

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

Michael P. Gardner, Chairman  
Christopher Burke, Superintendent of Police  
Gerard Mahoney, Assistant Fire Chief

STAFF: Elizabeth Y. Lint, Executive Director

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

DATE: Tuesday, November 20, 2012

TIME: 6:15 p.m.

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**P R O C E E D I N G S**

ELIZABETH LINT: Okay. We're going to get started. If anyone has a cell phone on, we would appreciate it, if you'd turn it off.

We apologize for the late start.  
Sometimes you just can't help it.

This is License Commission general hearing. Tuesday, November 20th. It's 6:15 p.m. We're in the Michael J. Lombardi Building at 831 Mass Ave, basement conference room.

Before you are the Commissioners,  
Chairman Michael Gardner, Superintendent Chris Burke and Assistant Chief Gerard Mahoney.

**DISCIPLINARY: EVEREST CROSSING, LLC**

First matter is Disciplinary: Everest Crossing, LLC doing business as OM Restaurant & Lounge. Bikram Yonjan, manager, holder of an all alcoholic beverages as a restaurant license and entertainment license at 92 Winthrop Street, due

to the establishment allegedly being overcapacity  
on October 20, 2012.

CHAIRMAN MICHAEL GARDNER: Why don't we  
bring the witnesses from the city forward first?

So why don't you just take a seat back  
and we'll ask the officers to come forward?

So if I could ask each of you to state  
and spell your names for the record, and also  
identify your affiliations.

CAPTAIN MARK CUNNINGHAM: Mark  
Cunningham, Captain, Cambridge Fire.

Spell it?

CHAIRMAN MICHAEL GARDNER: Please.

CAPTAIN MARK CUNNINGHAM: Mark, M-A-R-K,  
Cunningham, C-U-N-N-I-N-G-H-A-M.

OFFICER MICHAEL MICELI: Michael Miceli,  
a police officer here in Cambridge.

CHAIRMAN MICHAEL GARDNER: Last name's  
spelling?

OFFICER MICHAEL MICELI: My last name is spelled M-I-C-E-L-I.

OFFICER MARK SMITH: Mark Smith with the Cambridge Police Department, S-M-I-T-H.

CHAIRMAN MICHAEL GARDNER: Whoever would like to start, just report on your findings from October the 20th.

OFFICER MARK SMITH: Myself and Officer Miceli were working second car, which covered Harvard Square. Recently there's been a surge in crimes and related offenses due to large groups of people, some were violent crimes, others were simple overcrowding in licensed establishments.

So, we had been more focused and more vigilant into trying to anticipate problems.

So, we had first noticed about 10:00 -- actually it was probably like 11:00, right?

OFFICER MICHAEL MICELI: Yeah.

OFFICER MARK SMITH: Around 11:00,

because we worked the 11:00 to 7:00 shift. So, probably right out of the gate, around 11:00, we noticed that there was a large crowd in front of 92 Winthrop Street, which is the OM Restaurant.

And this has been the site of numerous problems all through the summer. There's been a lot of fights, things spill out on Winthrop Street, and it takes numerous officers to clear Winthrop Street. There's been several arrests.

So, with that knowledge in our mind, we tried to monitor the situation. And the crowd seemed to be ever growing. And inside the establishment, it looked to be already crowded.

So we had some other calls. We kept in it mind. We were going to check it later in the night.

We returned around 12:30. It was still a good group waiting to get into the club, and again, the second floor appeared to be extremely

crowded. The window that's open to Winthrop Street, you can visibly see inside the second floor of the club, and the first floor looked to be also crowded.

So, given the fact that one of the enforcement powers we have is to check occupancy. We notified our sergeant, Sergeant Rob Lowe, of the situation. He contacted the Cambridge Fire Department.

We made ourselves known to the manager, who was identified as Edgar Ardy (phonetic), the manager, on duty that night.

He told us at about 12:30 that the club was at maximum occupancy, but he didn't have a head count because they weren't keeping an accurate count that night.

He told us maximum occupancy was 198, but, again, he didn't have any kind of a clicker or any kind of a number for us. He just said

that they weren't letting anybody else in.

At that point -- and I'll refer to Captain Cunningham, I'll just give you a quick summation.

Sergeant Lowe and Captain Cunningham, I believe, informed him to close the doors at 1:00 a.m. and not let anybody else in, and then to further empty the club at 1:30.

So, just to finish up my point -- and I'll let the other gentlemen speak -- they stopped letting people in around 1:00 a.m., and between 1:00 a.m. and about 1:30, we counted probably between a dozen and two dozen people -- 12 to 20 people I wrote in the report -- exit the club, and they didn't let anyone else in complying with our request.

And at 1:30, I started a head count as the bar emptied and people came out. They were very orderly and cooperative. All the patrons



were not a problem. But I counted 233 persons exited from 1:30 on. So that 233 number didn't include the people who left between 1:00 and 1:30.

And then I believe the owners arrived on scene a little after 1:30. That was the extent of our involvement. I'll let the captain and Mike speak.

CHAIRMAN MICHAEL GARDNER: Just a clarification, this is overcapacity on October 20th? So your shift started at 11:00 p.m. on October 19th, do I have that right?

OFFICER MARK SMITH: Correct, yes.

CHAIRMAN MICHAEL GARDNER: Thank you.

CAPTAIN MARK CUNNINGHAM: I was working Division 2 with the uptown deputy. The police responded to my response to the overcrowding issue. The sergeant let me know his concerns, pointed out the manager, and I spoke to the

manager, and let him know our concerns about possible overcrowding.

I asked for his capacity. I believe he said 199. We asked if they could stop letting people in at that time and go in and do a walk-through.

There was a walk-through with the sergeant and the officer. It was crowded. It was standing room only. "Excuse me, excuse me" to get by.

We came out. The manager did not have a head count of what was in there. I asked him to do a head count. He went in, performed a head count. He returned ten minutes later and he reported, I believe, it was 184. 101 for the first floor and 83 for the second floor.

I personally felt there was more than that by doing the walk-through. So, we kinda all we met and agreed that what we would do is cease

letting people in, which they had done since I arrived, to sort've wind down the evening a little earlier.

And at 1:30, they turned the music off and people started leaving. It was very orderly.

CHAIRMAN MICHAEL GARDNER: Okay. Did you participate in counting the people exciting?

CAPTAIN MARK CUNNINGHAM: I did not.

CHAIRMAN MICHAEL GARDNER: Anything else any of you have to add?

So, Officer Miceli, did you participate in the head count at all?

OFFICER MICHAEL MICELI: Yes. I was next to Officer Smith when he was counting.

CHAIRMAN MICHAEL GARDNER: Do you have any reason to believe his count was not accurate?

OFFICER MICHAEL MICELI: No, it was accurate.

CHAIRMAN MICHAEL GARDNER: Other

questions?

SUPERINTENDENT CHRISTOPHER BURKE:

Officer Smith, as a result of this, you completed a report?

OFFICER MARK SMITH: I did, yes, sir.

SUPERINTENDENT CHRISTOPHER BURKE: It outlined the facts that you just stated?

OFFICER MARK SMITH: Yes, it did.

SUPERINTENDENT CHRISTOPHER BURKE:

Captain Cunningham, could you tell me what was the method that Mr. Ardy used to do his head count?

CAPTAIN MARK CUNNINGHAM: I'm not sure.

I was outside. I believe he just walked in and started counting, which is always a difficult task with people moving.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Captain Cunningham, any obstructions of any exits or anything? Any particular fire safety things

you noticed that were remiss?

CAPTAIN MARK CUNNINGHAM: No, I did not notice any.

CHAIRMAN MICHAEL GARDNER: Anything else?

SUPERINTENDENT CHRISTOPHER BURKE: No.

CHAIRMAN MICHAEL GARDNER: Okay. Thank you. I'd just ask you to stay in case we have any follow-up questions.

And I'd ask the representatives of the restaurant to come forward.

Again, if you would please state and spell your last names for the record and also your affiliations?

ATTORNEY SEAN HOPE: Good evening Mr. Chairman, Members of the Commission.

For the record, Attorney Sean Hope, Hope Legal Law Offices in Cambridge, last name H-O-P-E.

SOLOMON CHOWDHURY: Solomon Chowdhury,

C-H-O-W-D-H-U-R-Y, owner of OM Restaurant Lounge.

CHAIRMAN MICHAEL GARDNER: So what have you to say?

ATTORNEY SEAN HOPE: I'll start. I wasn't present, obviously, on the evening in question. But what we did is we discussed, based on the notice, the fact of the overcrowding and what was in the police report. I did review that with Solomon.

What we can say that although the number's in dispute, we're not disputing there wasn't an accurate count by the staff at the establishment.

Mr. Ardy, who is no longer employed at OM Restaurant, was an evening consultant and was running the nightlife there primarily throughout the summer.

SOLOMON CHOWDHURY: For probably two and a half to three months.

ATTORNEY SEAN HOPE: Two and a half to three months.

I think there's been a consistent action of failure to manage the crowd appropriately. I think there was some testimony at a previous hearing that there was a conflict of interest in terms of Mr. Ardy in terms of how many people were in there, and his connection with the promoters on the given evening.

We really view the incidents that happened on October 20th, as well as throughout the summer for the issues that happened in OM, as a management issue. There was a failure to do an accurate head count, which, I believe, has also happened on October 20th.

Also, there was a failure to have the staff trained. There was some reports by Investigator Boyer as well. So, the actions that happened on October 20th, we characterized as

something that really was a failure to have the appropriate management on site at that time.

Mr. Ardy, like I said, was a consultant and he was really running the nightlife throughout the summer.

And although I believe that the capacity that we -- that was there -- it's listed as 76 upstairs and 118 downstairs for a total of 198 -- or excuse me -- 194. And if the count by the officers was at 233, I would believe that, you know, they're trained in that, and if they kept a count, I don't think we're gonna dispute that, although, in talking to Mr. Ardy, he felt that they were at capacity, not overcapacity.

But the protocols weren't followed, so I don't think we're going to try to say that the officers' count wasn't appropriate.

I would only say, too, that the number upstairs at 76, that was the max capacity.



Just to bring to the attention of the Commission, that was based on a time where alcohol licenses were sold with the number of requisite seats. And so, although the upstairs could probably hold much more than 76 -- and I think the upstairs is actually bigger, square footage-wise than the actual downstairs -- this was the -- the 76 number upstairs, which is the legal capacity, that's what was applied for in terms of what the actual space can hold, it can actually hold more than 76.

I think the appropriate thing to do would have been to apply to the Commission to expand that number, if that was the plan.

The appropriate way is not to continue to hold evening events that we are overcapacity consistently.

I would say that the orderliness of the crowd probably was -- we feel, is probably

consistent with what we would try to aim for in this venue.

I would also say that, you know, Solomon has been an operator, I think, since 2008 at that site -- 2004, excuse me, but since really 2008, up until the summer, there really wasn't incidences in terms of the crime and the fights that were happening.

I would say that, as the Commission knows, that Mr. Chowdhury has opened up a new venue at Moksa, and he poured a lot of his time and attention into getting that restaurant off the ground. It was a very expensive build-out, and it was a very bold move to bring that type of restaurant and nightlife to Kendall Square.

And I think he realizes now where his attention was focused more on Moksa than OM, part of the mistakes that were made were by bringing in other consultants to help him with the

nightlife.

When we -- in consultation before this hearing, we talked about -- you know, we talked about the different incidences, but I think more important for the Commission is we really talked about what we could do moving forward to rectify the situation, to really bring it back to 2004 to 2008, where it was a restaurant, which had a very upscale and appropriate nightlife.

And one of the actions that we're taking is: One, to remove and fire Mr. Ardy from working at the premises.

There's been consistent overcrowding, there's been inconsistent -- different activities that really are not helping his business nor is helpful to the Commission.

So, I think we have taken that curative action.

Also, Mr. Chowdhury has recognized that

in terms of being there full-time, he also is going to -- we've been discussing either bringing in an experienced manager or having Mr. Chowdhury be the manager himself. I think that's the only way that the Commission can feel secure, and Solomon can feel secure that he can represent his interest there, and at the same time, the overcrowding and nightlife that was there that was causing a problem, won't continue.

So, we're hopefully focused on moving forward with a remedy to prevent the overcrowding.

I do think that it's important to note that Fire Chief Cunningham did say that there wasn't any blocking of any -- that night, specifically, there was no blocking of any exits or egresses as well as the crowd was orderly.

I know that different things have happened at different times, but I do think it

speaks to the fact that the attempt has really tried to get an upscale crowd at that establishment, and I do think that they were there that night.

But, again, because the count was made by the officers and there was a contrasting count, I would say that we're not trying to say that the count was inaccurate on that evening.

I would also add, just as a last thing to say, the patio -- the capacity is for the interior, but doesn't include the seats along the front of Winthrop Street. These are seasonal patios that are allowed to be opened to December 1st.

Now, there's not an exception to the interior capacity. So, if you have this many people inside, you're overcapacity.

But I do think that as a distinction if you have people eating dinner -- and, obviously,

this was later in the nighttime -- it is the operator's responsibility to make sure if people are on the patio, that they leave and you don't have more than your allowed capacity on the inside.

I do think, though, that was a challenge as you look at some of the different incidences, especially throughout the summer where you have people that were either on the patio or in front, and then those people weren't properly monitored, they would come in the establishment and I think that was part of some of the reasons.

But, generally, we view this as a very serious management issue that went on far too long, but I do think that by having Mr. Chowdhury's main focus back at the restaurant -- and the decision has been if we can't find a suitable -- and I know you're interviewing different proposed managers -- but

to actually have him as the manager on site until they can actually get a place (sic|replacement) and the staff trained and running properly.

CHAIRMAN MICHAEL GARDNER: I believe from the last hearing we had that Mr. Ardy was let go, either in late October or very early in November, do you recall when he was let go, sir?

SOLOMON CHOWDHURY: It was late October.

CHAIRMAN MICHAEL GARDNER: So now, nearly a month or more than three weeks and still no permanent manager. Who is watching the shop now?

SOLOMON CHOWDHURY: I'm there a lot more than I used to be. I'm there pretty much almost every night now these days over there. And I do have -- there was other managers that I have trained that one of them actually was helping me at -- that actually went over there that's basically helping me out also.

CHAIRMAN MICHAEL GARDNER: One of the

things I recall from our last hearing was that on either the evening of October 5, 6 or October 6, a staff member of the License Commission was on site and found that the upstairs level at least was overcrowded.

My memory is that the staff who were monitoring at the time didn't know there was a separate count that needed to be made for upstairs, and so, was not doing any monitoring that evening.

My memory, also, is that you were not on site at the time, but you came later.

So, I'm concerned that even after it was clear to you at the beginning of October that you had serious management failures in terms of crowd control, you didn't make sure that steps were taken on October the 7th to be sure there was no replication of that problem.

Sounds like you didn't take the steps



that were necessary to make sure that you had the controls in place even after you had clear and explicit notice at the beginning of October that you had a serious management control problem.

And I don't understand particularly when we heard you already were investigating Mr. Ardy and let him go actually for reasons other than these failures, that you didn't take adequate steps immediately after October 6. I'm wondering why that didn't happen.

SOLOMON CHOWDHURY: We did -- I did talk to all the security staff about the capacity and all this stuff.

But I guess one of the issues was Edgar was still there and Edgar let people in and, you know, we didn't do our full investigation with Edgar until late November to let him go.

CHAIRMAN MICHAEL GARDNER: You don't mean late November?

SOLOMON CHOWDHURY: I'm sorry. I apologize. Late October to let him go.

But I did talk to all the security staff and other managers that was also working at OM to make sure that that happened.

CHAIRMAN MICHAEL GARDNER: Mr. Hope, you indicated that Mr. Ardy was a consultant, but whether he was, in fact, an employee or not, there's no doubt in your mind that he was the agent of the license holder and was fully responsible to make sure that the capacity and other regulations of Commission were enforced, right?

ATTORNEY SEAN HOPE: Well, specifically for October 20th, I know that on that evening and the evening in question, he was the person that was responsible for keeping the count, and he was the employee that talked to the officers at the time.

But I do think, as you pointed out, the fact that in October, early October, Mr. Chowdhury was aware that this was a problem, and the fact that even, you know, as we talked about later on on the 20th, there was still this continuing problem, I think, speaks to the fact that it is very challenging, even for an operator who has, prior to this summer, has had a pretty solid track record for running this type of establishment to be able come in and to make his impact on the staff without being there.

And I think that really speaks to why the curative action, which we're proposing tonight, is absolutely necessary.

So, apparently, it's not enough for him to go talk to Mr. Ardy and the other staff. I mean, this is his livelihood. He has poured -- I'm not even going to say how much -- but time, effort and an extreme amount of his own personal

funds into making this establishment.

So, the right action probably would have been at the time -- it seems like we're revisiting history -- to go ahead and fire Mr. Ardy and to apply -- he just put all his time there.

I think, as I brought up earlier, part of this is trying to balance his time between really making sure Moksa is a restaurant that it needs to be in order to survive and balance it with OM.

I think we're at the point now where the Moksa staff is trained, we don't have nearly the same issues. And this is a larger space, Moksa, and has the potential to have much of the same issues, but they're not dealing with that in the same level because of the training that Solomon is doing.

I think that if Solomon is allowed to be manager on site and allowed to actually

personally be there, I think a lot of these same issues, which have continued even after notice and I believe after even -- Mr. Chowdhury's even spoken to them.

And I know he did speak to them because he doesn't enjoy being in front of the Commission, and he also doesn't enjoy being responsible because he's ultimately responsible as the owner for all the things that are happening.

I would also say to that, you know, when you have a situation where you're constantly being cited for overcrowding, anything that happens on Winthrop Street is also attributed to the place with overcrowding.

So, if there's a fight or someone that spills out of Tommy Doyle's or another place, well, naturally when officers show up, they're going to look after the place about a compliance.

We've talked about this prior to the hearing, and I said, you know, "It really doesn't matter because if you are not in compliance, you're overcrowding visually, that's where the problem seems to emanate from."

If there's someone who has too much to drink and they're on Winthrop Street, it's easy for them to get involved with people in your line because of the way your -- or the lack of management.

I would specifically say on October 20 -- and I found this as a detail -- there was a private party that was happening at the event and there was also your normal people who come for the evening.

For some reason, the manager, Edgar, at the time decided to line the people up obstructing Winthrop Street. So all the private party was obstructing Winthrop Street, and the

normal evening-goers were along the wall.

So, I think -- and I think it was Sergeant Lowe who actually, I think, noticed the obstruction better than I did, but there was a very visual obstruction by the way they actually had the line managed.

I think this is a perfect example of the lack of management, and what it does is it draws the crowd, it draws negative attention toward his restaurant.

And I think this is the exact type of management that needs to be addressed, and I think can be addressed only if Mr. Chowdhury is there personally.

And I would only just look back to the example of prior to this, from 2004 to really 2009, there's been a couple incidences of overcrowding, but nothing on the scale that we have seen this summer.

It doesn't excuse what's happened, but I think it does show that this is a space he can manage. I think this is a space that when it's managed well does add to the variety and flavor of Winthrop Street in Harvard Square.

I think Mr. Chowdhury has to prove to the Commission, obviously, that he can very quickly change what's happened there. But I do think his track record should provide some evidence to the Commission that when he is fully focused on it, he can manage that in an appropriate way.

CHAIRMAN MICHAEL GARDNER: I do recall when the second application was before us, we asked for and obtained the assurances from Mr. Chowdhury that his attention to the new restaurant would not detract from the operation of OM, that he would put the appropriate management controls and staff in place to ensure that OM maintained high standards. And that's



the sort of the foreseeability of this problem.

The notice about it over the summer in terms of the numerous incidents when he had to be called up from Central Square to deal with problems in Harvard Square, and then the sort've explicit clear failure of management training and supervision in early October, it's just troubling that after all those warnings and the obviousness of the problem, more decisive effective action wasn't taken sooner.

Other questions?

SUPERINTENDENT CHRISTOPHER BURKE: None.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I have none.

CHAIRMAN MICHAEL GARDNER: Anything else you want to add before we open it to the public?

ATTORNEY SEAN HOPE: Not at this time.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard

on this matter?

Please, if you would so kind, Councilor,  
as to step forward and state and spell your last  
name for the record.

COUNCILMAN KENNETH REEVES: Kenneth  
Reeves, member of the City Council, R-E-E-V-E-S.

I would like to say I would not waste my  
time, and I wouldn't waste your time coming if I  
didn't think this was an important matter. And I  
would also like to say that I was not asked by  
Mr. Chowdhury to come or to write a letter.

So I'm perfectly here on my own steam.  
And the reason for that is this: I came to be  
aware that there were these overcrowding  
complaints, and that the situation obtained that  
there could be a rollback of the hours from 2:00  
to 1:00 and a ten-day closing, and I began to  
wonder what to do because I think this  
establishment and Moksa both have a larger

meaning in our community, because, as you know, we say that Cambridge is a diverse community, and that sort've presupposes that we offer a diversity of options for nightlife.

And I don't know if the Commission is well aware that Boston has a very terrible reputation that it is not a diverse nightlife at all. Certain communities in Boston feel they have absolutely nowhere to go.

The same articles -- and I could provide them -- in the Globe that say that, but that's not true in Cambridge. It says in Cambridge there are options for everybody.

And in Central Square, for example, when we were doing the Red Ribbon Commission report, we engaged an expert whose name is Brent Ryan, who is a professor at MIT in the Department of Urban Studies and Planning, whose specialty is entertainment districts. And he and his

co-author of a particular paper on entertainment districts looked at a hundred entertainment districts nationwide.

Unfortunately, the one in Boston was the Allston area, which, unfortunately, in that area I know much about, so I wasn't able to use the Allston -- be able to tell how on point the Allston analysis was.

But I would encourage the Commission, at its leisure, to have some informal conversation with someone like Brent Ryan on how Harvard Square is becoming more of an entertainment district -- we have two new significant establishments coming -- some of the vagaries of the more intent entertainment life.

Now, I do know that if OM -- when OM opened, it was the most beautiful restaurant I think I have seen in the city. It's just dazzling. And the upstairs floor at night when

you look out over the trees, which are often lit, it's quite a stunning place. And the amount of tasteful creativity that's everywhere, even in the bathrooms, it's a gem.

And I would also say that Moksa is a very special environment too.

Now I'm not here to argue Solomon's case. That's his job. But I do know that in the midst of Moksa's delayed opening, his world class magic chef chef got a series of really rough reviews through the summer. And the whole idea of food and Moksa became quite not -- not a headache, but a nightmare, and that caused some real tap dancing.

Now, I pop in Moksa's now and then because it's a great place for lunch. He's only present there running day and night. It's a very interesting thing. I was never too aware of what the management was over there. But he's been

under special pressures at both places. Not my duty to detail them, but he sort've has the landlord from hell that would like to be in his business if he doesn't hold onto it, and then he's got the acclaimed chef who can't get-a-good-review problem.

So, he has also hired a new chef, and the food, I'm glad to say at Moksa, is stellar. I was there last night and I really did enjoy everything I had.

So my points are these: I think if they -- if the opening is rolled back from 2:00 to 1:00, it's the end of the establishment, because there's nobody going to a nightclub in Greater Boston that is planning to leave at 1:00 if they have the two options under. So that is the meaning of that.

I do think it's important to get the attention -- as you know, I believe that the

management of the liquor license is the issue.

So you get someone who can't manage one or someone who can. And we're looking for the people who can because it's important.

And I know at this location, I know the Police Commissioner has been very concerned that, you know, we could have real trouble at this location if it's not well managed. I know that. And that means everything to me.

I'm also concerned that it's difficult to run two things, but, you know, one must do it if one is owning two things. It just has to happen.

I have every faith in Mr. Chowdhury. He's a native here in Cambridge, actually, he grew up here with the CRS, and had a number of interesting jobs in Central Square growing up.

He is just a perfect representative of the city in its many ways. And the diversity of the crowd he brings, you might think that I mean

African American. I mean everybody. I went to an Ethiopian/Cambodian wedding celebration at Moksa that is the most different thing I have ever been to because the Cambodians were better at the Ethiopian dance than the Ethiopians because it's just what Cambridge is, and he's a great mixologist of the diverse atmosphere.

I do think we serve Greater Boston on this diversity thing in a way that I would not necessarily prefer, but Boston is really a desert for people to go out.

Now, the last thing I'm going to say is this: So, this Brent Ryan, this national expert came to Central Square. We paid him to look at Central Square at night as well in the day. And he came for three different nights. And I happened to be in Washington at a conference and I got a call from him on Friday night. He said, "Could you come back before Saturday night?"



I said, "Why?"

He says "Because we want to know where the black people go in Central Square," because he couldn't find them anywhere.

This story predates Moksa, and I had to tell him "Well, there really isn't such a place." I mean, they go a bit to the Elks if something is organized there, but there is no particular place. And I think since particularly I do know the crowds at OM because I have been there on a night when they had kind've of West Indian birthday party upstairs, and believe it or not, I know a little about DJs. I know DJ Burno and he was downstairs. He has quite a following.

And it was marvelous, and it was not something that is in Greater Boston at all.

So, the last thing I will say is this: I recall that where restaurant park is, there used to be -- it was almost bucket of blood fights out

there regularly, and for years, the hours never got rolled back, and, in fact, when that owner, who had great difficulty operating it, sold it, he bought a bigger place that has even more people. So we -- under our tent, we have many stories of -- it's difficult to cookie cut. But I don't recall anybody after this few, who has been a good operator to date with this few infractions facing losing the 2:00, the time of closing, I'll leave that to your greatest wisdom.

I think I have gone on too long, but I do see this as part and parcel of some larger issues that we, as a city, grapple with.

And I do think Harvard Square is growing as an entertainment district.

And I think I'll just tell this last thing. So one night I'm walking by OM and I decide I'm gonna stick my head in, but before I could get there, I see there's like hundreds of

motorcycles parked on the sidewalk.

SOLOMON CHOWDHURY: Moksa.

COUNCILMAN KENNETH REEVES: Moksa.

Hundreds. And I'm thinking what on earth is this? So, it turns out that a motorcycle club had decided to have a gathering at Moksa, but it was presented as somewhat of kind of annual meeting or something.

As it turned out -- I'll go to the end of the story -- nothing happened. It was wonderful. But it was quite scary to me to have what I would say was a thousand motorcycles. And I don't know what motorcycle people do, and these things light up and -- I mean, they look -- they'd cause concern even if they're rolling, but Solomon was at a wedding. The manager called him up, told him that he had to come and see what was there. And he was right on top of it.

The three of us were worrywarts all

night, but it was -- it went fine. The police came and stood on a corner, but they weren't needed, and there was a big hip hop event going on at the Middle East, and we all thought it had ended the world potential. Nothing like that occurred because it was very well managed by the worrying trio, I'll call us.

But my point is, this is an interesting business, and on your side of the table, you have to understand that sometimes things come that I could never predict a thousand motorcycles in Central Square.

Now, just to add the funny point to the story, I decided most of the people were over 35, they were too old to be trouble, and I think I was right. These were mature motorcycle people. They all had enough job to buy this fancy of a motorcycle.

So it turned out to be just fine. They

went home because they were tired. I'm glad I'm not in the club or club management business. It's a headache of a business, but you have to give people what they want, and we want everybody to be able to have a good time within the law.

So I'll -- suffice to say that and I know you have a great deal of wisdom, and I don't envy your charge, and I know that we have the Rhode Island fire and even the Coconut Grove fire and overcrowding and all those concerns.

I just -- I guess that's what the job is, to be sure it's all managed.

CHAIRMAN MICHAEL GARDNER: Councilor, thank you very much for your remarks.

Are there any other members of the public who would like to be heard on this matter?

I think seeing none, any other comments or questions from either of the Commissioners?

SUPERINTENDENT CHRISTOPHER BURKE: No.

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

CHAIRMAN MICHAEL GARDNER: We have a decision hearing scheduled, Ms. Lint, for November 29, is that right?

MS. LINT: November 29th.

CHAIRMAN MICHAEL GARDNER: The 29th is a Thursday.

MS. LINT: November 29th.

CHAIRMAN MICHAEL GARDNER: So, I would make the motion that we defer any action on this particular complaint to the December hearing on November the 29th, and further, that the disciplinary action we imposed on the 6th of November, be reconsidered at that point in light of this new information, and just the opportunity to consider the matter as a piece, both from what Mr. Hope's comments were this evening, but also from the representatives of the public safety organizations in the city who, you know, in some

ways -- this was the most serious documentable offense. I mean, I think some of the rest of the story from August, September, October were pretty horrific stories, but in terms of being sure who was who and where they were when and how many of them there were, this is clearly the most egregious substantiated matter, I think, and we have to deal with that.

But in the meantime, I'll make sure the motion also says that we not implement any of the November 6th action until we have the matter -- the opportunity to reconsider the whole matter. That's my motion. I'm looking for a second.

SUPERINTENDENT CHRISTOPHER BURKE: Second the motion.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

We'll take this matter up again at the hearing --  
at the decision hearing on the 29th where we  
won't take any testimony.

Thank you very much.

**APPLICATION: CENTRAL SQUARE RESTAURANT PARTNERS,**

**LLC**

ELIZABETH LINT: Application: Central  
Square Restaurant Partners, LLC doing business as  
The Asgard Irish Pub and Restaurant, William  
Goodwin, manager, holder of an all alcoholic  
beverages as a restaurant license at 350  
Massachusetts Avenue has applied for a change of  
manager to Andrew Martin.

CHAIRMAN MICHAEL GARDNER: Just make a  
note there's a bag laying on the floor here.



SUPERINTENDENT CHRISTOPHER BURKE:

Councilor, is that yours?

OFFICER MICHAEL MICELI: That's mine.

CHAIRMAN MICHAEL GARDNER: That was  
Deputy Mahoney who's trained to be observant.

ELIZABETH LINT: Asgard? Hmm,  
interesting.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Asgard? Asgard?

ELIZABETH LINT: I will make inquiry.

**APPLICATION: NOOKIE, LLC**

Application: Nookie, LLC, Steven Postal,  
manager, has applied for a new all alcoholic  
beverages as a restaurant license at 250 Kendall  
Street. The proposed hours of operation are  
Monday through Saturday from 11:00 a.m. to  
1:00 a.m. and Sundays from 9:30 a.m. to  
10:00 p.m. with alcohol sales starting after  
10:00 a.m. on Sundays. The proposed seating

capacity is 182 inside and 30 outdoor seasonal seats on private property.

CHAIRMAN MICHAEL GARDNER: Again, if you could be kind to please state and spell your last names for the record and also identify your affiliations?

ANTHONY MCGUINNESS: Good evening, Commission, my name is Anthony McGuinness. I represent Mr. Steven Postal. My last name is M-C-G-U-I-N-N-E-S-S.

STEVE POSTAL: And I'm Steve Postal, P-O-S-T-A-L, otherwise known as Nookie.

ANTHONY MCGUINNESS: We're here for the application for a new all liquor license at 250 Kendall Street. Mr. Postal's company is called Nookie, LLC, that his affectionate nickname. That is new restaurant that's going to be going in on the first floor of 250 Kendall Street.

Nookie is currently the executive chef of

the Boston Red Sox and controls the premium food side of the concessions there.

He's also has been on the Bravo channels, Around the World in 80 Plates, he came in second on that. He's an experienced chef and running restaurant operations and liquor operations. He'll be coming on the first floor there. It's approximately 6,500 feet. It's a large area. There will be a patio that will be seasonal.

We have submitted the plans along with the application and we're looking for the all alcohol license as well a CB license.

CHAIRMAN MICHAEL GARDNER: No CB licenses have been granted yet, Ms. Lint, is that right?

ELIZABETH LINT: No.

CHAIRMAN MICHAEL GARDNER: This is both for an alcohol beverages license and a CB?

ELIZABETH LINT: Yes. It wouldn't be advertised separately when it's a new license.

CHAIRMAN MICHAEL GARDNER: So tell us a little bit about your plans, theme, price ranges anything else to help us understand.

STEVE POSTAL: The space is large, 6,500 square feet, too big for a restaurant. So we're going to split the space into two. We're going to offer -- on one-half is going to be a restaurant, and the other half is going to be a market.

I think there's a huge need in Kendall Square because there's really -- there's nowhere actually to buy anything in Kendall Square. We want to be busy during the day. We want to sell sandwiches, soups, salads, things like that. At night, we want to do a lot of prepared foods. There's so many people that work there. We want to do a lot of prepared foods. You can come in and get a roast chicken, some different sides, take that to go as well as selling a lot of other

things. You can't buy a gallon of milk, you can't buy a dozen eggs or butter, anything like that. So, we want to sell things more as an amenity to the neighborhood to help them buy.

As far as the restaurant goes, it's an interesting concept. It's really very, very New England farm to table. Everything will be served family style.

The four of us after this go out for a nice meal, we want to get a half roast chicken and a piece of stripe bass and you even want to get some brussel sprouts and carrots and potato gnocchi, it all comes out family style and we share everything.

The markets will work in continuant with the restaurant. So what's on the restaurant menu, you will be able to get, you know, prepared foods to go for all the people that are working and want to take food home for their families, it

all kinda works together.

CHAIRMAN MICHAEL GARDNER: What's the role of alcohol in all this business?

STEVE POSTAL: We're looking for the all alcohol license in the restaurant side. We'll have a bar with a raw bar. A lot of local shell fish. We're gonna feature some local beers, not on the market side, just on the restaurant side.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How will the market be separated from the restaurant?

STEVE POSTAL: That's an interesting question. We have been working with the architects. I would like -- one big thing for us is it's very important that this space -- a lot of things in Kendall Square, they look very Kendall Square. It's very sleek and modern. It all kind of looks the same.

The idea of this is to have it look like something different. We're going for that

kind've Vermont barn feel. We want the market and the restaurant to kinda flow together. There's going to be a separation, but it's not going to be a market and a restaurant. There will be some flow to it that people can maybe walk through. You know, "All that was really good. I want to get something for tomorrow night to take home."

There will be a little bit of a flow to that.

CHAIRMAN MICHAEL GARDNER: And could you describe your prior experience in managing alcohol?

STEVE POSTAL: Sure. I mean, right now at Fenway we have -- we serve a lot of alcohol. But I'm TIPS trained and I plan on having my managers TIPS trained and making sure that it's, you know, regulated by the rules and regulations. I just want to do everything by the book and make

sure everything is safe and whatever you guys -- whatever the rules are, that's what we're going to do.

CHAIRMAN MICHAEL GARDNER: Have you been the manager of record in any alcohol establishments before?

STEVE POSTAL: No.

CHAIRMAN MICHAEL GARDNER: I take it you're not on the Fenway strip?

STEVE POSTAL: No, I'm not.

CHAIRMAN MICHAEL GARDNER: What is the level of responsibility or authority you have at Fenway over alcohol?

STEVE POSTAL: Over liquor. You know, I mean, it's not really my focus. I mean, I'm TIPS trained, but it's not my focus. I focus more on food end of it. But Fenway is such a large, you know, huge, there's one person that just does that.



CHAIRMAN MICHAEL GARDNER: Will you be the manager of record for this operation?

STEVE POSTAL: Yes.

CHAIRMAN MICHAEL GARDNER: And could you describe the rest of your management team or concept?

STEVE POSTAL: I plan on having a general manager front house as well two managers, one on the market side and one on the restaurant side. The general manager will oversee both of them. I'll work with the general manager and I'll have two sou chefs, pastry chef, not really any alcohol issues.

And between our management, I think we'll be able to handle the liquor on the restaurant side.

CHAIRMAN MICHAEL GARDNER: Ms. Lint, would this be a no value, no transfer license?

ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: Have you taken any steps to inquire as to whether or not there are any for value licenses for sale?

STEVE POSTAL: I did. I looked at -- I went upstairs and I talked to -- I forget his name.

ELIZABETH LINT: Chris.

STEVE POSTAL: Chris.

And there was the Pizzeria Uno one for sale, and I don't think they're asking 250 upfront. I have contacted them like three times and they have not called me back.

ELIZABETH LINT: That license can't be moved. It's assigned to that location.

STEVE POSTAL: That's the only one. That's the only license. And there was also -- he said maybe to check with Jose's in North Cambridge, and I went to talk to them as well, but they recently renewed their lease.

CHAIRMAN MICHAEL GARDNER: Questions?

SUPERINTENDENT CHRISTOPHER BURKE:

Getting back again to the split, do you anticipate a 50/50 split?

STEVE POSTAL: No, we're looking at more like the market side being around maybe 2000 square feet, the restaurant 4. Maybe a little flex, maybe 22, something like that. It will not be 50/50, no.

We're looking for a pretty significant size for the market. We feel it's a huge need in that area.

CHAIRMAN MICHAEL GARDNER: And do you still feel there's this huge need for more restaurants in the area? I mean, there's been a lot of restaurant activity recently.

STEVE POSTAL: There has been. But I'm, you know, really good friends with a lot of them. They're very busy and people are doing really

well. I think this is an interesting concept.

I mean, I have been looking for a space for three years. I'm very specific where I want it. And I want -- it had to be in Cambridge, and it had to have outside space, and coming from Oleana, being spoiled with that, it's has taken me awhile to find it. You know, I think right on that water, right on that canal way, I think it's -- I hope it's the next -- you know, the center point for a lot to come.

So, I think it can take more restaurants, and hopefully, it will be more residential.

CHAIRMAN MICHAEL GARDNER: If you said it, I missed it before, do you have experience at Oleana?

STEVE POSTAL: Oh, yeah.

CHAIRMAN MICHAEL GARDNER: So tell us a little bit about that.

STEVE POSTAL: I worked with Oleana for

almost eight years. I was at Casablanca before. This was before I was with the Red Sox, I was working with Oleana, the Casablanca in Harvard Square, and I was the opening sou chef and Oleana was there for five and a half years. And I helped launch Oleana's into what it is today which is pretty awesome.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How long have you been with the Red Sox?

STEVE POSTAL: About six and a half years.

ASSISTANT FIRE CHIEF GERARD MAHONEY: What is your timeline with respect to getting this place up and running?

STEVE POSTAL: We're looking at -- the building is scheduled to be delivered to me June 1st. We're anticipating a three or four month build. So September, October, somewhere around there.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Ten, 11 months at least?

STEVE POSTAL: Yeah, we're trying to get ahead of the ball.

ANTHONY MCGUINNESS: Especially with the lease coming up, we want to make sure that we have the requirements per the letter of intent to make sure we have done our due diligence in getting the liquor license.

CHAIRMAN MICHAEL GARDNER: Any other questions?

SUPERINTENDENT CHRISTOPHER BURKE: No.

CHAIRMAN MICHAEL GARDNER: Anything else you want to add before we open it up for public comment?

ANTHONY MCGUINNESS: We do have a sample menu, I think there's one there, but we'll give you that, and we have also have the green cards from the abutter notices if you'd like them as

well.

ELIZABETH LINT: And, Mr. Chair, I would also point out I have the license premises inspection approvals, and it indicates that this is a sit-down restaurant with marked -- I'm not sure exactly what Sean meant by this -- Mr. O'Grady said marked less than 20 percent take out.

STEVE POSTAL: He was a little worried about that, and I had to go back and forth. He just said to make sure that it wasn't -- I forget the words he used -- but to make sure we weren't just -- it wasn't just straight like a supermarket or something like that.

ASSISTANT FIRE CHIEF GERARD MAHONEY: You run the upstairs dining, do you, at Fenway?

STEVE POSTAL: I do. Technically, I'm in charge of all the food in the entire ballpark.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Are

you a Red Sox employee or Aramark?

STEVE POSTAL: I'm an Aramark employee. But I focus mostly on the premium end of the ballpark, the sweets, the EMC Club, the Pavilion, the owners, the wives, things like that and the players.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

ELIZABETH LINT: I heard mention of an outdoor patio, but we don't have an application for an outdoor patio.

ANTHONY MCGUINNESS: I believe the application indicates --

CHAIRMAN MICHAEL GARDNER: This is an outdoor patio on private space, right?

ANTHONY MCGUINNESS: That's correct.

CHAIRMAN MICHAEL GARDNER: Is there a separation application, Ms. Lint?



ANTHONY MCGUINNESS: No. There's no separate application. In the description it says with adjacent outdoor patio on Broad Canal Way for tables and chairs.

ELIZABETH LINT: It didn't get advertised.

ANTHONY MCGUINNESS: It was also on the architect's seating plan.

CHAIRMAN MICHAEL GARDNER: It's referenced in the agenda.

ELIZABETH LINT: I'll take care of it.

ANTHONY MCGUINNESS: I think it is actually.

ELIZABETH LINT: I'm sorry. My fault.

CHAIRMAN MICHAEL GARDNER: Background check?

ELIZABETH LINT: All set.

STEVE POSTAL: There are no problems.

CHAIRMAN MICHAEL GARDNER: Any members of

the public who would like to be heard on this matter?

Please step forward and state and spell your last name for the record, Mr. Marquardt.

CHARLES MARQUARDT: Charles Marquardt, M-A-R-Q-U-A-R-D-T. Board member of EPCT first, I'll do that. When we submitted a letter, I believe, to you --

CHAIRMAN MICHAEL GARDNER: Just for the record, could you spell out the acronym?

CHARLES MARQUARDT: Oh. East Cambridge Planning Team, ECPT.

CHAIRMAN MICHAEL GARDNER: Thank you.

CHARLES MARQUARDT: They came and met with us probably a month or so ago. It was one of our most enjoyable meetings.

First of all, he brought cookies, which is always nice. They were very good.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Not

tonight.

CHARLES MARQUARDT: It was a great meeting because, as he mentioned, there's a need for people to just grab something to eat. I'm sitting here going home tonight thinking where I am going to stop to get food to make myself something to eat? Because it's very critical that we don't have anything there right now. Everybody says we want a rest -- a supermarket of some sort. There's no space for that.

So with this market, we can go in and grab something and go home and cook, or better yet, have him cook it for us was well received. We've also come to realize the importance of having an all alcohol license placed in success of a restaurant these days. It's critical that you have the ability to have the sale of both the food and the rest -- alcohol and the other drinks that go along with it.

As an aside, my brother and I have a business down the street from Kolbeh of Kabob across the street from the Cambridge Hospital.

And every night we see people walking back and forth with to-go bags who said that they would love to eat there, but since he doesn't serve wine or alcohol to go with the food, they take it to go, which is costing him money so he now might end up working for a place to leave Cambridge, which we will cost us a great restaurant.

That's not your issue, but that's the issue that we're worried about in Kendall Square is to get a great place that you can go and get great food and have a full meal there instead of trying always have to take it back. He's taking a very large space that we want to have full for years.

In answer to your question in terms of

restaurants, there's never enough down there. There's still other opportunities to bring in different types of restaurants. There's nothing like him down there, so we're looking forward to having him there. As his future neighbor, also looking forward to having good food that you can go grab lunch and dinner next door.

CHAIRMAN MICHAEL GARDNER: Thank you very much, sir.

Are there any other members of the public who would like to be heard, please come forward and state and spell your last name for the record and identify yourself.

DAVID DOWNING: David Downing, D-O-W-N-I-N-G. I am here representing the landlord of 250 Kendall Street.

We've actually been searching for a tenant for the last six, seven months for 250 Kendall. Obviously, you know, we have a few

restaurants on the ground floor as it is.

What really excited us about Nookie is his ability to do a really great restaurant concept, and kinda mix that with the market space. So when he came to us with this idea, we jumped all over it because it is something that the community really needs and supports.

The activity on the ground floor is really tremendous for us. Upstairs as well, obviously, to get people to live in Kendall Square, they need amenities. And what's really great is just a casual observer for the last five years in Kendall Street is that we've really seen people start come to Kendall on the weekends, which is something, you know, I think it's still a little slow for some of the restaurants down there. So to see this activity being generated down there is really, really exiting. It's becoming more of kind've a 24/7. You know, we

don't really have a 24/7 in Cambridge, but it's getting closer to that in Kendall where at least there are many people staying after work during weekdays. They're thinking of Kendall as a designation on the weekends.

So, for that he's -- I think Nookie's going to be really valuable in terms of how the rest of the square develops. You know, there's isn't a ton of space left. So, everything we put in, needs to be really great.

We have a ton of confidence in Nookie to execute on that and really focus on the food and really focus on the market concept and bring home something that's going to make people happy and that they're going to be able to go there a couple times a week. We really see this as a huge amenity for the project.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Excuse me. Is anything in that space presently?

DAVID DOWNING: No. The building is actually under construction. We have about six or seven months left of construction before we can turn it over to Nookie to start his project.

That project it's actually closed in at at this point, and a lot it is interior and NEP coordination work at this point, so...

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Thank you.

CHAIRMAN MICHAEL GARDNER: Any other members of the public who like to be heard on this matter?

Seeing none.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I make a motion to approve the application as submitted.

CHAIRMAN MICHAEL GARDNER: So I'll second



the motion with the stipulation that all of the -- all of the further requirements of the Commission be met, TIPS, we need 21 Proof training. We have our own training program separate from TIPS. And assuming all code issues are met.

Motion having been made and seconded with that amendment, is that okay with you?

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Absolutely.

CHAIRMAN MICHAEL GARDNER: All those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Welcome to Cambridge.

ANTHONY MCGUINNESS: Thank you.

STEVE POSTAL: That's awesome.

**APPLICATION: LABANESE GRILL, INC.**

ELIZABETH LINT: Application: Labanese Grill, Inc. doing business as Sabra Grill, Saide Sebaaly, manager, has applied for a common victualer license to be exercised at 20 Eliot Street. Said license, if granted, would allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 10. The hours of operation will be 10:00 a.m. to 10:00 p.m. seven days per week.

CHAIRMAN MICHAEL GARDNER: Good evening. If you be so kind, please, to state and spell your last name for the record and just describe who you are.

SAIDE SEBAALY: Sebaaly, my last name, S-E-B-A-A-L-Y, and Saide, S-A-I-D-E.

CHAIRMAN MICHAEL GARDNER: Tell us about

your plans.

SAIDE SEBAALY: It's my cousin over there (*indicating*) they own the space for over 20 years now. It's a Middle Eastern food, very simple recipes that I have been doing, you know, in my house from my grandma to my mom and for my kids. And they wanted to go, they have been tired doing this, like I said, over 20 years. And I've just came. They show me how to do it. I practice with them. I'm ready to go. I'm not changing anything. Everybody loves the food. Loves the recipes, so it's gonna be me instead of them doing the same thing they were doing.

CHAIRMAN MICHAEL GARDNER: So is it, however, a different business, a different restaurant, different name, different concept?

SAIDE SEBAALY: It's the same name, it's the same concept, same everything. Only thing is me taking over. It's going to be Lebanese Grill

doing business as Sabra Grill. The business Sabra Grill is going to be the same. I'm not changing anything. The hours are the same. The concept, everything is the same.

CHAIRMAN MICHAEL GARDNER: Do you see a take-out component, or is basically the business filling and serving the ten seats?

SAIDE SEBAALY: That's how it is.

CHAIRMAN MICHAEL GARDNER: Just sit down.

SAIDE SEBAALY: Sitting down. Sometimes somebody grabs a sandwich and leaves.

CHAIRMAN MICHAEL GARDNER: It's large enough to be viable? I mean, if it's been there 20 years, I guess it has.

SAIDE SEBAALY: It's not a big place. It's a small place. It's good enough.

CHAIRMAN MICHAEL GARDNER: Do you have any prior experience yourself in running or working in restaurants?

SAIDE SEBAALY: Not really. I didn't run a restaurant myself. But I had some experience in running a business with my husband. The part of the kitchen I have an experienced chef with me. Like I said, these are recipes I have been doing in my home. It's not like something -- this is something I grew up with.

CHAIRMAN MICHAEL GARDNER: Will the prior owners and operators be available to consult with you?

SAIDE SEBAALY: They are with me right now. They're right here. And they're next to me everyday.

CHAIRMAN MICHAEL GARDNER: Are they going to help you with the transition?

SAIDE SEBAALY: They are. They're helping me with the transition and they are there as long as I need them.

CHAIRMAN MICHAEL GARDNER: Thank you.

Any other questions?

SUPERINTENDENT CHRISTOPHER BURKE: No.

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

Seeing none.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Make a motion the application be approved as submitted.

CHAIRMAN MICHAEL GARDNER: I will second that motion.

The motion having been made and seconded to approve a common victualer license at 20 Eliot Street for a restaurant with a seating capacity of ten, the hours of operation as stated, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE:

Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Again, welcome to Cambridge or welcome to taking over a long established place and we wish you well.

SAIDE SEBAALY: Thank you very much.

**APPLICATION: GREEN RIVER AMBROSIA, LLC**

ELIZABETH LINT: Application: Green River Ambrosia, LLC, Garth Shaneyfelt, manager, has applied for a farmer winery license at 5 Callender Street, Cambridge Community Center from January 5 to April 27 of 2013 for the Cambridge Winter Farmers Market.

CHAIRMAN MICHAEL GARDNER: Good evening. If you could state and spell your last name for the record and explain the concept.

GARTH SHANEYFELT: Garth Shaneyfelt,

S-H-A-N-E-Y-F-E-L-T, I'm one of the owners of Green River Ambrosia. It's a small farmer winery in western Mass. We're applying to be part of the Cambridge Winter Farms Market that takes place at the Cambridge Community Center and we have been accepted to the market. We're going to be trading off, or we'll be there ever other Saturday during the market times with one other winery that is going to be there on the alternate weeks.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How many other wineries is going to be there?

GARTH SHANEYFELT: I think on any given day there is going to be only one, but it's going to be alternating as to which one will be attending. I think Truro is set for the next licensing hearing.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How much do you estimate on average you would sell in



a selling period?

GARTH SHANEYFELT: We haven't done a marketing in Cambridge. We're currently doing one in Northampton, and we sell about three or four cases usually in an afternoon. The morning market is a little tougher. People up aren't thinking of drinking for better or worse at 9:30 in the morning. That's probably a good thing.

Obviously, they take home things. When you go to the farmers market, you're picking up all these local products. You can also get -- you can pick up wine. We actually make honey wine, so it's a different kind of thing.

CHAIRMAN MICHAEL GARDNER: Is this an application under the new farm winery regulations --

ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: -- that we've dealt with over the last couple of years?

ELIZABETH LINT: Yes, it is. I do have an email today from the person running the market, that she wanted to update on the status of the farmers market. Last week the BCA granted the Community Center a five-year variance to operate the Winter Framers markets. It's the common appeal period, but barring any unforeseen appeal, they're good to go.

There's another application that is going to be heard on December 4th from another local vineyard as well and they're hoping that you approve this.

CHAIRMAN MICHAEL GARDNER: And so, will this be the first time that this the Winter Farmers Market has operated out of the Community Center?

ELIZABETH LINT: I believe it operated last winter.

GARTH SHANEYFELT: That's my

understanding.

CHAIRMAN MICHAEL GARDNER: Without a winery?

ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: What is attractive to you about Cambridge?

GARTH SHANEYFELT: Well, it's a new market. We're -- we're sold in a few stores in the area, and they always want us to do tastings. Being two hours away, it's tough to come in to do an hour tasting in a number of different small stores. So it's nice to come to a farmers market where there's a lots of people coming in that are interested in local products, and they come and they try it and probably get it from us sometimes and hopefully get from global outlets sometimes as well.

CHAIRMAN MICHAEL GARDNER: What kind of procedures or safe guards do you put in place to

control underage service?

GARTH SHANEYFELT: We check IDs.

CHAIRMAN MICHAEL GARDNER: Do they need training on our 21 Proof?

ELIZABETH LINT: I wouldn't think so.

Not given the experience that we have had with the outdoor farmers market where it's in a very precarious area and there's been absolutely no problems with it. Unless Superintendent Burke knows something that I don't.

SUPERINTENDENT CHRISTOPHER BURKE: No, none. What is the typical hours of operation for the farmers market?

GARTH SHANEYFELT: I believe the market is set up for 9:30 to 2:00.

CHAIRMAN MICHAEL GARDNER: Your experience in doing the wine tasting and sales in the farmers market context is one farmers market in Northampton, is that right?

GARTH SHANEYFELT: We've done a farmers market in Northampton for the last two summers and one winter. And we did the Somerville, they're new Swirl and Slice Market. In Inman Square we did that this summer. We have done the Amherst farmers market. We've recently been doing a Berkshire Grown Market up in the Berkshires and in Williamstown as well.

CHAIRMAN MICHAEL GARDNER: Any other questions?

SUPERINTENDENT CHRISTOPHER BURKE: No.

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

CHAIRMAN MICHAEL GARDNER: Any members of the public who would like to be heard on this matter?

Please come forward and state and spell your last name for the record and identify yourself.

AMELIA JOSELOW: Hi, I'm Amelia, my last

name is Joselow, J-O-S-E-L-O-W. I co-manage the market, and we're very excited to have a diversity of goods to offer this year, including Ambrosia. That's it. We have meats, cheese, eggs, vegetables, fruits, butters, all sorts of different baked goods and we think it's really important to have a variety. And I'm very, very happy to have accepted Green River Ambrosia and Truro Wineries, if you guys let us have them.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Is the market -- I know the dates on this application are January 5th to April 27th, is that the only time during the year the market operates?

AMELIA JOSELOW: It is. It's a winter farmers market. We go the first week of January until the last week of April.

CHAIRMAN MICHAEL GARDNER: Could you describe the space a little bit for us.

AMELIA JOSELOW: It's inside gymnasium of the Cambridge Community Center. So it's a full-size gym. People come in through the main entrance, and then there's stairs and a ramp to get us to the gym.

ASSISTANT FIRE CHIEF GERARD MAHONEY: It draw a pretty good crowd, does it?

AMELIA JOSELOW: Last year we averaged about 600 to 800 a day per market day in the four hours that it ran.

But we're hoping this year to have greater numbers as we have been doing a lot of outreach.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Did you have wineries?

AMELIA JOSELOW: Not last year, no.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Okay.

CHAIRMAN MICHAEL GARDNER: Any other

questions?

SUPERINTENDENT CHRISTOPHER BURKE: None.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Are there any other members of the public who would like to be heard?

Seeing none, I will make the motion to approve the farmer winery license for operation at the Cambridge Community Center for the time period stated for Green River Ambrosia, with the condition that although I don't necessarily think it's necessary for us to call you back for a review, either midseason or not, we would request and make as a condition of my motion that the winery submit a letter to the Commission sort've describing your experience at the end, so in terms of sort've flow volume, any problems you had, any challenges, any thoughts about how this concept could be made better. Is that a



condition acceptable to you, sir?

GARTH SHANEYFELT: Yeah, that sounds like a great idea to give feedback. See how it goes.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I will second the motion.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Good luck in the operations and good luck to you with the expanded program.

AMELIA JOSELOW: You should come.

**POLICY: DRAFT REGULATIONS AND REVIEW PILOT**

**PROGRAM**

ELIZABETH LINT: Policy: Board of

License Commissioners will discuss draft regulations and review pilot program material relating to pedicab operations in the city.

CHAIRMAN MICHAEL GARDNER: So is there are any members of the public who would like to be heard on this matter, you can just come forward now and have a seat at the table.

And I want wonder, Corey, if you could just review for us on the record sort've the history of this so far, briefly.

COREY PILZ: Corey Pilz, P-I-L-Z. The Board of License Commissioners, by suggestion of the City Council, has decided to go ahead and launch a pedicab pilot program for the spring of 2013.

In that process, what we have prepared is a draft of pedicab rules and regulations to be reviewed by the License Commission.

The Commission does have the authority,

both under city ordinance and Massachusetts General law, to draft such regulations. And basically, they're similar to our Hackney carriage regulations. It's a specific set of rules and regulations laying out licensing procedures to both for the company and the operators, vehicle safety and sanitary standards as well inspection procedures, guidelines for fares and their disclosure, directives regarding the operation of the vehicle, use of public safety and general enforcement guidelines for all of the regulations.

In the process we've also drafted a call for applications, which lays out the city's process for the pedicab pilot program, which will involve -- it's an open application process where companies can go ahead and apply, and the Commission can grant up to two pedicab business operating permits, and based on those permit

applications, it is will be reviewed by a committee which contains city staff from the License Commission, from the Traffic, Parking and Transportation Department, the Office of Tourism and other members of the business community to establish a set of criteria that we're going to review the applications on, which is the ability to meet operational requirements as established by the License Commission, operation history of any municipality by the company applying, the impact on the city's infrastructure on transportation network and the effects on the business and tourism.

All this criteria was developed based on previous concerns of the License Commission as they reviewed previous applications relative to pedicabs entering into the city.

So, once it goes through a review process of the city's committee, they'll make

recommendations to the Board of License Commissioners, and the License Commissioners will then decide how many permits to grant for businesses, and then also how many vehicle licenses to grant per each business permit.

CHAIRMAN MICHAEL GARDNER: And the timetable for that final action, Mr. Pilz, is currently contemplated as what?

COREY PILZ: We will release the application on December 3rd, 2012. Applications is going to be due on January 7th, 2013. They will then be reviewed by the committee in the following weeks, and then the committee will make their recommendation to the Board of License Commissioners on January 22nd, 2013.

At that point, the Commission will either grant the licenses during that hearing or go to the next available decision-making hearing.

And then what we're going to allow the

company is to give them a month to get up and running and get their requirements in place. And once they do that, they can pick up their business permit from 30 days of approval. And we have not quite determined when we're going to begin the pilot program. We're going to grant ourselves a little flexibility based on weather. Ideally, we would like to begin March 1st, but if we have a winter that doesn't want to go away, we might have to bump that date.

But our biggest concern is giving the approved companies the amount of time they need to get up and running.

CHAIRMAN MICHAEL GARDNER: Are there members of the public who would like to be heard on this matter?

DAVID CASS: Yes.

CHAIRMAN MICHAEL GARDNER: Please, if you would, state and spell your last name for the

record and identify yourself.

DAVID CASS: My name is David Cass, C-A-S-S and I'm the owner of Pirate Pedicap in Newport, Rhode Island.

I've owned Pirate Pedicab for two years, and I have seven years' experience in the pedicab business in Newport, in Boston, Baltimore, Provincetown, so I have extensive experience.

CHAIRMAN MICHAEL GARDNER: Have you had a chance to review the draft regulations?

DAVID CASS: I did. I just got them at 5:00. First off, I prepared a little one-pager of my business and some things.

So there's a couple things -- I went line by line through this couple questions, clarifying questions.

So, first off, the way the pedicab business works is that I'm basically -- I rent pedicabs to qualified drivers in Newport. So

once they rent the pedicab from me, they go out, and on a tips-only basis give rides to people. So like if you, you know, if someone doesn't want to give anything, they don't give any money. That never happens. People usually, you know, really enjoy riding the pedicab. People are going up hills, you're sweating, you're getting to know them, telling them all about the business, all about the city. So, usually they give a pretty good tip.

So the first thing that I noticed was in the definition section in Article 1, Rule 3, where there's the definition of an operator versus an owner, and I find it a little bit confusing because -- so, the operator definition says that individuals who actually operates the pedicab whether as an owner, employee of the owner, or an independent contractor, and then the owner is someone who leases or otherwise has



possession of the pedicab.

So I don't employ anyone in my business, so I have just renters. That's the way the pedicab business operates all over the country. I have never seen an employee system for pedicabs. So that poses a problem when you start talking about workers' compensation because of the employment status.

CHAIRMAN MICHAEL GARDNER: Generally, you regard the persons who rent your cabs as independent operators?

DAVID CASS: Yes. They're licensed through the City of Newport. They apply. There's many regulations in here, background checks, different fees. They have to pass, but they are responsible for reporting whatever they make.

They could rent the pedicab from me and go out and sit on it for eight hours and not make

anything. Some people do that, but don't actually get any customers because they have to go out there and they have to sell themselves, they have to sell the ride basically.

So that distinction is kind've important.  
Any questions about that?

CHAIRMAN MICHAEL GARDNER: Why don't you just go ahead and give us your comment.

DAVID CASS: Sure, sure. I'm sorry.  
This is --

CHAIRMAN MICHAEL GARDNER: It's quite all right.

DAVID CASS: Let's see here. So clarifying question, you said that the company would have a month to get compliance.

I'm just wondering about the business address 'cuz like if I were to apply for this, would I want to have a lease for an address and not necessarily get the permits? So that's -- I

would have like an extra month to find a location? It's basically like a garage. I actually have a storage container, like a cargo container in Newport.

CHAIRMAN MICHAEL GARDNER: I think we would anticipate is if you were interested in applying, you would tell us what your arrangements were.

DAVID CASS: Okay. I would have the arrangements --

CHAIRMAN MICHAEL GARDNER: You would whatever arrangements you have. Some of them might be contingent, some of them might be specific.

DAVID CASS: Okay. Perfect. Also, in terms of Article 2, Rule 10, which is on the fourth page, fare approval and receipt requirement. So because it's a tips-only system, they don't necessarily have -- they don't have

fares. But on the pedicab themselves, it says like "Tips Only," like that can't charge. They're not allowed to charge.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Is that your experience, again, as you said when you worked in Baltimore and Provincetown, there's no fare structure for these things?

DAVID CASS: In like bigger cities, not necessarily. Like in Boston, it's a tips-only basis.

Some cities, like in New York City, they do a block-by-block charge and they have like a meter. And in a place like Cambridge, smaller, you don't necessarily have that.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How about Baltimore?

DAVID CASS: My experience in Baltimore was I actually -- I've been exploring different cities for awhile. So, I brought a pedicab down

to Baltimore and I went around the streets, so I just did it like that.

CHAIRMAN MICHAEL GARDNER: Hence pirate.

DAVID CASS: I was a Pirate Pedicab then, but...

But most cities it's a tips-only basis. The bigger cities, like Chicago, places like that, I think, have fares block by block.

CHAIRMAN MICHAEL GARDNER: I think we have written the regulations to give us the capacity to do a number of different things.

But we understand that the business appears to be most viable in the context like this on a lease out or rental of the equipment and a tips compensation. We understand that.

DAVID CASS: Okay. Good. My only other question was about Article 3, Rule 9K, which is about an audible signal, turn signal, which I've never heard of that in any market. I don't even

know where I would get something like that.

COREY PILZ: A bell?

DAVID CASS: I'm sorry?

COREY PILZ: A bell.

DAVID CASS: Oh, it just means a bell.

COREY PILZ: Audible.

DAVID CASS: Okay. So, ring the bell while you turn? I think that might need a little bit of tweaking in the wording, I don't know.

And then final thing is Article 3, Rule 12 about no alcohol advertising. My plan, I have all local advertisers. Most companies, my competitor, Newport Pedicab, which is actually owned by Boston Pedicab, they have Bud Light, Coors Light. I only have local small businesses, and one of my ideas was to pitch to local breweries here, because there are usually -- those types of places are usually types of places that would have that advertising. I wasn't sure

if there was already -- I'm not sure what the outdoor requirements are for taxicabs or other vehicles like that, and if that is different than what is set forth here.

ELIZABETH LINT: I can request that. Taxicabs are allowed to have alcohol advertisements on them, restaurants are not, unless they're on private property and we encourage still to not have it.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Restaurant cannot advertise an alcohol?

ELIZABETH LINT: Right. So, for example, a distributor may give you a free umbrella, you know, Sam Adams or something like that. If you're on city property, you cannot use that.

COREY PILZ: In my experience in reviewing various regulations in cities and towns, some towns, for example, Plymouth, do grant an exception, if it's a local advertising

establishment, such as a brewery. That's the only circumstances in which they will allow that type of advertising, if it's a local establishment.

CHAIRMAN MICHAEL GARDNER: Thank you.

DAVID CASS: That's pretty much all my questions.

If you guys have any questions about Newport or anything about the pedicab business...

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
What is your season down there?

DAVID CASS: We start in May and go only until the 31st of October. It builds up. It's really not until like June, mid-June there when things start getting good.

ASSISTANT FIRE CHIEF GERARD MAHONEY: On a typical day, how many bikes -- how many pedicabs do you have out on the road?

DAVID CASS: Newport allows a maximum of



16 pedicabs. So the business in total -- the companies in total can have that many on the road at a time -- I'm sorry. Let me clarify that.

So the other company has 12 licenses, I have four.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Oh, so that's it?

DAVID CASS: I can put four pedicabs on the road at any time. I have two shifts a day. 11:00 to 6:00 and then 6:00 to 2:00 in the morning.

ASSISTANT FIRE CHIEF GERARD MAHONEY: And how much on average would you say, if you have the data -- you may not have it -- does each operator take in in revenue a day?

DAVID CASS: Sure. So, it depends on the shift, the day of the week.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Friday night, Saturday night you probably do a

little better business.

DAVID CASS: Right. The idea is that like, it's usually like around -- I would take like a 30 percent rental fee of what they would make. So, I adjust it based on --

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
It's not a flat rental fee?

DAVID CASS: No. You want to keep riders. It is like flat, except I adjust at the end of the night. If everybody has a bad night, I'll lower it.

So like, on a Monday night they might come home with anywhere from \$100 to 200, \$250. On a Saturday night, people will have made \$500 a night, but that's like you have to be like a really outgoing person to actually like make like that type of money.

Some people on is a Saturday night make \$200. It's all about the person and how well

they sell themselves.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

They're marketing themselves.

DAVID CASS: Yeah.

CHAIRMAN MICHAEL GARDNER: What about safety issues? We have struggled with the idea that we have bike lanes in Cambridge, but the bike lane might be a little narrower than the actual requirements of the typical cab.

DAVID CASS: I mean, I think -- I'm sorry.

CHAIRMAN MICHAEL GARDNER: And we don't have bike lanes everywhere. And we're sort've worried about putting these things out there for safety.

DAVID CASS: Right. And any time like pedicabs are introduced into a new market, there's that worry. In Newport -- I don't know if you guys have been to Newport before -- but

it's highly congested. Lots of traffic.

So like even some of the roads are just a single lane. So I look at the bike lanes and they can definitely fit in the bike lane without a problem. So I think that's actually a good thing.

In the seven years that I've operated in Newport -- and I was the first pedicab driver in Newport -- there hasn't been any accidents. Seven years.

And one of the advantages was, as the first pedicab driver, I worked with the city, with businesses, with hotels, restaurants to problem solve anything that happens.

So like anything from going to the Marriott and finding like the best place to park the pedicab, direction, all of that stuff. So individual businesses relationships are very important. All of the pedicabs are insured up to

two million dollars, just like you said in this.

Sorry, my throat's kinda dry.

Turn signals, seatbelts and the riders themselves, they go through an hour long on the road training, they have -- I have a full safety -- a full training book with all the rules and regulations of the city and also of just my business in general.

If a pedicab operator breaks some kind of rule, let's say he rolls through a stop sign, I myself will fine them. Safety is like number one. Because if there's one pedicab driver out there that does something wrong, then every pedicab in Newport is like labeled the menace, when most people are just doing their job and doing a good thing.

Also, in terms of safety at night, when like a lot of people coming out of bars, you have people that might've drank too much. You're

keeping them off the road, you're bringing them home.

I can't tell you how many times I found a girl on the side of the road who is stranded and bring her safely to her house, to a hotel. We stay in contact with all the police. So over the years I've called the cops numerous times about vandalism, about fights, all that. We try to really like maintain a close connection with the community, police officers, businesses and everyone.

CHAIRMAN MICHAEL GARDNER: Thank you.

SUPERINTENDENT CHRISTOPHER BURKE: I do have concerns about the size of the pedicab especially if the primary area of operation is going to be Harvard Square. Some of the streets are pretty congested. We do have a high volume of bike traffic within the city, and judging from the side of the pedicab, the size of the bike

lane, the speed of the pedicab, I get the impression that that's going to force a lot of the bike traffic out into the other lane of operation.

I also have some concerns about clearly business areas you can't operate those things on the sidewalk.

DAVID CASS: Right, and that's the same way in Newport.

SUPERINTENDENT CHRISTOPHER BURKE: Do you have any provisions for your operators to wear helmets or beyond that?

DAVID CASS: No.

SUPERINTENDENT CHRISTOPHER BURKE: None.

DAVID CASS: No.

SUPERINTENDENT CHRISTOPHER BURKE: It says some of the safety -- you have brake lights, blinkers and headlights. Those are on all the pedicabs?

DAVID CASS: Yes.

SUPERINTENDENT CHRISTOPHER BURKE: You don't as of yet have signaling devices or horns?

DAVID CASS: I have bells. That's your first line of defense and getting people to get on the pedicab. Constantly hit the bell. Every time you go to -- it's really not that bad. Any time you go to like an intersection, I'll always hit the bell once, just so I'm seen by people, cars. The lights project, I think 200, 300 feet. We have a whole battery operating system. I have extra lights on the side and we have the turn signals and the bells.

SUPERINTENDENT CHRISTOPHER BURKE: What is your average rate of speed for these things?

DAVID CASS: Not too fast. It's -- you might've three people in the back of the pedicab. You're not like -- some of these people down these bike lanes it's just like a tunnel, a speed



tunnel. We're not going that fast. We're going at a normal rate of speed. Sometimes faster than traffic, if it's like really congested.

SUPERINTENDENT CHRISTOPHER BURKE: What kind of brake system do you have on them?

DAVID CASS: There's hydraulic brakes. Hydraulic brakes in the back and then also there's front brakes.

SUPERINTENDENT CHRISTOPHER BURKE: What is the weight of these vehicles?

DAVID CASS: 300 pounds.

SUPERINTENDENT CHRISTOPHER BURKE: And the capacity, weight capacity?

DAVID CASS: Three people up to, I think it's 500 pounds. So, the manufacturer I get it from, they're called Main Street Pedicab, which is in Colorado, and they make the best pedicabs in America. Actually I think there's only two companies. But they're very good. And they come

equipped with the turn signals and all that already.

SUPERINTENDENT CHRISTOPHER BURKE: How many speeds?

DAVID CASS: 21.

ASSISTANT FIRE CHIEF GERARD MAHONEY: The superintendent just said something that made me think of something. There's obviously the concern of the pedicab, for lack of a better term, versus automobile traffic.

But as he said, the bike traffic in this city has somewhat taken on a life of its own. What about the pedicab versus other bicycles?

DAVID CASS: You can't miss a pedicab.

ASSISTANT FIRE CHIEF GERARD MAHONEY: I understand that. But what I'm getting at is, what has been your experience -- and I realize in Newport, I'm sure there's a certain amount of bike traffic -- I'm thinking more along the lines

of like, you know, we see during the workday, bicycle messengers and those types of people.

DAVID CASS: So what I've noticed is that most -- I can say in Newport, and I live in Providence, so I ride a bike in Providence as well. A lot of people on bikes don't obey the laws. They're going through stop signs, red lights. They're not necessarily -- they might be going the wrong way in the bike lane. My riders like that's a no-no, absolutely not. They're not going to get the shift, they're not going to get the Saturday night shift, if they're not safe.

So we are like really mentors to other bikers in the community in terms of that. Also, in terms of like if you're in the bike lane and there might be -- like whether like a bike wants to go around you or something, there's pros in that. You're going at a reasonable rate of speed. So if there's like a speed limit for

bikes, we're doing that. So the person behind you, if they're speeding like crazy, they're the ones like disobeying the law. That's one way of thinking about it.

Also, we don't have bike lanes in Newport. So the way we work it is we always stay to the right so cars can get by us. Whenever there's a car -- and if we're on a street where it's obvious the cars are gonna go faster than us, we pull over. Always pull over for police, fire, anything like that.

SUPERINTENDENT CHRISTOPHER BURKE: Now, is there any dispatch system where you can call in and have a pedicab show up at a location?

DAVID CASS: Yes.

SUPERINTENDENT CHRISTOPHER BURKE: What's that gonna look like?

DAVID CASS: I have Nextel phones, we have a main line, and people will call the

manager's phone and we're always in constant contact with each other, so if there's a ride at the Marriott, someone goes down the Marriott, you can coordinate if you need four pedicabs or more. If there's lots of people coming out of an event, you can tell everybody where to go.

SUPERINTENDENT CHRISTOPHER BURKE: Do you anticipate having specific territories or districts for these pedicabs, or are they free-lanced throughout the whole city? How is that going to work?

DAVID CASS: So, basically the way it works is that wherever the people are, that's where the pedicabs are going to go.

Districts, no, I wouldn't say like you five go there, or you five go there or two, whatever it is.

They go out and wherever -- they want to go find the people. They're going to go wherever

the people are. So I imagine like Harvard Square is going to probably be like the central-type place.

Then in terms of like staging areas. So we have -- businesses loves us because we bring people to and from their restaurants, their hotels, wherever. Bed and breakfasts. We make our own rules with them in terms of where we park. Obviously, all that can't be regulated, so it's like you have to like work with each business and hotel and what they want. Some places will only allow one pedicab in a spot. Some people allow three to line up, and then we always do like a first up kind've like taxicab stand-type deal. Otherwise, you're just driving and waiting to be flagged down.

SUPERINTENDENT CHRISTOPHER BURKE: So you would be at a preaccepted staging point or in motion?

DAVID CASS: Yes. Most of the time they're moving. But like in Newport, there's a wharf that's kind've like central activities, banisters work ^ I don't get that and that is kind've like headquarters for pedicabs.

So we have -- there's 16 pedicabs in all of Newport. We only allow with the businesses, so I work closely with the other business, I actually ran the other business for years. So we amongst ourselves say that we can have up to five there. And that's it. So we police ourselves. And it's whoever -- if I am like allowed to be one of the businesses, that's my intention to work with the other pedicab company to work around all those rules, traffic, finding the staging areas, working with businesses because really we're all one in a way in that like if one driver from your company breaks a rule, that means like I broke the rule in a way, you know

what I mean?

CHAIRMAN MICHAEL GARDNER: Any questions?

ASSISTANT FIRE CHIEF GERARD MAHONEY: No.

CHAIRMAN MICHAEL GARDNER: Any other members of the public who would like to be heard on this matter?

Seeing none, I would like in terms of the pedicab pilot program call for applications, Corey, on the first substantive page in back of the cover sheet it says the License Commission will grant a total of two pedicabs business operating permits. I would like to change that to up to two, so that we've got the option of deciding whether we want to do two or one.

COREY PILZ: That change is going to be made. The intent was always to do that. It was a typographical error.

CHAIRMAN MICHAEL GARDNER: I don't have any other comments on the call for applications.



Do you need the regulations approved this evening?

COREY PILZ: Certain portions of the regulations should be approved to properly proceed with the call for applications.

Generally, the business, the pedicab business operating permit provision should be approved so we can actually get the application created and out to businesses, and also, the pedicab vehicle licenses provisions as well.

We can withhold any of the vehicles operation standards for your review to ensure all the public safety issues have been adequately addressed, and also, we can withhold at this point the provision regarding the operators licensure and also their standards for review because I do believe we have this on for another hearing prior to any of those coming into effect.

CHAIRMAN MICHAEL GARDNER: So, I think my

inclination would be to approve the regulations in toto this evening. I'm assuming there was willingness to do that, but to have it clear in the public record these are essentially in pilot form as well, and we will always have the opportunity to reconsider those, including reconsidering anything that we think may be problematic or can be improved prior to the beginning of the season.

I guess I would comment, too, that I heard the Newport starts about May 1st. I understand there's some interest in getting started here early.

Being in a pedicab at the beginning of March, does not seem to me to be a particularly sensible arrangement, and I would just -- you know, what I would say about it is the staff ought to think about that some more and perhaps come back to us with some other recommendation.

COREY PILZ: Just a very brief comment on the rules and regulations to address some of the concerns. These regulations were heavily drafted to give the Commission a lot of flexibility in terms of business models we may not necessarily have anticipated that will arise. In the case where a company just leases out their pedicabs that is allowed within these regulations, the provisions are there versus a company that will directly employ their pedicab operators. Especially in terms of the rates, we have given the Commission the flexibility to approve a rate schedule. However, if a pedicab company does not have a rate schedule, they can write that to the Commission in the application and we'll approve it like that.

Although they may seem to be scary, it's really one thing we've learned in the regulations are to give you much more flexibility than

sometimes you need.

CHAIRMAN MICHAEL GARDNER: I understood the employer comment, both from the member of the public spoke about it, but also the way you wrote it in terms of our dealing with the new thing and trying to be open and flexible to different models. It's highly unlikely we'll see anything here that's different than the arrangements in Boston and Plymouth and Newport that look familiar.

COREY PILZ: In terms of the actual dates, we don't necessarily have to mandate them to be on the road by March, however, since we're going to have to inspect the vehicles prior to them going on the road, we want to start that process a little bit earlier to give us some flexibility since it will be our first go at it as well.

CHAIRMAN MICHAEL GARDNER: I guess I

wonder a little about asking an applicant to be ready, so they have all the things and have all the inspections done, and have a place to garage everything, when, in fact, there's no business.

Are you really saying you want to have all the inspections done by the beginning of March?

COREY PILZ: No, not at all. I think the idea is the company can actually pick up their operating permit and then start to put things in place. For example, the only time they require to report to us where the pedicabs are being stored is when they actually get their pedicab vehicle license.

They will have a business operating permit which allows them to operate a business, and then when they're ready to go for those pedicab vehicle licenses, that they have the actual pedicab, they have a storage place. Then

they submit that to the License Commission after having it inspected, and that's when we would actually issue the vehicle license for them to tack it on and then go out and operate seeing that they have a licensed pedicab operator.

The goal is to get the permit to operate the business in the company's hands as soon as people so they can put things in place as needed.

CHAIRMAN MICHAEL GARDNER: What we're doing will not somehow box an operator into having to try field these things in a time when there's no business?

COREY PILZ: No. It will give them more flexibility.

CHAIRMAN MICHAEL GARDNER: Any other thoughts?

So Deputy Chief Mahoney was here for the first meeting we had on the draft regulations. I think it was Commissioner Haas who was here the

second time or the first time, so I think with respect to the application process, I would make the motion that we approve the call for applications document as submitted with the amendment that I suggested so they can get ready with that.

Is there a second.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Second.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

I'm just wondering, Superintendent, whether or not you feel comfortable in voting on

the draft regulations this evening, or I think the alternative would be to defer that to the decision hearing on the 29th where we are going to need you and Commissioner Haas or we're not going to have you anyway, you're not available?

SUPERINTENDENT CHRISTOPHER BURKE: Right.

CHAIRMAN MICHAEL GARDNER: And you're not available either? Right. I knew that.

Are you prepared to go forward with the regulations tonight understanding that if we think there's something that needs to be fixed, we can fix it?

SUPERINTENDENT CHRISTOPHER BURKE:  
Understand, yes.

CHAIRMAN MICHAEL GARDNER: I'll make the motion that we approve the draft regulations as submitted this evening with the understanding that in the interim before we actually put a real pedicab on the streets of Cambridge, we'll have



plenty of opportunity to make any adjustments as may be necessary.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Second.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

So we'll proceed in that way.

Thank you very much for your comments, sir.

**POLICY: THE BOARD OF LICENSE COMMISSIONERS WILL**  
**MEET TO DISCUSS AMENDMENTS TO THE RULES AND**  
**REGULATIONS**

ELIZABETH LINT: Policy: Board of

License Commissioners will meet to discuss amendments to the rules and regulations of taxicabs with respect to dispatch associations, including mobile applications and any other standards affecting the Cambridge taxicab industry.

CHAIRMAN MICHAEL GARDNER: So, Mr. Pilz, would you mind updating us again on the history of this again briefly?

COREY PILZ: We had just for a brief procedural history, this Board approved the regulation of dispatch associations on or about 1998 for the purpose of ensuring that the public maintain adequate access to our Cambridge taxicab industry.

With that said, the Board actually promulgated any regulations to that effect as the License Commission updates all our regulations to ensure that we are taking into account what is

going in the industry now. This is something we looked at and actually drafted a body of regulations which came before you at the October hearing.

When we were drafting the regulations, generally we had three things in mind, the first one was to put all the businesses that are in the, for lack of a better words, business of dispatching taxicabs on the same playing field, meaning our regulations weren't really geared toward actual radio dispatch companies, but they also accounted for companies that are dispatching via mobile application or website.

We also wanted to build an additional customer service and general service standards for these companies based on complaints and things that we have been hearing in the License Commission.

And, finally, we wanted to provide the

License Commission with sufficient information to continue adequately regulating the taxicab industry. And since dispatch plays a very important role, 'cuz they're the ones that are getting the cabs out on the streets and getting people into the cabs, we wanted to make sure we knew about this very important sector of the business.

At our last hearing, we did have three general concerns that were expressed by the Commissioners, which we have addressed in the draft that is now put before you.

The first one was we wanted to ensure that companies provided adequate means for persons with disabilities to contact a company and to also utilize their dispatch service.

I did meet with Michael Muehe who is the ADA Coordinator for the City of Cambridge and we spoke about this matter extensively. And we

determined that it was best to have a company disclose what their established policy is for accommodating persons with disabilities in the application process. This way when the License Commission would have the ability to review that and determine whether or not it was adequate means.

The second one was we wanted to ensure that cabs were being dispatched in a fair manner. Meaning that, you know, some cabs weren't getting all the jobs or jobs weren't being cherry picked.

And with that said, we were able to actually build in a standard for the manner in which cabs were actually dispatched, which is a fair and equitable manner among the industry.

The last thing the Commissioners were concerned about was what the actual enforcement this had, the teeth that these regulations had.

It's difficult from where we are in the

standpoint. What we have done is we did raise the administrative fee that we can assess against companies for any of the potential violations from \$50 to \$100, but the real strength of these regulations is tied into how we actually designed it.

When a company has to renew their dispatch permit, they have to submit the annual report and this annual report gives the License Commission all the information that we're looking for.

For example, it requires them to list all the costs associated with being a member of the dispatch company, a list of all the cost charged to consumers for utilizing the services, a current list of all the taxicab medallion numbers associated with the dispatch service, the number of services requests they received, the number of service requests they successfully fulfilled and

also the number of service requests that were not fulfilled and reasons as to why.

When the License Commission reviews the renewal application, we can take into account all this information that has been presented in the annual report, and also, any disciplinary matters that occurred in the past year, and that way, we can determine whether or not it's appropriate to renew that permit or to further condition it, suspend it, so on and so forth.

That's really where the strength comes in the regulations.

CHAIRMAN MICHAEL GARDNER: My memory is we also expressed some concern about the level of outreach, or at least responsiveness of the industry to this effort, and encouraged more efforts to try to get comments.

Can you just comment on that a little bit?

COREY PILZ: Yes. We actually prepared a letter and mailed it to all of our dispatcher associations that are currently operating in the city. It was sent to all of the presidents of the dispatch companies, directing them to a hard copy of the regulations, which is on the website or giving them the contact information for the License Commission. Unfortunately, we have not received any comments, phone calls or inquiries to this effect.

Also, the draft of the regulations, the red lined version has been posted on our website now for about a month, I would say.

ELIZABETH LINT: Mr. Chair, it was also discussed that the last two taxicab subcommittee meetings as well and there was really no input.

CHAIRMAN MICHAEL GARDNER: Did those subcommittee meetings include any representatives of the dispatch community?



ELIZABETH LINT: Yes.

ASSISTANT FIRE CHIEF GERARD MAHONEY: How many dispatch companies are there in the city?

ELIZABETH LINT: Six or seven.

COREY PILZ: There's Ambassador Brattle, Checker Cab, Cambridge Cab, UTS, Classic and Yellow Cab.

CHAIRMAN MICHAEL GARDNER: Any other questions or comments?

ASSISTANT FIRE CHIEF GERARD MAHONEY: Corey, you said there were three items. One was the establishing the policy for accommodating people with disabilities.

I caught the third one, which was the administrative fee, what was the second one?

COREY PILZ: The service standard is built into Rule 12. Service request response standard.

ASSISTANT FIRE CHIEF GERARD MAHONEY: 20

minutes.

COREY PILZ: A dispatch association must ensure that every service request for a taxicab medallion is responded to and dispatched in a timely, fair and equitable manner.

ASSISTANT FIRE CHIEF GERARD MAHONEY: So that's the meat of the matter, the fair and equitable manner?

COREY PILZ: Yes.

ASSISTANT FIRE CHIEF GERARD MAHONEY: My understanding was that there were issues with this body with respect to the mobile application people and the Commonwealth? What was the disposition of that by the Commonwealth? That was appealed to the Commonwealth, was it?

ELIZABETH LINT: The city has filed an appeal.

ASSISTANT FIRE CHIEF GERARD MAHONEY: The city has?

ELIZABETH LINT: Yes.

COREY PILZ: That's not necessarily applicable in that case because it was for a livery service and the city's concerns was how consumers are being charged because the device they're actually using is not a certified commercial measuring device. So that was --

CHAIRMAN MICHAEL GARDNER: To get mileage, et cetera?

COREY PILZ: Correct. That was appealed on more a consumer protection concern.

ASSISTANT FIRE CHIEF GERARD MAHONEY: That's more with the actual vehicle aspect of things --

COREY PILZ: Correct.

ASSISTANT FIRE CHIEF GERARD MAHONEY: -- as opposed to the dispatch?

COREY PILZ: Correct.

CHAIRMAN MICHAEL GARDNER: So were you

here with us when we discussed this the first time?

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Yes, I was.

CHAIRMAN MICHAEL GARDNER: Is this your first exposure?

SUPERINTENDENT CHRISTOPHER BURKE: Yes, it is.

CHAIRMAN MICHAEL GARDNER: Any there members of the public who would like to be heard on this matter?

Please come forward and state and spell your last name for the record.

SAM GARZON: Good evening. My name is Sam Garzon, G-A-R-Z-O-N. I would like to address the first concern.

CHAIRMAN MICHAEL GARDNER: I'm sorry. If you could just explain if you have any connection to the industry or Cambridge.

SAM GARZON: Absolutely I am. My name is Sam Garzon. I' actually working on a taxi reservation app called Taxi Right Now.

CHAIRMAN MICHAEL GARDNER: Taxi reservation application?

SAM GARZON: Correct.

CHAIRMAN MICHAEL GARDNER: For a mobile phone or --

SAM GARZON: Correct. For smart phones. I apologize. I have been meeting with Ms. Lint as well with Mr. Pilz in the past to discuss the development of this application. I believe this is very important that we have a clear understanding of the laws in place to make sure that whatever we do is in line with the regulations and laws.

The reason why I'm here is because on it's the first concern that Mr. Pilz mentioned, which is the person with disability. If you can

refer to Article 19, Rule 3, bullet point F as in Frank, which reads "An established policy for accommodating persons with a disability," a suggestion that I have is if we get more clarification or more detailed information as to what the person with a disability means. First thing that's come to my mind would someone that's in a wheelchair and could need a van, for example. So that's something we can accommodate.

If there's a broader definition of what a person with a disability means, then I think that should be addressed.

CHAIRMAN MICHAEL GARDNER: In general, you would think about it as limitations on a major life function. That's sort've generalized thinking about disabilities.

SAM GARZON: Absolutely.

CHAIRMAN MICHAEL GARDNER: One could be disabled in senses besides mobility. It could be

speech, it could be vision, it could be hearing, persons can be disabled with respect to mental cognition, understanding, other general life functions, so, you know, so it's eating, walking, seeing, that sort've thing.

ELIZABETH LINT: If I could jump in for a minute? We -- Sam came to one of our taxicab subcommittee meetings and I would have to say at the last meeting, everybody said, "Where is he? We have questions. We want him here."

SAM GARZON: I was out of the country unfortunately.

ELIZABETH LINT: So I would like to invite you to the next one, which is not until January, but we'll be in touch.

And basically, with the app that he's designing, he was really hearing from owners and drivers themselves as to what they think would be useful, such as, allowing someone who is using it

-- using the app to say yes, I need an accessible van or I need a bigger car or whatever it is. So he's really been working with us and hearing everything we have to say, and I just think it's terrific. But what I especially liked is someone coming to us and saying this is what I'm thinking about, what are your rules and regulations and what do I need to do to come here as opposed to that other company.

COREY PILZ: And just from a regulation standpoint, one of the things that this is generally geared towards is our concern if there's a company that's using a website and the website's poorly designed, so a person who has impaired vision cannot actually see the website, then essentially they can't use that website and they can't access that service.

So we wanted to make sure if you're running a website, that you can make taxicab



reservations through that website in compliance.

So generally, this policy, and we can provide more guidance on it, within the application itself, it's just to ensure that the means for which the application functions, whether it's a website, whether it's a mobile application, is acceptable for persons with disabilities. And there's ways to do it.

SAM GARZON: Fair enough.

CHAIRMAN MICHAEL GARDNER: Do you have any other questions or comments?

SAM GARZON: It was just a suggestion. That's all I have.

CHAIRMAN MICHAEL GARDNER: Thank you very much for sharing your concerns with us.

Second, Ms. Lint's comments that it's nice to see someone coming forward who has an idea about a new technology, but trying to make it fit within the existing rules. I appreciate

that.

SAM GARZON: I appreciate it too, thank you.

CHAIRMAN MICHAEL GARDNER: Thank you.  
From your point of view, Ms. Lint or Mr. Pilz, is there any reason we couldn't go forward and approve these regulations this evening?

ELIZABETH LINT: I don't see any reason.

CHAIRMAN MICHAEL GARDNER: Mr. Pilz shook his head no.

(Laughter.)

ELIZABETH LINT: I lost my train of thought.

Yes, I just would point out for your edification that the last time this was on, there was a representative from UBER ^ check here copiously taking notes as to what was discussed.

COREY PILZ: The only thing we would need

if the regulations were to go forward an effective date. And I think that effective date we'd have to give some leeway to ensure we can get car companies in compliance.

CHAIRMAN MICHAEL GARDNER: Is January 1st appropriate?

ELIZABETH LINT: Can we do it by then?

COREY PILZ: From the licensing standpoint, we're ready to go.

ELIZABETH LINT: We're done.

COREY PILZ: We have the application, a draft of the application has been provided and distributed, and in terms of our licensing capacity and staff capacity, we have no issues that are presented to us. It's just going to be a matter of making sure current operating companies participate.

CHAIRMAN MICHAEL GARDNER: Would February 1st be better?

ELIZABETH LINT: I think maybe because then we can introduce it at the next subcommittee meeting, which is the end of January and give people a chance to digest it and understand that we're serious about that if things have been very lack in the industry for way too long and it's time to really start reining it in.

CHAIRMAN MICHAEL GARDNER: February 1st is a Friday, does that matter?

ELIZABETH LINT: It doesn't matter.

CHAIRMAN MICHAEL GARDNER: Superintendent, you feel prepared to vote?

SUPERINTENDENT CHRISTOPHER BURKE: Yes, I do.

CHAIRMAN MICHAEL GARDNER: Well, any there any members of the Commission who want to make a motion in this matter?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I'll make a motion that the document, as

presented this evening by Mr. Pilz, be adopted by the License Commission.

CHAIRMAN MICHAEL GARDNER: With an effective date of --

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
With an effective date of February 1, 2013.

SUPERINTENDENT CHRISTOPHER BURKE: I'll second that motion.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded to approve the regulations, the revised regulations, as submitted to us this evening, to be effective February 1, 2013, all those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Mr. Pilz and Ms. Lint and the rest of the staff and anybody who worked on this, thank you very much for your hard work.

ELIZABETH LINT: This is it right here *(indicating)*.

CHAIRMAN MICHAEL GARDNER: We appreciate it and it will be interesting to see what happens now with an industry which has basically been unregulated if I understand your assessment.

We have other business before us,  
Ms. Lint.

#### **RATIFICATIONS**

ELIZABETH LINT: Ratifications.  
Refinance of 228, sale of 166, finance of 166,  
refinance of 60, paperwork's all in order.

CHAIRMAN MICHAEL GARDNER: Make a motion to approve the ratifications approved by the Executive Director.

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Second.

ELIZABETH LINT: Accept.

CHAIRMAN MICHAEL GARDNER: I knew I didn't have it right. To accept the ratifications made by the Executive Director?

ASSISTANT FIRE CHIEF GERARD MAHONEY: I second the motion.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

ASSISTANT FIRE CHIEF GERARD MAHONEY:  
Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Thank you very much for that. Although I did know the schedule about the 29th beforehand, in the heat of the meeting, it went out of my head, so we have a big logistical problem here.

ELIZABETH LINT: I was just thinking that myself.

CHAIRMAN MICHAEL GARDNER: We do have time to post a notice for a different day, I assume?

ELIZABETH LINT: Absolutely, and I talked to Sean all the time so I can change dates. If it's better to put it on a night hearing or whatever?

CHAIRMAN MICHAEL GARDNER: I would rather not do it in the context of a general evening hearing, if possible.

ELIZABETH LINT: I would agree.

CHAIRMAN MICHAEL GARDNER: I wouldn't like it to be delayed too long.

So I think we need all five of us at least for a portion of the hearing.

ELIZABETH LINT: I would agree.

CHAIRMAN MICHAEL GARDNER: We would ask



you, Ms. Lint, to see if you can coordinate the rescheduling of that hearing?

ASSISTANT FIRE CHIEF GERARD MAHONEY:

Coordinate all our calendars.

SUPERINTENDENT CHRISTOPHER BURKE: We

spoke about the 27th, which is good for me, but not Commissioner Haas. He'll be on vacation that week.

ELIZABETH LINT: Okay, what about --

CHAIRMAN MICHAEL GARDNER: First week in

December?

ASSISTANT FIRE CHIEF GERARD MAHONEY: My

boss has two trips coming up, one is business and one vacation.

CHAIRMAN MICHAEL GARDNER: Do you know if

he plans here to be on the 4th?

ELIZABETH LINT: I believe not. Let me

check. I can't check my --

CHAIRMAN MICHAEL GARDNER: I'm not sure

we're doing to get this done tonight so...

SUPERINTENDENT CHRISTOPHER BURKE: It would be best for Commissioner Haas to contribute. I don't want to commit without his -- I know he's working two -- a limited schedule for the rest of the year.

ELIZABETH LINT: Right. I'll take care of it.

CHAIRMAN MICHAEL GARDNER: Thank you for that. Motion to adjourn is always in order.

ASSISTANT FIRE CHIEF GERARD MAHONEY: Second.

CHAIRMAN MICHAEL GARDNER: All those in favor, signify by saying "aye."

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

ASSISTANT FIRE CHIEF MAHONEY: Aye.

CHAIRMAN MICHAEL GARDNER: Aye. We're adjourned at approximately 8:30 in the evening of November the 20th.

Thank you very much.

ATTACH TO THE LICENSE COMMISSION HEARING OF

11/20/2012

# ERRATA SHEET

INSTRUCTIONS: After reading the transcript of the Poles and Conduit Meeting of 11/1/2011, note any change or correction and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Sign and date this errata sheet

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I have read the foregoing transcript of the License Commission Hearing of 11/1/2011, and except for any corrections or changes noted above, I hereby subscribe that the transcript is an accurate record.

\_\_\_\_\_

CERTIFICATE

Commonwealth of Massachusetts

Suffolk, ss.

I, Jill M. Kourafas, a Notary Public in  
and for the Commonwealth of Massachusetts, do  
hereby certify:

This transcript of the Licensing  
Commission Meeting of 11/20/2012 is a true and  
accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 26th day of November 2012.

---

Jill Kourafas  
Notary Public  
Certified Shorthand Reporter  
License No. 149308

My Commission expires:  
February 2, 2017

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