CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION DECISIONS HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT C. HAAS

FIRE CHIEF GERALD REARDON

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: March 27, 2014

TIME: 10:09 a.m.

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P R O C E E D I N G S

March 27 2014

EXECUTIVE DIRECTOR ELIZABETH LINT: Good morning. If anybody has a phone on, we would appreciate it if you would turn it off.

This is the License Commission Decision Making Hearing on Thursday, March 27, 2014. It is 10:09 a.m.

We are in the Michael J. Lombardi Building, 831 Mass Avenue, basement conference room.

Before you are the Commissioners: Chair Andrea Jackson, Chief Gerald Reardon and Commissioner Robert Haas.

REVOCATION: CAMPUS MANRAY

And the first matter on the agenda is Revocation continued from March 18, 2014, F&D

Restaurant Corp doing business as Campus Manray, Donald Holland, Manager, holder of all alcoholic beverages restaurant license at 21 Brookline Street intending change of location at 41565 Mass Ave pursuant to Mass General Laws Chapter 138, Section 77, the licensing authority may after hearing a reasonable opportunity therefor, cancel any license issued under this chapter for licensing people to conduct the license business.

CHAIR ANDREA JACKSON: Mr. Holland? Counsel?

DONALD HOLLAND: Good morning.

ATTY. SEAN HOPE: Good morning, Chair and Nembers of the Commissioners.

For the record, Attorney Sean Hope, Hope Legal Law Offices in Cambridge.

Attorney James Rafferty is currently on vacation and I'm here instead for the Decision

Hearing.

DONALD HOLLAND: Donald Holland.

CHAIR ANDREA JACKSON: Okay, thank you. So this matter was originally on our agenda from the March 18, 2014 hearing.

We continued the matter until today to decide whether or not -- well, I won't say whether or not to revoke it, but really what action we want to take on the license that was being held under Mr. Holland for Campus Manray.

As I stated at the previous hearing, I think this Board has been very fair in terms of granting several six-month extensions -- I won't go through all of them -- but more than five or six over the years since 2005.

So I think we're at the crossroads now where we have to decide whether or not we revoke the license today or provide you, as counsel

suggested at the March 18th hearing time, to sell the license in the event that you are not able to find another location.

I'm not sure, obviously, what the preference is of my colleagues. I know we're not taking any additional testimony this morning, counsel, unless there's anything else you want to add. I'm prepared to make a motion.

ATTY. SEAN HOPE: I would just add that I believe Attorney Rafferty proposed a November 30th date. That is the date of the license renewal. I think between now and that time, even aware of all the extensions, I believe that there is nobody that is harmed if the Chair and the Commission chose to allow him to the November 30th date. I believe we would not need another hearing in order to do that, and we could set a date it would be terminated then.

I think it would be a substantial hardship to Mr. Holland's business -- it's a family business -- if there was a shorter amount of time.

So I think the record is complete. Mr. Rafferty made all the salient points. We would ask the Commission to be able to find the November 30th date acceptable.

And he has already continued to take action to be able to sell and/or find a new location, which is his primary goal.

So we'll actually turn it over to the Commission and hope you will find favorably on that request.

CHAIR ANDREA JACKSON: I think we, as a Commission, have already entered very dangerous waters in terms of the amount of time that we have extended as a courtesy to allow this license

to sit out as inactive. I'm prepared to make a motion this morning. I may not get a second, but that's fine.

I would like to make a motion that we continue this matter until our May 29th decision hearing at which time there either needs to be a signed lease in place or a transfer of application filed for the alcohol license.

POLICE COMMISSIONER ROBERT HAAS: Seconded.

CHAIR ANDREA JACKSON: All those in favor signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Mr. Holland, do you understand that? We voted that we're going to continue this matter until May 29th, which is our decision hearing, it's a hearing very similar

to what we have right now. There will be no testimony provided, and at that time, you have essentially until May 29th to either find another location or to sell your license.

ATTY. SEAN HOPE: Before the final decision, I do think as a practical matter, in order to be able actually sell the license, I just don't know that the May 29th date would be enough time for him to be able to list the license with a broker, to be able to have a purchase and sales and to be able to execute a sale.

Also, I think maybe two months may be just sufficient time to be able to find a lease. And given Mr. Holland, knowing this was coming up, has been actively searching. I know there's a decision date, but I'm assuming that the Commission actually wants to allow Mr. Holland an

opportunity. I understand the November 30th date may be something that's inappropriate.

But I would ask is there another decision date besides May 29th that would at least allow him a three-month period to allow him to do that?

CHAIR ANDREA JACKSON: No, because I don't want to go into the summer months with it. I would suggest either -- he's had since 2005. I think this Commission has been more than fair. So I'm sticking with the May 29th decision date.

ATTY. SEAN HOPE: Okay.

CHAIR ANDREA JACKSON: All set?

POLICE COMMISSIONER ROBERT HAAS: All set.

FIRE CHIEF GERALD REARDON: Yes.

ATTY. SEAN HOPE: Thank you.

REVOCATION: COMPASS GROUP, INCORPORATED

EXECUTIVE DIRECTOR ELIZABETH LINT: This is just a very quick matter. It is Revocation of Compass Group, Incorporated d/b/a Eurest Dining Services, Kevin Dagesse, Manager, has applied for a common victualer license to be exercised at 610 Main Street. Said license if granted would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises with a seating capacity of 210.

The proposed hours of operation are 7:30 a.m. to 2:00 p.m. Monday through Friday.

This is a revocation of the March 18th, 2014 decision which would permit operation to 4:00 p.m. That is not what was originally applied for, but that's what they're looking for.

FIRE CHIEF GERALD REARDON: What was it

posted earlier?

CHAIR ANDREA JACKSON: 1:00 or 2:00, I believe.

2:00.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

FIRE CHIEF GERALD REARDON: Knowing the area and the clientele, I find that to be reasonable and make a motion to approve.

CHAIR ANDREA JACKSON: Second? All those in favor signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

APPLICATION: UPPERWEST

EXECUTIVE DIRECTOR ELIZABETH LINT: Application continued from March 18, 2014, Coffee Shop, LLC doing business as Upperwest. Kimberly Courtney, manager, has applied for a new all

alcoholic beverages as a restaurant license at 1001 Massachusetts Avenue, basement level. Proposed hours of operation of 8 a.m. to 1 a.m. Sunday through Wednesday and 8 a.m. to 2 a.m. Thursday through Saturday. The proposed seating capacity is 20.

CHAIR ANDREA JACKSON: Good morning.

ATTY. WALTER SULLIVAN: I know this is the decision process and not a hearing. I represent the abutter, Stephen Casellis (phonetic), and I'm only speaking about the issue about whether you can amend the license down to a -- the application down to a beer and wine. The statute is clear that you only can hold a hearing --

CHAIR ANDREA JACKSON: Did you identify yourself for the record?

ATTY. WALTER SULLIVAN: I apologize.

Walter Sullivan.

The statute is clear that you have to hold a hearing and give notice on the specific license they are applying for. They are applying for an all alcoholic beverages license. The Commission doesn't have the authority to amend it down without doing a new notice and new application.

I believe you already took enough testimony in relative to the common good and public need along with the cap issue. Thank you.

CHAIR ANDREA JACKSON: Thank you.

Good morning. If you can please state your name for the record.

KIMBERLY COURTNEY: Kim Courtney, C-O-U-R-T-N-E-Y.

XAVIER DIETRICH: Xavier Dietrich, D-I-E-T-R-I-C-H.

CHAIR ANDREA JACKSON: This matter was continued from our March 18, 2014 hearing in which there was an application for a new all alcohol beverage license located at 1001 Mass Ave. As counsel Sullivan has previously stated, we did receive a fair amount of testimony at the March 18th hearing as it related to this application.

And it's my understanding that -- Ms. Lint, was it yesterday?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR ANDREA JACKSON: -- an amended application was submitted to change the application from an all alcohol to a wine and malt license, is that correct, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct. And it also amended the hours.

CHAIR ANDREA JACKSON: And that was from

8 to 2 -- 8 to 1 Sunday through Wednesday and 8 to 2 Thursday through Saturday, and the amended hours now being sought are changing the closing time to 1 a.m. everyday, is that correct?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

CHAIR ANDREA JACKSON: So based on the testimony received, documentation submitted, I have great concerns about whether or not this plan would work in terms of whether it's an all alcohol or a wine and beer license.

When I look at the documentation that's been submitted, particularly of concern to me is the oven that's supposed to be in the kitchen. And I'm assuming, maybe I printed out the wrong one, but is this the oven?

KIMBERLY COURTNEY: That looks like it from here. I had this approved by the Fire

Department already.

CHAIR ANDREA JACKSON: That's fine that you had it approved by the Fire Department, but that has nothing to do with me.

KIMBERLY COURTNEY: This looks like the correct oven.

CHAIR ANDREA JACKSON: So, again, my concern is whether or not the plan as submitted would work.

So I guess I'm looking at it in terms of the options available this morning. You can either, or we can take a vote on it, and we can go forward with what has been submitted to us, and see if the ABCC would uphold whatever decision we take, or we could act on it.

And understand that if we act on it that includes a denial, a possible denial, and if we do deny it, then you're prohibited from

reapplying again for a year.

So it's your decision in terms of which way you want to go with this, but I'm not -- again, I'm speaking for myself. I can't speak for the Chief or the Commissioner. I'm not convinced with the documentation that I have received this far, that I can approve this.

KIMBERLY COURTNEY: May I ask -- so what is your concern about the oven?

CHAIR ANDREA JACKSON: It's, quite frankly, your whole plan.

I really feel that the testimony that was provided to us on the 18th was tailored towards whatever questions we asked. It was along the lines of We could do that. It just don't seem as though your plan for this wine bar has really been thought out.

My concern initially was with an all

alcohol license, whether or not the food that would be served, was sufficient to support the notion of a restaurant, so to speak.

And to me it seemed as a bar with some appetizers, quite frankly.

When I look at the stove -- and I'm not in the cooking business by any stretch -- but to me it almost looks like a glorified taster.

KIMBERLY COURTNEY: Oh, no, not at all that's a commercial grade oven. It's for baking.

CHAIR ANDREA JACKSON: That's fine, but --

KIMBERLY COURTNEY: We're open breakfast and lunch as well. So we were planning on making baked goods in the morning in that oven.

Which, again, everything has been approved by all of the departments. We have been through this. And as I pointed out in my letter,

we went through this process before we even signed our lease. We went to all the different departments and made sure that everything could be done.

So this has been a very long process for us of getting everything verified. Our kitchen is already approved.

CHAIR ANDREA JACKSON: I would say to you, while I understand that, I think in terms of your timing, it have might have been a little off. I think initial step, quite frankly, should have been before signing a lease and before doing a buildout, you should have come here --

KIMBERLY COURTNEY: I understand that.

CHAIR ANDREA JACKSON: -- to make sure it would have been approved first.

KIMBERLY COURTNEY: Unfortunately, I was provided with incorrect information about the

process. I was told that I had to wait until I received all of my building permits until I could come here, which apparently is not correct.

We only waited because of that. We would have certainly come here immediately if we had known that we had the potential to do so.

CHAIR ANDREA JACKSON: Okay. Before I make a motion, do you have anything you would like to add?

POLICE COMMISSIONER ROBERT HAAS: I'm not satisfied with the overall plan as you're proposing.

In fact, now you're coming in at the 11th hour to change your permit to downgrade it to a beer and wine license gives me more rise for concern.

I listened to the testimony. There was some inconsistencies, in my view, in terms of the

last testimony that I'm not satisfied that I'm prepared to move forward on this application.

KIMBERLY COURTNEY: May I ask what inconsistencies are that remain at this point?

POLICE COMMISSIONER ROBERT HAAS: The whole thing about that website got me a little bit concerned. You blamed it on the webmaster and things like that, in terms of dates of operation and things like that.

And, again, looking at your operation, it looks to me like it's principally a bar operation with two tables. I appreciate you're saying that it's some kind of European cuisine.

KIMBERLY COURTNEY: There's three service times, right, breakfast and lunch and dinner, and there's only alcohol served in the evenings.

POLICE COMMISSIONER ROBERT HAAS: And you're inviting cooks in to run their own

operation.

KIMBERLY COURTNEY: I'm the cook and chef. I'm not inviting chefs in to run my operation, that's not correct.

POLICE COMMISSIONER ROBERT HAAS: That's not the way I read the website.

KIMBERLY COURTNEY: It was misconstrued, right? Of course, there's many things --

POLICE COMMISSIONER ROBERT HAAS: You can accuse me of misconstruing the website, but that's the way I interpreted it.

KIMBERLY COURTNEY: Well, that's not correct. That's what is happening.

FIRE CHIEF GERALD REARDON: I think I indicated the other night, I can't support an all alcohol license at this location. Whether or not I could -- I, frankly, feel as though I would be willing to support a CV, but not an all alcohol

-- I mean, not even a beer and wine, it's only 20 tables.

KIMBERLY COURTNEY: We're not currently seeking an all alcohol license.

FIRE CHIEF GERALD REARDON: I think I said beer and wine, but at this time, I can see it as a restaurant operation, but I don't understand the tremendous need for an alcohol license of any type at that location right now especially in light of the ones around you. The people -- the ones for no value, the people have -- I think if you went on the open market and paid even, say, $50,000 for a beer and wine licence at that location and we granted someone, your neighbor next door one for free, I don't think you would be happy over that either.

KIMBERLY COURTNEY: I'm a little confused because Cancun Taqueria was issued an all alcohol

license for the purpose of serving margaritas. And they are in the same building. They have three other establishments that already are serving alcohol. So I'm confused why in our building where we have none, and it's a very large building, I'm confused why that doesn't harm the neighboring licenses but we would. I don't understand.

FIRE CHIEF GERALD REARDON: Yours seems to be a much smaller operation.

KIMBERLY COURTNEY: Smaller than Cancun?

FIRE CHIEF GERALD REARDON: Uh-huh.

KIMBERLY COURTNEY: Not substantially smaller I would say. Is that a negative?

FIRE CHIEF GERALD REARDON: Well, for the public need, there has to be overwhelming, overwhelming public support.

KIMBERLY COURTNEY: I think we provided

evidence the public need is overwhelming.

FIRE CHIEF GERALD REARDON: I just don't think the food menu needs and supports an all alcohol license at this time.

XAVIER DIETRICH: You don't think 532 signatures and almost 30 letters of support is overwhelming?

FIRE CHIEF GERALD REARDON: Well, you also had a great deal of opposition.

KIMBERLY COURTNEY: From one individual who has an alcohol license.

CHAIR ANDREA JACKSON: And many of the people who were in support of the petition did not live in the area. There were some that lived, quite frankly, outside of Cambridge.

KIMBERLY COURTNEY: We had many people that did live in the area. I would like to find out how Cancun Taqueira walked into this hearing

with not a single individual in support of them and they were granted an all alcohol license. They went across to the Oberon Theater and they obtained signatures, but we put a lot of work into getting support from the community. We worked very hard. And we have done everything that's been asked of us. We have really worked hard to make this happen.

Charcuterie and cheese is going to be impossible to serve without wine. It's just something that no one is going to want to come there, you know, dessert and coffee and -- I don't know how we would survive if we don't get at least a beer and wine license at this point.

We're bound at this point to open. I understand that the process could have been -- we could have done it in a different order and I wish we had. You know, if we don't obtain a beer

and wine license, I'm not sure how we can survive.

Also, we have been required to speak to the public about this. It's a difficult position to be in as opening a business and having to portray it to the public as potentially having alcohol and now if we don't, people will be disappointed, and I'm afraid they won't come in or they will come in and won't come back because they are expecting it at this point.

CHAIR ANDREA JACKSON: So I go back to my original comment. Ms. Lint, I don't know procedurally the best way to do this. So again, if I'm to make a motion, I can't support this, which means you will again be precluded for a year from reapplying.

Ms. Lint, if the application is withdrawn, does that preclude them from coming

back?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIR ANDREA JACKSON: There's no time limit, so it could be withdrawn and they can come back to us?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

KIMBERLY COURTNEY: May I ask in the event that we were able to find an investor to try to purchase a license, if it were denied today, would we be able to come back for a purchase or is that -- or would we be precluded from that as well?

CHAIR ANDREA JACKSON: If we take a vote -- and again, I can't speak for my colleagues -- if we were to take a vote and it's denied, you're precluded from coming back. You can appeal to the ABCC, is that correct, she has

appeal rights?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR ANDREA JACKSON: You would have appeal rights if it's denied or you can withdraw and that preserves you additional time.

KIMBERLY COURTNEY: I see. And then in terms of the common victualer and entertainment licenses, what would be the status of those? Could we withdraw a portion of our application and obviously not have to withdraw those as well?

CHAIR ANDREA JACKSON: Is that correct?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR ANDREA JACKSON: Do you want a moment to think about it?

KIMBERLY COURTNEY: Yes. May we have a few minutes to discuss it?

CHAIR ANDREA JACKSON: We can take a two-minute break. That's different from what we

have done procedurally. We'll take a quick two-minute break and go off the record. If you would like to step out into the hall, feel free.

(Short Recess Taken.)

CHAIR ANDREA JACKSON: Are we set to go back on the record? We're back on the record.

KIMBERLY COURTNEY: So we would like to withdraw the application for a wine and malt license and ask that you decide on the common victualer and entertainment applications today.

EXECUTIVE DIRECTOR ELIZABETH LINT: I would suggest, based on Attorney Sullivan's comments, that actually what was being withdrawn was an application for the all alcoholic beverages license because the wine and malt --

KIMBERLY COURTNEY: I'll change my withdrawal. I would like to withdraw my application for an all alcoholic beverages

license.

CHAIR ANDREA JACKSON: I'm not taking any additional testify this morning.

ATTY LISA BELANGER: Misrepresentations have happened before.

CHAIR ANDREA JACKSON: I'm not taking any additional testimony.

What's before us, Ms. Lint, is the application for a CV and entertainment?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

FIRE CHIEF GERALD REARDON: What about the change in hours, is that consistent?

EXECUTIVE DIRECTOR ELIZABETH LINT: Hours you can amend down.

FIRE CHIEF GERALD REARDON: We should be clear on the requested hours.

CHAIR ANDREA JACKSON: Should we have

them withdraw everything and have them resubmit it? Have a new hearing on everything, and it provides them the opportunity --

EXECUTIVE DIRECTOR ELIZABETH LINT: It would be cleaner.

CHAIR ANDREA JACKSON: It's completely their choice, but...

KIMBERLY COURTNEY: I'm concerned we're getting -- I'm concerned for a number of reasons about the process, the notification process to the abutters is extremely time-consuming and costly. This will cause a delay. At least we would be able to open in the meantime while we prepare to reapply if you allow us to have the food and entertainment.

CHAIR ANDREA JACKSON: I understand that, and I think I need you to hear that we're trying to be fair with you, because, quite frankly, we

can make a motion right now on what has been submitted to you and we can flat out deny it. We're trying to be fair and work with you.

So we're doing our part, and I would strongly suggest you take heed and listen to the guidance we're trying to provide to you.

KIMBERLY COURTNEY: Okay. We're listening.

FIRE CHIEF GERALD REARDON: With the CV motion --

KIMBERLY COURTNEY: We haven't considered what the hours would be. We need to -- we could keep the hours until 1 a.m.

FIRE CHIEF GERALD REARDON: It has to be clear before we can make a motion.

POLICE COMMISSIONER ROBERT HAAS: That means you have to operate until 1 a.m. all seven days a week.

KIMBERLY COURTNEY: Right.

CHAIR ANDREA JACKSON: When are you looking at an estimated opening date?

KIMBERLY COURTNEY: It's difficult to estimate with construction. I would say about the end of May, June 1st. June 1st is probably a more realistic date.

KIMBERLY COURTNEY: Would it be possible to have a moment in regard to the common victualer license?

CHAIR ANDREA JACKSON: I'll give you two minutes and then I'm ready to vote.

Again, going off the record.

(Short Recess Taken.)

CHAIR ANDREA JACKSON: Are we all set? Going back on the record.

KIMBERLY COURTNEY: So I understand that you were saying about possibly we could withdraw

all of the applications and then resubmit them, I think that might be a good idea to take some time and think about what the hours should be. So I think that will give us the chance to think about that.

CHAIR ANDREA JACKSON: Okay. So if I'm clear, and we're on the record, you're withdrawing the application that has been submitted?

KIMBERLY COURTNEY: Yes.

CHAIR ANDREA JACKSON: Is there anything she needs to do, Ms. Lint? Does it need to be in writing?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. It's on the record.

CHAIR ANDREA JACKSON: Whenever the applications are in, and when they are submitted, we'll hold another hearing. It will not be a

decision hearing. Testimony will be allowed at a new hearing.

KIMBERLY COURTNEY: Okay.

CHAIR ANDREA JACKSON: Thank you. You're all set.

KIMBERLY COURTNEY: Thank you.

CHAIR ANDREA JACKSON: Ms. Lint, that was it for our agenda?

EXECUTIVE DIRECTOR ELIZABETH LINT: That was it.

CHAIR ANDREA JACKSON: I make a motion to accept the agenda. All in favor signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: So as a side note now that we're done with our decision-making hearing, I want to bring to your attention that

we -- I sent out an email earlier this week or last week to the Cambridge Hotel Association that we're having an issue with illegal taxes. So I just want to make you aware that we're going to put it back on the agenda for us to have a more comprehensive conversation about next steps and looking at amending our regs and more of an enforcement.

I think our regs need more teeth in terms of how to do deal with it. I want to give you both a head's up that it will be coming up.

EXECUTIVE DIRECTOR ELIZABETH LINT: And I have already sent you a draft of the regs, but I added two paragraphs to it, so I'm going to resend them and please, please, please, please review them, please.

CHAIR ANDREA JACKSON: We need to act on it soon. The illegal taxes are really getting

out of hand.

EXECUTIVE DIRECTOR ELIZABETH LINT: They're completely out of hand.

FIRE CHIEF GERALD REARDON: Will the regulations deal with the non-Cambridge based because it appears that's a large problem is not only for some in the city but the liveries that are based all around this region will come here because in Boston, I'm assuming as well, because of the volume of business, and I just want to make sure that if we can -- I'm not sure we can, but somehow there's regulatory teeth for the inspectors to deal with those that are actually licensed out of Cambridge, but are actually not licensed in Cambridge, but operating in Cambridge.

EXECUTIVE DIRECTOR ELIZABETH LINT: So specifically, and there's a lot of in the regs,

in the proposed regs, but there is specifically what I added today was that -- you actually passed it in the emergency regs they can't have markings or lights and some things like that. But I expanded on that, that they can't have numbers, lettering, can't say Cambridge or any abbreviation of Cambridge unless they're licensed by us.

FIRE CHIEF GERALD REARDON: I'm not sure if we can deal with it, but the liveries that are licensed in other communities that are operating here --

EXECUTIVE DIRECTOR ELIZABETH LINT: If they're liveries and they say black cars or without anything on them, there's nothing we can do about that.

FIRE CHIEF GERALD REARDON: Because it seems to be from looking around the situation

that it's not just the ones that are based here.

It seems, I would think, that the majority of the ones that are coming in that are not based out of Cambridge, and I want to make sure the Hackney officers have some recourse, if we can do that, to those who operate in the city and they are not even licensed yet. I don't know if that can be done or not.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't think we can do that. We were looking at different cities and towns' regs. Lowell specifically prohibits any other liveries from operating.

POLICE COMMISSIONER ROBERT HAAS: How do you enforce that?

EXECUTIVE DIRECTOR ELIZABETH LINT: It's a regulation on commerce.

CHAIR ANDREA JACKSON: But the other

thing we need to do is also have conversations with other cities and towns because we have been learning that there are several liveries, so to speak, that operate, or possibly licensed, although we're not sure, out of Everett. Everett Malden and Medford, I think.

EXECUTIVE DIRECTOR ELIZABETH LINT: We're one of the few cities that regulates liveries. So they wouldn't -- they may be registered there, but not licensed there, so they are operating here and giving us phony addresses.

FIRE CHIEF GERALD REARDON: My non-scientific information is that Everett and Malden seems to be the vast majority of those that are -- so we can do regulations in the Cambridge liveries and they can tow the mark, but it's not going to solve the entire problem. That's what I'm trying to get to. I'm not sure

there's a good answer to that.

POLICE COMMISSIONER ROBERT HAAS: I think we -- I think you're going to need to probably do something more than regulations relative to out-of-town liveries that violate our marking rule.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

POLICE COMMISSIONER ROBERT HAAS: You may -- I don't think we can enforce your regulations with respect to if they do, in fact, have markings that look like or appear to be a taxi, unless we have something more substantive like a bylaw, which we may need to think about and incorporate.

FIRE CHIEF GERALD REARDON: The point is, we can regulate the Cambridge ones, but I --

EXECUTIVE DIRECTOR ELIZABETH LINT: We can regulate out of towns that are masquerading

as taxis.

CHAIR ANDREA JACKSON: I mean, the issue that we're looking at --

EXECUTIVE DIRECTOR ELIZABETH LINT: Because it's misleading the public.

POLICE COMMISSIONER ROBERT HAAS: I get that.

But the fact that they are allowed to operate out of their home jurisdiction because probably -- and a lot of them don't like this -- so I'm trying to think if that's -- I'm trying to think the mechanism of enforcement in terms of being able to cite somebody.

I would think in those sets of circumstances, you want to take them to district court, right, those kinds of violations.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah, but I think --

POLICE COMMISSIONER ROBERT HAAS: You can put it in the regulations. I'm just thinking you should think about incorporating a bylaw which prohibits it because of consumer protection issues, right?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. But I think for us also it's amending the ordinance. And I know that has been over the law department for quite some time.

CHAIR ANDREA JACKSON: I will have to have the conversation in terms of getting them to step it up.

My concern is when I look at -- there's one particular company that is clearly operating within Cambridge. There's a picture of the car in a taxi stand waiting to pick up a passenger and it's not a taxi. It doesn't have a roof light. It's got Cambridge markings on the side

and it has a number.

POLICE COMMISSIONER ROBERT HAAS: I think we can enforce that very easily, right, if they are in one of our taxi stands, we can enforce that.

FIRE CHIEF GERALD REARDON: And they are a Cambridge licensee.

POLICE COMMISSIONER ROBERT HAAS: Even if they are not a licensee --

EXECUTIVE DIRECTOR ELIZABETH LINT: Even if they are not, they cannot be in our --

POLICE COMMISSIONER ROBERT HAAS: So it's a lot -- it makes it easier for us to enforce it, if we, in fact, have one of those, for lack of a better -- a livery sitting in one of our taxi stands.

CHAIR ANDREA JACKSON: Right.

POLICE COMMISSIONER ROBERT HAAS: The

liveries can't be sitting in a taxi stand.

EXECUTIVE DIRECTOR ELIZABETH LINT: But the other thing, too, is one in particular it says Chill Out Cab or Taxi and they are operating in our city and they are not licensed by us and they are calling themselves a cab.

CHAIR ANDREA JACKSON: I think what is interesting in particular with that one, if I understood correctly, at one time he was a licensee.

EXECUTIVE DIRECTOR ELIZABETH LINT: I believe so.

CHAIR ANDREA JACKSON: And is no longer a licensee.

POLICE COMMISSIONER ROBERT HAAS: Why --

CHAIR ANDREA JACKSON: And my concern at the end of the day has to be citizens, too, because they don't know the type of insurance

they are carrying, there's been no background checks.

FIRE CHIEF GERALD REARDON: There's a lot of the black limousines out there, too. But there's a lot of cars that are really not stellar appearing to me.

EXECUTIVE DIRECTOR ELIZABETH LINT: You think? And I talked to my subcommittee about this. It needs State action. It's got to come from the top because I could walk into the registry right now and pay my money and get a livery license and slap it on my car and start driving people around.

CHAIR ANDREA JACKSON: I have contacted the Registry of Motor Vehicles as well to try to engage them in a conversation.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think it's crazy.

CHAIR ANDREA JACKSON: I haven't gotten one yet. I used to work there so I'm trying to give her a little time to respond, otherwise, I'll be calling her on her cell phone to say hey. But it's a concern.

POLICE COMMISSIONER ROBERT HAAS: Right. Right.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's a huge public safety issue.

CHAIR ANDREA JACKSON: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's where that's at.

CHAIR ANDREA JACKSON: We're now off the record and done. Thank you.

ERRATA SHEET

INSTRUCTIONS: After reading the transcript of this hearing, note any change or correction to and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Sign and date this errata sheet (before a Notary Public, if required).

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I have read the foregoing transcript of the hearing, and except for any corrections or changes noted above, I hereby subscribe the transcript as an accurate record by me.

_____

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 5th day of April 2014.

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Jill Kourafas
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