CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIRMAN MICHAEL GARDNER
POLICE COMMISSIONER ROBERT HAAS
SUPERINTENDENT CHRISTOPHER BURKE
FIRE CHIEF GERALD REARDON

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: Tuesday, October 8, 2013
TIME: 6:10 p.m.

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P R O C E E D I N G S

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EXECUTIVE DIRECTOR ELIZABETH LINT: We would like to get started if anyone has a phone on we would appreciate it if you would turn it off.

And the rear door is to remain open at all times.

The License Commission general hearing Tuesday, October 8, 2013 at 6:10. We are in the Michael J. Lombardi Building, 831 Mass. Ave, basement conference room.

Before you are the Commissioners: Chairman Michael Gardner, Fire Chief Gerald Reardon, Police Commissioner Robert Haas, and Superintendent Chris Burke.

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APPLICATION: FAMILY BUSINESS ASSOCIATION

EXECUTIVE DIRECTOR ELIZABETH LINT: The first matter is the application Family Business Association, Inc. at 101 Huntington Avenue, Suite 500, Boston, MA has applied for a charity wine license at 40 Edwin Land Boulevard, Royal Sonesta Hotel for an event on October 24, 2013.

CHAIRMAN MICHAEL GARDNER: We ask you to state and spell your last name for the record, your affiliation with the application.

KATHRYN WATSON: My name is Kathryn Watson, W-A-T-S-O-N. And I'm the vice president of the Family Business Association.

CHAIRMAN MICHAEL GARDNER: And very briefly, the Family Business Association is?

KATHRYN WATSON: A nonprofit organization dedicated to honoring and educating family businesses in Massachusetts.

CHAIRMAN MICHAEL GARDNER: So you were

before us, or the association was before us, probably about a year ago?

KATHRYN WATSON: Almost exactly a year ago, I think.

CHAIRMAN MICHAEL GARDNER: Is there anything different about the event this time than the last time?

KATHRYN WATSON: No. We're expecting about the same number of attendees. Upwards to 400. 375 to 400.

CHAIRMAN MICHAEL GARDNER: And all the service of alcohol will be done by the staff? Not of the association but the staff at the hotel?

KATHRYN WATSON: At the Royal Sonesta Hotel.

CHAIRMAN MICHAEL GARDNER: How do you control or how do they control for under-age?

KATHRYN WATSON: So that's a good

question.

I'm not familiar with what the Royal Sonesta Hotel's policy for under-age is.

CHAIRMAN MICHAEL GARDNER: Ms. Lint, do you have any information to apprise us as to what is typically done at charity events like this in terms of controlling --

EXECUTIVE DIRECTOR ELIZABETH LINT: I do not know.

I assume that because they are all trained bartenders and servers they have gone through all the appropriate trainings.

CHAIRMAN MICHAEL GARDNER: Standard ID check?

EXECUTIVE DIRECTOR ELIZABETH LINT: I would imagine.

FIRE CHIEF GERALD REARDON: Your question, Mr. Chair, it seems to me, the Royal Sonesta's license is at stake here if they don't

follow the proper procedure.

KATHRYN WATSON: The application was their license.

CHAIRMAN MICHAEL GARDNER: Any other questions?

FIRE CHIEF GERALD REARDON: Who is the sponsor this year for the wine tasting?

KATHRYN WATSON: Well, the company that is supplying the wine is Gordon Liquor.

They are a family business as well, so they donated at a discounted price.

CHAIRMAN MICHAEL GARDNER: Other questions?

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

Seeing none, I will make the motion to approve the one-day event charity wine license for the Family Business Association at 40 Edwin Land Boulevard, Royal Sonesta.

FIRE CHIEF GERALD REARDON: Seconded.

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

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

POLICE CHIEF ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

Thank you. And good luck with your event.

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APPLICATION: UNO RESTAURANT, LLC - CHANGE OF MANAGER

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Uno Restaurants, LLC, d/b/a Uno Chicago Grill, Duncan Chan, manager, holder of an all alcoholic beverages as a restaurant license at 22 JFK Street has applied for a change of manager to Fred Pahl.

CHAIRMAN MICHAEL GARDNER: Good evening.

Be so kind as to state and spell your last name for the record and identify your relationship to the application.

FRED PAHL: My name from Fred P-A-H-L. And I'm the general manager.

CHAIRMAN MICHAEL GARDNER: You are the person who we are -- we are being asked to approve as the general manager?

FRED PAHL: Yes.

CHAIRMAN MICHAEL GARDNER: Have you de facto been serving in that road for any time?

FRED PAHL: A month.

CHAIRMAN MICHAEL GARDNER: And tell us a little about your prior experience as a manager of record.

FRED PAHL: Uno's, I have been there a year and a half. I ran the Boylston Street location ment. Prior to that, I was in Dedham.

Prior to that, I ran McCormick and

Schmick's at the Park Plaza. I did that for eight years.

CHAIRMAN MICHAEL GARDNER: You were manager of record at Boylston?

FRED PAHL: Yes.

All the ones I was general manager.

CHAIRMAN MICHAEL GARDNER: And any particular issues or challenges at this location?

FRED PAHL: No. We are -- actually, part of my job is there to improve service and standards.

And one thing we do is our servers have to be TIPS certified prior to waiting on a table.

I'm very big on controlling the bar environment and restaurant environment and keeping it a family restaurant in the downtown.

CHAIRMAN MICHAEL GARDNER: And is 21 Proof the issue still?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: Cambridge has it's own training called 21 Proof.

And you should make sure you familiarize yourself with it and get certified.

FRED PAHL: I will do that.

Is that something that should be done throughout the staff and all the management?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, it is.

FRED PAHL: We'll do it.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE CHIEF ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No questions.

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

Seeing none, I make the motion to approve the change of manager to Fred Paul as described

in the application.

FIRE CHIEF GERALD REARDON: Seconded.

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

FIRE CHIEF GERALD REARDON: Aye.

POLICE CHIEF ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Good luck.

CHAIRMAN MICHAEL GARDNER: None opposed.

An editorial comment, in general we are concerned that sometimes it takes a long time after the de facto change for people to come forward to the Commission and get it changed in our paperwork.

Ideally, it should happen beforehand. A month is good compared to some.

FRED PAHL: It was an unexpected departure.

Thank you for your time.

EXECUTIVE DIRECTOR ELIZABETH LINT: We'll send you the information that you need on the training.

Okay, so the next two say "disciplinary" and they should actually say "decision."

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DECISION: MOKSKA, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT: Continued from July 31 Moksa, LLC d/b/a Moksa Tapas Lounge/Naga, Taslim Chowdhury, manager, holder of an all alcoholic beverages as a restaurant license at 450 Mass Ave due to police reports received by the License Commission regarding incidents on May 16/17 and May 23/24 and June 21, 2013.

CHAIRMAN MICHAEL GARDNER: Thank you.

So we have two separate matters and we had two separate hearings around this issue.

Mr. Hope, if you be so kind to state and spell your last name for the record.

ATTY SEAN HOPE: Good evening, Mr. Chairman and members of the commission.

For the record, Attorney Sean Hope, H-O-P-E, Hope Legal Law Offices in Cambridge. I'm here tonight on behalf of Moksa, LLC and Naga.

CHAIRMAN MICHAEL GARDNER: Do you have any objection if we consider these two matters together?

ATTORNEY SEAN HOPE: I think it is appropriate.

CHAIRMAN MICHAEL GARDNER: And just to make the record clear, Ms. Lint, the first hearing which involved issues from May 16/17 and May 23/24, the Commissioners who heard that case were Chief Reardon and Superintendent Burke and myself?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIRMAN MICHAEL GARDNER: On that one it, was here Chief Reardon?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. It was Superintendent Burke and you.

CHAIRMAN MICHAEL GARDNER: And not the Chief?

EXECUTIVE DIRECTOR ELIZABETH LINT: Not on the Chief. And then on the 23rd, it was the Chief and you.

CHAIRMAN MICHAEL GARDNER: I apologize for not remembering all of the details of who was here.

My memory of the incidents, however, were that all three of them were quiet serious involving substantial deployment of police resources or re-deployment of police resources out of protection from the rest the city to deal with matters arising in the street outside the

proximity of the premises.

And that the steps the Commission took at that point were to ask both this establishment and the neighboring establishments in the Central Square area to get together to try and come up with some common solutions to the crowding and belligerent nature of some of the crowds that were on the streets typically near the close of hours of operation of the business.

We wonder if you would summarize for us, Mr. Hope, the steps that you understand to have been taken so far, progress made, and any further steps that you contemplate.

ATTORNEY SEAN HOPE: Sure. On our own, at the direction of the Commission we worked with the Central Square Business Association.

Robin Lapedis (phonetic) and George Mesker were charged with organizing a meeting with the other restaurant and establishments on

Mass. Ave with the goal of pooling resources to better coordinate either police presence or details, so that it is not just one establishment.

There was a meeting held, I wasn't present, but it was Solomon, the owner of Moksa/Naga, and there were parties from the Middle East. It was a coalition of the willing, if you will. They were all saying we want increased police presence. Middle East and Moksa are in that same stretch with High Five Pizza there so anything that happens in front of their establishments effects their patrons.

That meeting was held. And there was an idea to collect a fund. Both Mr. Chowdhury and the proprietor of the Middle East are willing to contribute to that fund.

To date, and we're hoping the Commission can continue to help us, the Central Square

Business Association has not collected from all the participants who they scheduled, and so from my understanding, they haven't exercised the funds that are in that pool.

Part of it is logistics organizing them. And part of it may be getting other people to participate. And frankly, I think there was a little bit of a challenge.

The Central Square Business Association is in a difficult role of requiring other restauranteurs who may not have issues to come and pay into a general fund.

And so one of the challenges I think is trying to get some help from the Commission so that other people who may not have an incident, also contribute to the fund because I think all the restaurants are going to benefit.

I think the idea, 1:00 and 2:00 when people let out, there's people going back and

forth into different establishments.

So I'm not going to speak for the CSBA but I think there was a challenge in getting other folks on Mass. Ave, there's some new restaurants, to participate by pooling and paying money because they are an organization that's a volunteer organization. So this is now the CSBA saying you have to do that. So I think that's a challenge.

I want to note even though it hasn't been implemented, Moksa hasn't had any incidents of note since that date.

Part of it is understanding that the seriousness from the Commission.

Also there's an improvement the learning curve with management. This is an establishment that hasn't been opened at that long. We are getting close to our year date. Part of it is trial and error and figuring out what works,

training the staff.

And but again, we are hoping and willing to participate in pooling resources and funds with the CSBA as part of that strategy.

CHAIRMAN MICHAEL GARDNER: Any challenges in practices with respect to the booking of talent?

ATTORNEY SEAN HOPE: Yes.

At the last disciplinary hearing we noted we cancelled the promoter that had been involved in two of the three events. And it came apparent whether it is the crowd that comes with them -- we didn't want to isolate what it was. But they have no longer been booked at that the establishment. And we think it's been helpful curtailing the crowd.

There was comments about dress code. And they made adjustments to that.

Part of the challenge is, we have people

at the restaurant who come may come in in casual clothes, and the people who want to attend the nightclub.

And part of that is management and being more aware trying to make sure there's equity at the door so people can't say someone is wearing jeans.

So these are all internal things that I think being before the Commission and having some examples of what hasn't worked has lead to some changes that been successful.

CHAIRMAN MICHAEL GARDNER: Since so many of these issues involve public safety within the city and the Central Square area, I just ask either and/or Commissioner Haas or Superintendent Burke to comment generally on your impressions of circumstances since mid-June or since the June 21 incident.

SUPERINTENDENT CHRISTOPHER BURKE: I

think that clearly the May incidents were similar in nature to the incident that occurred in June; large-scale gatherings that required the complete resources of the police department. There was assaultive behavior not only by patrons and bystanders but also injuries to officers as well as.

I think since some adjustments that may have been made since the 6-21 incident with the promoter of those events, there has been some marked improvement in the four-and-a-half month period since the May 25 incident and there's only been a record of five disturbances.

Four of them didn't require any reporting by the responding officers.

And one did occur inside the establishment but it was a one patron versus another patron.

There was an officer close by, and there

was -- and the officer was able to resolve that quickly.

I will note over that same four-and-a-half month time period, there have been a total of 27 assortment of directive patrols in that area during that time frame.

So I'm sure the added police presence has probably gone along way to resolve the problems outside of the establishment.

But clearly, when we assign units to those areas, it means that we have to take units away from other areas, so there's a certainly concern from that perspective.

I think, all in all, the experience in the dispatch did reflect this type of behavior we saw in May/June has not repeated itself.

POLICE COMMISSIONER ROBERT HAAS: So I guess to kind've augment what Superintendent Burke talked but about, we noticed some

situations where people appear to be over-served.

And we are also hearing that -- it may not be the entirely the fault of the premise, but there may be people bringing their own alcohol into the establishment and consuming it in the restrooms which causes a problem for the staff.

One of the things I alert Moksa to, along with the other venues in that area, is that they have to do something to make sure that people are not bringing alcohol in and/or consuming alcohol.

And that's been a trend we've learned about relatively recently.

We think it is effecting most the establishments down there. Because of the cost the, alcohol because are supplementing it with their alcohol.

I don't know if you want to lower your prices for alcohol. But that's part of the

reason we're hearing why people bring alcohol into the establishment.

CHAIRMAN MICHAEL GARDNER: Anything, Chief?

FIRE CHIEF GERALD REARDON: No. Just that area is a tight area in terms of sidewalk area and with some of the fencing and so forth, it can get congested quite easily. And I see how a large crowd can get bottle-necked in there a little bit.

Just the crowd management, so to speak, is probably to keep a free flow of people who aren't attending those restaurants, so they can walk up and down the avenue.

POLICE COMMISSIONER ROBERT HAAS: So my question, I guess, I mean, I appreciate the fact this is kind've a different business model with respect to the business association getting involved and coordinating this.

I'm trying to figure out how we put it in place sooner than later so we can have a stabilized police presence in the area and the also the area residents and restaurants recognize the fact that they all have a stake in this. And I want to figure out what that looks like.

EXECUTIVE DIRECTOR ELIZABETH LINT: I can address that.

CHECK I spoke with Ms. Lay pedestrian did you say yesterday just about the fact that we've had some talks but nothing has been put in place.

So what we felt would be best if myself, Robin, and Deputy Halbert, Superintendent Williams, Ms. Boyer got together again with the restaurants in the area and just to make them understand that just because you have two establishments that are larger, it doesn't mean that the other establishments are not part of the pool.

I know that one of the other establishments had something like 30 calls. And that's one -- that owner saying0.

FIRE CHIEF GERALD REARDON: During that time period?

EXECUTIVE DIRECTOR ELIZABETH LINT: During that time period. And that owner is saying "I'm not far down the street. I shouldn't be a part of it of the," but clearly you should be.

So I think if we all get together again that perhaps we can make this happen sooner than later.

CHAIRMAN MICHAEL GARDNER: So in that regard, this is sort've related to this matter, so I think it is not out of order, but not directly related to the decision on these complaints and I would offer for the consideration of the Commission the motion that

the Commission go on record as strongly endorsing a cooperative response from all of the restaurants in the area, including those who serve and those who do not serve alcohol, but who are open late in the evening, that we encourage them to a cooperative solution that involves a fair sharing of expense for the good of all of their businesses, for the safety of their patrons, for general safety within the area because these incidents are among the top two or three in terms of public safety seriousness that at least I've encountered on the Commission since 2010, and it is just not acceptable to strip the City of virtually all of its police-response capability in what is, in essence, dealing the spill-over of the business practices of these establishments.

And we need the establishments to coordinate it in a cooperative way and find ways

to continue to maintain good order throughout the evening and into the closing hours.

Pretty long rambling motion.

SUPERINTENDENT CHRISTOPHER BURKE: I would second that motion. I got it all.

CHAIRMAN MICHAEL GARDNER: Any further discussion?

All in favor signify by saying aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So that's the sense of the Commission.

Ms. Lint, if you could communicate that to the appropriate parties.

EXECUTIVE DIRECTOR ELIZABETH LINT: I most certainly will.

CHAIRMAN MICHAEL GARDNER: Anything else you want to add, Mr. Hope?

ATTORNEY SEAN HOPE: The only thing I would add, and I'm thankful you are going on record, and there's a charge to gather everybody because I think it is important. My only thought, and not to add to the motion, but there's this idea of where along Mass. Ave you fall and whose fault it is. And so I thought maybe as an idea for a geographic region, the Central Square Overlay District essentially encompasses from Bishop Allen to Green Street and it goes from essentially from the post office and it stops in and around Middlesex and so I'm thinking the idea of maybe trying to figure out a region because I already in my mind am hearing people say "That's not me."

I know Commission is well aware who are the actors are and so forth.

But in terms of the disciplinary hearing, I want to reemphasize we have taken those

incidents to heart. We have made serious changes to the operations as well as to the type of promoters we have there. And I think we're really wanting to move forward continuing to be successful and pushing and growing the restaurant.

I think part of the challenge is how do you get the restaurant to compete with the night life. And we are not giving up on that.

The operators hired marketing consultants, they do catering, they do other things, to actually have this more of a balance which has been difficult as a new restaurant in Mass. Ave. I think we have made serious changes and I hope the Commission will take that to heart.

POLICE COMMISSIONER ROBERT HAAS: With respect to promoters, I'm assuming that you are compiling a list of those kind of promoters that

don't attract the clientele you want to see in that region.

ATTORNEY SEAN HOPE: Yeah.

Also, Mr. Chowdhury, as an owner operator of Om, previous to this, there's a series of promoters in the industry, and you can kind've tell who will bring in the larger crowds and who will not.

I don't know if there's an actual list, but I'm sure there's a list of the ones that would bring in -- I know do they a lot of salsa and other types of music.

So there's promoters that do that type of music. I don't know if that addressing your question.

POLICE COMMISSIONER ROBERT HAAS: I want to make sure we don't have the series of two or three incidents before the business owner decide that's not the kind of promoter in and bring that

business in. We have had that kind of history before where it goes on for three or four times.

My attitude is, if it comes in and it's disruptive to the business or potentially jeopardizing the license, I would think you want to stop doing business with that promoter sooner rather than later.

ATTY SEAN HOPE: That was the lesson we learned this summer.

And I think there was an idea that there wasn't quite the promoter and it wasn't the date, and we are here now because, as you said, there was too much of a wait-and-see approach.

Now, they are much more vigilant recognizing the Commission does hold the license and there are serious consequences for that.

FIRE CHIEF GERALD REARDON: I would say the licensees kind've know the promoters from other ventures previous to them. A large crowd

generally also brings sometimes an unruly crowd that you don't really want as a restauranteur in this area.

And the other thing too, you have to -- where it worked well before and see what the venue size is there versus the compact area that Central Square brings and the congestion and think ahead of time out of the box, you know, is this larger crowd going to be something not worth it to me and I'll have a problem.

ATTORNEY SEAN HOPE: That is a really good point. And that's what they learned. Maybe it is not the promoter. The idea that the sidewalk bottle-necks and so you can have the best promoter, and there's certain things, and I think some of that has been trial and error.

There's lessons that have been learned that we don't want to relearn.

POLICE COMMISSIONER ROBERT HAAS: And the

other thing is, and I hope all the applicants understand, the License Commission has been very consistent, we don't accept the notion it is the promoter's responsibility when there's a problem.

It is the holder of the license that's responsible. We have little patience for somebody coming in and saying, "Well, it is not my fault. It is the promoter."

CHAIRMAN MICHAEL GARDNER: And so to the Commissioner's point about sometimes it takes awhile to respond, two or three incidents before you take corrective action, let me -- not in the form of a motion, but I think merely a suggestion, which any of the commissioners may express an opinion, but it would be my hope that if there's an incident in the future of any seriousness, that in addition to scheduling it for a hearing before the Commission, that the

sort've working group that involves the Central Square Business Association, some of the players in terms of the restaurants and licensed establishments in the area and License Commission staff can get together to address the issue fast.

We've got certain notice requirements with respect to when we can schedule hearings. We are in a reasonably formalized situation here.

If you -- in terms of trying to reinforce the idea of collective responsibility and collective action, if we can get the businesses in the area, with the assistance of the business association and the License Commission staff, to address new problems quickly, that will no doubt help when a matter ultimately comes before the License Commission to be able to -- for us to be satisfied that responsible action is being

taken.

So that's just my general suggestion to the staff then, to the business community. And then I don't know if any other commissioners want to say anything about that.

FIRE CHIEF GERALD REARDON: I think I agree at least on the very face of it, so there's really not more to add to it I would say.

CHAIRMAN MICHAEL GARDNER: With respect to this discipline itself, I did find in the file a letter written from Mr. Chowdhury to the License Commission dated December 26, 2012. It was not about Moksa. But I think it's reasonable to just quote the closing of the letter "I Solomon Chowdhury take great pride in my reputation for quality and excellence in the food service business, and the closure of Om has only strengthened my resolve and commitment to rebuild a stronger and better brand in Cambridge."

And later in the letter "I'm determined to continue Moska Tappas Lounge as a world-class dining and entertainment designation in this great city for years to come."

That's certainly the sentiments that, I think, were heartfeltly expressed. And that we take to heart there are certainly challenges both with respect to the business model and the location, I think.

But we've granted the license with the expectation that those challenges can be met.

And I think my inclination with respect to these issues is to issue a general admonition to the business with respect to the need to ensure that incidents similar to those from May and June and/or the conditions which led to the incidents in May and June be avoided in the future through proactive action both of the establishment itself and the cooperative

efforts from within the general business community.

And that apart from that admonition, the matter be placed on file, although explicitly relevant for consideration should there be any future incident with respect to a determination as to what if any discipline should be imposed.

That would be my motion.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIRMAN MICHAEL GARDNER: Any discussion?

So let's see -- you were with me, right?

FIRE CHIEF GERALD REARDON: Yep.

CHAIRMAN MICHAEL GARDNER: Okay.

So we'll take two votes on this motion if we can. First, with respect to the May 16, 17 ad May 23 and 24 incidents, all those who were present for that hearing, all those who are in favor say aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

So that motion cares two to nothing.

With respect to the June 21 issue, all those in favor signify by saying aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye. That carries.

Two to nothing.

ATTORNEY SEAN HOPE: Thank you.

CHAIRMAN MICHAEL GARDNER: So we regard this establishment and the others in the area as integral to the continued success of Central Square and its vitality as a destination and both an economic, cultural, and social benefit to the city, but you've got your challenges. And we trust, hope, and expect you will meet them.

ATTORNEY SEAN HOPE: Thank you.

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APPLICATION: BON ME FOODS, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Bon Me Foods, LLC. Patrick Lynch, manager, has applied for a vendor/peddler license to operate a mobile food truck on private property at 1 Oxford Street. Applicant would be permitted to operate on said property from 11:30 a.m. to 7:00 p.m. seven days per week.

CHAIRMAN MICHAEL GARDNER: So if you would so kind as to state and spell your last name for the record and identify your relationship to the application.

TEAGHAN LEHRMANN: T-E-A-G-H-A-N. L-E-H-R-M-A-N-N. And I'm the business development rep and catering manager for Bon Me Foods, LLC.

CHAIRMAN MICHAEL GARDNER: Tell us about Bon Me Foods.

TEAGHAN LEHRMANN: It's a food truck that started in Boston 2010.

We won the Boston Food Truck Challenge and we got our start from that.

Patrick Lynch and Allie Fong (phonetic) are Cambridge residents.

We now own three food trucks and one restaurant in Kendall Square.

And now we are applying for Harvard the Science Center Plaza seven days a week. We have been there the past few weeks on a temp permit. And this is to make that official.

CHAIRMAN MICHAEL GARDNER: What kind of food does the truck that you plan to operate typically serve?

TEAGHAN LEHRMANN: Vietnamese inspired. We sell noddle salads and rice bowls.

All fresh healthy ingredients, which our chef makes daily.

CHAIRMAN MICHAEL GARDNER: Are these foods prepared at the restaurant?

TEAGHAN LEHRMANN: They are prepared at our commercial commissary in Malden -- now in Roxbury. We just moved there.

We have a commercial kitchen that produces all the foods for the three trucks and then the restaurant operates on its own.

CHAIRMAN MICHAEL GARDNER: What is the relationship, if any, between the food truck and the restaurant?

TEAGHAN LEHRMANN: They sell the same foods and they are managed by the same company.

CHAIRMAN MICHAEL GARDNER: Have you had any incidents during the period with the temporary license?

TEAGHAN LEHRMANN: No.

CHAIRMAN MICHAEL GARDNER: And any other questions?

POLICE CHIEF ROBERT HAAS: What's the hours of operation?

TEAGHAN LEHRMANN: We do a lunch to dinner service. 11:00 to, I guess, until 7:00 right now.

POLICE CHIEF ROBERT HAAS: All seven days of the week?

TEAGHAN LEHRMANN: No.

We have been there on Tuesdays, Wednesdays and Fridays.

POLICE CHIEF ROBERT HAAS: Are you planning on sticking with that plan? Or planning to expand it?

TEAGHAN LEHRMANN: Right now we are planning to expanding to Mondays and possible Saturdays.

POLICE CHIEF ROBERT HAAS: So it will be 11:00 a.m. to 7:00 p.m. those additional days?

TEAGHAN LEHRMANN: Yes.

CHAIRMAN MICHAEL GARDNER: The application says 11:30.

TEAGHAN LEHRMANN: We start serving at 11:00.

CHAIRMAN MICHAEL GARDNER: Do we need to get that changed?

EXECUTIVE DIRECTOR ELIZABETH LINT: That can be amended.

FIRE CHIEF GERALD REARDON: So is there a one-day license involved there right now?

TEAGHAN LEHRMANN: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: The truck was inspected back in August. We have all the sign-offs.

CHAIRMAN MICHAEL GARDNER: Either for you, ma'am, or for Ms. Lint, approximately how many trucks are licensed typically to operate there presently?

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh,

boy, there's a lot.

FIRE CHIEF GERALD REARDON: Five or six trucks and also booths.

EXECUTIVE DIRECTOR ELIZABETH LINT: There's the ice cream box.

CHAIRMAN MICHAEL GARDNER: How about you, you may know better.

EXECUTIVE DIRECTOR ELIZABETH LINT: Eight or ten.

TEAGHAN LEHRMANN: Six we see on a regular basis.

EXECUTIVE DIRECTOR ELIZABETH LINT: But they rotate in and out.

FIRE CHIEF GERALD REARDON: And the rest are in a tent.

TEAGHAN LEHRMANN: They have a few stands in the tent.

CHAIRMAN MICHAEL GARDNER: Is there enough business for everybody?

TEAGHAN LEHRMANN: Plenty to go around.

CHAIRMAN MICHAEL GARDNER: So it is a popular location?

TEAGHAN LEHRMANN: Yes.

It's been a great site.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE CHIEF ROBERT HAAS: No other questions.

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

Seeing none I make the motion to approve the vendor/peddler license to operate a mobile food truck at 1 Oxford Street on the hours of 11:00 a.m. to 7:00 p.m.

This application is seven days a week.

I take it you currently aren't really operating seven?

TEAGHAN LEHRMANN: No.

POLICE CHIEF ROBERT HAAS: You don't plan on extending it.

TEAGHAN LEHRMANN: We don't plan on it but we just wanted to keep it flexible with Harvard.

EXECUTIVE DIRECTOR ELIZABETH LINT: What we did, when the pilot program started, as the trucks that came in that wanted to be there, they were all applying for seven days. But they were all there at different times and so this gave flexibility if one wasn't going to be there on day, another could be substituted in and then it was covered.

CHAIRMAN MICHAEL GARDNER: So that doesn't offend the sensibility of the License Commission staff?

EXECUTIVE DIRECTOR ELIZABETH LINT: It does not.

It is a little different than the brick and mortar where you're expected -- say you live above the coffee shop and you know they are open at 6:00 and you go downstairs and it's closed. It is a little different.

CHAIRMAN MICHAEL GARDNER: My motion to approve the application as stated with the amendment of 11:00 a.m.

FIRE CHIEF GERALD REARDON: Seconded.

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

POLICE CHIEF ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Welcome. Good luck.

APPLICATION: CLOVER FAST FOOD, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Clover Fast Food, Inc., Thomas Cancelliere, manager, has applied for a new malt beverages as a restaurant license at 5 Cambridge Center.

The proposed hours of operation are 6:00 a.m. to 11:00 p.m. seven days per week with alcohol sales starting after 8:00 a.m. Monday through Saturday and after 10:00 a.m. on Sundays.

The proposed seating capacity 62 inside an 24 seasonal patio seats on private property.

CHAIRMAN MICHAEL GARDNER: Good evening.

I would ask each of you to state and spell your last name for the record and identify your relationship to the application.

AYR MUIR: I'll start. My first name is A-Y-R. And my last name is M-U-I-R. And I'm the founder and CEO of Clover Food Labs.

THOMAS CANCELLIERE: My name is Thomas, last name C-A-N-C-E-L-L-I-E-R-E.

And I will be the manager of the Kendall Square location.

JOHN LEE: John Lee, L-E-E.

I'm the director of finance.

CHAIRMAN MICHAEL GARDNER: So tell us about the proposed plans here at 5 Cambridge center.

AYR MUIR: We are excited to be opening Clover in Kendall Square on Main Street and Boston Properties is our landlord there.

The location is right next to the new entrance they built to Google. It is between the Coop and Legal Seafood.

It is mostly space that used to be sidewalk. They brought out the storefront there and reclaimed some space.

FIRE CHIEF GERALD REARDON: Is this the

left of the entrance?

AYR MUIR: Exactly.

It's about 1700 square feet and it is long so it's windows are facing onto Main Street.

We're very excited about it. We think it will be wonderful. We have five years almost, end of this month, five years' experience with our truck in on MIT's property in Kendall Square.

We are been looking the whole time really to find something in Kendall Square to be a restaurant for us.

It will be similar operation and menu to what we have at our location in Harvard Square.

We have breakfast lunch and dinner.

There's always some slight vacation between our locations due to seasonable ingredients.

But it is the same concept and basic foods. It's pretty simple. There aren't that

many items on the menu.

And we have seasonal ingredients so they change from time to time.

And we would like to also continue the beer program that we've developed in Harvard Square at that restaurant. And we also operate that at the location in east Cambridge that we have on 1075 Cambridge Street.

It's worked very well. It's a real culinary context of beer. We have a limit of two per person.

And the environment is not a bar atmosphere so we tend -- most customers don't take two beers even.

But it is really meant to highlight some beautiful local beers and local brewers and bring attention to that and allow people to enjoy that with their meal in the evening.

For example, tomorrow we are having an

event at Harvard Square where the brewers are coming in in person, and the person who supplies his malt, she's out in Western, Mass and actually started malt production, so he can use Massachusetts-grown grains.

They are both coming in to talk to customers about what they do.

And that's the kind've -- not tomorrow. Thursday. That's the kind of thing we are looking to do, promote the local agriculture and business.

And that's a summary of what we're up to and would like to do.

CHAIRMAN MICHAEL GARDNER: Will this be the third location in Cambridge?

AYR MUIR: The third location in Cambridge.

CHAIRMAN MICHAEL GARDNER: Do you have locations elsewhere?

AYR MUIR: We have a restaurant in Brookline Village and Burlington, Mass.

Due to -- they are also similar operations with slight differences. Due to the alcohol permitting, we don't have licenses in either of those locations.

In Brookline, it is because we -- it is a take-out only restaurant. And in Burlington, it is value licenses only and we can't afford, given not much of our sales come from beer so we can't afford to buy a license there.

CHAIRMAN MICHAEL GARDNER: How, if any ways, will this operation be different than either the Cambridge Street location or the Harvard Square location?

AYR MUIR: Not anything significantly.

I would like to say we've learned a little bit in our store designs.

It should be an improved, more efficient

design, and more friendly for customers.

But there wouldn't be any substantial difference in the operations.

CHAIRMAN MICHAEL GARDNER: Are all three of your licenses no value nontransferable? Or the two you have, plus this one being asked?

AYR MUIR: The nature of what we do, we don't make a lot of money from it. It is a small percentage of our total sales. And we are only featuring beers. So we can't -- we are not going for a full liquor license or anything like that.

CHAIRMAN MICHAEL GARDNER: And is the limit of serving two beers per customer in your experience a model which is replicated very many places?

AYR MUIR: I don't know who else does that.

I know for us we were never interested in

being a bar atmosphere, and it's an internal rule we set for ourselves.

The results have been good.

We haven't had, knock on wood, we haven't had any incidents since we got our license in either locations, we haven't had anything that spills out to the public.

We have haven't had disorderly conduct or anything like that.

It's been very responsible. And that's -- and that's what we're looking for.

I don't want to create an atmosphere where we need somebody that has to be dealing with rowdy customers or anything like that.

CHAIRMAN MICHAEL GARDNER: Tell us about the seasonal patio seats on private property.

AYR MUIR: So I believe it is actually public property.

And we will have to -- we're interested

in proposing it. But I think we need -- I don't know the name of the board that needs to review that.

EXECUTIVE DIRECTOR ELIZABETH LINT: Public Works.

AYR MUIR: Yeah. We would like to have outdoor seating out there.

CHAIRMAN MICHAEL GARDNER: You are talking about on the public sidewalk?

AYR MUIR: Oh, were you asking about the existing operation at Harvard?

CHAIRMAN MICHAEL GARDNER: No. I'm asking you about this application.

AYR MUIR: This application, Boston Properties, the way they build now, it goes right up to their property line.

So any outdoor seating would be on public property and not private. So it's pending review.

FIRE CHIEF GERALD REARDON: You've already applied to DPW?

JOHN LEE: I think they met on it last Monday. Not DPW. But City Council. And I don't know where it stands right now.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's a two-prong that Public Works has to determine if there's sufficient space. And then it varies if you are going to plan on serving alcohol outside or not. So you need less sidewalk if you are not.

You have to be able to build barriers and still have space that complies with ADA requirements.

FIRE CHIEF GERALD REARDON: Does any of the space on the atrium, that would be outside yours, is that available at all?

AYR MUIR: I'm not sure yet.

Boston Properties has shown us previous

plans that has some seating there. The current outfit doesn't have seating.

FIRE CHIEF GERALD REARDON: It is a large space?

AYR MUIR: Yeah. I think they might add it at some point. If they do add it, we have some rights to it. We can't force them to add it. So it's pending what their decisions are.

CHAIRMAN MICHAEL GARDNER: So, you see, this application says 24 seasonal patio seats on private property.

Is it possible that, in fact, refers to the atrium space?

AYR MUIR: No. I think that was a mistake on our part. I think at that time we had been given information that it was private property.

And since then we looked into it in more detail and found it was public, so it's a --

CHAIRMAN MICHAEL GARDNER: Tell us about plans for deliveries and trash and rodent control.

AYR MUIR: There's docks that they have as part of that building. And we have a service exit. It is part of the restaurant. There's a hallway that connects it.

I believe that's where the dumpsters will be located. And our access to it goes through these hallways in the building.

Deliveries? They want some of our deliveries to be from the street. And they want other deliveries to be through this loading dock and Boston Properties has guidelines for that. So we'll follow their guidance there.

CHAIRMAN MICHAEL GARDNER: Mr. Cancelliere, tell us about your prior experience as being a manager of record for an establishment that sells alcohol?

THOMAS CANCELLIERE: I have experience managing a few different locations.

Chipotle, a Mexican grill, here in Boston and down in Virginia we had a liquor licenses for most of those the locations I worked at, and we did mixed drinks and beers.

But it was a fast casual, quick-service restaurant. It's similar to this.

Most people don't have more than one or two drinks.

But just the proper training and protocols, everybody is ID'd over the age of 40 -- or under the age of 40. I'm sorry.

And the proper documentation and training with the people checking the IDs, the cashiers, and I have had no incidents at any location I have ever been at.

CHAIRMAN MICHAEL GARDNER: You were the manager of record?

POLICE COMMISSIONER ROBERT HAAS: The license was in your name?

THOMAS CANCELLIERE: At those locations? They would change from time to time depending who the managers were coming in and out of those establishments.

POLICE COMMISSIONER ROBERT HAAS: The licenses were not in your name?

THOMAS CANCELLIERE: No.

CHAIRMAN MICHAEL GARDNER: What would your role have been in these places?

THOMAS CANCELLIERE: As a general manager, all the same thing. Just basically making sure all these practices were being followed.

CHAIRMAN MICHAEL GARDNER: But you were a manager, not a server?

THOMAS CANCELLIERE: Yes.

CHAIRMAN MICHAEL GARDNER: 21 Proof

training?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

I have some housekeeping issues.

We need the personal information form and the CORI form filled out for the proposed manager as well as proof of citizenship and there's an incorrect -- a spelling discrepancy between the application and the manager application so those need to be -- you need to come in and fix those.

FIRE CHIEF GERALD REARDON: So is this going to be a complete fit-out?

AYR MUIR: The space?

FIRE CHIEF GERALD REARDON: The space is raw in there?

AYR MUIR: Nothing in there right now.

CHAIRMAN MICHAEL GARDNER: Estimated opening date?

AYR MUIR: November 17.

That's pretty estimated.

FIRE CHIEF GERALD REARDON: So you still have to do the kitchen fit-out. That's pretty aggressive.

AYR MUIR: I'm trusting my contractor.

FIRE CHIEF GERALD REARDON: Be careful about the hood laws and vent laws and so forth. Those can be complicated and tricky.

AYR MUIR: They have been spending a lot of time on the design and up-front, so they are hoping to go quickly because they have done a lot of the groundwork.

POLICE COMMISSIONER ROBERT HAAS: Are you going to serve beer at 8:00 in the morning irrevocable.

AYR MUIR: No.

POLICE COMMISSIONER ROBERT HAAS: What time would you normally serve beer?

AYR MUIR: With lunch starting at 11:00.

POLICE COMMISSIONER ROBERT HAAS: You

would serve beer at 10:00 in the morning on Sunday?

AYR MUIR: I don't see any reason we would need to.

POLICE COMMISSIONER ROBERT HAAS: Same time?

AYR MUIR: Yes.

POLICE COMMISSIONER ROBERT HAAS: Shouldn't the application have to be amended to show the time --

EXECUTIVE DIRECTOR ELIZABETH LINT: What we usually put in the announcement, and what people generally apply for, is what the statute allows, and allows 10:00 a.m. on Sunday and as early as 8:00 a.m. on weekdays.

POLICE COMMISSIONER ROBERT HAAS: I can't see them serving that earlier.

AYR MUIR: I'm happy to have it amended. It won't affect our business.

CHAIRMAN MICHAEL GARDNER: What is a good time?

AYR MUIR: I think 11:00 a.m. is a good time.

CHAIRMAN MICHAEL GARDNER: Thank you.

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

Seeing none, I will make the motion to conditionally approve the, I guess it is a common victualer license as well a -- is it just malt?

EXECUTIVE DIRECTOR ELIZABETH LINT: It's a malt beverages as a restaurant license.

CHAIRMAN MICHAEL GARDNER: That's different. I will do what the paperwork says.

I make the motion to approve the malt beverages as a restaurant license for the applicant with hours of operation of 6:00 a.m. to 11:00 p.m. seven days per week with alcohol sales starting on or after 11:00 a.m. all seven days

with no approval for outdoor seasonal seating unless we or until all of the procedural obligations are required by the city are fulfilled, and if they are fulfilled, then to approve those seasonal seats. And the approval of both the license and Mr. Cancelliere, as manager, are pending on successfully completing the personal information CORI check and any other technical matters with respect to correcting the application for the license.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE CHIEF ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

Do you have any questions about these

questions?

JOHN LEE: Do we come back for a hearing on the outdoor seating?

CHAIRMAN MICHAEL GARDNER: The way I structured my motion is, if you get all the rest of it done with Public Works and City Council to the satisfaction of the staff, you don't need to come back before us.

JOHN LEE: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: If it is public property it will require a stamped-architect drawing with all the dimensions and there's an agreement with the city manager that will also have to be executed.

CHAIRMAN MICHAEL GARDNER: As the Commissioner gently reminded me, this also requires the 21 Proof training.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think you said it specifically.

CHAIRMAN MICHAEL GARDNER: I didn't say it specifically. I said all the requirements. Good luck with this operation.

APPLICATION: PLOUGH AND STARS

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Curlocom, LLC, doing business as Plough and Stars, Jennifer Lockwood, manager, holder of an all alcohol beverages as a restaurant license at 912 Massachusetts Avenue has applied for a change of manager to Michael O'Leary.

CHAIRMAN MICHAEL GARDNER: Just for the purpose of informing the audience here, we have taken a couple items out of order in the hope they wouldn't be too time consuming before we go onto matters that may take more time.

This is the Plough and Stars application, is that correct?

ATTY MATTHEW FOGELMAN: Yes.

COMMISSIONER MICHAEL GARDNER: I ask both of you state and spell your last name for the record and identify your affiliation with the application.

ATTY MATTHEW FOGELMAN: Good evening, Mr. Chairman and members of the Commission.

My name is Matthew Fogelman, F, as in Frank, O-G-E-L-M-A-N. I'm an attorney with an office in Newton and I handle licensing matters throughout the Commonwealth. And with me is Mr. Michael O'Leary, who is the proposed manager for the location.

CHAIRMAN MICHAEL GARDNER: Mr. O'Leary, spell your last name.

MICHAEL O'LEARY: O-'-L-E-A-R-Y.

CHAIRMAN MICHAEL GARDNER: Tell us, Mr. O'Leary, about your experience managing a licensed premises?

MICHAEL O'LEARY: I have been spent 15 years in the industry. Ten years as a general manager of Clarks, South Station and also one of the owners, and I currently am the owner and manager of District 7 based in Malden, and I'm also the manager -- proposed manager for Plough and Stars.

CHAIRMAN MICHAEL GARDNER: Of the what?

MICHAEL O'LEARY: Plough and Stars.

CHAIRMAN MICHAEL GARDNER: Are Clarks and the Malden restaurant District 7, do they have full alcohol licenses.

MICHAEL O'LEARY: The Clarks location is no longer in business. Our lease expired in December of 2012, so we are no longer in business.

And the restaurant in Malden is operating as a full restaurant with a full liquor license.

CHAIRMAN MICHAEL GARDNER: And how will

you split your time between District 7 and this establishment?

MICHAEL O'LEARY: I usually spend the days in Cambridge. I'm also on-call frequently. And on weekends I go as-needed. And I'm usually at District 7 because it is more nighttime and that's in Malden.

CHAIRMAN MICHAEL GARDNER: From your answer, am I to assume that you have been acting as the manager of Plough and Stars for sometime?

MICHAEL O'LEARY: That's correct.

CHAIRMAN MICHAEL GARDNER: How long?

MICHAEL O'LEARY: May of 2013.

CHAIRMAN MICHAEL GARDNER: Any reason, Mr. Fogelman, or Mr. O'Leary, the organization hasn't come before us prior to the present time?

ATTY MATTHEW FOGELMAN: There are a

couple of reasons, Mr. Chairman, and first of all, I apologize for that on behalf of the company.

The primary reason, and I don't know how much you want to get into this, so I'll leave that up to you.

CHAIRMAN MICHAEL GARDNER: You can be brief.

ATTY MATTHEW FOGELMAN: There's been an ongoing dispute, and actually some litigation, amongst some of the owners. And that has taken up a lot of time, energy and effort over the past few months and past year or so.

There's been an arbitrated component to that in which the parties agree that Mr. O'Leary would be the manager. It has taken some time for that to be fleshed out.

And there's also some very serious discussions amongst the ownership right now to

actually sell the business.

We may be back before you with a transfer at some point soon. So there's been a lot going on. And it hasn't been due to any lack of diligence that we haven't been before you. But there's been a lot of balls in the air, some very contentious, and it has taken a little while for everything to shake out. And not everything has quiet shaken out yet but we're on a good path.

CHAIRMAN MICHAEL GARDNER: Thank you.

Ms. Lint, are all the requirements, CORI, et cetera, in place?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: And 21 Proof training?

EXECUTIVE DIRECTOR ELIZABETH LINT: To be done.

CHAIRMAN MICHAEL GARDNER: Do you understand the 21 Proof training requirement, Mr.

O'Leary?

MICHAEL O'LEARY: Yes, sir.

CHAIRMAN MICHAEL GARDNER: Other questions?

FIRE CHIEF GERALD REARDON: No other questions.

POLICE CHIEF ROBERT HAAS: No questions.

EXECUTIVE DIRECTOR ELIZABETH LINT: We were aware of the circumstances and were kept informed on a regular basis so it wasn't just nothing was done. We were fully informed.

POLICE COMMISSIONER ROBERT HAAS: I was gonna -- if Mr. Fogelman didn't bring it up, I was gonna ask him about it because we knew there was an ongoing dispute over prior matters. And you have addressed it, so I'm not worried about that.

CHAIRMAN MICHAEL GARDNER: Mr. O'Leary, any particular challenges in this location or any

observations about it?

MICHAEL O'LEARY: None right now.

CHAIRMAN MICHAEL GARDNER: Okay.

Issues of under age or over-serving? Give us some sense about what it is like there.

MICHAEL O'LEARY: No. Fortunately, a lot of the clientele are professionals and older people, more mature people. We have a doorman working on Friday and Saturday night that is diligently checking IDs. And all the staff we have -- we have an established and experienced staff. There would be zero tolerance in over-serving.

CHAIRMAN MICHAEL GARDNER: Okay.

ATTY MATTHEW FOGELMAN: The business has been around more than 40 years. There's a lot of long-time loyal customers.

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

on this matter?

I ask you to please come forward and state spell your last name for the record.

BRENDAN CURTIS: Brendan, B-R-E-N-D-A-N. C-U-R-T-I-S. I represent 50 percent of the ownership of the Plough and Stars.

I originally -- this had to be done through arbitration, but I will make it brief, I opposed the selection of Mr. O'Leary as having his name on the license because he doesn't work nights or weekends.

It's essentially an unmanaged bar generally. And I thought that was a concern -- it would be a concern of yours.

Also, there was a point when there was no movement made to change the name on the liquor license from Jennifer Lockwood, whose name is on it now, who was subsequently fired, there was no movement to change, so after a month with no

paperwork being filed, or no communication about it, I removed the licenses from the premises and told Mr. O'Leary to close the bar, which he didn't and remained open without a license present for a minimum of two weeks.

Maybe more. I'm not really sure exactly how many days.

The third issue is, there's no lease.

So I guess that's it in a nutshell.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Mr. Fogelman, do you want to address the issue, or Mr. O'Leary, of how the property is managed nights a weekends?

ATTY MATTHEW FOGELMAN: I would like to address briefly everything that Mr. Curtis said, if I could.

The bar is managed nights and weekends by other individuals, two in particular. Both

long-time employees. So while Mr. O'Leary may not be there, there are other people who are there. There's a assistant manager.

CHAIRMAN MICHAEL GARDNER: Do you have their names so we can have them in the record?

MICHAEL O'LEARY: Nate Cook, C-O-O-K.

ATTY MATTHEW FOGELMAN: Nate Cook.

MICHAEL O'LEARY: Matt Murphy.

ATTY MATTHEW FOGELMAN: Matt Murphy.

CHAIRMAN MICHAEL GARDNER: You understand, Mr. O'Leary, even though you are not there, you are responsible for the behavior of Mr. Cook and Murphy?

MICHAEL O'LEARY: Yes, I am.

CHAIRMAN MICHAEL GARDNER: Go ahead, Mr. Fogelman.

ATTY MATTHEW FOGELMAN: I will note you have before you a members resolution signed by Mr. Gabriel O'Malley and Brendan Curtis. Mr.

Curtis was just before you.

Mr. O'Malley and Curtis are the two LLC managers and they submitted a joint resolution appointing Mr. O'Leary.

I'm not quiet sure if Mr. Curtis is now saying he's opposed that or not. I think he said he was originally opposed, but now -- I'm not sure if he's opposed to it or not, quite frankly.

But I will note that he signed a month ago a members resolution appointing Mr. O'Leary to be the manager.

I think I already addressed the fact about the so-called no movement to change the name.

Removing the license, I mean I don't know if I need to address that or not. I don't know the details on that.

Obviously, he shouldn't have done that if he did that. It is not appropriate.

If you want us to address it, we certainly can.

And the lease issue, I can leave to Michael on that.

But one of the owners of the company is also the landlord for the building and he's present tonight as well.

CHAIRMAN MICHAEL GARDNER: Okay.

MICHAEL O'LEARY: Regarding the bar not having a license for two weeks, that's incorrect.

I spoke to Ms. Lint the day when Mr. Curtis took the license, and I went down and met the people here and we got copies immediately and they were put back on the wall.

CHAIRMAN MICHAEL GARDNER: Okay.

Thank you.

I don't think an individual can revoke the license.

You may have some trouble with that, the

public display requirements, but somebody walking out the door with the license in their pocket doesn't necessarily mean that you have to close.

I will recognize the other two members of the audience who asked to speak.

I ask you to come up and to be very brief. So come up and state and spell your last name for the record.

PATRAIK O'MALLEY: My name is P-A-T-R-A-I-K O'Malley.

CHAIRMAN MICHAEL GARDNER: Spell your last name.

PATRAIK O'MALLEY: O-'-M-A-L-L-E-Y.

CHAIRMAN MICHAEL GARDNER: E-Y?

PATRAIK O'MALLEY: Yes.

I'm with my nephew and own the other 50 percent of the Plow.

I'm also the owner of the unit 9 and 12

Mass. Ave.

CHAIRMAN MICHAEL GARDNER: Are you one of the night managers?

PATRAIK O'MALLEY: No, I'm not.

I am here to testify as to the performance of Mr. O'Leary since he has been appointed.

We have -- we are in the process of selling the bar.

CHAIRMAN MICHAEL GARDNER: Tell us about your observations of Mr. O'Leary.

PATRAIK O'MALLEY: Mr. O'Leary provides us every week with a statement of the cost of goods, of the labor, of the profit, of loss, of the inventory, something that has not occurred for seven years.

CHAIRMAN MICHAEL GARDNER: So you are happy with the business reporting Mr. O'Leary does?

PATRAIK O'MALLEY: Yes.

CHAIRMAN MICHAEL GARDNER: What about that management of the staff and the functioning of being a responsible administrator of an alcohol license in Cambridge?

PATRAIK O'MALLEY: In that regard, I think because of his experience, and he is adequately -- more than adequately qualified. More than adequately qualified. And I have talked to all the staff because I have an interest, and they are very pleased with the way things are run. And approve of Mr. O'Leary being the general manager.

And in five weeks' time this whole thing will be over and the place will be sold.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

FIRE CHIEF GERALD REARDON: One final question. Sir, could you answer the question

whether or not there's a valid lease.

PATRAIK O'MALLEY: Pardon?

FIRE CHIEF GERALD REARDON: Is there a valid lease on that property right now?

PATRAIK O'MALLEY: A valid lease?

When you say "valid lease" you mean --

FIRE CHIEF GERALD REARDON: You are the property owner?

PATRAIK O'MALLEY: I'm paid rent.

FIRE CHIEF GERALD REARDON: So they are in good standing with you right now in terms of having --

PATRAIK O'MALLEY: The lease terminated on the 31st of January, but due to the fact that the bar was not going to close at that point and allowed the lease to continue until the bar was, in fact, closed.

CHAIRMAN MICHAEL GARDNER: You are essentially on month to month?

PATRAIK O'MALLEY: I'm paid every week.

CHAIRMAN MICHAEL GARDNER: Week to week?

PATRAIK O'MALLEY: Yes.

And I'm entering into an agreement already with the person who will probably purchase the premises.

So this whole thing will be wrapped up in two months.

FIRE CHIEF GERALD REARDON: But you have no intention of revoking the lease until this is wrapped up?

PATRAIK O'MALLEY: Oh, no.

FIRE CHIEF GERALD REARDON: Thank you.

PATRAIK O'MALLEY: Absolutely not.

ATTY MATTHEW FOGELMAN: Status quo.

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

Please state and spell your last name for

the record.

KYLE GALE: I'm Kyle Gale, K-Y-L-E. G-A-L-E. 136 Huron Avenue. And I own 900 Mass. Ave, which is adjacent to the building that the Plough and Stars is in, and I lived out back for a long time back in the 1980s. And I'm not here as a friend of the Plough and Stars. I've hated that place.

And the big problem has been that there's been not management on the premise a lot of the time and at night.

And when my uncle said, "Oh, a nice woman bought the Plough and Stars," and I said, "No way. Nobody nice would ever buy that place." Jennifer and Brendan were actually the people that were there. And there was a lot less trouble because somebody who owned the place was on the premises.

I'm sure Mr. O'Leary is a fine manager.

But somebody needs to be there.

I throw drunks out all the time. Some from the liquor store. When the bar gets out, a lot of people pour out into the street. I would like to see someone there at night.

In the afternoon, a child could manage the place. No one is there.

The nighttime is a serious problem in that neighborhood.

Alcohol on that corner has always been a problem.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Well, Mr. Fogelman, you no doubt know that you are facing a complicated and controversial situation here.

When I pulled this item forward in the agenda, I didn't think it would take this much time.

I guess I'm prepared to support a motion to approve the change of manager to Mr. O'Leary. And I am going to, however, caution both Mr. O'Leary and any owners of the establishment that it is essential that the premises be well-managed during all the hours of operation.

And while I take to heart the notion that evening time may be more complicated and challenging, so I would urge the license holder and manager of record to ensure that there's good solid management of the operation in the evenings, and if that requires Mr. O'Malley to change his work schedule from time to time or to alternate, so be it.

I think the Commission will pay attention to concerns expressed here this evening with respect to inspection and review of operations.

So that's my motion.

POLICE CHIEF ROBERT HAAS: So, I mean, I

think it is peculiar that the arbitrator would be comfortable with the notion that the manager is only working strictly days and occasionally coming in at nights.

Can you tell me what the rationale is, why the arbitrator thought that was appropriate given the history of the restaurant?

ATTY MATTHEW FOGELMAN: I wasn't a party to the arbitration, Officer.

I think Mr. O'Leary has a career in managing. He managed South Station, which is extremely extremely heavy traffic for 13 years.

He's been working at the Plough and Stars the whole summer. There haven't been any issues.

We have other people there when he's not there, long-time employees.

I understand the point, but there haven't been any issues, and so I -- there may be a little bit of putting the cart before the horse,

if you will. If there have been problems, that is one things but there haven't. There really haven't.

POLICE CHIEF ROBERT HAAS: It would seem to me there's a likelihood of problems occurring during the evening business as opposed to the day business, and I'm not questioning Mr. O'Leary's capabilities, but I'm just curious as to why the arrangement was made it would be permissible for him to be primarily working days with very little oversight for the night operations?

ATTY MATTHEW FOGELMAN: I can't speak to that much further other than to say everybody was in agreement on that point, and it's been working fine.

And as Mr. O'Malley said, they are lucky to have Mr. O'Leary in there. He's doing good things and hoping to stabilize things.

It is for another short period of time

until the transfer is effectuated. It will be a shorter -- hopefully within the next couple months.

I'm not sure what else to say other than he's doing a great job. The other people there do a great job. There's been no issues all throughout the summer. I don't think there have been even -- we are past the summer now, but things are running well and smoothly and we want to continue to do that.

The last thing we are looking for is a problem. We don't want to be before the board.

POLICE CHIEF ROBERT HAAS: Especially at this stage of the game.

ATTY MATTHEW FOGELMAN: Absolutely.

We want to keep things running smoothly and hopefully the sale will be completed.

POLICE CHIEF ROBERT HAAS: Is there a prospective buyer?

ATTY MATTHEW FOGELMAN: There is. There was an offer made, I believe, yesterday or today.

POLICE CHIEF ROBERT HAAS: Thank you.

CHAIRMAN MICHAEL GARDNER: Let me caution you on your use of verbs. You said transfer effectuated. In fact is the transfer has to be approved.

ATTY MATTHEW FOGELMAN: Of course. I'm assuming it would be.

CHAIRMAN MICHAEL GARDNER: With respect to an establishment that has had some sort of troubled operation, it may be, in, fact the Commission will look -- well, hopefully we look at everything carefully, but certainly there'll have to be particular scrutiny.

Motion's been made. I'm not sure it has been seconded.

FIRE CHIEF GERALD REARDON: Second.

CHAIRMAN MICHAEL GARDNER: Motion made

and seconded, all in favor signify saying aye.

POLICE CHIEF ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

Mr. O'Leary, I'm glad that you finally got before us. We don't like these kinds of delays even if has been complicated.

We expect to know who our manager -- our de facto managers are and to have the legal records reflect the reality.

And whether short-term or long-term at this point, I'm confident you understand you are responsible for that place for all the hours of operation. And we hope and expect you will take appropriate steps to make sure those responsibilities are met.

PATRICK O'LEARY: Yes, sir.

CHAIRMAN MICHAEL GARDNER: Thank you.

ATTY MATTHEW FOGELMAN: Thank you very

much.

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APPLICATION: FATIMA MILLER D/B/A METAPHYSIC WORKSHOP

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Fatima Miller doing business as Metaphysic Workshop has applied for a fortune teller's license at One Brattle Square, first floor.

CHAIRMAN MICHAEL GARDNER: Good evening.

Please come forward and state and spell your last name for the record each of you, please.

FATIMA MILLER: My name is Miller M-I-L-L-E-R.

CHAIRMAN MICHAEL GARDNER: First name.

FATIMA MILLER: F-A-T-I-M-A Miller.

ATTY. SAMUEL RATNER: I'm Samuel Ratner. Last name R-A-T-N-E-R. I'm counsel for Ms.

Miller.

CHAIRMAN MICHAEL GARDNER: So would you give us the procedural history on this, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: So we received a complaint from an individual that there was a palm reading fortune teller business happening down on Brattle Street, so I sent Ms. Boyer down quite sometime ago.

She did her investigation and determined that there was an unlicensed business there and basically instructed her to come in and apply for a license and go through the procedure and get a business certificate and so forth.

That took quiet time to happen.

CHAIRMAN MICHAEL GARDNER: You mean for the applicant to be responsive?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

And then we finally did get all the paperwork. Notice was sent to Attorney Herbert

Cohen.

ATTY. SAMUEL RATNER: I work for Mr. Cohen.

EXECUTIVE DIRECTOR ELIZABETH LINT: It came back undeliverable.

ATTY. SAMUEL RATNER: I don't know how that happened.

CHAIRMAN MICHAEL GARDNER: We had this matter on the agenda once before within the last month and so the applicant didn't show and we now see there was a failure of notice.

EXECUTIVE DIRECTOR ELIZABETH LINT: Right.

That being said, we have the paperwork. There's only one person listed as the applicant.

There are two people named on the lease.

And we only have one background check. One CORI check information. We should have two.

CHAIRMAN MICHAEL GARDNER: Sir?

FATIMA MILLER: The second person on the lease we listed is on Michael Ely, I believe, you have. He kind've just helped me open the space and stood more as a financial person in the background. He doesn't look do the readings or look at the crystals. But a CORI check for him can be provided as well if that's necessary. He's never really never on premises.

CHAIRMAN MICHAEL GARDNER: I'm sorry, was his name on the application?

EXECUTIVE DIRECTOR ELIZABETH LINT: It's on the lease.

CHAIRMAN MICHAEL GARDNER: Okay.

Well, so give us some background as to both opening without a license and then the delayed responds to the Commission's efforts to try to get the matter before us in a timely way.

ATTY. SAMUEL RATNER: I'm not quite exactly sure when that complaint came in.

The application was filed back in July because of the delay with the mismailing, it has taken an extra couple months for us to get in front of you.

With regards -- I believe she hired us promptly after finding out that she was advised she needed to file an application with board. She didn't know she had to have this type of license prior to that incident. And so she hired us promptly afterwards. And we attempted to do our best to get the application in as quickly as we can.

CHAIRMAN MICHAEL GARDNER: Ms. Miller, describe to us the nature of the business and your background and experience that qualifies you to do this?

FATIMA MILLER: So I've always been interested in palmistry and astrology and horoscopes and things like that. I have done a

very large like research on it and reading about it and learning how do it. Also, my sisters do it as well. And I was always interested in it. And I'm very enthused by crystals and things that I have for sale in my shop. So that's kind've the business. I'm a retail and I do some readings. It's kind've help them and guide them more in also purchasing the products I sell which are metaphysical products like purple amethyst crystals, those big cave crystals, and shock or balancing bracelets and necklaces and essential oils and things like that.

A lot of people are interested in them, but don't know exactly, because there are so many different types, what to buy. So I do a reading also to kind've find out more on what they would need to purchase. Or if they are having a problem, or whatever it is, they buy like certain bracelets and healing bracelets or magnetic

bracelets that you see. I do palm readings. And I read tarot cards.

CHAIRMAN MICHAEL GARDNER: Do your sisters practice in this area?

FATIMA MILLER: No. Just like at home and stuff like that. But my sisters are in Florida.

CHAIRMAN MICHAEL GARDNER: Other questions?

POLICE CHIEF ROBERT HAAS: So you didn't know you needed a license to operate your business?

FATIMA MILLER: No. Actually, I didn't know I needed a specific license for fortune telling. I never had like my own business here that I needed to do that.

POLICE CHIEF ROBERT HAAS: Did operate a business before?

FATIMA MILLER: In Massachusetts? No.

POLICE CHIEF ROBERT HAAS: In other places.

FATIMA MILLER: Yes. And it was a very different procedure. I did come actually to this building to get a retail license which I thought that was all I really needed. That's more the bigger part of the store, is the boutique part.

ATTY. SAMUEL RATNER: I would like to add if she knew she needed a license, she would have promptly filed the application.

It is just -- I know ignorance of the law is not exactly a defense, but she has complied ever since knowing she needed to file the application.

FATIMA MILLER: Like the very next business day, I contacted my attorney.

CHAIRMAN MICHAEL GARDNER: How long has the store been open?

FATIMA MILLER: I wanna say it's been

August.

CHAIRMAN MICHAEL GARDNER: 2012?

FATIMA MILLER: Yes.

CHAIRMAN MICHAEL GARDNER: So one of our prior unfortunate experiences in business that have worked under this kind of license has been a concern about abuse of customers in terms of overly-influencing customers to do things like make additional financial contributions or issues which may not be in their interest based on steerage or direction from the fortune teller or person operating the business, that is, essentially from our perspective, operating on vulnerable people to their disadvantage.

Can you tell us anything about your understanding of that problem within this general occupation and give us some sense about your assurance we won't face that kind've problem in your operation.

FATIMA MILLER: Yeah. It's kind've more like for entertainment. I don't have like a -- really a relationship with the clients other than the fact that they will come back within six to eight months, people who are really interested in getting readings or seeing how their energy changes. I can ensure you there will be no extra -- like whatever it is you are saying, no extra contributions from clients or praying or them or putting pressure on them to buy additional products I sell or any additional services.

If they come in and they see something, all the prices and all the things that I sell is all there. It is for entertainment. It is not really known as healing things. I'm not a doctor or a healer or anything of that nature or a therapist.

I just kind've for entertainment purposes.

As you would see in a commercial for golf playing, like you have arthritis, they have the golf bracelets and it's meant help you swing your golf club better. We have shock bracelets and energy healing products, crystals and oil, that help you heal yourself, people who believe in it.

CHAIRMAN MICHAEL GARDNER: Your background is essentially self-trained?

FATIMA MILLER: Self-training. As I said, it is something that interests me and my sisters. I have been interested in it since I was very, very young.

POLICE CHIEF ROBERT HAAS: What was the nature of the complaint that finally came in? Simply that they were operating without a license? Or something more than that?

EXECUTIVE DIRECTOR ELIZABETH LINT: That they were operating without a license, and then it was a confidential complaint where the person

spoke with Ms. Boyer.

POLICE CHIEF ROBERT HAAS: Were they a client that they felt they were --

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't know the nature of the whole thing, but it was someone that felt uncomfortable. And there was no license.

POLICE CHIEF ROBERT HAAS: I just think to -- underscoring the Chairman's comments, we have instances with a prior business if we get those complaints we will investigate them criminally. We want to be sure you are very careful with your dealings with your clients. We were told in the past it was an entertainment business, but yet, it seemed to develop more into that and you need to be very careful.

FATIMA MILLER: Okay, I can assure it is -- it will be in the best interest of everyone.

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

Seeing none, make the motion to approve the fortune teller's license with the proviso that within six months, the Commission staff report back to the Commission on whether there have been any complaints or concerns expressed arising out of how the business is operating.

That doesn't necessarily require a hearing before the Commission with the applicant. But the Commission would get a report from the staff regarding that.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay. I would suggest if there were complaints, it would be brought forward. I would add too that this license is governed by Mass General Laws Chapter 140 Section 81 and it does carry -- violations carry criminal penalties.

CHAIRMAN MICHAEL GARDNER: So you will make sure that your client's aware of all that?

ATTY. SAMUEL RATNER: Absolutely.

POLICE CHIEF ROBERT HAAS: Second the motion.

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

POLICE CHIEF ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

I certainly understand how it is possible that you may not know you needed a fortune teller's license from the city. Before this job, I didn't know there were such things.

But it is a business, which is, as Ms. Lint said, with the criminal penalties, something which is subject to a high level of scrutiny, and

we don't have a lot of businesses like this in Cambridge but we would expect you to maintain the highest standards.

FATIMA MILLER: Thank you.

CHAIRMAN MICHAEL GARDNER: Thank you.

ATTY. SAMUEL RATNER: Thank you.

CHAIRMAN MICHAEL GARDNER: Before we go on, I just neglected to ask Ms. Lint previously but she advised me that the CORI check was fine.

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POLICY: BOARD OF LICENSE COMMISSIONERS PRORATING ALCOHOL LICENSE FEES

EXECUTIVE DIRECTOR ELIZABETH LINT: Policy matter: Board of License of Commissioners will hold a policy hearing to discuss prorating alcohol license fees that are issued on or after October 1 in a given year. The policy will only apply to city-issued licenses.

So if I could give you background.

CHAIRMAN MICHAEL GARDNER: Summarize this, Ms. Lint.

EXECUTIVE DIRECTOR ELIZABETH LINT: The city -- The License Commission never prorated license fees, and because of that many, many years ago long before any of us were here, the Commission decided if a license was issued very late in the year, there wouldn't be a charge until January 1st of the next year.

Then it crept back to licenses issued after November wouldn't pay a fee and then recently it's been to October.

So we had discussion amongst the staff and we felt really if you are operating in the city and you have the benefit of the license that you should be paying your fair share of the license fee.

So we felt that it would really be unfair to charge a full license fee from October 1st on

because you are in operation for three months and that could really be detrimental to your business, so we felt if we started it October 1st the new-- it would be based on what the license fee would be, the full license fee. And we would basically divide it by 52 weeks and then calculate out the number of weeks that they are in operation from the day that they pick up their license.

CHAIRMAN MICHAEL GARDNER: So if I understand it correctly, a business which started on March 1st, under the current rules, would pay a full fee?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: And your proposal is that they would pay essentially ten-twelfths of a full fee, not paying for January and February?

EXECUTIVE DIRECTOR ELIZABETH LINT: This

would only be --

CHAIRMAN MICHAEL GARDNER: Only October forward?

EXECUTIVE DIRECTOR ELIZABETH LINT: October forward.

CHAIRMAN MICHAEL GARDNER: So somebody who opened in July, would pay a full fee. Somebody who opened in August, a full fee. Somebody in September, a full fee.

But from October 1st forward it would essentially be a prorated rated amount based on the number of weeks.

EXECUTIVE DIRECTOR ELIZABETH LINT: And the reason we are saying this is only for the new licenses is because once there's a transfer, that fee has already been paid. So if you transferred your license in March, the license fee is already paid or six months of it has been paid.

CHAIRMAN MICHAEL GARDNER: The license

was paid for the full year previously?

EXECUTIVE DIRECTOR ELIZABETH LINT: Right.

CHAIRMAN MICHAEL GARDNER: And you are not collecting those fees off transfers now?

EXECUTIVE DIRECTOR ELIZABETH LINT: We get the full license fee.

CHAIRMAN MICHAEL GARDNER: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: Because in order to pick up your license on January 1st, you have to pay the first six months or the full year.

CHAIRMAN MICHAEL GARDNER: So somebody transfers -- somebody who paid six months, transfers April 1st, the new license holder doesn't owe anything until July 1st?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

CHAIRMAN MICHAEL GARDNER: If the

license -- the existing licensee pays a full 12 months and transfers the license April 1st, the new license holder doesn't pay until the subsequent January?

EXECUTIVE DIRECTOR ELIZABETH LINT: I would imagine that's something that they --

CHAIRMAN MICHAEL GARDNER: Doesn't pay us?

EXECUTIVE DIRECTOR ELIZABETH LINT: Not us. We would already have that fee.

CHAIRMAN MICHAEL GARDNER: Because we got the fee for that.

Other questions from other Commissioners?

POLICE CHIEF ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: I'm curious why we picked October 1st. Why not prorate the entire year?

POLICE CHIEF ROBERT HAAS: Renewal is October?

EXECUTIVE DIRECTOR ELIZABETH LINT: Renewal is January 1st.

CHAIRMAN MICHAEL GARDNER: Presumably the reasons are it is a loss of revenue and it's administratively complicated.

EXECUTIVE DIRECTOR ELIZABETH LINT: Extremely complicated.

It is something we have never done and it seems so just kind've happen at the end of the year.

FIRE CHIEF GERALD REARDON: So it is the fourth quarter that's always --

EXECUTIVE DIRECTOR ELIZABETH LINT: Sticky.

CHAIRMAN MICHAEL GARDNER: Have we had applicant resistance; people who are opening in October and September and saying, Hey, I'm paying the full amount and it is only four months, five months?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

Conversely what we've had is people who are ready to pick up their licenses in October are waiting until November so that they don't have to pay.

CHAIRMAN MICHAEL GARDNER: Oh, goodness.

FIRE CHIEF GERALD REARDON: Shrewd business people.

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

Seeing none, do we have actual regulations or language written yet?

EXECUTIVE DIRECTOR ELIZABETH LINT: We can write it.

CHAIRMAN MICHAEL GARDNER: We don't now?

EXECUTIVE DIRECTOR ELIZABETH LINT: We'll write it subsequent to this.

CHAIRMAN MICHAEL GARDNER: So I'll make

the motion to approve the change in regulations to provide a change in policy for pro rata license fees applying to new businesses who pick up their licenses or start operations on or after October 1st of any calendar year. That policy change is also dependent upon -- change that. And authorize the Commission staff to prepare the regulations for a review my the Commission prior to promulgation to implement this change.

FIRE CHIEF GERALD REARDON: So when would this take effect? Immediately?

EXECUTIVE DIRECTOR ELIZABETH LINT: Basically what we would do is write up the decision based on what you said and that would be the regulations.

CHAIRMAN MICHAEL GARDNER: Okay. Well, I want it make sure the Commission gets a chance to review the language before it is finally promulgated. And it would take effect...

FIRE CHIEF GERALD REARDON: Now?

CHAIRMAN MICHAEL GARDNER: Good question. This being October 8. Do we have any people on the cusp now who are in a position since October 1st through now who would be effected by that?

EXECUTIVE DIRECTOR ELIZABETH LINT: There might be one or two.

And if Clover went through the ABCC very quickly.

CHAIRMAN MICHAEL GARDNER: I'll amend my motion to have the matter be effective on or after today's vote that is for licenses issued on or after today.

FIRE CHIEF GERALD REARDON: Seconded.

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

POLICE CHIEF ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

So go ahead with those regulations.

EXECUTIVE DIRECTOR ELIZABETH LINT: Thank you.

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POLICY: BOARD OF LICENSE COMMISSIONERS ON MORATORIUM ON LIVERY LICENSES

EXECUTIVE DIRECTOR ELIZABETH LINT: Policy matter: Board of License Commissioners will hold a policy hearing to discuss removing the moratorium on livery licenses. The moratorium was issued February 14, 2000 and is governed by C.5.2 of the Cambridge City Ordinance.

If you would like some background on that.

CHAIRMAN MICHAEL GARDNER: Please give us some background on this.

EXECUTIVE DIRECTOR ELIZABETH LINT: On February 14, 2000, the Commission voted to approve a moratorium on granting any additional livery and limousine licenses or additional vehicles to current limousine and livery licenses.

The reason was due to the current limousine licensees' cars yet to be inspected, drivers to be approved, and the study that is about to be undertaken to determine transportation needs in the city.

Once vehicles were inspected, drivers approved and study completed, the Commission will consider lifting the moratorium.

FIRE CHIEF GERALD REARDON: Is this the right date?

EXECUTIVE DIRECTOR ELIZABETH LINT: 2000, yeah.

That never happened.

CHAIRMAN MICHAEL GARDNER: In terms of a formalized study?

EXECUTIVE DIRECTOR ELIZABETH LINT: A formalized study. Granted, I was not here, but the moratorium was never lifted, so...

CHAIRMAN MICHAEL GARDNER: So at least as far as you know, the study never happened?

EXECUTIVE DIRECTOR ELIZABETH LINT: I never found a study.

CHAIRMAN MICHAEL GARDNER: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: And that being said, what was then still in effect was that there was a minimum charge of $40 for all fares. There was an eight-hour advance notice on all reservations. And they had to be separate from taxi services, which I certainly understand.

They couldn't have the same name or business association as any of the cab services.

They had to list specifically the number of vehicles, things which are certainly not out of the ordinary in regulating that.

And the licensing fees and CORI checks and all of that was the same.

Since that time, as we are all aware, there's an onslaught of livery services that are available, virtually none of which have been licensed by the city.

We've determined there was approximately 50 liveries operating within the city that just had business certificates from the Clerk's office.

As a result of that, we sent out letters telling all of them that they needed to either come in and apply for a license after today's date or cease and desist any operations in the city.

At the same time back in September, I had

a meeting of so-called interested parties to discuss for-hire vehicles, regulations, the state of livery in the city, and two livery operators showed up and two gentlemen from a national board of livery regulators. That's where it stands.

So we know we have virtually hundreds of unlicensed liveries operating in the city. We know there's been significant criminal activities on the other side of the river. And that's what we're hoping to avoid at the very least.

While the city does not do Federal background checks, at the very least we do CORI checks so we know who would be operating the vehicles that are being garaged in the city, and ...

CHAIRMAN MICHAEL GARDNER: If you will also enlighten us, my memory is that despite the moratorium, this Commission has, in fact, approved a handful, perhaps two or three,

liveries within the last two or three years.

EXECUTIVE DIRECTOR ELIZABETH LINT: Correct --

CHAIRMAN MICHAEL GARDNER: To operate.

And my further understanding is that we don't have any authority or there are no regulations to prevent a livery which is licensed from another community from doing business in Cambridge, is that correct?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

CHAIRMAN MICHAEL GARDNER: So my memory and understanding of this is to the extent there have been complaints about livery operations in the city, we determined that many of them, in fact, may have been licensed in Boston or another community.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

CHAIRMAN MICHAEL GARDNER: But doing pick-ups here, and in fact, we do not have any authority to regulate that, is that correct?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

CHAIRMAN MICHAEL GARDNER: But then we since learned that, in fact, there are a number of businesses that do operate out of Cambridge.

EXECUTIVE DIRECTOR ELIZABETH LINT: That are not licensed.

CHAIRMAN MICHAEL GARDNER: And the deciding point being that the vehicles are garaged in Cambridge.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct. In fact, as late as this afternoon I received a complaint from someone down on Putnam Ave at Sidney Street saying that there are seven to ten livery vehicles with City of Cambridge parking permits.

They are certainly not licensed by us. I ran the plates. One comes back to Arlington. One came back to Boston. One came back no plate.

So I am in contact with the Traffic Department. I don't have all that information as of yet. I don't see how something that's registered in Arlington or Boston has Cambridge parking stickers and how they are operating a business out of a new apartment building without approval of the management company.

So my Hackney officer is in inspections, and as soon as he's out of them, I'm hoping he will be on that.

POLICE CHIEF ROBERT HAAS: So I'm just trying to figure out, in that situation what would be the consequence? What would be the enforcement action relative to those situations?

EXECUTIVE DIRECTOR ELIZABETH LINT: The Traffic Department would certainly have some.

POLICE CHIEF ROBERT HAAS: So he would cite them for having a parking sticker on a vehicle which is outside the city?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't think he has the ability to cite them for that.

He has the ability to cite them for operating a business being unlicensed in the city.

CHAIRMAN MICHAEL GARDNER: And I mean right now the Traffic Department, if it determines that there are vehicles inappropriately displaying a city parking sticker, can investigate and determine to take appropriate action.

EXECUTIVE DIRECTOR ELIZABETH LINT: I would think so.

CHAIRMAN MICHAEL GARDNER: And these matters have been referred to them?

EXECUTIVE DIRECTOR ELIZABETH LINT: I left a message for Ms. Lawrence this afternoon and have not heard back from her.

CHAIRMAN MICHAEL GARDNER: And from your view, what in any ways, do the new technological capacities of mobile applications and calling for services through cell phones implicate this issue, if at all.

EXECUTIVE DIRECTOR ELIZABETH LINT: It really raises an interesting question because once a person picks up their phone where they have downloaded an app for one of the companies, and we know there are many, and they put in their location and what time they are looking to have transportation, that's a prearranged ride.

Now, our regs say eight hours. And the question becomes, Is eight hours reasonable given the state of the world at this point, which is certainly very different than it was in 1998 when

that went into effect.

So I think it is a very good question as to what becomes a reasonable amount of time.

CHAIRMAN MICHAEL GARDNER: The matter of the amount of time and minimum fee, I take it, are not issues on the agenda for this evening?

EXECUTIVE DIRECTOR ELIZABETH LINT: Well, it can or cannot be. I think it is all part and parcel of the moratorium.

COMMISSIONER MICHAEL GARDNER: So in your view you think that's also something which is appropriate for us to both discuss and consider this evening?

EXECUTIVE DIRECTOR ELIZABETH LINT: I think so.

POLICE CHIEF ROBERT HAAS: So it seems we'd want to promulgate or at least adopt new regulations towards the moratorium, right, as opposed to trying to adopt -- lift the moratorium

without regulations, that we're basically saying, to some degree, are not really enforceable any longer, right, the whole eight-hour thing?

CHAIRMAN MICHAEL GARDNER: But the difficulty is, we do have these presumed businesses, not all of which may continue to operate, but certainly many of which have got business certificates from the city that are unlicensed, so in some way we have to deal with that issue reasonably expeditiously.

POLICE COMMISSIONER ROBERT HAAS: We have to agree, too, that we can't take enforcement action if we are going to bring this state of flux --

EXECUTIVE DIRECTOR ELIZABETH LINT: Right. And I think we have to start the discussion, which is why I had pulled together what I thought would be a task force that nobody came to, and move forward from there.

I think I told you from the conference I went to, I have some proposed regs. But I think it is important to hear from some of the industry to determine what is appropriate moving forward.

CHAIRMAN MICHAEL GARDNER: All right. That's a reasonable segue to opening the matter to public discussion.

Before we begin, however, I would like a show of hands as to the number of people who would at least currently feel that they are moved to testify or speak before us.

How many of you -- raise your hands if you think you would like to speak?

(Show of hands.)

CHAIRMAN MICHAEL GARDNER: I'm going to ask people to come up in groups of three.

Why don't we begin -- we'll just -- in terms of being expeditious here, we'll move row

by row.

We'll start with the front row. And anybody who wants to speak in the front row, come up sit in these three seats. If there's only the two of you, we'll go with the person to the left, my left, in the second row, and somebody who wants to speak can come up there, if you would like to.

POLICE CHIEF ROBERT HAAS: Anybody in the second row that wants to speak?

CHAIRMAN MICHAEL GARDNER: I would ask everybody here just state and spell your names for the record and tell us your occupation, what you do.

ABIYE GELAYE: A-B-I-Y-E. Last name is G-E-L-A-Y-E.

CHAIRMAN MICHAEL GARDNER: Let's get all your names.

DAVID SANDBERG: David Sandberg,

D-A-V-I-D S-A-N-D-B-E-R-G.

YONAS HAILE MICHAEL. Y-O-N-A-S. Last name is H-A-I-L-E M-I-C-H-A-E-L.

CHAIRMAN MICHAEL GARDNER: Thank you.

We'll start to my left and go over.

Sir?

ABIYE GELAYE: I have -- it's been two years --

CHAIRMAN MICHAEL GARDNER: You have to identify what your occupation is.

ABIYE GELAYE: I own transportation business.

CHAIRMAN MICHAEL GARDNER: Do you operate a livery services?

ABIYE GELAYE: Yes.

CHAIRMAN MICHAEL GARDNER: Tell us about it.

ABIYE GELAYE: I start this business. It's been three years. And so I came up to the

City of Cambridge to ask for license to get -- to be -- they checked the background and stuff. All is clear. But you have speaking ticket. And they said for like -- with that speeding ticket, so they deny me to get a license.

I need to work. I don't want to sit home and dream.

CHAIRMAN MICHAEL GARDNER: You have been operating a livery business for three years?

ABIYE GELAYE: Yes.

CHAIRMAN MICHAEL GARDNER: Tell us very briefly how it works.

ABIYE GELAYE: It works for me. It is good. I have private clients. I don't have any issues.

CHAIRMAN MICHAEL GARDNER: Do you follow the eight-hour rule?

ABIYE GELAYE: You know, the eight-hour rules, yeah, I did.

CHAIRMAN MICHAEL GARDNER: You do?

ABIYE GELAYE: Yes.

CHAIRMAN MICHAEL GARDNER: Mr. Sandberg?

DAVID SANDBERG: Good evening, gentlemen.

I am a former Cambridge resident, former member of the Cambridge Taxi Advisory Committee. I haven't been in this room since Ben Barnes and Richard Scali were running things.

I'm a taxi owner/operator in Boston. I have been in and out of the livery business as well. I wanted to come here and speak to the issue. I heard about it just prior to this evening.

And like Cambridge, like many other cities across the country, we're -- Boston is also faced with these same problems.

I think the first thing that jumps out to me, and I heard you talking about lifting the moratorium, or not lifting it, whichever way you

go with it, and I hate to see anybody out of work, but enforcement is critical.

I heard it mentioned that there's an inability to deal with, in essence, regulating the liveries. As it stands now, you so have the out-of-town pick-up ordinance or law you have in Cambridge. I believe it is a $300 fine. I know they hit the cabs with it, if a Boston cab or Somerville cab, for instance, is caught picking up.

What we are seeing in Boston is a plethora of vehicles from other communities that are picking up our street hails, which is a no-no. And we are suffering from a huge lack of enforcement on that.

So there's your enforcement problem which I would strongly encourage you to deal with somehow when you are working on your moratoriums and regulations.

As far as the smart phone issues, I don't know if I'm allowed to speak to that as well.

In fact, I was talking to a couple of these gentlemen out in the hall just prior to this, and it doesn't say it here, but I'm gonna jump ahead and read between the lines and I'm gonna assume we're talking about companies like Uber and even Hailo, companies like that, which basically defied all current regulations and essentially gone around them.

So I would also encourage you to try to work on a way to deal with that. How that is to be done, it may have to be achieved at perhaps a State or Federal level before you really come to a reasonable way to deal with the whole thing.

I'm happy to hear you say you are doing inspections of the livery vehicles and the CORI checks on the drivers.

That does not happen in Boston to my

knowledge.

Oh, one other thing, too, as an owner of a handicap-accessible taxicab in Boston, and I know you have them here, I was actually trying to get a Cambridge medallion at one time. No livery service I know of out here is required to have handicap services. This is something else I would encourage someone, somewhere, somehow to look at because I think it is the right thing to do.

These people have smart phones too.

And the rates, how are you going to determine the rates, and how are you going enforce the eight-hour rule.

I have to take this gentleman's word to my right that he's following it.

But, again, without the proper enforcement of it, you have no way of dealing with that.

Should you go to a lesser time frame? Well, now you are crossing into that gray area which has always been left for taxis, which are also using some of these apps.

So I would appreciate and enjoy if I was able to somehow work with my committee, which we call ourselves the Boston Taxi Advisory Group, and reach out to the City of Cambridge and see if week put our heads together. Because we are trying to figure out what to do too.

CHAIRMAN MICHAEL GARDNER: Okay, thank you very much.

YONAS HAILE MICHAEL: I'm a Cambridge resident. I have been living here the last ten years.

I just started a livery business recently. I got a d/b/a. I didn't get the license, but I am doing business as. I work with Uber and I'm working from Boston. I love

Cambridge. I want to get a license from the City of Cambridge, pay all of my dues. But right now the thing that is working right is we're afraid of Cambridge.

I live in Cambridge but I don't want to pick anybody in Cambridge because I don't want to be in trouble.

Time has moved. Technology has moved. You don't have to book eight hours now. People need it immediately. This is the most advanced city in the whole of the United States. Time has moved on. We have to move with the time. And we need the City's assistance to make us competitive.

There are people that work from outside of Boston, Arlington, Cambridge, Malden. They come and pick from Cambridge. But we, the residents, are afraid of picking up those jobs.

And you should give us a proper

advantage. We want to be regulated. We want to be registered. We want to follow the rules here. But me, I have no option.

I live in Cambridge. This is my city. And the city should help us work with all the rules and regulation that's come with it and that's the only thing we're asking.

We are all, all of us. Most of us here life in Cambridge. We need to work -- we need the license. But they are from other towns, other part of the city they come and work. Uber is taking over everything.

It is completely -- and people need it when they want it. We need to go with the time. And I want you to consider this. And we want to work with the City of Cambridge.

I want to get the license from the City of Cambridge. I want to be under the rules and the regulations of the City of Cambridge.

As a small business and starting business, we need your assistance and we need a proper communication so that we want to follow your rules, your regulations, and we want a background check for everybody. The whole-nine-yards we are willing to do it, but we need your help. That's why we are here today.

CHAIRMAN MICHAEL GARDNER: If I understand your circumstances, you are a Cambridge resident, you've gotten a business certificate from the City of Cambridge for a livery service but you do most of your work in Boston or in other areas.

YONAS HAILE MICHAEL: Mostly in Boston. I'm afraid of the City of Cambridge.

CHAIRMAN MICHAEL GARDNER: So when you say you are getting business from Uber, what is the time frame typically between when you get a Uber notice and when the person who has requested

the service through Uber wants to be picked up?

YONAS HAILE MICHAEL: The Uber people right now, they need it in five minutes. They need the service when they want it. They don't want advance booking. They want it when they want it.

They want pick up from the restaurants, hotel, airport, from their houses.

CHAIRMAN MICHAEL GARDNER: So although you call yourself a livery service, how is it that you are not functioning as a cab working with new technology for dispatch?

YONAS HAILE MICHAEL: Well, I don't pick up from the street. I don't pick up people that hail cabs.

I am called. I have the name, the address and everything. I go to that location.

I just don't go and pick up somebody that's hailing. I don't want to get a ticket.

It is $300. In Boston it is $500.

It cost a lot of money for a $10 fair to pick up a $500 ticket. I don't want to do it and I don't want to break the law either.

CHAIRMAN MICHAEL GARDNER: I think I got it.

Thank you.

Before we ask this panel to leave, are there other -- any questions from other Commissioners?

FIRE CHIEF GERALD REARDON: No.

POLICE CHIEF ROBERT HAAS: No.

CHAIRMAN MICHAEL GARDNER: Thank you all very much.

In the second row, anybody else who wants to speak?

Seeing none.

In the third row, that would be the gentleman in the short-sleeved shirt with the --

yellow shirt with the tie. That row, anybody in that row who would like to speak? Come forward.

Any people in the row behind him like to speak, come forward. Anybody else in that row like to speak?

Please state and spell your first and last name for the record and tell us what your business is or your relationship to this question for each of you. We'll start with you, sir.

ABEBE BEKELE: My first name is A-B-E-B-E. My last name B-E-K-E-L-E.

CHAIRMAN MICHAEL GARDNER: And what is your occupation, sir?

ABEBE BEKELE: Working limousine since January 1, 2013 this year in my city.

CHAIRMAN MICHAEL GARDNER: Thank you.

Sir?

AHMED ATTIATALL: A-H-M-E-D. Last name A-T-T-I-A-T-A-L-L-A.

CHAIRMAN MICHAEL GARDNER: And your business?

AHMED ATTIATALLA: Cambridge resident and I have a livery car in Cambridge. I opened limousine license -- a business certificate I mean from City of Cambridge. And that's required.

CHAIRMAN MICHAEL GARDNER: Okay.

Sir?

OUSMANE BARRY: O-U-S-M-A-N-E. Last name B-A-R-R-Y.

CHAIRMAN MICHAEL GARDNER: And your occupation, sir?

OUSMANE BARRY: I have a livery plate.

POLICE CHIEF ROBERT HAAS: You live in Cambridge?

OUSMANE BARRY: I have been living here 11 years.

CHAIRMAN MICHAEL GARDNER: Start with

you, sir, tell us what you want us to know.

ABEBE BEKELE: First of all, I like to introduce myself, I have been over 16 years in Cambridge. I love this city. I have a family and kids. Unfortunately, I started this business since January 1, 2013. Before I used to work in downtown parking garage. I used to manage. And I got laid off. At you know, most of the -- we have program to get a job, and then I have no choice, I used to drive taxi in Boston. Then it is very hard. And when I see the interest, peoples who using the service, then I start purchasing a limousine car. I don't know about the permit. I went to the city call. I got the business certificate. I have been working since January 1, 2013. Over nine months.

Then suddenly when I received a letter from the License Commission, in here that says your license -- your business certificate is

pulled if you pick anybody passenger from the city, you will be fined $300, then I have no choice. I am supporting my family with this business. I'm trying to create my own work. Then I get that letter. I never pick any customer from my city around here. I have a lot of customers from Cambridge area. I have my own business card. I have my own website. I have all my information. I have good connection with a lot of peoples. Then I distribute it. But I couldn't pick those customers scaring of that $300 ticket from my city.

CHAIRMAN MICHAEL GARDNER: So tell us about, do you get business through smart phone applications as well as or is mostly this website and personal knowledge.

ABEBE BEKETE: The most business I had is my personal contact. Beside that, I have that smart but that's not really helping me that much.

But I really have a lot of customers in Cambridge and Boston also. So I have arrangements with those people.

CHAIRMAN MICHAEL GARDNER: So do I understand that you have purchased and are operating a limousine?

ABEBE BEKELE: Yes.

CHAIRMAN MICHAEL GARDNER: Is this like a stretch vehicle?

ABEBE BEKELE: No. I'm sorry. They call livery. It is a town car. I got that business certificate from Cambridge.

CHAIRMAN MICHAEL GARDNER: So give us a sense about the typical kind of fares you would take, for what purposes and distances, time of day, that sort of thing.

I'm interested in the kind've typical business you have, who are your customers, when do they want the service, where do you take

them.

ABEBE BEKELE: I got four or five company. They own limousine company. I work for them. They give me job. I pick for them.

And the other one who I have arrangement from Cambridge area, peoples when they want to go Cambridge, if they want to go from this area, from MIT area, I charge $40 depending what time they go. If it is rush-hour, they pay $45. They are regular. With this kind've of arrangement, I got called and took them to the airport or wherever they want go.

So most of the time peoples who they have limo from Watertown, Winthrop, those people they give me a job. I pick for their fare from Cambridge.

CHAIRMAN MICHAEL GARDNER: So some companies, you have a relationship with, and whatever the company business is, they be in

touch with you and make the transfers?

ABEBE BEKELE: They charge them and they give me compensation.

But my problem at this point, since I can't work from my city, it is very hard to support my family.

CHAIRMAN MICHAEL GARDNER: You stopped doing business with Cambridge pickups since you got the notice?

ABEBE BEKELE: Yes.

CHAIRMAN MICHAEL GARDNER: Thank you.

Sir?

AHMED ATTIATALLA: I have the same issue with this gentleman here. I have my website. I take jobs from different companies.

About the eight hours, I can't control it. Even my company cannot control it. It is all about the clients. If they want the limo in eight hours or in a week advance or right now, I

got nothing to do with that. I'm only a driver.

I received a letter like everybody else. Since that day, I couldn't pick up any Cambridge at all.

And about the criminal -- the crimes happen and things like that, all the limousine drivers, we have something called the Massport security badge. And they did the background check already about the drivers. And anyone who didn't have it is not allowed to pick up in the airport or drop off at the airport. That's what I know.

We don't have limousine stand or anything. We can't pick up in the street. It is not only the $500 ticket. In Boston it is $500 or it's a jail. I know that by fact.

CHAIRMAN MICHAEL GARDNER: It's what?

AHMED ATTIATALLA: It is $500 or they can arrest the driver. They can do that. It depends

how the situation happens.

Now, I live in Cambridge. I don't operate that much in Cambridge. I only live there because the business certificate, I open it because I live there. I don't see clients in my residence (sic). I don't answer the phone. Everything is on-line right now. When I'm home, I'm home. That's it. I don't operate.

CHAIRMAN MICHAEL GARDNER: Okay. Thank you.

CHAIRMAN MICHAEL GARDNER: Sir?

OUSMANE BARRY: I'm a Cambridge resident. I have been living here 11 years. I'm a father with five kids. I support my family.

I had my own business awhile ago. I close it because the bad economy. I mean, they forced me to close it. I stayed for seven months with no working and I had a family and I heard about this business doing livery and stuff like

that. I jumped in. And I come over here and applied for the business livery. They approved me.

And then I went and get my plate. I bought a Ford Taurus on credit. I started doing livery.

CHAIRMAN MICHAEL GARDNER: Tell us about the kind of work you do. Who are your customers? How do you get? Them what are the typical kinds of fares?

OUSMANE BARRY: I work with Uber.

CHAIRMAN MICHAEL GARDNER: Tell us how Uber works from your point of you.

Do you sign up with Uber? You get a phone or something and get notices?

Tell us how it works.

OUSMANE BARRY: I have a phone with them, and I signed up with them.

And honestly, Uber for me did good stuff.

They give me job and something that I didn't have before. They give me something to support my family.

I applied for so many jobs. Nobody was hiring. They the one who save me for this time with five kids.

Honestly without them, I would not have known what to do right now.

CHAIRMAN MICHAEL GARDNER: What do you while you are waiting for Uber to notify you?

Are you driving around? Are you parked someplace?

I take it that you are waiting for Uber to tell you that you are in close proximity to a fare that wants to be picked up? Enlighten us about that. Tell us what you do.

OUSMANE BARRY: I park my car and wait for the call. And when they call, I get the person.

CHAIRMAN MICHAEL GARDNER: So where do you park typically?

OUSMANE BARRY: Mostly we do same thing we had. This problem in the Cambridge, we stop operating. We go downtown. I go to Allston and Brighton and different places.

But for now we avoid Cambridge until we know what is going on with Cambridge.

If there's anything we can to do to be legal, we honestly we are all willing to do it. If there's any form we can fill out or background check, everything we are ready to do.

Everything that need to be done honestly, to be legal, to be able to drive here in Cambridge, we live in the city and we love the city so much and there's a great, great opportunity in Cambridge and the student, all these people use us, if there's anything that we can do, anything that we can do, please give us

the opportunity to be able to work. We trying to survive and take care of family. Nothing but that. Just to survive as citizen of Cambridge. Or citizen of United States. Just like that.

It is opportunity we asking for you to give us.

CHAIRMAN MICHAEL GARDNER: When Uber contacts you, it is because there's a customer or potential customer who wants to be picked up very quickly, is that right?

OUSMANE BARRY: Well, sometimes it takes 15, 20 minutes to go get the customer.

CHAIRMAN MICHAEL GARDNER: But they want to be picked up as soon as you can get to them, not eight hours later?

OUSMANE BARRY: Yes.

CHAIRMAN MICHAEL GARDNER: Okay.

Any questions?

POLICE CHIEF ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No questions.

CHAIRMAN MICHAEL GARDNER: Thank you all very much.

So in the fourth row back, any members of the public in the forth row back, which I would count as including the person in the blue shirt there, anybody in the forth row who would like to speak?

Anybody else in that row?

Okay. Come up, take a seat.

I ask each of you to state and spell your first and last names for the record and identify what you do for a living.

Sir?

PETER SHEINFELD: Peter S-H-E-I-N-F-E-L-D. And I'm an Election Commissioner here in Cambridge.

And I also am on the Steering Committee of Boston Taxi Advisory which Dave Sandberg and

another fellow back here we're all a part of that.

I want to say one thing, that as far as the liveries picking up illegally in Cambridge, it ain't too bad.

I have spent the last ten weeks on Friday and Saturday from midnight to 2:30 in the morning taking pictures and watching in downtown Boston and about four of those nights at the corner of Brookline and Mass.

When the police-- the Cambridge Police are out at Brookline and Mass, no out of towns dare pick up.

When they saw that Cambridge Police SUV sitting there, they just kept right on going. And I think that speaks highly of the Cambridge Police Department.

CHAIRMAN MICHAEL GARDNER: Are you talking primarily about cabs?

PETER SHEINFELD: Only Cambridge is picked up.

The liveries -- there are a lot of cars which are just simply passenger cars, believe it or not, in my old car, I got hailed by some people who thought I was gonna pick them up. Which is nonsense.

You've got passenger cars picking up people illegally. You get every form of out-of-town vehicle. You get sort've fake cabs.

You can go up on the parkway on the Arlington line and get a Crown Vic next to nothing and make it look like a taxicab. Go out on Friday and Saturday night and pick up all you want.

But it all stems back to one thing a number of the prior speakers have addressed, which is licensing and training of drivers. And it must be -- now, this is the problem in

Cambridge. Boy, it's a killer in Boston. Drivers are rejecting work.

But you don't have that problem here in Cambridge. You are very lucky.

But as far as livery and limo, I think the key thing is to make sure if you create license regulations, they have to include that the driver is subject to the appropriate -- he's licensed and is qualified in that they have been trained as far as all the skills driving and they have to pick up anybody who hails them. And that there's adequate insurance on the vehicle. And you may, and I know there were some, but compared to Boston, they are relative lenient, age restrictions on vehicles, which should be put on cab service, and they don't have to be as stringent as Boston's. So I think you see what I'm saying.

And that's basically, the thing is, if

you have the trainings for the drivers are able it interact with the customers, that's gonna make a big difference.

CHAIRMAN MICHAEL GARDNER: Give us any reflections you've got on how this essentially on-demand Uber service which liveries are responding to, how does that effect the taxi industry?

PETER SHEINFELD: It takes work away from them. As simple as that.

Let's say, you are person X and you are at -- you are at some location, wherever that may be, you want to go to the airport or downtown, and so that you call Ambassador Brattle and let's say you are on Huron Avenue, and you call Ambassador Brattle and they can't you get anything for ten or 15 minutes, but you call Uber or Lift or God knows who, and you may be able to get something faster, but it will be a lot more

expensive.

But the worse is, you could get a car that may not be licensed or insured with a trained driver. You are taking your chances. That's what you have to make sure of. That's the advantage of a taxicab.

CHAIRMAN MICHAEL GARDNER: And that's because Uber doesn't do any of that screening?

PETER SHEINFELD: Not to an adequate degree at all.

That's basically -- when I was talking to the Hailo people, they were saying that "Oh, we only take licensed taxicabs" and all this and that. That's not 100 percent the case from what I have seen from direct evidence.

CHAIRMAN MICHAEL GARDNER: Thank you very.

PETER SHEINFELD: You get the point.

CHAIRMAN MICHAEL GARDNER: Thank you.

Sir?

SAMSON ASSEFA: First name S-A-M-S-O-N. Last name A-S-S-E-F-A.

Thank you for giving me a chance to speak.

I lived in Cambridge from 1985 to 2003. I went to Cambridge Rindge and Latin. This is a city I love. Everything I do, every work I did, I worked in Cambridge.

CHAIRMAN MICHAEL GARDNER: So are you a Cambridge resident now?

SAMSON ASSEFA: No. I have a livery service that I own. I live in the City of Malden. I was able to obtain a livery license.

CHAIRMAN MICHAEL GARDNER: In Malden?

SAMSON ASSEFA: Malden. Not a d/b/a. They offered it, but I had to go through different steps to get to that, which I did.

The reason I did that is, my trade, I'm a

dental hygienist. I used to work on Mass. Ave, but the dentist move to Lexington. When that move happened, I have three kids. In order to support them, I was having a hard time getting a job.

CHAIRMAN MICHAEL GARDNER: So how long have you had a livery license in Malden?

SAMSON ASSEFA: Since July.

CHAIRMAN MICHAEL GARDNER: 2013?

SAMSON ASSEFA: That's correct.

CHAIRMAN MICHAEL GARDNER: Tell us about the rules under which you have to operate.

Is there a minimum period that has to happen before you pick up? And how do you get your business?

SAMSON ASSEFA: They don't have that.

CHAIRMAN MICHAEL GARDNER: No minimums?

SAMSON ASSEFA: No minimums.

What it is, is if you are licensed, you

can pick up in the City of Malden. You can't pick up from the streets. It has to be arranged.

CHAIRMAN MICHAEL GARDNER: It has to be a prearranged but no minimum time?

SAMSON ASSEFA: Yes.

CHAIRMAN MICHAEL GARDNER: How do you get your rides arranged.

SAMSON ASSEFA: Mostly I go through Uber. I'm looking into a few other companies. Carrie Limousine in Braintree. Right now they don't have options. If you have your own vehicle and a livery plate on it, they will give you the job. Which pretty much that's what Uber is doing. Except in Uber's case, it's on-demand limo service with a smart phone app.

CHAIRMAN MICHAEL GARDNER: So I'm not asking you if you do it, although you can tell us, but in your understanding of how this operates, could somebody in circumstances such as

yours simply go and Park someplace in Cambridge and wait to get Uber notices to be -- for people to be picked up in Cambridge?

SAMSON ASSEFA: I can speak for myself.

I personally don't do that.

What I do is, if I'm driving in Cambridge, following traffic regulations, of course, if a call comes in, let's say next to a restaurant, MIT, Harvard Square, anywhere, if the call comes in, I follow the rules, go to the-pick-up location, make sure the person is the person that actually made the call, the way you do that on the smart phone, from my phone, if I call them, their cell phone has to ring. That's how I make sure it is the right person. If they get in the car, I take them.

CHAIRMAN MICHAEL GARDNER: Tell us about how the payment arrangements are made.

SAMSON ASSEFA: The payment arrangements

are made through -- they do the arrangements.

We pick up and drop off as directed.

CHAIRMAN MICHAEL GARDNER: You have an account with Uber so the people pay using a credit card to Uber and you get then ultimately the payment.

SAMSON ASSEFA: That's correct. I'm a Uber user myself.

The way I know about it, is when I worked in Cambridge, I used to use it when they were first here.

Before you request for the car, it gives you rates, gives you everything -- everything is broken down. Pretty much you know what you pay.

CHAIRMAN MICHAEL GARDNER: Is it your sense that those rates or more or less than typical taxi rates if you know.

SAMSON ASSEFA: Taxi, I had bad experience in the past. You know, I lived in

East Boston. I'm speaking the truth here. Every time I tried to get a cab to go to East Boston either from Boston or Cambridge, I don't get it.

There's a point where actually a driver put the car in park, took the keys out, and walked out of the cab while I was sitting there. This happened in Fenway Park after the game.

You can't do that with the smart phone. Once a person gets in, you have to take them, otherwise you jeopardize your job.

CHAIRMAN MICHAEL GARDNER: This sort of ride refusal from Fenway to East Boston, do you have an interpretation as to why that happened to you?

SAMSON ASSEFA: I'm not sure. I was there with my kids.

CHAIRMAN MICHAEL GARDNER: It is not a short-ride issue?

SAMSON ASSEFA: No. I mean it is a good

amount issue. The fare is good amount to go to East Boston and back. Maybe they don't get anything. They can't pick up from there.

CHAIRMAN MICHAEL GARDNER: There's no pickups in East Boston?

SAMSON ASSEFA: Yes. It's common.

You get in a that in New York City too.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

SAMSON ASSEFA: I want to say, for a person that actually wants to do the job right, it is a great thing.

The demand for taxi and for Uber is equally there. That's my feeling.

CHAIRMAN MICHAEL GARDNER: There's enough demand to satisfy it?

SAMSON ASSEFA: I think so. The time change. From 2000 until now, we live in a different time.

CHAIRMAN MICHAEL GARDNER: Sir?

DANIAL MULUGETA: D-A-N-I-A-L. Last name M-U-L-U-G-E-T-A.

I'm a Cambridge resident since 1981. I'm retired. Having livery business picked up, I bought an Acura SUV, had a license, paid $3,500 insurance, came here for -- I have the business certificate, I appeared here with you at the hearing waiting for the permit, so I don't do any business because I have to follow the regulation.

CHAIRMAN MICHAEL GARDNER: So you have come and applied to us?

DANIAL MULUGETA: Yes.

CHAIRMAN MICHAEL GARDNER: For a license?

DANIAL MULUGETA: Yes.

CHAIRMAN MICHAEL GARDNER: And we didn't grant it?

DANIAL MULUGETA: Permit. I have

certificate but not permit.

So I'm retired. I have two boys raising. Graduates. No job.

CHAIRMAN MICHAEL GARDNER: So currently you weren't doing any work?

DANIAL MULUGETA: No. Still washing polish the livery, staying home.

CHAIRMAN MICHAEL GARDNER: Okay. Thank you very much.

Are there any members in the next-to-the-last row who haven't spoken who would like to speak.

Please come forward.

State and spell your names when you speak.

Sir?

AHMED AHMED: A-H-M-E-D A-H-M-E-D.

CHAIRMAN MICHAEL GARDNER: Are you a Cambridge resident?

AHMED AHMED: Yes.

CHAIRMAN MICHAEL GARDNER: What's your business?

AHMED AHMED: I drive livery.

I have my own business. I run my own business. I have livery.

I work mostly -- 80 percent of my job is from Uber.

CHAIRMAN MICHAEL GARDNER: Okay.

AHMED AHMED: That's the reason I come today, too.

CHAIRMAN MICHAEL GARDNER: You have a license from the city, a business certificate from the city?

AHMED AHMED: Yes.

CHAIRMAN MICHAEL GARDNER: And tell us how it works for you and Uber.

What does Uber do for you? What do you do? Where do you keep the vehicle?

AHMED AHMED: Uber's great. It saved me from the taxi business that used to abuse us. I used to work for the guy who just left. He own medallion. They put the price high. You don't have any rights.

So when Uber came, all the cab drivers jumped to Uber to have their own businesses. Everybody is doing Uber now because Uber is same business as taxi business but is very good. It is fair. They get the commission. And we make good living.

CHAIRMAN MICHAEL GARDNER: Okay. So where do you --

AHMED AHMED: I live in Cambridge. I work everywhere. I start from my home. I got -- today I go to Winchester. Sometimes Cambridge. Sometimes Brighton. Whatever the job comes fro.

CHAIRMAN MICHAEL GARDNER: So typically you -- I'm trying to see if I understand how it

works.

You start the day, your car is in Cambridge, or garaged where you live, you get a notice from Uber that there's a pick up. You go to the pick up, you take it, you do the drop off, and so then you are in a new location, and you either get another notice reasonably quickly there, or you park there and wait, or you drive to someplace else and wait and then you hop from job to job? Tell us if that is how it works.

AHMED AHMED: It is taxi business. Same idea.

When you get a job, when I warm up my car, I turn on smart phone, so I get a job. That job can be anywhere. If it's Cambridge, let's say Harvard Square, I cannot not go pick up Harvard Square. If it is Logan Airport, then I have choice to stay Logan Airport.

The reason I need business certificate

from Cambridge is just for the Logan Airport. They require in order to have sticker, Cambridge business certificate. There's the only thing I get the Cambridge certificate. Other than that, I would have been here because there's no issue.

And the other thing is that I was wondering some of my friend who get the letter, I mean the reason I came to support them, I have been living Cambridge 20 years, my children born here. And if you took away the job from me, then the Boston cab -- the Boston Uber, or the Boston whatever, Malden, will pick up Cambridge jobs. So why is being denied from me? That's the reason I just came to know and find out.

Because Uber, it's illegal for Massachusetts. So that's the reason I wanted to understand.

Other than that, it will cost me to change my license and my address and get the

state licence, which is LLC, which I can operate anywhere in Massachusetts.

So the other option I would have is, if the Cambridge force me to leave from Cambridge, but I have to change my address, which I don't see even -- if I do that, it still Cambridge cab, it stop me to operate from here because Uber, it's illegal from Massachusetts.

CHAIRMAN MICHAEL GARDNER: So there's nothing now that prevents you from doing pick-ups on prearranged rides in other cities besides Cambridge?

AHMED AHMED: Yes.

CHAIRMAN MICHAEL GARDNER: Prearranged? There's something that stops you from doing a Boston pick-up?

AHMED AHMED: Nothing.

CHAIRMAN MICHAEL GARDNER: You can't do flag-downs?

AHMED AHMED: Flag-downs is different.

That's illegal.

I'm talking about legal business with my smart phone. I work for other company. But the other companies there's no issue.

The reason is if Boston Limo gives me a job and they tell me to pick up Marriott Cambridge, if I go, nobody's gonna talk to me.

The only thing Cambridge I hear now police just chasing you if they see you using smart phone. Other than that, I don't have problem. I do pick-up and do other businesses. I have also my own clients. Since I used to drive taxi, I have been in this business 20 years. I have all my businesses. I give my business card. I go even where -- you know, I eat in the restaurant, I give my business card, they call me.

CHAIRMAN MICHAEL GARDNER: Thank you.

Sir?

USAMA ELKATTA: U-S-A-M-A. Last name E-L-K-A-T-T-A.

I am taxi driver and I have a livery service. I used to drive in Cambridge.

CHAIRMAN MICHAEL GARDNER: Where do you live now?

USAMA ELKATTA: Cambridge.

CHAIRMAN MICHAEL GARDNER: Do you have a business certificate?

USAMA ELKATTA: Yes.

CHAIRMAN MICHAEL GARDNER: And you also are licensed a cab driver?

USAMA ELKATTA: Licensed in Cambridge.

CHAIRMAN MICHAEL GARDNER: Licensed driver?

USAMA ELKATTA: Yes, in Boston. I used to do in Cambridge. The reason I got -- I need -- first of all, about Uber, the inspection

and things, I just want to clarify one thing. First of all, about insurance, we have -- anybody who has to operate with Uber, he has to have insurance, and Massport, he has to be have insurance for one million dollars.

CHAIRMAN MICHAEL GARDNER: Just to operate at Massport?

USAMA ELKATTA: Yes.

CHAIRMAN MICHAEL GARDNER: I'm confused.

Is the one million dollars liability, is that a Massport requirement or a Uber requirement?

USAMA ELKATTA: Both.

For example, limo service there's also certain cars, like most of them they are very high like 2011 and up, and it cost $35,000 to $50,000, and compared between the taxi and the limo is like a restaurant, fast food, and you sit in the restaurant and they wait on you and give

you good service. Of course in the fast food, you pay $2 McDonald for hamburger and you go. But the limo service, you just work for the people and pay for what you get. And you open the door and you dress nice and you smart. The taxi's different. I know. I drive both. So the customer, you gonna find people regardless what's happened.

We are have the technology, information technology, people change. You are not going to prevent this. We have to go and do the regulation according to our terms.

So the people need a taxi right away, there's a lot of people, regardless what you do, they will take the taxi, and there's people, the technology comes, they say we are not going to pick up taxi even if I pay like $20 or $30 more.

So this is up to -- it's a free country. Nobody can force the customer to take this and

that.

CHAIRMAN MICHAEL GARDNER: So, do you get your business mostly from Uber calls?

Or, do you have relationships with established companies? Or --

USAMA ELKATTA: Both. Both. Both. Both. I also have in the taxi, I pick up both. I have Uber also.

Even in Cambridge, in Cambridge, the Cambridge drivers they have Hailo. And it is legal. And the taxi. We are in new technology.

The reason I'm saying I need the business, I have a corporation, so by law I'm with the state. I can operate anywhere in Massachusetts, but the reason -- I have been living here 15 years I. Have six kids. My kids go to public school. I want to benefit the city. I need just to park my car in Cambridge. If you prevent me from doing that, you are gonna lose

money.

And there's a lot of stuff --

CHAIRMAN MICHAEL GARDNER: Do you have any sense how much -- I'm sorry to interrupt you. I'll let you finish your thought after my question.

Any sense of what percentage of your business are Cambridge pick-ups?

USAMA ELKATTA: From the limo?

CHAIRMAN MICHAEL GARDNER: Yes.

USAMA ELKATTA: Probably 20 percent.

CHAIRMAN MICHAEL GARDNER: Thanks. I interpreted you.

USAMA ELKATTA: 20 percent. But as the brother say also, you are at home. As I told you, I have six kids. I'm busy. I can't start at my home. I just open the thing and they told me go to the airport. You can read. You can go to school and study and do whatever you want.

You are at home. And sometimes the limo service is different than taxi. You might stay two or three hours and you don't have a job.

CHAIRMAN MICHAEL GARDNER: Taxi you mean.

USAMA ELKATTA: No. Limo. And all of a sudden, you got one job, whatever, it might make your whole day. But the taxi you have to go to the stand and see people flag you down and pick up.

So it is totally different business.

But the point is, if you don't put some regulation that it fits everybody, you force the people to just go outside Cambridge. And they do corporation, and then -- I heard you mention in the beginning that Cambridge doesn't have the authority to overrule that.

CHAIRMAN MICHAEL GARDNER: All right. I got it. Thank you.

SHIFA SALIH: My name is S-H-I-F-A. Last

name S-A-L-I-H.

I have been a Cambridge resident over five years. The first thing I want to mention is Cambridge being center of education, I think we should pride on this new technology that we are pretty much opposing. Cambridge should be on top of all these things.

CHAIRMAN MICHAEL GARDNER: Tell us your occupation.

SHIFA SALIH: I'm a limo driver.

When I moved to limo drive, the first thing I did was, which I think I'm a legit license, I came to the city and got my certificate, and I still think I was legit. I haven't gotten the letters other people have gotten.

And I would like to answer the gentleman who was sitting here saying that Uber drives or limo drivers doesn't go through background check.

That's completely untrue. We all have gone through it. Everyone knows it.

CHAIRMAN MICHAEL GARDNER: Is this through Uber?

SHIFA SALIH: Through Uber and Massport, yeah.

CHAIRMAN MICHAEL GARDNER: Did you actually authorize them to do a criminal record check on you?

SHIFA SALIH: Yes.

So this is -- we invested in this business. We buy cars that cost over sometimes $30,000. And this is our home. I moved from San Diego, who -- a crazy person moves to Boston. But I have been living in Boston and I lived in Boston for about a year, and I moved to Cambridge and I have been loving Cambridge ever since. This is home. It is home for my children. And we want to be partners in all the things that

goes on in this city.

We should not be neglected and not be taken lightly. We are here, you know, to follow the growth and development of the city. We are part of it. And we would like you to be on our side. This is a technology era and it's uncontrollable. It's proven. I have come here and proven to the city and we're just following Uber's procedures is. And we pick up people from Cambridge. I start my business from Cambridge. I live in Cambridge. I put on my iPhone and I get a job and pick up.

CHAIRMAN MICHAEL GARDNER: And what percentage of your business would you say comes from Uber or similar smart phones?

SHIFA SALIH: I've only played halfway. I have also companies that I work for that I'm a subcontractor. I provide the company with my own car, they take their percentage and I take my

percentage. A lot of time that is more comfortable for me.

CHAIRMAN MICHAEL GARDNER: So you get some business from Uber or other smart phone apps?

SHIFA SALIH: I could say as I go, actually. I don't really plan. But I take my iPhone with me because, like you said, it's very convenient. I wouldn't mind getting a job when I leave my house.

CHAIRMAN MICHAEL GARDNER: And then some of your business comes from established relationships you have with other companies?

SHIFA SALIH: Yes.

CHAIRMAN MICHAEL GARDNER: You subcontract, or if a company knows you and if they need a service, they call you?

SHIFA SALIH: Yes. I made my own -- I have been working two years now driving limo. I

have also established my own clientele base. I have people that called me directly.

CHAIRMAN MICHAEL GARDNER: I didn't hear the number of years you have been doing it.

SHIFA SALIH: A year and eight months or six months. Something like that.

CHAIRMAN MICHAEL GARDNER: Thank you.

Other questions?

POLICE CHIEF ROBERT HAAS: Do you lease a medallion or own a medallion?

SHIFA SALIH: Lease.

USAMA ELKATTA: Can I say one thing? Also in Cambridge, the insurance I would be $6,000, so...

CHAIRMAN MICHAEL GARDNER: Auto insurance?

USAMA ELKATTA: Yes. Because the livery. If I go somewhere else, it would be cheaper, but I choose not to benefit the City of Cambridge.

Because -- if I go to Revere or Malden, I can save money.

And also as a resident of Cambridge, not now a limo or whatever, now if I live in Cambridge and I want to pay that excise tax, I cannot register the in car in Cambridge? If it has LV plate, so I don't have the right to register my car in Cambridge and pay the excise tax in the City of Cambridge?

CHAIRMAN MICHAEL GARDNER: I'm not sure, are you asking a question?

USAMA ELKATTA: Yeah.

FIRE CHIEF GERALD REARDON: It's where it is principally garaged.

USAMA ELKATTA: Yeah, if I'm garaged, but no, the only reason I need the business certificate to show that --

CHAIRMAN MICHAEL GARDNER: You are garaged in Cambridge, so you have to have the

business certificate in Cambridge.

USAMA ELKATTA: That's the reason?

EXECUTIVE DIRECTOR ELIZABETH LINT: As well as the license.

CHAIRMAN MICHAEL GARDNER: I understand what you mean there and why you have your business certificate in Cambridge and where you pay your excise tax.

USAMA ELKATTA: The question is, if I don't need that license --

CHAIRMAN MICHAEL GARDNER: I understand. I understand the issue. Thank you.

Are there any other persons in the audience who haven't spoken who would like to speak?

Sir, why don't I ask the three of you to step aside and we'll recognize this person from the first row.

And I will also ask, are there any

representatives or people with affiliations to the taxicab industry or Hackney industry who are here that would like to speak?

Okay. I ask you to come up and you can have a seat here.

And, sir, why don't you go first.

State and spell your full name for the record.

ABDULLAH MAGAN: A-B-D-U-L-L-A-H-I. Last name M-A-G-A-N.

CHAIRMAN MICHAEL GARDNER: And your occupation?

ABDULLAH MAGAN: I manage a taxi in Boston and Arlington. And long-time Boston taxi driver. And right now I don't drive but manage and sometimes drive.

I understand that the issue was not -- the issue was whether we remove the moratorium. I don't believe that holding the license --

holding the certificates were meant to put out of business this Cambridge residents and more -- who have families but was more to find way to protect taxi businesses, or even themselves, to protect those who invested already, the liveries, to make sure they have a license, to make sure they have a business where they are licensed. You can't have a license without rules and regulations that allows to give you the privilege to have that city serviced, and if that can't be protected, then the license would be nothing in my understanding.

I think the Uber, and not only Uber, but many technologies that right now, I don't -- they have a name, but what they are is that -- it's an electronic dispatching system, which is the same as taxi dispatch. There's no difference.

In fact, they are more faster than the taxis that you call than when you call this Uber

thing.

What you have is, that you have a venture capitalist who invested this and wanna fly. And my understanding is soon they will just supply an IPO and sell it and go away.

I wanted to have -- I would like to have this modified.

I would like to see this modified and allow to make sure that the investment these people who are -- who have the license, be given license but also protect their investment and businesses.

Also, this companies that are trying to just come overnight and leave the next night be forced to have an also license. I don't know how to do that. I think one of the previous speakers have said that this is gonna be a situation where the city have to work with the State and even sometimes Federal where you have -- for example,

if you have a license and the person who is coming from other place getting the jobs, would not make any difference at all to have a license. So we need to have a license. We need to also have -- protect those licenses, businesses, by making sure that this Uber, or other people, to have a license to dispatch in this area, also to make sure that they cannot leave these people tomorrow behind. Because right now they can fire you any time they want. There's no contract or anything.

CHAIRMAN MICHAEL GARDNER: Who is the "they" you are talking about?

ABDULLAH MAGAN: Uber, and alike.

If the rule is changing, if we are going to suspend the moratorium, we need to have rules and regulations to protect people who already live in Cambridge. And those who will be issued a license, to make sure this license means

something to them. And the city, although they collect monies out it, there should be ways to protect their businesses.

CHAIRMAN MICHAEL GARDNER: Essentially you are saying if we lift the moratorium, you are concerned that there still needs to be a way to somehow officially control the number of licenses or limit the number of licenses, to protect the value for the people who have them as opposed to an open market?

ABDULLAH MAGAN: Absolutely. If you lift the moratorium and you have a license which have no meaningful difference of other people who don't have the license doing that business in Cambridge. Again, it's called electronic street hail is what Uber's offering.

If somebody's coming from somewhere else have that Uber system, now even the daycare moms have that Uber app and they pick everywhere.

So the point is, that when you have different sets of communities, different cars -- private cars are right now on the streets with the Uber iPhone, Uber apps.

CHAIRMAN MICHAEL GARDNER: And that's what you refer to as the "daycare moms"?

ABDULLAH MAGAN: No. No, no.

CHAIRMAN MICHAEL GARDNER: I'm not sure I got that reference.

ABDULLAH MAGAN: What I meant was that people who drop off and they only have two hours can do the job. That's what I meant.

CHAIRMAN MICHAEL GARDNER: You mean people who have a short amount of time available -- short amount of free time can just freelance during spotty hours?

ABDULLAH MAGAN: That's what I meant.

CHAIRMAN MICHAEL GARDNER: I think I got your point. Anything else.

ABDULLAH MAGAN: Yeah.

I would add, if we get a license, and we gonna use the license, that license needs to mean something and protect it from the other --

CHAIRMAN MICHAEL GARDNER: You told us that.

And I got that you manage taxis in Boston. Do you have any connection to Cambridge at all?

ABDULLAH MAGAN: I don't.

I was expecting to get a license if it means something, yeah.

CHAIRMAN MICHAEL GARDNER: Thank you.

Sir?

CHALAD FARHAN: C-H-A-L-A-D. Last name F-A-R-H-A-N.

CHAIRMAN MICHAEL GARDNER: Tell us your occupation.

CHALAD FARHAN: I have a company, LLC

company established in 2006 in the State and I have a license to operate in my town.

CHAIRMAN MICHAEL GARDNER: What kind of license?

CHALAD FARHAN: Livery license.

CHAIRMAN MICHAEL GARDNER: What town is that?

CHALAD FARHAN: Medford.

I don't want to take too much of your time. You pretty much have everything.

Basically I second his motion. And I sympathize with all the drivers here, and I think that the moratorium is supposed to be, it should be, in my opinion, with all due respect, supposed to be changed to adopt and protect these drivers.

And also, I do have a company and I operate in Cambridge, I operate anywhere in the State and I have subcontractors that I use myself.

I would like to have the opportunity to have a license in Cambridge so I could utilize some of these drivers that are using Uber. I don't like Uber myself. I don't use it. I think they are taking businesses from taxis, unfortunately.

CHAIRMAN MICHAEL GARDNER: How do you get your business?

CHALAD FARHAN: I advertise on-line and through my website.

CHAIRMAN MICHAEL GARDNER: All right.

CHALAD FARHAN: I guess I sympathize with drivers, especially the ones living in Cambridge. And I think they should operate and survive their families. And at the same time give them the opportunity and give myself, as a license in the State, to operate in Cambridge and utilize these drivers instead of somebody else coming and just hailing through the smart phones.

CHAIRMAN MICHAEL GARDNER: Thank you.

I'm going to ask a question -- I'm sorry, did either of you have anything for those?

POLICE CHIEF ROBERT HAAS: He wouldn't be eligible through Cambridge if he operates out of Medford, right?

EXECUTIVE DIRECTOR ELIZABETH LINT: Right.

POLICE CHIEF ROBERT HAAS: I want to make sure I got it right.

CHAIRMAN MICHAEL GARDNER: Although there's currently nothing preventing him doing business in Cambridge.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct. And he could contract with any licensed Cambridge drivers.

POLICE CHIEF ROBERT HAAS: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: And, therefore, encourage him to do so.

CHAIRMAN MICHAEL GARDNER: So in terms of what I understood something of the last two speakers was, yeah, we the Commission should be doing some things to detail with the problem of all of the livery businesses which are operating now, which have made some investments, sometimes substantial investments, and certainly are relying doing business here, that we ought to do something to make sure we don't drive them out of business because of the moratorium, that somehow we establish rules and regulations and go through some orderly process to get existing businesses licensed in the city.

But then I think I heard "and" you need to restrict future access to this kind of work to protect the people who are already onboard. That is, the people who got their business certificates and have the work already.

And I guess I'm not sure about that.

So I want to ask the question generally of why shouldn't the city in the interest of serving its residents and giving its residents the maximum flexibility with respect to arranging for short-term transit, why shouldn't the city simply allow responsible persons with the economic wherewith all, or capacity to make appropriate business investments in vehicles, insurance, super structure, whatever infrastructure they need for the business, who pass background checks, who receive the training, why shouldn't we let anybody operate a livery service in the city if they meet those minimum standards?

And any of you who feel so moved, just state your name for the record again so we've it and you can respond.

Sir?

ABDULLAH MAGAN: Abdullah Magan again.

I think I was the one who said if -- if you give a license, there's a privilege attached to that license. What I meant was, if there's a license, then the person who has no license, there should be some privilege there that allows this person to have. Otherwise, what you are saying is, forget about it, everybody can drive as long as they have a livery plate from the State and they can go background check. There's no need license. All you need to have, just come and we'll check your background check.

CHAIRMAN MICHAEL GARDNER: Okay, I think I got it. I may have misunderstood you before. Believe me, we are a License Commission, so generally we believe in licenses.

ABDULLAH MAGAN: That's good to hear.

CHAIRMAN MICHAEL GARDNER: Any other members of the public, last change, who wish to speak?

Mr. Sheinfeld?

PETER SHEINFELD: Picking up on what Abdullah said, the open market wide open thing has been tried twice in the State; Framingham and Taunton. Disaster both times. Both in the '50s. What happened is, when they allowed just -- this is way before liveries. This is in the '50s.

But the point is, the essence of it was the same thing. There was wide open on taxi cabs and what was happening is that was back when downtown Taunton was a thriving, jumping economically successful area. And the taxicabs in Taunton, what was happening is, all these cabs appeared Thanksgiving, disappeared New Year's.

And they were just skimming off all the work, and the cabs were there year-round who were depending on that seven-week stretch of good work and they lost that work, and what happened is, they gave up, and in January of 1956, the City of

Taunton had almost no taxi service.

CHAIRMAN MICHAEL GARDNER: I guess I'm not so sure that Cambridge is similar to Taunton or is that dependent on a short season.

PETER SHEINFELD: The parallel here is that the situation, if the liveries cut into the cab business, this is one aspect of it, you have that problem of losing some cabs service or having it deteriorate.

And then you have the other problem of the short-term liveries undercutting the guys who are there all the time.

You are going to need some and not be able to use some. But there has to be -- it goes back to what he said a minute ago, that's the important thing about regulation and issuing licenses. It puts a lid on it, and keeps it so it doesn't go haywire and it also keeps it so there's a relative balance between demand and

supply.

CHAIRMAN MICHAEL GARDNER: Okay. Thank you.

Any other members of the public who would like to be heard?

YONAS HAILE MICHAEL: Y-O-N-A-S H-A-L-I-E Michael.

I have a question. Last year I applied for livery license and the City of Cambridge said that I have to -- it has to be published for 500 residents around my area to be published by the Chronicle Magazine. I have the paper. All my neighborhood have to be notified and it was 500 people, residents. It was supposed to cost me around $700.

EXECUTIVE DIRECTOR ELIZABETH LINT: I know what he means.

CHAIRMAN MICHAEL GARDNER: So the abutter notices are complicated and expensive for you?

YONAS HAILE MICHAEL: Yes. Very expensive.

CHAIRMAN MICHAEL GARDNER: I image you live in a location in an apartment building?

YONAS HAILE MICHAEL: I live in a condo.

EXECUTIVE DIRECTOR ELIZABETH LINT: And there were numerous condos. 500 feet is not --

POLICE CHIEF ROBERT HAAS: He said 500 residents.

YONAS HAILE MICHAEL: It came to $700 that I have to pay to publish in the --

EXECUTIVE DIRECTOR ELIZABETH LINT: No. We advertise in the Chronological.

CHAIRMAN MICHAEL GARDNER: You have to mail a copy of the --

YONAS HAILE MICHAEL: For the mailing service.

And each of us, if we are going to 500 for each limo license, I think this should be

taken into consideration.

CHAIRMAN MICHAEL GARDNER: All right. I take your point. The question is whether or not for this kind of license the same sort of rigor with respect to abutter notices should apply as apply to licensed liquor establishments.

Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: I can respond to that.

That came up with another application, and it would appear to me that the Commission for many years was using the same form for every single application. I have since been looking at that and comparing it with the statutes and making the appropriate adjustments.

CHAIRMAN MICHAEL GARDNER: It is a legitimate issue.

EXECUTIVE DIRECTOR ELIZABETH LINT: Absolutely.

CHAIRMAN MICHAEL GARDNER: You highlight, at least to this member of the Commission, and Ms. Lint apparently is already aware of it. I think we have exhausted public comment.

Commissioners any reflection, thoughts on where we should be taking this next?

FIRE CHIEF GERALD REARDON: I think the moratorium that's been sitting around here a long time is unfair to the Cambridge residents who have these businesses, if you lived in another city and town, you come into Cambridge and do business. I understand the issue of the fear of picking up in Cambridge.

There's a lot of good points made. I think the idea of how many of these licenses, if we do lift it, when we lift it, do we give out. Do we need to put a cap on that or make that reasonable so it doesn't undermine everybody's business here. I don't know how many people are

in Cambridge now that already have a livery license.

EXECUTIVE DIRECTOR ELIZABETH LINT: 14.

CHAIRMAN MICHAEL GARDNER: We have 14 registered.

EXECUTIVE DIRECTOR ELIZABETH LINT: Licensed.

FIRE CHIEF GERALD REARDON: Okay. And how many do we have that --

CHAIRMAN MICHAEL GARDNER: 50 plus.

EXECUTIVE DIRECTOR ELIZABETH LINT: And I recently learned of over 50.

FIRE CHIEF GERALD REARDON: So I agree, we should be lifting the moratorium. The question is gonna be, we need to further promulgate rules and regulations that reflect the 20th Century type compared -- it is not 20th Century. What is it? 1998 was the last revision of this. In terms of this it needs to reflect

the times and look how we enforce people with private vehicles, unlicensed parties from doing this work as well.

At the end the day, we need to protect not only your interests but our primary interest is citizens of Cambridge so they are getting picked up or using a service that has licensing, that's insured, that has a quality driver, a safe vehicle, and the pricing is structured, it is fair and equitable, and they don't have to worry about getting into a vehicle that in not licensed and potentially a threat to their lives. And hopefully that structure works with our structure. That's the goal I will personally look at.

CHAIRMAN MICHAEL GARDNER: Any comments?

BEGIN POLICE CHIEF ROBERT HAAS: I think -- Ms. Lint has gone to a seminar recently that's got a lot of good background on limousine

services. I think it is imperative on us to move as quickly as possible to should update our rules and regulations with the intentions of lifting the moratorium. I think that was the original intent back in 2000. The License Commission never got to that point.

What I think that we should be able to look at also is the notion of being -- the checks and balances are the business certificates and livery license, can you link the two in some way?

EXECUTIVE DIRECTOR ELIZABETH LINT: Well, it went backwards. That's what happened.

POLICE CHIEF ROBERT HAAS: I'm saying for us to check and balance who has livery services is to look at your business certificates and make sure all those folks are properly licensed, and if not, just what you did here.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's what happened.

POLICE CHIEF ROBERT HAAS: But I think it has to be something more modern in terms of how we look at the time period for prearranged pick-ups.

I think we all agree eight hours is really unrealistic, and unless you've got an established client base, that's probably the only way it's gonna work because Uber doesn't operate on that principal, and a lot of the other electronic services don't operate on that principal.

So I think that we have some work to do but I think we need to be responsible.

I would try to see if we can get together a task force again. We have an audience here that has an interest. If you can get some folks to help us think about what is reasonable and not reasonable, then we don't have to do a lot of vetting when it comes to the public comment

period again. Right?

So if the industry, or the folks in the field, find there's a fair and equitable way we do livery licenses, then we can save ourselves a lot of time on the back end.

CHAIRMAN MICHAEL GARDNER: In terms of the people who are in this Netherland of having a business certificate but not a license from us, have we issued to at least some of them a notice to cease and desist doing work in Cambridge?

EXECUTIVE DIRECTOR ELIZABETH LINT: I sent them a letter to all of them saying they are basically operating an unlicensed livery service in spite of having the business certificate, that the licensing in Cambridge is required and they are subject to fines and that we would be holding this hearing, and if they needed to come into the office, once it's determined how we were going to deal with it.

FIRE CHIEF GERALD REARDON: Do we have a mechanism we would could issue temporary now?

EXECUTIVE DIRECTOR ELIZABETH LINT: Nope.

FIRE CHIEF GERALD REARDON: Okay.

CHAIRMAN MICHAEL GARDNER: So I am wondering whether -- I'm speaking out loud to my other fellow Commissioners, but let me preface it first by saying, in terms of the decision-making process, I am wondering whether or not we could schedule a decision hearing in November, early November, which I don't believe we have right now, to try to address this issue then. And to also on the website to known-interested parties, which would include representatives of the taxi industry, Chamber of Commerce, others, who in your experience, it might be appropriate to notify, and to put on our website to say that we are considering regulations with not only the lifting of the moratorium but conceivably changes

in the rules with respect to pick-up, and to invite written comment on those matters prior to November hearing.

In terms of the staff work that's necessary or the amount of additional checking with interested parties, if that time frame seems reasonable to either the staff or the other Commissioners, and in connection with the problem for the letter that went out, which essentially was a warning to say you are operating unlicensed and subject to fine, rather than issuing temporary licenses, I am wondering if staff or the fellow Commissioners think it might be appropriate to take a policy vote tonight which said in essence, it is not the intent of the Commission to issue fines to unlicensed operators strictly because they were unlicensed during this period of review, which, of course, would not prevent us from taking whatever action we might

want to take should there be some other kind of violation besides not being licensed, which would include doing picking up flag-downs or in some ways operating unsafe vehicles or other issues like that.

So it would in essence be the stated Commission's practice that during this period of review we would not be issuing fines for operating unlicensed for persons who currently have a business certificate from the city.

FIRE CHIEF GERALD REARDON: And a valid livery plate.

CHAIRMAN MICHAEL GARDNER: And meet the other statewide requirements. Valid livery plate, insurance.

Anything else?

POLICE CHIEF ROBERT HAAS: So, for example, Ms. Lint told us about the Arlington registered vehicle with the Cambridge sticker on

it, I mean that kind of enforcement --

CHAIRMAN MICHAEL GARDNER: That's a different violation from not having a Cambridge livery license.

POLICE CHIEF ROBERT HAAS: Right. Right.

CHAIRMAN MICHAEL GARDNER: So I don't know, about the review period or review process --

POLICE CHIEF ROBERT HAAS: The review period until we can promulgate regulations, right?

CHAIRMAN MICHAEL GARDNER: I'm just wondering if we can set a date now to do that or you can say how much time you think you need.

EXECUTIVE DIRECTOR ELIZABETH LINT: Since I'm the only one doing it --

CHAIRMAN MICHAEL GARDNER: You might be able to get some help.

EXECUTIVE DIRECTOR ELIZABETH LINT: Who?

CHAIRMAN MICHAEL GARDNER: We could help you.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have model regs that I need to go through. Some apply. Some don't apply. And I have to really --

CHAIRMAN MICHAEL GARDNER: I volunteer my time. It's not actually volunteering.

(Applause.)

POLICE CHIEF ROBERT HAAS: You got an applause.

And he said he would volunteer his time.

CHAIRMAN MICHAEL GARDNER: In this city, I think I have been applauded just one other time.

EXECUTIVE DIRECTOR ELIZABETH LINT: He said it's a long weekend and I can write them over the weekend. No.

CHAIRMAN MICHAEL GARDNER: I don't want

to put an unnecessary rush on this.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think it needs to be rushed.

FIRE CHIEF GERALD REARDON: I think -- I would like to see this done before the expedited holiday time where it gets busy.

POLICE CHIEF ROBERT HAAS: If -- as the Chairman just said, if we allow them this grace period, they could run holiday period and so that shouldn't impinge on their ability to do business here in Cambridge.

FIRE CHIEF GERALD REARDON: No. And that's why I want to exclude the people who are not registered livery.

POLICE CHIEF ROBERT HAAS: So I think your point about having a valid livery plate and the business certificate should be enough for them to operate until we can develop the regulations at this point in time, right?

And so that gives you some time, and with the understanding, though, that once we adopt the regulations to promulgate it, then we have a period of time where people have to get their licenses.

CHAIRMAN MICHAEL GARDNER: Right. I mean after the regulation, there's the process of dealing with the 50 or so.

POLICE CHIEF ROBERT HAAS: The inspections and licensing.

CHAIRMAN MICHAEL GARDNER: All of that, right.

When do you feel comfortable scheduling something?

EXECUTIVE DIRECTOR ELIZABETH LINT: Never. (Smiling.) No.

POLICE CHIEF ROBERT HAAS: I mean, you've got all their mailing lists, it might be good when you have draft regulations, to call another

meeting and see they can come in and comment.

EXECUTIVE DIRECTOR ELIZABETH LINT: I can certainly send them out and ask for comment.

ABDULLAH MAGAN: We also volunteer to come to you if you want us to.

EXECUTIVE DIRECTOR ELIZABETH LINT: Call me tomorrow.

Monday the 18th of November?

POLICE CHIEF ROBERT HAAS: That's when you present the draft regulations?

EXECUTIVE DIRECTOR ELIZABETH LINT: Uh-huh.

FIRE CHIEF GERALD REARDON: Daytime?

EXECUTIVE DIRECTOR ELIZABETH LINT: What about the 14th?

FIRE CHIEF GERALD REARDON: I have a conference 13, 14, 15.

POLICE CHIEF ROBERT HAAS: After that I'm gone for two weeks.

CHAIRMAN MICHAEL GARDNER: How about the 7th?

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm gone.

POLICE CHIEF ROBERT HAAS: We can go to December.

You are not penalizing them so we can do it in December, right?

CHAIRMAN MICHAEL GARDNER: We could.

EXECUTIVE DIRECTOR ELIZABETH LINT: Whatever you say.

POLICE CHIEF ROBERT HAAS: There's two decision meetings in December.

CHAIRMAN MICHAEL GARDNER: There's December 5.

EXECUTIVE DIRECTOR ELIZABETH LINT: December 5.

POLICE CHIEF ROBERT HAAS: Why don't we leave it there.

CHAIRMAN MICHAEL GARDNER: I make this motion that the matter be -- what's the word, deferred?

EXECUTIVE DIRECTOR ELIZABETH LINT: Under advisement.

CHAIRMAN MICHAEL GARDNER: Under advisement to be considered again at the Decision Hearing scheduled for 10:00 a.m. on December 5 with the staff requested to both begin the process of preparing draft regulations but also to do outreach to interested members of the industry and other parties such as those who service the hospitality and travel industry within the city for comment, the goal of having a package of materials for the Commission to respond to on December the 5th, and further move until that date it will be the policy of the Commission not to discipline livery operations which are currently, meaning on October 8, 2013,

already in receipt of a business certificate from the city and who also are properly licensed and insured, that there be no discipline for them simply because they are unlicensed from the License Commission.

FIRE CHIEF GERALD REARDON: Should we throw in a properly valid livery plate?

CHAIRMAN MICHAEL GARDNER: I did that.

That in no way restricting the Commission from taking appropriate enforcement action for other violations.

(Applause.)

CHAIRMAN MICHAEL GARDNER: That's just a motion. It hasn't happened yet.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIRMAN MICHAEL GARDNER: So the motion having made and seconded, all in favor signify saying aye.

POLICE CHIEF ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Thank you.

(Applause.)

EXECUTIVE DIRECTOR ELIZABETH LINT: Very quickly --

CHAIRMAN MICHAEL GARDNER: Do we have any other items of business?

EXECUTIVE DIRECTOR ELIZABETH LINT: One more item of business.

As you know, I had received a large packet from Attorney Finn in regards to Prospect Liquors asking for an emergency reconsideration of the Commission's decision to deny reinstatement of the license for the sole and limited purpose of selling the business to a qualified responsible buyer.

CHAIRMAN MICHAEL GARDNER: So I have -- I

have seen this letter. I have reviewed it.

We dealt with this matter approximately two meetings ago when there was a request to reconsider the revocation of the license, a matter which is still under appeal at the ABCC, as I understand it. My concerns are, I believe Mr. Finn has made some material misrepresentations, or at least stated inaccuracies in his letter, including the claim that the Commission revoked the licensee effective October 9, 2012, I have reviewed the minutes of that hearing in great detail, and on that evening, we revoked the license effective January 15, 2013 for the express purpose of allowing the then license holder to find a suitable buyer for the license, which didn't happen by January 15.

The third paragraph of his letter indicates that the -- "upon request for

reconsideration and after hearing, the Commission initially supported the corporation's request to sell the business, however, it later reversed that position after four residents expressed opposition."

In fact, the Commission would have welcomed the opportunity to have the license transferred to a responsible new owner.

No such responsible new owner was ever presented to the Commission.

And what we learned is that the business continued to operate after January 15, 2013, and, in fact, I believe in February of 2013 was found to have on more than one occasion expressly violated the explicit requirements of the Commission with respect to the hours of operation, which were a core and critical component of the Commission's attempt to try to solve the public safety problems, the manner in

which the business was operating were then creating.

So for all these reasons, and the reasons which were articulated in the previous hearings, including the one where reconsideration was initially proposed, it's my view that there are no grounds stated in this letter which could be a reasonable basis for the Commission to change its position, and I see no need for public hearing on this matter, but would instead urge my fellow Commissioners that we instruct Ms. Lint to send an appropriate letter back to Mr. Finn declining to take the action that he's proposed.

POLICE CHIEF ROBERT HAAS: I would add to that letter, and I think it is consistent with the statements I made during the last time we took this up as a reconsideration, is point out the fact that there's still one avenue of appeal and that's through the ABCC, at which time we

encouraged the owner of Prospect Liquors to continue to pursue that avenue.

EXECUTIVE DIRECTOR ELIZABETH LINT: I filed all of the appropriate paperwork for us.

CHAIRMAN MICHAEL GARDNER: At the ABCC?

EXECUTIVE DIRECTOR ELIZABETH LINT: Absolutely. I have not seen any from them.

CHAIRMAN MICHAEL GARDNER: So I made a motion to send the letter to Mr. Finn which would include the information suggested by the Commissioner. Is there a second?

POLICE CHIEF ROBERT HAAS: Second.

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

POLICE CHIEF ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Thank you, Ms. Lint.

And do we have any other business before us?

EXECUTIVE DIRECTOR ELIZABETH LINT: I hope not.

CHAIRMAN MICHAEL GARDNER: No minutes?

No minutes that can be approved that haven't been approved? Anyway, we are not ready to deal with minutes.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have to find the little pink cheat sheet.

CHAIRMAN MICHAEL GARDNER: It being approximately 9:30 a motion adjourn would be not only welcome but overdue.

FIRE CHIEF GERALD REARDON: Seconded.

POLICE CHIEF ROBERT HAAS: I'll make the motion.

FIRE CHIEF GERALD REARDON: I'll second.

CHAIRMAN MICHAEL GARDNER: All in favor

signify saying aye.

POLICE CHIEF ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

We are adjourned.

CERTIFICATE

Commonwealth of Massachusetts

Norfolk, ss.

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

That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of October 2013.

_____

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public
My Commission expires:
February 2, 2017

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