:174:14, 1:174:16, 1:174:21, 1:176:3, 1:176:22, 1:177:5, 1:177:8, 1:177:11, 1:177:15, 1:178:3, 1:178:8, 1:178:12, 1:178:14, 1:178:17, 1:179:1, 1:179:5, 1:179:8, 1:179:12, 1:180:3, 1:180:7, 1:180:12, 1:180:18, 1:181:6, 1:181:12, 1:182:14, 1:182:20, 1:183:22, 1:184:6, 1:184:11, 1:184:15, 1:185:7, 1:185:22, 1:187:1, 1:187:21, 1:188:4, 1:189:11 scared ^[2] - 1:22:5, 1:26:14 scene ^[1] - 1:6:3	schedule ^[1] - 1:100:17 scheduled ^[1] - 1:155:19 Seafood ^[3] - 1:2:4, 1:4:4, 1:4:6 SEAFOOD ^[1] - 1:4:1 seal ^[1] - 1:190:14 seasonal ^[1] - 1:135:13 seat ^[1] - 1:4:15 seating ^[2] - 1:131:1, 1:159:10 seats ^[7] - 1:131:2, 1:132:16, 1:137:18, 1:163:9, 1:164:15 second ^[8] - 1:4:2, 1:79:6, 1:84:9, 1:155:8, 1:160:14, 1:163:14, 1:166:5, 1:189:10 second.. ^[1] - 1:163:15 seconded ^[20] - 1:50:10, 1:64:13, 1:82:21, 1:99:11, 1:105:15, 1:105:17, 1:115:20, 1:115:22, 1:117:15, 1:117:16,	1:122:1, 1:122:2, 1:129:19, 1:138:12, 1:138:13, 1:155:10, 1:158:16, 1:158:18, 1:166:6, 1:189:12 section ^[1] - 1:6:7 sections ^[1] - 1:172:10 secure ^[1] - 1:144:20 Securities ^[1] - 1:127:11 security ^[2] - 1:127:20, 1:150:15 see ^[45] - 1:4:13, 1:10:5, 1:10:7, 1:18:21, 1:19:1, 1:21:20, 1:26:5, 1:34:8, 1:38:18, 1:40:13, 1:42:15, 1:43:15, 1:44:21, 1:46:7, 1:46:16, 1:49:13, 1:55:16, 1:62:16, 1:62:19, 1:65:19, 1:74:8, 1:94:3, 1:95:3, 1:97:13, 1:99:7, 1:107:4,
---	--	--	---	--

1:109:5, 1:123:16, 1:123:17, 1:126:14, 1:126:22, 1:142:7, 1:142:9, 1:142:10, 1:143:20, 1:146:5, 1:146:15, 1:149:6, 1:149:7, 1:149:13, 1:150:8, 1:152:4, 1:164:4, 1:185:17, 1:186:20 See ^[1] - 1:60:18 seeking ^[1] - 1:133:15 seem ^[1] - 1:30:19 seemingly ^[1] - 1:34:19 sell ^[4] - 1:45:7, 1:84:17, 1:90:1, 1:99:6 seller ^[3] - 1:149:1, 1:150:2 selling ^[2] - 1:84:21, 1:144:18 senator ^[1] - 1:80:13 sends ^[1] - 1:65:3 sense ^[2] - 1:110:20, 1:151:19 separate ^[2] - 1:168:13,	1:185:13 September ^[11] - 1:50:16, 1:65:8, 1:104:11, 1:105:2, 1:118:2, 1:155:6, 1:168:4, 1:168:19, 1:181:13, 1:185:16, 1:188:6 Sergeant ^[5] - 1:5:11, 1:5:12, 1:5:18, 1:8:11, 1:51:2 sergeant ^[5] - 1:9:9, 1:13:10, 1:29:6, 1:48:19, 1:50:19 SERGEANT ^[24] - 1:5:14, 1:5:18, 1:7:21, 1:8:13, 1:8:17, 1:9:11, 1:9:17, 1:9:20, 1:10:1, 1:10:8, 1:10:20, 1:11:8, 1:11:12, 1:11:17, 1:11:21, 1:12:4, 1:12:9, 1:12:15, 1:13:1, 1:13:15, 1:13:22, 1:14:4, 1:14:15, 1:48:21 series ^[1] - 1:171:15	serve ^[8] - 1:17:3, 1:19:2, 1:23:3, 1:23:10, 1:25:18, 1:104:3, 1:157:5, 1:157:6 served ^[8] - 1:10:5, 1:17:19, 1:18:4, 1:20:3, 1:23:5, 1:27:16, 1:130:22, 1:159:9 service ^[3] - 1:86:22, 1:100:7, 1:104:1 Services ^[7] - 1:167:17, 1:173:17, 1:175:10, 1:182:19, 1:182:21, 1:183:10, 1:185:10 services ^[1] - 1:188:13 serving ^[3] - 1:10:6, 1:59:4, 1:62:11 set ^[6] - 1:69:22, 1:124:12, 1:128:10, 1:128:11, 1:165:15, 1:190:14 setbacks ^[1] - 1:95:9 setup ^[1] - 1:128:3 seven ^[7] -	1:10:21, 1:49:10, 1:133:14, 1:159:12, 1:161:9, 1:163:9, 1:164:10 several ^[9] - 1:6:22, 1:7:7, 1:8:3, 1:44:13, 1:126:3, 1:127:9, 1:168:20, 1:175:18 Shabooya ^[1] - 1:153:19 share ^[3] - 1:33:6, 1:153:9, 1:184:20 shared ^[1] - 1:102:10 sharing ^[4] - 1:183:3, 1:184:1, 1:184:4, 1:184:12 SHAWN ^[19] - 1:83:17, 1:84:7, 1:86:11, 1:87:10, 1:87:13, 1:167:3, 1:168:16, 1:169:21, 1:170:11, 1:171:9, 1:171:21, 1:173:7, 1:173:11, 1:174:22, 1:181:17, 1:182:17,	1:183:18, 1:184:22, 1:189:17 Shawn ^[2] - 1:83:17, 1:167:4 sheet ^[6] - 1:141:17, 1:143:5, 1:143:8, 1:147:8, 1:148:13, 1:150:10 shift ^[1] - 1:59:8 Shin ^[3] - 1:139:15, 1:140:8, 1:140:11 shoes ^[1] - 1:124:7 shop ^[3] - 1:68:3, 1:165:6, 1:165:7 short ^[1] - 1:147:21 Shorthand ^[1] - 1:190:4 should've ^[1] - 1:175:17 show ^[3] - 1:27:12, 1:174:19, 1:177:1 showed ^[2] - 1:12:18, 1:52:12 shrugging ^[1] - 1:28:21 shut ^[1] - 1:30:14 shutting ^[2] - 1:35:7, 1:35:12
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<p>shuttle ^[2] - 1:110:6, 1:112:10</p> <p>Sibai ^[3] - 1:130:18, 1:131:21, 1:133:8</p> <p>SIBAI ^[17] - 1:132:9, 1:134:5, 1:134:12, 1:134:16, 1:135:1, 1:135:8, 1:135:11, 1:135:17, 1:135:20, 1:136:1, 1:136:4, 1:138:3, 1:138:8, 1:139:1, 1:139:5, 1:139:9, 1:139:11</p> <p>sick ^[2] - 1:47:20, 1:59:12</p> <p>side ^[26] - 1:34:4, 1:34:5, 1:34:9, 1:36:14, 1:38:7, 1:38:11, 1:39:12, 1:39:14, 1:47:12, 1:47:13, 1:52:8, 1:55:7, 1:55:21, 1:56:3, 1:68:10, 1:69:18, 1:70:1,</p>	<p>1:70:13, 1:71:22, 1:74:21, 1:75:6, 1:76:18, 1:78:4, 1:78:21, 1:81:6, 1:135:1</p> <p>sides ^[1] - 1:80:4</p> <p>sidewalk ^[2] - 1:31:22, 1:135:4</p> <p>sign ^[4] - 1:72:3, 1:72:6, 1:141:4, 1:141:7</p> <p>signage ^[7] - 1:36:9, 1:109:2, 1:109:20, 1:112:7, 1:113:13, 1:116:22, 1:117:12</p> <p>signed ^[10] - 1:52:19, 1:71:21, 1:142:16, 1:143:7, 1:144:14, 1:145:21, 1:147:7, 1:147:10, 1:158:2</p> <p>significant ^[2] - 1:7:5, 1:90:15</p> <p>signs ^[18] - 1:18:18, 1:20:16, 1:23:2, 1:23:9, 1:26:11, 1:36:12,</p>	<p>1:36:15, 1:44:11, 1:44:20, 1:47:6, 1:47:7, 1:109:21, 1:113:4, 1:113:8, 1:113:17, 1:113:22, 1:115:11</p> <p>SIMAO ^[16] - 1:123:2, 1:123:9, 1:123:15, 1:123:19, 1:125:11, 1:125:15, 1:125:22, 1:126:12, 1:127:6, 1:127:16, 1:127:21, 1:128:5, 1:128:15, 1:129:5, 1:147:13, 1:150:18</p> <p>Simao ^[5] - 1:123:9, 1:123:14, 1:146:15, 1:147:11, 1:147:13</p> <p>similar ^[1] - 1:20:13</p> <p>simple ^[1] - 1:6:13</p> <p>sincere ^[1] - 1:140:20</p> <p>Singa ^[1] - 1:94:1</p> <p>single ^[1] - 1:153:18</p> <p>sister ^[4] -</p>	<p>1:177:21, 1:178:20, 1:179:3, 1:180:15</p> <p>sit ^[3] - 1:31:21, 1:160:22, 1:161:2</p> <p>site ^[8] - 1:82:3, 1:90:13, 1:91:5, 1:93:16, 1:93:18, 1:96:9, 1:132:13, 1:175:1</p> <p>sitting ^[9] - 1:19:13, 1:30:2, 1:31:3, 1:44:16, 1:54:6, 1:58:1, 1:65:22, 1:85:21, 1:140:22</p> <p>situation ^[8] - 1:6:19, 1:12:5, 1:31:11, 1:45:3, 1:48:3, 1:49:6, 1:63:19, 1:168:17</p> <p>six ^[14] - 1:10:10, 1:10:21, 1:49:10, 1:71:5, 1:83:15, 1:99:2, 1:99:3, 1:99:5, 1:99:7, 1:99:9, 1:126:16, 1:128:16, 1:137:19, 1:153:16</p> <p>six-month ^[2] -</p>	<p>1:99:2, 1:99:9</p> <p>size ^[1] - 1:182:2</p> <p>skewed ^[1] - 1:186:13</p> <p>Skies ^[2] - 1:160:8, 1:160:15</p> <p>skills ^[1] - 1:190:11</p> <p>skinny ^[1] - 1:25:17</p> <p>slowly ^[1] - 1:177:18</p> <p>slurred ^[1] - 1:12:10</p> <p>small ^[1] - 1:171:18</p> <p>smaller ^[2] - 1:87:3, 1:110:5</p> <p>smelled ^[1] - 1:12:11</p> <p>smoke ^[6] - 1:38:7, 1:38:8, 1:39:16, 1:46:21, 1:47:12, 1:47:13</p> <p>smokes ^[1] - 1:46:14</p> <p>smoking ^[12] - 1:30:3, 1:31:4, 1:35:21, 1:36:22, 1:38:8, 1:38:15, 1:38:18, 1:38:20, 1:44:14, 1:44:17, 1:46:20</p> <p>so.. ^[4] - 1:48:4, 1:72:10, 1:92:16,</p>
--	--	--	---	---

<p>1:136:15 sold ^[2] - 1:130:22, 1:159:8 sole ^[1] - 1:91:20 solid ^[1] - 1:95:4 solution ^[4] - 1:30:13, 1:35:18, 1:45:15, 1:180:22 solve ^[2] - 1:183:9, 1:188:8 solved ^[1] - 1:36:17 solves ^[1] - 1:183:11 someone ^[13] - 1:33:6, 1:34:14, 1:37:6, 1:37:9, 1:45:4, 1:47:14, 1:61:20, 1:86:6, 1:89:9, 1:89:17, 1:95:5, 1:97:6, 1:107:6 Somerville ^[1] - 1:54:14 sometime ^[1] - 1:163:4 sometimes ^[5] - 1:25:22, 1:40:3, 1:65:14, 1:111:9, 1:178:19 somewhere ^[1] - 1:85:13 soon ^[5] - 1:74:18,</p>	<p>1:82:16, 1:87:16, 1:152:10, 1:187:17 sorry ^[10] - 1:5:11, 1:32:9, 1:47:22, 1:52:3, 1:52:6, 1:52:15, 1:63:16, 1:100:14, 1:106:15, 1:153:21 sort ^[1] - 1:150:19 sort've ^[4] - 1:84:1, 1:91:8, 1:109:22, 1:124:14 space ^[19] - 1:87:3, 1:110:19, 1:110:21, 1:112:17, 1:114:6, 1:132:15, 1:133:3, 1:134:6, 1:157:14, 1:157:16, 1:157:18, 1:170:14, 1:174:12, 1:177:16, 1:178:5, 1:179:2, 1:180:13, 1:181:10, 1:183:12 spaces ^[7] - 1:133:7, 1:134:9, 1:134:15, 1:157:10,</p>	<p>1:157:20, 1:177:17, 1:179:10 speakers ^[1] - 1:94:21 speaking ^[2] - 1:32:4, 1:34:20 special ^[2] - 1:72:4, 1:188:13 specifically ^[1] - 1:151:20 speech ^[1] - 1:12:9 spend ^[1] - 1:110:16 spending ^[1] - 1:59:7 split ^[5] - 1:102:19, 1:103:3, 1:169:5, 1:172:7, 1:173:22 spoken ^[3] - 1:34:1, 1:76:3, 1:102:2 Sports ^[2] - 1:2:4, 1:4:6 spot ^[2] - 1:107:22, 1:109:14 square ^[5] - 1:87:3, 1:95:8, 1:132:17, 1:170:8, 1:170:12 Square ^[8] - 1:87:12, 1:96:5, 1:108:21, 1:111:22, 1:114:8,</p>	<p>1:133:11, 1:153:5, 1:153:22 ss ^[1] - 1:190:2 St ^[4] - 1:29:10, 1:79:19, 1:94:17, 1:186:3 Stacey ^[3] - 1:83:18, 1:86:14, 1:86:17 STACEY ^[13] - 1:84:1, 1:84:6, 1:84:16, 1:85:3, 1:86:4, 1:86:19, 1:87:9, 1:87:12, 1:87:17, 1:90:10, 1:97:1, 1:98:2, 1:98:15 STAFF ^[1] - 1:1:9 stagger ^[1] - 1:12:10 stand ^[2] - 1:39:7, 1:66:1 standards ^[1] - 1:158:5 standing ^[4] - 1:10:14, 1:10:22, 1:36:21, 1:59:3 Star ^[4] - 1:54:7, 1:54:15, 1:88:9, 1:89:20 start ^[9] - 1:5:10, 1:5:13, 1:20:11, 1:74:19,</p>	<p>1:74:20, 1:88:5, 1:100:7, 1:108:7, 1:123:4 started ^[2] - 1:19:15, 1:82:8 starting ^[1] - 1:104:1 starts ^[1] - 1:94:2 state ^[5] - 1:8:4, 1:72:8, 1:80:13, 1:81:9, 1:91:21 statement ^[1] - 1:93:11 statements ^[2] - 1:13:16, 1:94:20 states ^[1] - 1:77:1 station ^[1] - 1:12:21 status ^[3] - 1:14:16, 1:69:12, 1:130:11 stay ^[12] - 1:26:20, 1:68:22, 1:69:6, 1:85:10, 1:88:12, 1:88:17, 1:96:13, 1:97:19, 1:147:16, 1:162:1, 1:187:13 stayed ^[1] - 1:26:20</p>
---	--	---	--	---

<p>staying ^[1] - 1:111:12</p> <p>Steak ^[2] - 1:93:21, 1:94:1</p> <p>Steen ^[2] - 1:122:15, 1:123:11</p> <p>STEEN ^[1] - 1:123:11</p> <p>stenographic ^[1] - 1:190:9</p> <p>step ^[2] - 1:84:13, 1:125:1</p> <p>stepped ^[1] - 1:146:2</p> <p>stepping ^[1] - 1:124:7</p> <p>steps ^[7] - 1:30:3, 1:31:4, 1:39:10, 1:40:1, 1:40:3, 1:44:17, 1:46:14</p> <p>still ^[22] - 1:7:22, 1:8:7, 1:9:5, 1:9:19, 1:10:5, 1:10:6, 1:36:19, 1:36:21, 1:44:14, 1:44:20, 1:74:3, 1:84:15, 1:91:11, 1:108:5, 1:128:1, 1:128:2, 1:145:19, 1:152:11, 1:169:16, 1:171:7, 1:173:20</p>	<p>stop ^[22] - 1:38:15, 1:54:9, 1:106:8, 1:106:9, 1:106:10, 1:107:2, 1:107:10, 1:109:2, 1:109:5, 1:109:19, 1:110:3, 1:110:6, 1:113:14, 1:113:15, 1:115:10, 1:116:11, 1:116:13, 1:117:3, 1:134:3, 1:172:22</p> <p>stopped ^[5] - 1:52:9, 1:54:17, 1:56:10, 1:57:22, 1:179:18</p> <p>stopping ^[1] - 1:117:1</p> <p>storage ^[2] - 1:157:19, 1:164:11</p> <p>store ^[6] - 1:118:9, 1:119:5, 1:119:9, 1:119:19, 1:120:4, 1:133:1</p> <p>stored ^[1] - 1:156:5</p> <p>stores ^[4] - 1:84:2, 1:86:21,</p>	<p>1:111:19, 1:135:5</p> <p>straight ^[2] - 1:78:21, 1:79:15</p> <p>straighten ^[1] - 1:78:4</p> <p>straightforward d ^[1] - 1:123:20</p> <p>street ^[8] - 1:30:7, 1:40:5, 1:47:3, 1:61:18, 1:87:14, 1:94:5, 1:135:2, 1:187:5</p> <p>Street ^[31] - 1:4:9, 1:6:1, 1:32:16, 1:40:5, 1:44:3, 1:51:21, 1:52:1, 1:52:10, 1:54:14, 1:55:5, 1:55:6, 1:57:18, 1:58:16, 1:58:17, 1:66:21, 1:68:7, 1:79:20, 1:80:2, 1:80:7, 1:93:15, 1:99:22, 1:106:9, 1:106:11, 1:116:12, 1:116:13, 1:117:3, 1:122:17, 1:139:17, 1:139:21</p> <p>streets ^[1] -</p>	<p>1:40:6</p> <p>stressed ^[1] - 1:48:3</p> <p>strictly ^[1] - 1:87:5</p> <p>structure ^[1] - 1:124:15</p> <p>struggling ^[2] - 1:92:12, 1:186:9</p> <p>student ^[1] - 1:135:15</p> <p>stuff ^[2] - 1:16:1, 1:92:12</p> <p>stumbling ^[1] - 1:7:15</p> <p>subject ^[1] - 1:121:20</p> <p>subjects ^[1] - 1:186:4</p> <p>submit ^[3] - 1:73:17, 1:152:10, 1:152:13</p> <p>submitted ^[5] - 1:73:16, 1:125:5, 1:128:13, 1:141:6, 1:163:3</p> <p>subsequent ^[1] - 1:124:17</p> <p>subsequently ^[1] - 1:172:14</p> <p>succeed ^[1] - 1:186:20</p> <p>successful ^[5] - 1:90:17, 1:90:19, 1:91:1, 1:97:14, 1:154:6</p> <p>sudden ^[4] -</p>	<p>1:20:17, 1:58:4, 1:144:15, 1:144:17</p> <p>Sue ^[3] - 1:111:1, 1:111:2, 1:112:15</p> <p>suggest ^[2] - 1:35:7, 1:76:7</p> <p>summer ^[3] - 1:36:8, 1:100:16, 1:111:22</p> <p>summertime ^[1] - 1:40:3</p> <p>Sunday ^[5] - 1:100:4, 1:131:6, 1:133:17, 1:138:4, 1:138:7</p> <p>Sundays ^[6] - 1:60:4, 1:100:8, 1:103:21, 1:104:4, 1:138:2, 1:161:18</p> <p>SUPER ^[1] - 1:106:5</p> <p>Super ^[4] - 1:2:9, 1:106:6, 1:109:8, 1:114:21</p> <p>SUPERINTEN DENT ^[54] - 1:13:11, 1:13:18, 1:14:1, 1:14:11, 1:14:20, 1:23:19, 1:24:1, 1:24:6,</p>
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1:24:10, 1:24:14, 1:24:18, 1:25:1, 1:27:21, 1:28:5, 1:28:9, 1:28:16, 1:31:15, 1:37:18, 1:43:11, 1:48:15, 1:50:11, 1:63:8, 1:64:2, 1:64:10, 1:64:16, 1:69:11, 1:83:2, 1:87:20, 1:99:14, 1:105:10, 1:105:18, 1:108:9, 1:115:3, 1:115:16, 1:116:1, 1:117:18, 1:117:22, 1:121:22, 1:122:7, 1:129:12, 1:129:22, 1:136:6, 1:137:12, 1:138:16, 1:155:7, 1:155:11, 1:158:15, 1:158:19, 1:165:20, 1:166:4, 1:166:8, 1:188:2, 1:189:9, 1:189:13	<p>Superintende nt ^[3] - 1:1:7, 1:3:10, 1:42:11</p> <p>support ^[6] - 1:92:9, 1:108:22, 1:173:8, 1:173:12, 1:181:19, 1:187:16</p> <p>supporting ^[1] - 1:181:21</p> <p>supportive ^[1] - 1:154:3</p> <p>supposed ^[4] - 1:46:13, 1:59:5, 1:61:12, 1:63:13</p> <p>surprised ^[1] - 1:26:14</p> <p>surprising ^[1] - 1:37:10</p> <p>surveillance ^[1] - 1:60:9</p> <p>survive ^[1] - 1:144:1</p> <p>Sushi ^[1] - 1:94:1</p> <p>sushi ^[4] - 1:160:19, 1:163:7, 1:163:10, 1:164:5</p> <p>symptom ^[1] - 1:29:22</p> <p>sync ^[1] - 1:113:9</p> <p>system ^[1] - 1:101:8</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T.W ^[1] - 1:99:19</p>	<p>table ^[2] - 1:49:9, 1:169:8</p> <p>tables ^[6] - 1:9:22, 1:163:10, 1:163:11, 1:164:7, 1:164:10</p> <p>tailor ^[1] - 1:165:6</p> <p>tanks ^[2] - 1:156:5, 1:157:20</p> <p>tannery ^[1] - 1:109:17</p> <p>tax ^[1] - 1:97:10</p> <p>taxes ^[1] - 1:175:8</p> <p>taxi ^[9] - 1:51:22, 1:52:9, 1:55:19, 1:56:8, 1:57:7, 1:59:15, 1:60:13, 1:62:14, 1:63:3</p> <p>telephone ^[1] - 1:46:5</p> <p>temporarily ^[1] - 1:183:7</p> <p>temporary ^[1] - 1:106:17</p> <p>ten ^[9] - 1:45:6, 1:59:7, 1:98:4, 1:156:4, 1:157:20, 1:161:3, 1:163:10, 1:176:17, 1:176:20</p> <p>ten-year ^[1] - 1:98:4</p>	<p>tenant ^[11] - 1:88:14, 1:88:15, 1:89:10, 1:98:11, 1:99:7, 1:146:11, 1:150:6, 1:182:6, 1:182:7</p> <p>tenants ^[8] - 1:71:2, 1:143:21, 1:150:22, 1:176:1, 1:176:11, 1:179:15, 1:181:2, 1:185:12</p> <p>tenants-at-will ^[2] - 1:176:11, 1:179:15</p> <p>Tequila ^[1] - 1:29:20</p> <p>term ^[6] - 1:143:4, 1:143:8, 1:147:8, 1:148:13, 1:150:10, 1:176:15</p> <p>termed ^[1] - 1:185:2</p> <p>terms ^[19] - 1:45:13, 1:91:7, 1:141:17, 1:141:18, 1:143:4, 1:143:22, 1:146:13, 1:148:13, 1:149:14, 1:149:18,</p>	<p>1:150:8, 1:150:9, 1:150:13, 1:154:18, 1:169:12, 1:170:1, 1:173:11, 1:188:16</p> <p>Terrace ^[3] - 1:29:10, 1:94:18, 1:186:3</p> <p>terrifies ^[1] - 1:95:12</p> <p>testified ^[1] - 1:20:9</p> <p>testify ^[3] - 1:4:21, 1:43:17, 1:78:14</p> <p>testimony ^[3] - 1:5:9, 1:15:7, 1:35:3</p> <p>Thai ^[1] - 1:160:20</p> <p>THE ^[5] - 1:1:20, 1:190:19, 1:190:20, 1:190:21, 1:190:21</p> <p>THELONIOUS ^[1] - 1:159:1</p> <p>Thelonious ^[6] - 1:2:18, 1:159:3, 1:159:4, 1:159:16, 1:160:1, 1:160:3</p> <p>theme ^[1] - 1:30:12</p> <p>themselves ^[2] - 1:14:10, 1:35:16</p>
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<p>therefore ^[3] - 1:119:10, 1:144:18, 1:145:3</p> <p>thinking ^[2] - 1:13:6, 1:79:7</p> <p>third ^[9] - 1:34:13, 1:101:10, 1:101:11, 1:103:5, 1:149:19, 1:151:6</p> <p>THIS ^[1] - 1:190:19</p> <p>THOMAS ^[4] - 1:116:16, 1:116:19, 1:117:5, 1:118:3</p> <p>Thomas ^[2] - 1:116:19, 1:118:1</p> <p>thousands ^[1] - 1:148:4</p> <p>three ^[14] - 1:7:16, 1:33:21, 1:38:14, 1:76:22, 1:77:1, 1:100:2, 1:103:19, 1:109:21, 1:110:17, 1:146:1, 1:168:22, 1:183:7, 1:185:5, 1:185:12</p> <p>throughout ^[1] - 1:8:3</p> <p>throw ^[2] - 1:62:3,</p>	<p>1:63:22</p> <p>THURMAN ^[10] - 1:72:15, 1:72:18, 1:73:8, 1:73:14, 1:73:19, 1:74:7, 1:76:10, 1:76:14, 1:76:19, 1:82:2</p> <p>Thurman ^[1] - 1:72:18</p> <p>Thursday ^[1] - 1:67:15</p> <p>Thursdays ^[2] - 1:67:1, 1:161:15</p> <p>thy ^[1] - 1:35:16</p> <p>tied ^[2] - 1:90:6, 1:91:3</p> <p>tight ^[1] - 1:107:5</p> <p>Tim ^[3] - 1:99:19, 1:102:7, 1:179:20</p> <p>TIM ^[16] - 1:100:11, 1:100:14, 1:100:18, 1:101:2, 1:101:5, 1:101:14, 1:101:17, 1:101:22, 1:102:12, 1:103:9, 1:103:16, 1:104:5, 1:104:8, 1:104:14, 1:105:22,</p>	<p>1:106:4</p> <p>Tim's ^[1] - 1:103:5</p> <p>TIME ^[1] - 1:1:17</p> <p>tiny ^[1] - 1:25:17</p> <p>TO ^[1] - 1:190:20</p> <p>today ^[8] - 1:110:5, 1:113:14, 1:141:7, 1:142:9, 1:143:3, 1:145:21, 1:147:17, 1:172:14</p> <p>together ^[3] - 1:88:22, 1:103:4, 1:141:2</p> <p>tomorrow ^[2] - 1:60:18, 1:60:20</p> <p>tonight ^[4] - 1:83:18, 1:182:10, 1:186:5, 1:186:9</p> <p>took ^[13] - 1:8:6, 1:20:19, 1:26:16, 1:56:8, 1:56:20, 1:60:17, 1:62:4, 1:87:3, 1:90:20, 1:98:16, 1:102:14, 1:102:17, 1:175:19</p> <p>top ^[1] - 1:163:15</p> <p>total ^[1] - 1:163:12</p>	<p>totally ^[1] - 1:84:21</p> <p>tough ^[1] - 1:145:19</p> <p>tourists ^[1] - 1:111:21</p> <p>Tours ^[7] - 1:2:9, 1:2:10, 1:106:7, 1:106:8, 1:109:8, 1:114:21, 1:116:10</p> <p>TOURS ^[1] - 1:106:5</p> <p>towards ^[6] - 1:38:10, 1:52:2, 1:55:5, 1:55:6, 1:56:8, 1:94:3</p> <p>town ^[4] - 1:51:7, 1:68:5, 1:72:22, 1:187:13</p> <p>Town ^[1] - 1:119:20</p> <p>townhouse ^[7] - 1:169:2, 1:175:2, 1:175:3, 1:178:16, 1:178:18, 1:183:21, 1:184:1</p> <p>Trader ^[4] - 1:2:11, 1:118:6, 1:118:7, 1:121:19</p> <p>TRADER ^[1] - 1:118:5</p> <p>traditionally ^[1] - 1:109:14</p> <p>traffic ^[2] -</p>	<p>1:115:11, 1:117:11</p> <p>training ^[1] - 1:120:5</p> <p>transaction ^[8] - 1:123:20, 1:126:16, 1:127:2, 1:128:16, 1:128:19, 1:128:22, 1:151:20, 1:152:3</p> <p>transactions ^[2] - 1:148:5, 1:151:10</p> <p>TRANSCRIPT ^[1] - 1:190:20</p> <p>transcription ^[1] - 1:190:9</p> <p>transcripts ^[1] - 1:32:18</p> <p>transfer ^[4] - 1:89:10, 1:122:19, 1:139:18, 1:151:2</p> <p>transferred ^[2] - 1:119:5, 1:119:9</p> <p>transferring ^[1] - 1:124:9</p> <p>trash ^[6] - 1:34:7, 1:34:12, 1:36:18, 1:44:20, 1:46:10, 1:138:21</p> <p>travel ^[1] - 1:68:1</p> <p>treatment ^[1] - 1:47:21</p> <p>trees ^[1] -</p>
--	---	--	--	--

1:34:11 Tremont ^[1] - 1:55:6 tricky ^[1] - 1:103:9 tried ^[1] - 1:177:19 tries ^[1] - 1:47:15 triggered ^[2] - 1:23:1, 1:25:12 trolley ^[4] - 1:110:3, 1:110:20, 1:111:17, 1:112:9 Trolley ^[4] - 1:2:10, 1:106:7, 1:116:10, 1:116:20 trolleys ^[4] - 1:106:13, 1:108:3, 1:114:7, 1:115:14 trouble ^[1] - 1:107:16 trucks ^[3] - 1:111:10, 1:120:7, 1:120:16 true ^[3] - 1:146:20, 1:168:17, 1:190:8 trust ^[1] - 1:124:11 try ^[4] - 1:21:19, 1:63:15, 1:96:22, 1:151:18 trying ^[18] -	1:20:12, 1:20:14, 1:21:21, 1:26:9, 1:26:15, 1:34:22, 1:38:20, 1:40:12, 1:74:2, 1:84:16, 1:86:6, 1:92:5, 1:92:7, 1:101:6, 1:133:3, 1:141:1, 1:180:4, 1:180:19 Tuesdays ^[3] - 1:100:15, 1:100:22, 1:161:18 turn ^[2] - 1:41:1, 1:58:16 turned ^[2] - 1:56:7, 1:189:2 Turner ^[2] - 1:1:8, 1:3:10 TURNER ^[62] - 1:15:2, 1:27:2, 1:27:7, 1:27:10, 1:27:15, 1:27:19, 1:37:20, 1:48:17, 1:50:13, 1:64:4, 1:64:12, 1:64:18, 1:74:22, 1:75:4, 1:75:10, 1:75:17,	1:76:2, 1:76:6, 1:77:5, 1:78:15, 1:78:19, 1:79:4, 1:79:10, 1:79:14, 1:80:17, 1:80:21, 1:82:5, 1:82:10, 1:82:14, 1:82:20, 1:83:4, 1:87:22, 1:98:21, 1:99:10, 1:102:1, 1:104:18, 1:105:3, 1:105:8, 1:105:14, 1:105:20, 1:108:11, 1:115:1, 1:115:19, 1:116:3, 1:117:14, 1:117:20, 1:121:13, 1:122:4, 1:129:20, 1:136:8, 1:137:15, 1:138:11, 1:138:18, 1:155:13, 1:157:22, 1:158:6, 1:158:10, 1:158:21, 1:165:22, 1:166:10, 1:185:20,	1:189:15 turns ^[1] - 1:107:17 TV ^[1] - 1:159:14 TW ^[2] - 1:2:8, 1:99:16 two ^[21] - 1:10:12, 1:16:18, 1:19:13, 1:29:3, 1:31:1, 1:38:14, 1:42:12, 1:43:7, 1:46:8, 1:50:4, 1:90:8, 1:98:16, 1:108:6, 1:109:11, 1:110:16, 1:119:20, 1:134:19, 1:163:11, 1:167:11 type ^[2] - 1:28:1, 1:167:20 typical ^[1] - 1:149:12 typically ^[2] - 1:96:19, 1:111:8	^[1] - 1:144:13 unclear ^[1] - 1:45:8 unconscious ^[6] - 1:6:2, 1:6:9, 1:8:7, 1:12:14, 1:14:16, 1:14:17 under ^[14] - 1:25:6, 1:38:10, 1:49:12, 1:50:9, 1:51:1, 1:64:8, 1:81:21, 1:125:13, 1:134:9, 1:146:13, 1:169:8, 1:170:21, 1:188:5, 1:189:5 UNDER ^[1] - 1:190:21 underlying ^[5] - 1:124:1, 1:124:6, 1:125:15, 1:125:17, 1:126:1 understandab le ^[1] - 1:100:21 understood ^[1] - 1:112:16 underway ^[1] - 1:81:18 uneasy ^[1] - 1:29:16 uneven ^[1] - 1:12:10 unfortunate ^[1] - 1:80:12 unfortunately
			U	
			UBS ^[1] - 1:127:11 ultimately ^[3] - 1:126:6, 1:175:11, 1:180:8 Ultras ^[3] - 1:27:4, 1:27:5, 1:27:8 unable ^[1] - 1:144:20 unavailability	

<p>[1] - 1:65:2 unintentional y [1] - 1:30:5 Union [2] - 1:165:11, 1:165:12 unique [2] - 1:149:9, 1:168:17 unit [4] - 1:6:4, 1:46:1, 1:157:10, 1:157:14 unit's [1] - 1:103:6 units [6] - 1:103:4, 1:157:7, 1:180:8, 1:180:9, 1:181:3, 1:183:2 University [1] - 1:138:4 unless [1] - 1:146:12 UNLESS [1] - 1:190:21 unlicensed [1] - 1:166:20 unlike [1] - 1:123:21 unload [1] - 1:109:19 unloading [3] - 1:109:15, 1:110:22, 1:120:8 unrelated [2] - 1:43:2, 1:183:3 unresponsive [3] - 1:6:10, 1:8:8, 1:14:18</p>	<p>unsigned [1] - 1:142:7 up [63] - 1:4:14, 1:12:18, 1:13:4, 1:19:9, 1:19:11, 1:19:15, 1:20:3, 1:20:11, 1:22:8, 1:22:14, 1:24:4, 1:26:19, 1:27:22, 1:32:11, 1:32:12, 1:36:13, 1:36:16, 1:40:14, 1:44:3, 1:45:15, 1:46:11, 1:51:22, 1:53:5, 1:57:2, 1:58:3, 1:58:5, 1:58:22, 1:60:19, 1:60:22, 1:61:12, 1:61:14, 1:62:15, 1:62:19, 1:62:22, 1:63:1, 1:63:9, 1:63:11, 1:63:13, 1:66:8, 1:68:4, 1:77:11, 1:82:1, 1:84:2, 1:90:6, 1:91:3, 1:92:10, 1:94:8, 1:95:10, 1:100:17,</p>	<p>1:101:5, 1:124:12, 1:127:13, 1:129:2, 1:133:10, 1:137:2, 1:140:1, 1:143:22, 1:146:2, 1:161:13, 1:164:12, 1:171:14, 1:172:7, 1:185:11 update [2] - 1:69:12, 1:99:5 updating [1] - 1:99:8 upheld [2] - 1:53:19, 1:57:16 Upper [2] - 1:2:10, 1:106:7 UPS [3] - 1:109:16, 1:112:10, 1:113:12 urge [1] - 1:45:14 user [1] - 1:7:11 uses [1] - 1:172:3</p>	<p>valuable [1] - 1:95:2 value [5] - 1:96:6, 1:97:6, 1:97:7, 1:97:9, 1:149:20 variance [5] - 1:168:3, 1:168:18, 1:169:1, 1:175:3, 1:181:14 variances [1] - 1:182:1 variety [1] - 1:95:21 various [1] - 1:80:10 vehicle [4] - 1:52:8, 1:54:2, 1:56:2, 1:56:6 vent [3] - 1:102:8, 1:102:18, 1:103:6 ventilation [1] - 1:101:7 venus [1] - 1:160:17 vibrant [1] - 1:93:22 vice [1] - 1:123:6 victim [5] - 1:7:2, 1:7:9, 1:7:14, 1:8:2, 1:65:16 victim's [1] - 1:7:18 victualer [3] - 1:130:19, 1:139:16, 1:159:5 victualer's [1] -</p>	<p>1:163:7 video [1] - 1:60:8 VIEW [1] - 1:116:7 View [6] - 1:2:12, 1:114:4, 1:114:18, 1:116:9, 1:116:10, 1:116:20 view [1] - 1:146:8 viewed [1] - 1:182:12 VINOD [3] - 1:140:12, 1:140:13, 1:142:5 Vinod [1] - 1:140:12 violated [1] - 1:80:10 violation [5] - 1:52:14, 1:56:20, 1:57:3, 1:66:4, 1:183:17 visit [1] - 1:82:3 vocals [2] - 1:100:2, 1:103:20 vodka [1] - 1:28:8 voice [1] - 1:35:11 voicing [1] - 1:33:14 Volume [1] - 1:124:18 vote [5] - 1:50:15, 1:105:1,</p>
		V		
		<p>vacant [3] - 1:132:15, 1:177:18, 1:177:19 vacation [2] - 1:72:22, 1:74:9 valid [1] - 1:89:3</p>		

1:106:16, 1:115:7 vouch ^[1] - 1:186:7	1:146:7, 1:149:17, 1:162:9 Washington ^[1] - 1:84:7 watching ^[4] - 1:26:2, 1:26:3, 1:26:5, 1:58:13 Wayne ^[2] - 1:111:2, 1:112:14 ways ^[1] - 1:164:4 Wednesdays ^[1] - 1:161:18 weeds ^[1] - 1:34:10 week ^[12] - 1:72:22, 1:108:6, 1:112:4, 1:128:21, 1:129:1, 1:133:15, 1:137:20, 1:152:12, 1:159:12, 1:161:9, 1:163:5, 1:182:6 weeks ^[4] - 1:42:12, 1:82:11, 1:82:13, 1:96:18 weeping ^[1] - 1:180:17 weight ^[1] - 1:25:17 welcome ^[3] - 1:110:11, 1:114:7, 1:114:16	Western ^[3] - 1:110:7, 1:165:11, 1:165:12 whatnot ^[2] - 1:95:16, 1:186:14 Whereof ^[1] - 1:190:13 White ^[2] - 1:111:10, 1:112:10 whole ^[9] - 1:45:13, 1:68:8, 1:95:20, 1:125:13, 1:167:1, 1:172:2, 1:173:15, 1:182:15, 1:186:19 Wiechmann ^[1] - 1:99:20 WIECHMANN ^[16] - 1:100:11, 1:100:14, 1:100:18, 1:101:2, 1:101:5, 1:101:14, 1:101:17, 1:101:22, 1:102:12, 1:103:9, 1:103:16, 1:104:5, 1:104:8, 1:104:14, 1:105:22, 1:106:4 wife ^[3] - 1:100:19, 1:176:18	wiggle ^[1] - 1:187:16 Williams ^[1] - 1:42:12 willing ^[3] - 1:49:15, 1:98:6, 1:173:6 Wilson ^[1] - 1:176:12 windows ^[1] - 1:36:20 wine ^[3] - 1:99:20, 1:118:9, 1:130:8 Wings ^[1] - 1:160:9 wish ^[2] - 1:48:11, 1:49:2 Witness ^[1] - 1:190:13 witnesses ^[3] - 1:5:2, 1:5:5, 1:28:20 woke ^[2] - 1:22:14, 1:24:4 woman ^[9] - 1:6:19, 1:10:17, 1:12:13, 1:13:14, 1:14:2, 1:23:21, 1:29:19, 1:37:3, 1:38:17 wonderful ^[4] - 1:109:8, 1:153:22, 1:187:9, 1:187:18	wood ^[1] - 1:69:19 woods ^[1] - 1:82:9 woodwork ^[1] - 1:136:21 word ^[3] - 1:5:8, 1:45:20, 1:47:9 works ^[6] - 1:4:21, 1:91:18, 1:101:11, 1:112:7, 1:151:15, 1:152:9 world ^[1] - 1:136:21 worries ^[1] - 1:79:21 would've ^[2] - 1:23:8, 1:57:20 write ^[1] - 1:103:8 writing ^[1] - 1:80:7 written ^[1] - 1:91:21 wrote ^[1] - 1:62:21 www. reportersinc. com ^[1] - 1:1:21
W				
Y				
Wagamamma ^[2] - 1:144:15, 1:153:19 wait ^[2] - 1:74:4, 1:81:21 waited ^[1] - 1:57:22 waitress ^[5] - 1:7:2, 1:10:11, 1:11:1, 1:11:11, 1:11:12 Walden ^[1] - 1:99:22 walk ^[5] - 1:21:14, 1:47:15, 1:49:18, 1:96:5, 1:163:8 walked ^[3] - 1:52:5, 1:52:7, 1:56:1 walking ^[2] - 1:47:2, 1:47:16 walks ^[1] - 1:47:14 wanna ^[1] - 1:46:3 wants ^[10] - 1:29:1, 1:30:14, 1:78:14, 1:84:22, 1:91:11, 1:97:2, 1:98:18,	year ^[23] - 1:31:2, 1:31:5, 1:31:8, 1:31:9, 1:32:19, 1:36:2, 1:38:5, 1:44:9, 1:51:19,			

<p>1:80:9, 1:90:8, 1:90:11, 1:90:12, 1:91:4, 1:92:11, 1:98:4, 1:133:12, 1:144:11, 1:148:4, 1:149:3, 1:153:16, 1:179:17, 1:180:4 years ^[22] - 1:25:21, 1:31:1, 1:39:2, 1:45:6, 1:48:8, 1:85:8, 1:90:8, 1:90:18, 1:98:16, 1:119:20, 1:125:8, 1:126:3, 1:133:9, 1:144:3, 1:154:1, 1:160:11, 1:171:5, 1:176:17, 1:176:20, 1:188:20, 1:188:22, 1:189:1 yellow ^[3] - 1:106:12, 1:108:3, 1:115:14 YEOM ^[15] - 1:140:4, 1:140:8, 1:140:18, 1:142:2, 1:142:15, 1:143:1,</p>	<p>1:143:10, 1:144:7, 1:145:7, 1:147:1, 1:147:7, 1:152:21, 1:154:9, 1:155:21 Yeom ^[1] - 1:140:4 York ^[1] - 1:126:22 young ^[2] - 1:34:15, 1:50:4 yourself ^[1] - 1:154:17</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zero ^[4] - 1:106:12, 1:108:2, 1:115:13, 1:128:7 zero- emissions ^[1] - 1:106:12 zone ^[1] - 1:109:15 zoned ^[4] - 1:170:13, 1:171:6, 1:173:4, 1:173:13 zoning ^[10] - 1:132:14, 1:169:12, 1:172:5, 1:173:9, 1:178:5, 1:181:21, 1:183:9, 1:188:9, 1:188:18,</p>	<p>1:189:8 Zoning ^[4] - 1:86:15, 1:172:6, 1:173:21, 1:185:10</p>
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