CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION 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: November 12, 2014

TIME: 6:03 p.m.

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P R O C E E D I N G S

November 12, 2014

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(Hearing is being audio and videotaped by Xavier Dietrich.)

EXECUTIVE DIRECTOR ELIZABETH LINT: Before we get started if anyone has a cell phone on, we would appreciate it if you would turn it off or put it on silent mode.

This is the License Commission general hearing Wednesday, November 12, 2014. It is 6:03 p.m. we are in the Michael J. Lombardi Building 831 Mass. Ave, Basement Conference Room.

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

If anyone is here for the review matter of Cantabridgean Hospitality Incorporated doing

business as Prospect, that has been continued to November 25.

CHAIR ANDREA JACKSON: Excuse me, did you mention that the hearing's being --

EXECUTIVE DIRECTOR ELIZABETH LINT: I apologize, no, I did not.

And for everyone's information this hearing is being audio taped and videotaped.

And if anyone is here for the revocation hearing of F&D Restaurant Corp., doing business as Campus Manray, that matter has been taken off the agenda.

We have received a transfer application for that license.

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APPLICATION: PETSI PIES, INC. D/B/A PETSI PIES

- - -

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Petsi Pies, Inc., d/b/a Petsi Pies, Renee McLeod, manager, has applied for a common victualler license to be exercised at 594 Cambridge Street. Said license if granted would allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 15 and a total occupancy of 20.

The hours of operation will be 7 a.m. to 7 p.m. seven days per week.

CHAIR ANDREA JACKSON: Is there anyone from here for that?

RENEE MCLEOD: I'm here.

CHAIR ANDREA JACKSON: If you can please come forward.

Good evening.

RENEE MCLEOD: Hi. Good evening.

CHAIR ANDREA JACKSON: If you can please state your name for the record spelling your

first name and your last name, please.

RENEE MCLEOD: Renee McLeod, R-E-N-E-E M-C-L-E-O-D.

And are you the owner of Petsi Pies?

RENEE MCLEOD: I am.

CHAIR ANDREA JACKSON: And you are applying for a CV license to be exercised at 594 Cambridge Street?

RENEE MCLEOD: Yes.

CHAIR ANDREA JACKSON: Are you currently on Cambridge Street now, I believe is it 441?

RENEE MCLEOD: Yeah, I'm gonna move.

CHAIR ANDREA JACKSON: So why don't you tell us what your plan is.

RENEE MCLEOD: My plan is exactly the same thing I have been doing and what was the cafe there before me was doing is selling pastries and coffee from 7 to 7 and pie. Of course pie.

FIRE CHIEF GERALD REARDON: Who was the previous occupant of 594?

RENEE MCLEOD: Cafe Kafofo. I don't remember her name. Cafe Kafofo.

CHAIR ANDREA JACKSON: And are there any other locations?

RENEE MCLEOD: This one is bigger and in much better condition and it has handicapped accessibility.

CHAIR ANDREA JACKSON: That was going to be my question. Thank you.

And the seating capacity is 15 with a total occupancy of 20?

RENEE MCLEOD: I am asking for the same thing that Rose Angela (phonetic) had, yeah.

POLICE COMMISSIONER ROBERT HAAS: How many do you have in your present location at 491 Cambridge Street?

RENEE MCLEOD: 12.

CHAIR ANDREA JACKSON: 441 Cambridge?

RENEE MCLEOD: 441, yeah.

FIRE CHIEF GERALD REARDON: You said -- you have renovation work to do at this location?

RENEE MCLEOD: Not a thing.

CHAIR ANDREA JACKSON: So it is move-in ready?

RENEE MCLEOD: Yes.

CHAIR ANDREA JACKSON: When are you looking to move to the new location?

RENEE MCLEOD: When the hearing is over.

(Laughing)

It's really ready.

CHAIR ANDREA JACKSON: It's ready?

RENEE MCLEOD: Yeah. There's nothing that needs to change. She did a beautiful job.

CHAIR ANDREA JACKSON: What are your current hours of operation at 441?

RENEE MCLEOD: 7 to 7.

CHAIR ANDREA JACKSON: 7 to 7?

RENEE MCLEOD: Yeah.

CHAIR ANDREA JACKSON: Do you still have a Putnam Ave location?

RENEE MCLEOD: I do. Just waiting to get kicked out.

CHAIR ANDREA JACKSON: When will that be?

RENEE MCLEOD: He just asked me if I wanted to stay for five more years. He just asked the other day. So I guess I'll be five more years there. It's great.

FIRE CHIEF GERALD REARDON: Is this present location, 594 Cambridge Street, are all the inspections up to date on that?

RENEE MCLEOD: Yes.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: All the paperwork is in order, Ms. Lint?

EXECUTIVE DIRECTOR ELIZABETH LINT: It is.

CHAIR ANDREA JACKSON: I make a motion that we approve the CV license for Petsi Pies doing business as Petsi Pies with Renee McLeod, as manager, located at 594 Cambridge Street.

POLICE COMMISSIONER ROBERT HAAS: Any public comment?

CHAIR ANDREA JACKSON: Thank you.

POLICE COMMISSIONER ROBERT HAAS: You're welcome.

Is there any public comment?

KATHY WATKINS: I had one of the triple berry scones today. It was great.

(Laughter)

CHAIR ANDREA JACKSON: Thank you. That's

nice to hear.

RENEE MCLEOD: All the support I can get.

CHAIR ANDREA JACKSON: I make a motion that we approve the CV license for Petsi Pies at 594 Cambridge Street with a seating capacity of 15, total occupancy of 20. Hours of operation of 7 a.m. to 7 p.m. seven days a week.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Aye.

FIRE CHIEF GERALD REARDON: And congratulations.

RENEE MCLEOD: I can't believe I'm first. I have never been first.

FIRE CHIEF GERALD REARDON: Enjoy it.

CHAIR ANDREA JACKSON: Because you are a

frequent flyer here.

EXECUTIVE DIRECTOR ELIZABETH LINT: Mr. Valentine, can I ask which application you are here for?

PETER VALENTINE: I was led to believe that Manray is going to be heard tonight and so ...

EXECUTIVE DIRECTOR ELIZABETH LINT: I announced before you came in that that's off the agenda because we have received an application to transfer that license.

PETER VALENTINE: What does that mean?

EXECUTIVE DIRECTOR ELIZABETH LINT: That means someone is buying it.

PETER VALENTINE: Okay, so he won't be here tonight?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

PETER VALENTINE: Okay. Thank you.

CHAIR ANDREA JACKSON: We just didn't

want you to have to sit through. You are more than welcome to stay though.

PETER VALENTINE: You're very kind. Thank you very much.

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RATIFICATION: LULU CUISINE, LLC, D/B/A, FORET

- - -

EXECUTIVE DIRECTOR ELIZABETH LINT: Ratification: Lulu Cuisine, LLC, d/b/a Foret, Rene Becker, manager, holder of an all alcoholic beverages restaurant license at 1 Shepard Street has applied to change the d/b/a to Shepard.

I don't expect them to be here.

This actually had already been done, but for whatever reason, the ABCC could not find the paperwork that was submitted, so they asked that we resubmit it and revote it.

CHAIR ANDREA JACKSON: Why do we need to

revote it?

EXECUTIVE DIRECTOR ELIZABETH LINT: Because the ABCC asked. That's all I can tell you.

FIRE CHIEF GERALD REARDON: So we just move to resubmit. It's already voted on.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's why it's a ratification.

FIRE CHIEF GERALD REARDON: Okay.

CHAIR ANDREA JACKSON: Okay.

What date was that name change?

EXECUTIVE DIRECTOR ELIZABETH LINT: In early July of 2014 we forwarded it to the ABCC, they misplaced the certificate when it was being processed, so they didn't have the new Form 43. They had the old Form 43.

CHAIR ANDREA JACKSON: But that was with the new name of Shepard?

EXECUTIVE DIRECTOR ELIZABETH LINT: The

new one was the one that the ABCC misplaced.

CHAIR ANDREA JACKSON: I make a motion -- are there any members of the public that wish to be heard on this matter?

Seeing none, I make a motion that we ratify the change in name from Lulu Cuisine, LLC, doing business as Foret, to changing the d/b/a to Shepard. Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

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APPLICATION: BASHA, INC., D/B/A BASHA ETHIOPIAN RESTAURANT AND BAR

- - -

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Basha, Inc., d/b/a Basha Ethiopian

Restaurant and Bar, Tesfaye Andrage, manager, has applied for a new all alcoholic beverages restaurant license at 26 New Street.

The proposed hours of operation are 11 am to 2 a.m. seven days per week.

The proposed seating capacity is 90 inside and 50 on a private patio.

Applicant is also applying for an entertainment license to include live music with and music that can be played below, at or above conversation level.

CHAIR ANDREA JACKSON: So, counsel, if I can get you first to introduce yourself and your client.

ATTY BERNARD GOLDBERG: Thank you, Madam Chairman. Bernard Goldberg, 620 Massachusetts Ave. That's in Cambridge. And on my left is -- repeat your name and address.

CHAIR ANDREA JACKSON: Spelling your name

for the record too, please.

TESFAYE ANDRAGE: Sure. First name is Tesfaye, T-E-S-F-A-Y-E. Last name Andrage, A-N-D-R-A-G-E. My address is 13 Walden Square Road, Cambridge, Massachusetts 02140.

CHAIR ANDREA JACKSON: Counsel, before you start, I guess my first question is directed towards the Executive Director, it is my understanding that staff has reviewed this application and has concerns about the application and whether or not it is actually complete, and if that's the case, I'm not sure if we should be hearing this application this evening.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's my opinion that it's not complete. Mr. Goldberg did actually give me two documents -- three documents that we needed for the application, but it still does not complete everything. It does

answer some of questions we had, just not all of them.

CHAIR ANDREA JACKSON: So Attorney Goldberg, I'm not sure whether or not, based on Executive Director Lint's review, whether or not we're prepared to go forward and make any type of decision on this application until she's had adequate time to review the paperwork, No. 1, that you just gave her, but also looking at seeing what else is missing from the application.

ATTY BERNARD GOLDBERG: Madam Chairperson, I'm not totally familiar at this moment in time with what is missing other than what I have provided Ms. Lint with.

If you can advise me as to what the nature of missing documents are, I'll be only too happy to take care of it because I have been most recently retained by Tesfaye Andrage.

EXECUTIVE DIRECTOR ELIZABETH LINT: I would be more than happy to.

CHAIR ANDREA JACKSON: It's your pleasure. So it's -- I don't know if we necessarily should be going through this this evening.

I think if there are documents that are missing and incomplete information and incomplete application, I don't think this is the forum to have that conversation. I certainly don't need to be involved on whatever is missing.

If you are telling me you have reviewed it and there are things that are missing, then I guess it is the pleasure of the board if you want to hear it anyway. I just don't think it's in the correct form for us to hear.

POLICE COMMISSIONER ROBERT HAAS: I agree.

EXECUTIVE DIRECTOR ELIZABETH LINT: I

would be more than happy to meet with Attorney Goldberg and go through it and see what we can do to get it up to par.

And there's also an issue of having to speak with Ranjit again in regards to what the proper zoning is in that location in terms of the entertainment.

CHAIR ANDREA JACKSON: When you say Ranjit, just so people know who that is, that that's the Inspectional Services Department, is that correct?

EXECUTIVE DIRECTOR ELIZABETH LINT: Zoning.

ATTY BERNARD GOLDBERG: I did file today and got the assent of Ranjit to the application, which I have filed with the License Department later -- last part of today.

EXECUTIVE DIRECTOR ELIZABETH LINT: And I am aware of that and I did have a conversation

with him after the fact, and he said that that location is not zoned for live entertainment, dancing or live entertainment.

So I think it is important that you have another conversation with him.

ATTY BERNARD GOLDBERG: Okay, okay. I'm not gonna debate it because that's why I got a signature.

EXECUTIVE DIRECTOR ELIZABETH LINT: I know, and that's all I can tell you.

ATTY BERNARD GOLDBERG: That's fine. That's fine.

CHAIR ANDREA JACKSON: So I just think to have a meaningful conversation about the application, it would make sense if it was actually complete.

ATTY BERNARD GOLDBERG: Absolutely.

CHAIR ANDREA JACKSON: Now, with that in mind, were there members of the public that wish

to be heard on this particular matter?

Why don't you come forward first and then -- so let me just explain the process to you.

Since you did take the time to be here, we can hear you now, take our notes, have it recorded in the transcript so at least we have it, or you can certainly, you are more than welcome to, come back when it's back on the agenda, but I at least want to be able to give you your options. If you are here and want to speak about the application, that's certainly fine.

EXECUTIVE DIRECTOR ELIZABETH LINT: Is that what you emailed us?

JAN DEVEREUX: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have it in the file.

CHAIR ANDREA JACKSON: So good evening. If you could please state your name for the

record, spelling your first and last name.

JAN DEVEREUX: Jan, J-A-N, Devereux, D-E-V-E-R-E-U-X, 255 Lakeview Avenue.

Well, without knowing what is missing from the application, I did want to say that I, too, was concerned.

Well, first, let me introduce you to myself.

I'm part, and leading, in something called the Fresh Pond Residents Alliance, and the FPRA has very been actively involved over the past almost last year in planning issues around New Street principally related to the residential development and the sort've overall transformation that that area is going through, including working with the Department of Public Works on a complete street redesign partly to, you know, prepare it for becoming a more residential neighborhood.

So, I guess, I was a little surprised to hear that this use was being considered and particularly the entertainment portion.

There's been a restaurant there for a number of years, several iterations of it, and I do want to be clear that we're not at all against a restaurant/bar continuing to be there with conventional hours.

But it did concern us when we saw that it would be -- you know, they were asking for a very liberal license for seven days essentially to, I think, transform it into more of a nightclub situation.

So that seemed to be a little bit incompatible with the direction that the street was going from a planning standpoint, and I don't know how much the Community Development Department talks to the License Commission, to ISD and to DPW. I know they do talk but it

seemed like this was something that should be part of a larger plan, and so when you say that ISD has confirmed that the zoning does not include live entertainment and dancing, that matches what our research told us was, that that was not an appropriate use, so that that would need some sort of special exception.

So those were the points that I principally wanted to make was, you know, that we had concerns about that use. I mean, it is the sort of -- it's becoming a residential neighborhood, it also boarders a well-established residential neighborhood, and I know some people on Bay State Road have already been able to hear some of the noise, so if it were more amplified and seven days a week, I think potentially that would be a nuisance.

Parking and pedestrian safety have always been an issue on New Street, that's why the

Department of Public Works is undertaking a complete reconstruction that is promised in the next six to nine months.

And I guess we would just like to say we don't think that for a, you know, brand-new restaurant to get such a liberal license in this location is ideal. So that's pretty much what I want to say. Thank you.

CHAIR ANDREA JACKSON: Thank you. And again, you are more than welcome to come back when it's back on the agenda if you would like to provide additional information or actually hear the plan that they are going to be putting forth.

JAN DEVEREUX: Yeah.

Is there a way to review the license application when it is complete before the hearing so that we know what essentially you are really asking for?

CHAIR ANDREA JACKSON: You can make a

request for public information.

JAN DEVEREUX: It's not on-line or anything like that?

CHAIR ANDREA JACKSON: No, we don't post the actual applications on-line.

JAN DEVEREUX: All right. Thank you.

ATTY BERNARD GOLDBERG: If I could have one question of the witness?

CHAIR ANDREA JACKSON: If you can direct the question to me.

ATTY BERNARD GOLDBERG: If you could ask the witness whether or not she is opposed to live music or whether she would allow music by a piano player and base player without the loud noise which she indicated that she is objecting to.

CHAIR ANDREA JACKSON: Ms. Devereux, you're free to answer.

JAN DEVEREUX: Well, I mean, I don't speak for anyone. For myself, I enjoy music and

certainly a piano and a bass player is, you know, I would think, less of a nightclubby experience than what was described in the application, and again, since I haven't spoken directly to you, and I'm sorry, because this has all come up quite quickly.

ATTY WILLIAM GOLDBERG: I understand.

JAN DEVEREUS: And I live in the neighborhood and I would like to be a good neighbor, so I'm certainly not trying to rain on your parade.

I'm just trying to raise the issues that any resident of the neighborhood would ask and there soon will be more residents of that neighborhood.

So, yeah, I mean, I think that sounds compatible with a more traditional restaurant and not a nightclub. I guess I'm just concerned about, you know, a lot of noise at 2 a.m. seven

days a week, and that probably wouldn't be what you're describing.

CHAIR ANDREA JACKSON: Thank you.

I appreciate your taking the time to come in.

May I have the next resident. I believe the woman in the red shirt.

CHAIR ANDREA JACKSON: Good evening.

KATHY WATKINS: My name is Kathy Watkins, K-A-T-H-Y W-A-T-K-I-N-S. Not the one who works for --

CHAIR ANDREA JACKSON: Well, we were very confused. When I saw the letter, I thought --

KATHY WATKINS: I'm sorry. She and I have to have a talk, I think.

CHAIR ANDREA JACKSON: Middle initials.

KATHY WATKINS: Yeah. So I live at 80 Fawcett Street, which is that new gigantic building on Fawcett Street.

So I just too want to say I support a restaurant and a bar that's long been there.

I moved specifically out of Central Square because I lived on Franklin Street but my building overlooked Green Street where there was that Moksa, that nightclub, and the Middle East and there were just parties in the parking lots behind there and, you know, there was nothing anyone could do. They would be there all night long partying.

So I was a little worried when I heard about amplified music, and I do live on the other side of Fresh Pond, but I just didn't want it to set a precedent because I thought this was going to mean more residential multiuse like restaurants, coffee shops, bike shops and things like that. And I went on Yelp and read the reviews, and it sounds like the club is -- the restaurant as it was before was already quite

wild with dancing and loud music, so it worried me.

Mainly the things that Jan said were my worries, and then the experience I've had with nightclubs, I just was a little anxious about that.

So then I was -- yeah, just to have it seven days a week until 2 a.m. seems a bit extreme.

That's pretty much all I wanted to say.

CHAIR ANDREA JACKSON: Okay, thank you very much.

The next resident.

FRANK CONNELLY: Frank Connelly, F-R-A-N-K C-O-N-N-E-L-L-Y.

So I come before you as a neighbor. I live a few blocks from here and I'm familiar with the location. I drive by --

CHAIR ANDREA JACKSON: When you say,

excuse me, say "from here" you mean from New Street?

FRANK CONNELLY: From New Street, correct. I live at 190 Fayerweather.

So I pass by and walk by and bike by frequently, and I'm aware of the previous occupants, and I believe a couple, three years ago -- I know actually that I sent a letter opposing an increase to 2 a.m. hours at this particular location a few years ago. I don't know if that ever went through. I think it might have gone through temporarily. I don't recall.

I also recall historically at this location somebody being in there long after the hours after being closed, and I believe they came in front of you for that. I realize that's not this gentleman to my right at the moment, but nevertheless, like the people before me, I have concerns about it morphing into something more

than a restaurant and a bar.

I also assume -- actually, I know for a fact that there are zero 2 a.m./seven-day-a-week licenses in the City of Cambridge presently, that would include nightclubs like the Middle East and so forth.

Generally speaking, I think I would oppose that in the city, but certainly specifically for this location, I would oppose 2 a.m. any night of the week for that matter.

All the other things said before me, the parking is very questionable there. I think this -- it seems to me that this restaurant was retrofitting into a building that was once used for automobile repair or some such thing. It's just kind've an odd -- oddly stuck in there, and again, having passed by it hundreds of times, the previous folks who it ran it, it appeared to me, were not open at the hours that they were

advertised. They were often closed when they should've been open.

And I suspect now that this is still an active license and my observations seem to be that it's not open most of the time.

So, yeah. So, lastly, as a neighbor, the only reason I'm here is because my neighborhood association sent out an email a few days ago alerting me to this, and I would hope going forward if this gentleman to my right is to proceed, if he's lucky enough to proceed as a business in here, that he reaches out to the neighbors and perhaps meets with us in advance of this formal hearing so that we can perhaps come to some agreements or kick around some of the ideas.

CHAIR ANDREA JACKSON: Thank you very much.

HELENE MENDELSOHN: My name is Helene,

H-E-L-E-N-E, middle initial L, last name Mendelsohn, M-E-N-D-E-L-S-O-H-N. I'm a resident of the 24 Bay State Road since fall of 2008.

So I have seen the transformation of Bay State Road, the addition of the two children's facilities, and the new apartment house, and Bay State Road is -- but is my most important, for my point of view, addition to this hearing is that I have a bedroom on the front of the building and can tell you that as recently as last weekend there was music going on until way after 12:00, and at a point this summer, and I did not note it because I thought that they had a license to do it, there was music coming from somewhere, and I don't know where else it would come from, until 4:30 in the morning.

So if the music is coming after licensing hours already, I wonder why they are asking for a license if they're already doing it.

It makes very little sense to us as good neighbors, we have welcomed the new uses, commercial uses of childcare, we have good relations with Bonnie's, we are not opposed to a business in at that area, I'm a rather active neighbor but we do realize -- I mean, we do live there, and so far the indication is that the restaurant, whether it was under the ownership of this owner or the previous one, has not been good.

CHAIR ANDREA JACKSON: Thank you.

POLICE COMMISSIONER ROBERT HAAS: So could I just ask, when you hear the music past closing hours, can you notify us so we can verify the complaints?

HELENE MENDELSOHN: Yes. I had no idea I had anyone to --

POLICE COMMISSIONER ROBERT HAAS: Just call --

HELENE MENDELSOHN: I was not going to call 911 for music that could disappear the minute I called 911, and I thought perhaps because of the zoning -- the lap-over zoning, you know, whatever it's called, the New Street, that they didn't -- and I can't call you at 12:30 in the morning or 4:30 in the morning but --

POLICE COMMISSIONER ROBERT HAAS: But if it wakes you up and it's disturbing to you, I'd ask that you call us so that we can verify it, and then refer it back to the License Commission for action.

HELENE MENDELSOHN: "Us" being?

POLICE COMMISSIONER ROBERT HAAS: The police department.

HELENE MENDELSOHN: All right. I'm sorry. You don't look like a policeman.

(Laughter.)

FIRE CHIEF GERALD REARDON: I've said

that myself.

(Further laughter.)

HELENE MENDELSOHN: And you look like a fire fighter to me.

CHAIR ANDREA JACKSON: You have to wear your uniform more often. Thank you.

HELENE MENDELSOHN: Thank you for listening.

CHAIR ANDREA JACKSON: Is there anyone else who wishes to be heard?

Sir?

CHARLES KNUTSON: My name is Charles Knutson, C-H-A-R-L-E-S K-N-U-T-S-O-N. I also am a resident of 24 Bay State Road. I'm also a member of our homeowners association.

So there are four members of our building, our 23-unit condominium building, who are present, three others who expressed similar thoughts about the nature of this proposal, and I

think we are all very interested in having a local restaurant of ethnic quality to our neighborhood. There's no disagreement with that.

I think the general concern is the potential escalation of late-night activities, and it does seem pretty unusual to grant a special permit for use in this case.

I think there's also a concern about transportation. I wouldn't necessary call it a dead-end street, but it is pretty close. There is walking. You could certainly walk to Alewife from there. Probably a 10- to 15-minute walk.

CHAIR ANDREA JACKSON: But that's cutting through the parking lot.

CHARLES KNUTSON: That would be cutting through the parking lot. There's no established route from that area, that's right.

In a tone of optimism, as New Street becomes redeveloped, we anticipate that there

will be a more compatible route to public transit.

The other alternative, I suppose, would be walking sort've the other direction to Concord Avenue and catching one of the 74 or 75 or 78 buses, but the other limitation is public transit, and a weekday ends at 12 p.m. Weekends you have extended hours, Friday and Saturday night until 2 p.m., but I think that's a significant issue that needs to be addressed because otherwise you are encouraging driving traffic with people who have been at a late-night establishment, and through a residential neighborhood, I think that's something to consider.

So I think those are the main points.

CHAIR ANDREA JACKSON: Thank you very much.

CHARLES KNUTSON: Thank you.

CHAIR ANDREA JACKSON: I'm sorry, I would need you to come back for our court reporter.

Thank you.

HELENE MENDELSOHN: With all due with respect to -- again, Helene Mendelsohn -- on the buses, the 75 and 74 stop on Saturday at a very early hour, and on Sunday there's only one 78 once an hour, so that the bus option is not a very good one on weekends, and certainly not -- and I don't think that the bus runs until 2 p.m. -- 2 a.m., none of them at any time.

CHAIR ANDREA JACKSON: Thank you.

Is there anyone else that wishes to be heard on this? Sure.

DAVID ROOKS: Hi, I'm David, D-A-V-I-D, Rooks, R-O-O-K-S. I'm also one of the residents at 24 Bay State Road who have come out in force tonight because of our concern. I've lived there for a little over four years now, and you know,

our hope in moving there was this was a neighborhood that was in transition and becoming more and more residential and would be a good place to live and raise families and stuff like that. It's the kind of neighborhood we were looking for. And so I guess I'll echo statements that have already been made by others.

I ate at the Basha restaurant a number of times prior to it being Albors (phonetic) and really value having a restaurant in the neighborhood, and that's a positive for the neighborhood, but certainly having amplified music at night and being open really late is just not what we had in mind or what I think is really beneficial for the neighborhood.

The other thing that I wanted to mention is that I'm a member of the Evolve Fitness Club next door, and so because I live so close, I walk back and forth most days, and even during the

day, especially in the winter when people are parked at the building where the restaurant is located, they block the sidewalk. You have to walk in the street.

CHAIR ANDREA JACKSON: There's not much a sidewalk there anyway, if I remember correctly.

DAVID ROOKS: Yeah, right. And, so you know, it's a dangerous situation, and, in the winter, I have almost been hit once or twice because you are in the street and there's snow everywhere and cars are not able to maneuver well. And so I just wanted to come tonight to thank you for the opportunity to express my opinion.

CHAIR ANDREA JACKSON: Thank you.

FRANCIS HENDRIGAN: My name is Francis Hendrigan, H-E-N-D-R-I-G-A-N, and I too am from 24 Bay State Road. I guess the building is entirely empty.

CHAIR ANDREA JACKSON: As I was going to say, everybody is here. That's good.

FRANCIS HENDRIGAN: But my principal reason for coming was to speak to parking, but I would like to preface my remarks by suggesting that it strikes me that amplified music at 2 a.m. I would have to naive to believe that would be a piano and a bass player. I just can envision something entirely different than that.

But as I said, I wanted to address the parking.

A couple weeks ago my wife and I spent time at the Council meeting. We had a -- the closure of Fern Street parking and the impact that was going to have on us, and I believe we were successful, amongst a number of people, in convincing the Council that that was a mistake.

The triangular block we're on, Sozio's (phonetic) and Bay State and Beech, there's

approximately 45 condominium units, and while it's the goal to have one car per unit, the reality of it is there's more, and it's constantly problematic to get parking around there. There's only three half of streets. There's one side of Bay State, one side of -- I'm not sure it's Beech or Birch.

FIRE CHIEF GERALD REARDON: Birch Street.

FRANCIS HENDRIGAN: And no parking on Concord at all. So we only really have very minimal public parking for extra cars, if you happen to have more than one, or guests that are coming, and that's coupled by the fact that we don't have residential parking. So that area is open to public parking, and it's shared with the two children places that just opened across the street and Sozio's and others. This would just make the whole situation worse.

There isn't much parking that I can see

on New Street. There's going to be more building and residential buildings there with automobiles, and it's going to spill over and it just makes the situation almost intolerable.

As it is now, we have to help, if we are going to have guests, check what it's like in the street and see if we can find someplace for a guest to stop and visit us, and that wasn't what we envisioned when we moved there four years ago.

I lived on Bernard Street for 40 years, a little teeny street, and we had a lot of cars there too, and the only way you can make things work is if you have people that are willing to work with you, no public parking there, but here we have public parking fighting or vying for the same spots that I am. We happen to have two cars, and it's chronic trying to make sure that you have a space, and then when you have it, you are reluctant to give it up, you leave it there

and walk if you possibly can.

CHAIR ANDREA JACKSON: It must be really bad in the winter.

FRANCIS HENDRIGAN: Yes, it can be terrible in the winter. In my case, fortunately, I'm old enough I can leave. But that's not true for the rest of the year, and that's not true for all the others that are in the building or all the others that are looking for a spot. So parking is a real problem.

CHAIR ANDREA JACKSON: Thank you.

FRANCIS HENDRIGAN: Thank you.

CHAIR ANDREA JACKSON: Was there anyone else that wished to come forward to give testimony?

Sure. Good evening. If you can please state your first and last name for the record.

DIANE HOPSON: Good evening, Madam Chair and Executive Director and other committee

members. My name is Diane Hopson. H-O-P-S-O-N, is last name. D-I-A-N-E. And I'm a resident of Cambridge at 1 Leighton Street, L-E-I-G-H-T-O-N. And I'm just coming, I'm not living in the area, but I'm speaking as a family consultant, and hopefully, as I'm listening to them, I was really here has an observer, but as I heard the speaking, I'm like, well, maybe the gentleman can reconsider and consider that these are families and not only to consider the parking, and the night entertainment, but also the fact that you have children in the area, and to consider all of the totality of the circumstances, and counsel knows exactly what I'm talking about, so I hope that -- I know that if everybody likes your restaurant, hopefully you can just have the restaurant and not consider the nighttime entertainment. That's one of the things that in residential areas, and I'm glad to hear you said

it is not zoned, I'm, like, good, maybe we can do something with that, but in areas that are residential, we're trying to see that we can keep those areas, you know, resonating with families and people who are concerned about the area, and the neighborhoods, the parking, and everybody knows that Cambridge has horrible parking, so to pile up additional parking definitely would not make sense. So having said that, speaking in love, hopefully you can consider that and maybe the two views can get together and come up with some kind of situation, but that's basically all I had to say.

CHAIR ANDREA JACKSON: Thank you.

Are there any other members of the public that wish to be heard?

Seeing none, so, counsel --

ATTY BERNARD GOLDBERG: I'm not putting any blame on my client who has retained me most

recently. However, at this moment in time I feel as though I have not prepared properly due to the time frame and I recognize that two things are involved here. One we have to get from Ms. Lint the necessary documentation to complete our file and then we have to consider all of the objections that have come forward and recognize that they are real, that the neighbors are sincere, and that we should accommodate their desire to have a restaurant and a bar in the neighborhood without apparently live music.

I have been given to understand that the present tenant who also owns the premises and location of the restaurant has been operating the restaurant on an if-now-and-then-later, not continuously, and I have heard that there has been jazz music played, which has been accompanied by young people who were interested in that type of work, but conversely, the

neighborhood is not, and we recognize, and I'm sure my client recognizes, that something has to be done and that perhaps we will come forward before the board again and see if we can accommodate the objections that have been presented here.

CHAIR ANDREA JACKSON: That would be great.

POLICE COMMISSIONER ROBERT HAAS: Mr. Goldberg, would that involve maybe some neighborhood meetings in advance to the next hearing, or are you just going to react to the comments you heard tonight?

ATTY BERNARD GOLDBERG: Well, usually in my preparation, I determine the neighborhood groups because they are an essential and important part of the City of Cambridge, and at this time I had not, and I'm surprised of the various groupings that have come forward and have

objections to, not the restaurant and bar, but to live music, so that we want to overcome, and perhaps if they want a meeting with us, we'll have a meeting, but I think that we now understand from this meeting today of the objections.

POLICE COMMISSIONER ROBERT HAAS: Sure.

ATTY BERNARD GOLDBERG: And we would try to overcome them before we get to the board again.

POLICE COMMISSIONER ROBERT HAAS: That would be great.

CHAIR ANDREA JACKSON: And in addition to the noise, it would be helpful, too, if you addressed the concerns of parking. I recognize it's a tight space over there, but I think it would be helpful to the residents at least to hear that their concern has been heard.

ATTY BERNARD GOLDBERG: What has been

said with regard to parking is that there's not much parking there.

CHAIR ANDREA JACKSON: Absolutely.

ATTY BERNARD GOLDBERG: We have, so far as the lease is concerned, outside of the restaurant, ten parking spaces. I'm not aware of parking into the street itself, but that can be overcome with care by, if it's approved, by care of the new owner of the business. A Mr. Markarian, I do believe that the pronoun, is the owner of the restaurant premises as well as a lot of the area itself, and I have attempted to get in touch with his attorney, did speak to him once, but I have not been in touch with Mr. Markarian, with whom I will definitely talk.

CHAIR ANDREA JACKSON: I make a motion that we continue the application for Basha, Inc. until several issues have been addressed, and at that time, we can put it back on the record. Is

there a second?

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Aye.

Thank you, and thank you to everyone that came in this evening to testify.

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REVIEW: WINDING ROAD, LLC, D/B/A ABIGAIL'S

- - -

EXECUTIVE DIRECTOR ELIZABETH LINT: Review: Winding Road, LLC, d/b/a Abigail's, James Ludwig, manager, holder of an all alcoholic beverages restaurant license and entertainment license at 291 Third Street, due to the License Commission's April 8, 2004 vote on your

application to amend the entertainment license.

CHAIR ANDREA JACKSON: I don't see anybody here from Abigail's. This was on the agenda based on our previous vote, I believe, when they came forward for music, and we asked for a six-month review.

EXECUTIVE DIRECTOR ELIZABETH LINT: Correct.

CHAIR ANDREA JACKSON: I assume they did receive notice. I would like you to please follow up with them.

EXECUTIVE DIRECTOR ELIZABETH LINT: I will do that.

CHAIR ANDREA JACKSON: And No. 1, find out why they weren't here this evening, and maybe need to put it back on the agenda, so based on that, I just make a motion that we continue Winding Road, LLC, Abigail's.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: We did send notice.

- - -

RATIFICATION: UNO RESTAURANTS, LLC, D/B/A UNO CHICAGO GRILL

- - -

EXECUTIVE DIRECTOR ELIZABETH LINT: Ratification, Uno Restaurant, LLC, d/b/a, Uno Chicago Grill, Fred Pahl, manager, holder of an all alcoholic beverages restaurant license at 22 JFK Street has applied for a change of d/b/a to Uno Pizzeria and Grill.

CHAIR ANDREA JACKSON: Looking through the file and just searching it, it looks as though that's just a common name change they've done across the board in terms of corporate name?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

CHAIR ANDREA JACKSON: And there's no one here from Uno's here to speak.

Are there any members of the public that wish to be heard on this?

I think, in my opinion, it's easy to do without them being here, so I make a motion that we approve the change of name to Uno Pizzeria and Grill.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

- - -

RATIFICATION: FERRO'S FOOD TOWN, INC., AND PEMBERTON FRUIT ORCHARD, INC.

- - -

EXECUTIVE DIRECTOR ELIZABETH LINT: Ratification: Ferro's Food Town, Inc. and Pemberton Fruit Orchard, Inc. have submitted applications in accordance with the new state policy that allows for alcohol sales to begin at 10 a.m. on Sundays.

CHAIR ANDREA JACKSON: And these are the only two that submitted us thus far since our last --

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

CHAIR ANDREA JACKSON: I make a motion that we accept the applications for Ferro's Food Town and Pemberton Fruit Orchard to open on Sundays at 10 a.m. in accordance with the new state law policy.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's it except for the hackney.

CHAIR ANDREA JACKSON: Let's do the hackney.

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APPEAL: PARVEEN KAPOOR MATTER

- - -

EXECUTIVE DIRECTOR ELIZABETH LINT: Appeal: Parveen Kapoor, holder of Cambridge Hackney license 29505, due to a fine for refusing a fare issued by Officer Szeto.

PARVEEN KAPOOR: Good evening, everyone.

CHAIR ANDREA JACKSON: Please state your name for the record spelling your first and last name.

PARVEEN KAPOOR: Parveen, P-A-R-V, as in Victor, E-E-N. Last name is Kapoor, K-A-P-O-O-R.

DAVINDER SINGH: D-A-V-I-N-D-E-R.

CHAIR ANDREA JACKSON: I'm sorry, if you could speak up.

DAVINDER SINGH: D-A-V-I-N-D-E-R. Last name is S-I-N-G-H.

CHAIR ANDREA JACKSON: Ms. Lint, can you give us the facts of the matter.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, I can.

On September 4, 2014, the License Commission received a call from an individual who stated that Medallion 192 refused to take her to her destination as it was a short fare. She -- in fact, I was the one who took that phone call.

She told me she was going to a job interview, the bus hadn't come, she needed a taxi, it was also bad weather as I recall. She said that Mr. -- that the driver of 192 told her to take the first cab in line.

She approached the first cab and ultimately got into that cab.

Officer Szeto contacted -- did an investigation and determined it was Mr. Kapoor who was operating the 192 at that time.

He told Officer Szeto he didn't refuse to take the woman, but based on this complaint and his past history for fare refusal, Officer Szeto issued a $300 fine for that.

He appealed to me. September 17, 2014, we had an appeal hearing, and the same facts were reiterated by Officer Szeto at this time, and I explained to Mr. Kapoor that I was the one who had received the complaint from the woman and she was upset enough to call the office to file a complaint with us.

Mr. Kapoor told me that he was the third cab in line at One Cambridge Center. At approximately 2 to 2:15 he was approached by two

woman asking for directions to the Media Center. He stated that he told the women that this was a walkable distance and indicated that he had a scheduled pick up at 2:30.

He denied refusing the fare. I asked him if the ride was a close as you stated, you could have taken the women to their location and been back in time for his scheduled fare and he said, yes, he could have. I told him that I found several problems with the description of the incident. That if he had a scheduled pick up at 2:30, why was he in the taxi line at that time.

CHAIR ANDREA JACKSON: I'm sorry, what time of day was this?

EXECUTIVE DIRECTOR ELIZABETH LINT: 2 to 2:15 in the afternoon.

And secondly, the complainant did, in fact, take the first cab in line. It wasn't for Mr. Kapoor to decide that it was close enough she

should walk, and then he -- we asked for a waybill to see what the circumstances were, whether or not he actually had the 2:30 pick up. He didn't have a waybill in his cab, as required by our rules and regulations.

I reviewed his file. He has only been driving since 2010 and he was given a warning in 2012 for fare refusal. He was fined $50 twice in 2012 for fare refusal. He was fined $25 in 2013 for a cab stand violation and then $300 for this complaint.

Based on the history of the fare refusals and having spoken with the woman, she was really upset about it, she was afraid she was going to be late for her job interview, so I upheld the $300 fine.

CHAIR ANDREA JACKSON: What was the 2013 violation again?

EXECUTIVE DIRECTOR ELIZABETH LINT: Fare

refusal, fare refusal, fare refusal, cab violation.

CHAIR ANDREA JACKSON: Three fare refusals?

EXECUTIVE DIRECTOR ELIZABETH LINT: This would have been the fourth.

CHAIR ANDREA JACKSON: If you could please give me your version.

PARVEEN KAPOOR: On that particular day I was standing third in the line, we were actually 20 feet from the vehicle at that time when two ladies approached asking for directions, and I told them it's behind that building, and I -- that's where I stand. Next thing I know --I have a 2:30 pick up from One Kendall Square Binney Street, a client of mine, who I was coming in early.

At that particular time she came in and I told 'em that it's just behind the building.

After they left, I moved my car and went and picked up my client. Usually I'm early, ten minutes early, to pick up my clients.

Next thing I know I got a called from Officer Benny telling me "You have to see me in the office." I obeyed the order and went to see him, and he gave me a fine.

I appealed to Ms. Lint, and she actually listened to my story and she stated that the fine is stayed.

So Mr. Davinder was a witness at that time. I have two other drivers who couldn't make it tonight to this hearing, and therefore, I'm here to just appeal, and Mr. Davinder is going to be my witness for this.

THE REPORTER: And Mr. Davinder is?

PARVEEN KAPOOR: Is also a cab driver who was line at that time.

CHAIR ANDREA JACKSON: If you can tell us

what saw.

DAVINDER SINGH: Actually, I was a witness there. We were just talking about something-something and the two girls they came to us and they just ask for the direction. It's right behind the building. And I was the first cab driver actually. If they ask me, of course I would take it. And why the third cab driver has to suggest them to walk or something, and just that, I don't know why they are complaining. Even I was first. I could take them anyway.

CHAIR ANDREA JACKSON: Ms. Lint, am I correct in saying there's nothing in other policies that says a passenger has to go to the first cab in the line, they can get into any cab in the line?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's absolutely correct.

CHAIR ANDREA JACKSON: If she wants to go

to the third cab, she could go to the third cab.

EXECUTIVE DIRECTOR ELIZABETH LINT: Absolutely.

CHAIR ANDREA JACKSON: And are you aware of that policy?

PARVEEN KAPOOR: I'm aware of that policy, 100 percent.

DAVINDER SINGH: We suggest to the customer, we said you should take the first cab because --

PARVEEN KAPOOR: Then the argument starts that, you know, why -- the other driver comes out and, you know, stop, why you didn't take it, you know, and why you taking the customer. They start the argument, and then the next thing, you know, wee not -- we're never heard, I feel that, and so I think that this is imperative that the first cab should be taken at all times, and the policy should be if the driver

is in the car, then it's good to go. The client can go in the car at any time they want, as you said. And I wasn't in the car, I was 20 feet away from my car at the time, and as a civilian, as a sincere civilian, I was giving directions to them.

They asked me for directions, and I was giving them directions to them. Next thing I know, I have a call, and I knew it was going to happen because, you know, it happened before two times, one time with a warning. I was aware of that. I wasn't going to make the same mistake again, so -- and that's where I stand.

CHAIR ANDREA JACKSON: So if you knew you had a 2:30 prearranged pick up, why were you in the cab line to begin with?

PARVEEN KAPOOR: That incident happened between 2, 2:15, so I was ready to move. I was actually just taking a break at that time coming

a back to my car, so I was 20 feet away from y car and just getting ready for it. So I met my friend and I was saying hi to him and things like that, we were talking about something, and I know the pick up was only five minutes away. One Kendall and One Cambridge Center is only four minutes driving distance. I know I could make it. Ten minutes prior to that, I pick up my client all the time, so 2:30 was the pick up.

So I quickly initiated the conversation with this person right here, and I left. And the incident happened at the same particular time, so I got caught up in that moment.

FIRE CHIEF GERALD REARDON: I guess the question would be, if you are in the cab line, you don't know where the next fare is going to -- ask to go to. It could be a 25, 40-minute ride.

PARVEEN KAPOOR: Right.

FIRE CHIEF GERALD REARDON: And then you would potentially miss your --

PARVEEN KAPOOR: Miss my 2:30. So I know I wasn't going to it pick up, you know, because I know that, you know, so I was just talking to my friend at that time, I know I was going to be there in four minutes. I can't pick up the client because I gotta move. So I was taking a break, coming out, going to my car, see my friend outside, I was talking to him a couple minutes, and then get back in the car and get away. That's where I was going, and I got caught up in the moment.

Those two ladies came in with a phone in their hand, they were looking for directions, I was being a sincere civilian. I saw them, that, you know, that they need directions, so I was giving them directions. That's --

FIRE CHIEF GERALD REARDON: Where were

they headed to?

PARVEEN KAPOOR: They were headed to the Media Center at 70 Amherst. The media Center is right behind the building behind the Kendall T station at MIT.

CHAIR ANDREA JACKSON: So you are saying that they asked for directions, they didn't ask for --

PARVEEN KAPOOR: They didn't ask for a cab. I did not hear a cab, and the gentleman's sitting right here with me and he's my witness on that.

CHAIR ANDREA JACKSON: So if they asked you for directions, you told them where it was located, how did they then end up going to the first cab?

PARVEEN KAPOOR: I'm sorry?

CHAIR ANDREA JACKSON: How did they end up going to the first cab?

PARVEEN KAPOOR: They didn't go to the cab. They walked.

CHAIR ANDREA JACKSON: They walked?

PARVEEN KAPOOR: They walked. I saw them. There were two other cab drivers who saw them. They walked.

DAVINDER SINGH: And the weather was very clear.

PARVEEN KAPOOR: And the weather was clear, so ...

DAVINDER SINGH: Many times clients when they know the place is very close, they don't want to take cab. They just walk. They change their mind.

PARVEEN KAPOOR: I was there to help.

CHAIR ANDREA JACKSON: Ms. Lint, did you say that she took the first cab?

POLICE COMMISSIONER ROBERT HAAS: I thought you said she took the first cab.

CHAIR ANDREA JACKSON: That's what I thought I heard as well.

EXECUTIVE DIRECTOR ELIZABETH LINT: No. She said that he told her to take the first cab.

CHAIR ANDREA JACKSON: We don't know whether or not she did, in fact, actually take the first cab.

DAVINDER SINGH: She didn't take it because I was the first cab driver.

CHAIR ANDREA JACKSON: You were the first cab?

DAVINDER SINGH: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: No, just that he told her to take the first cab.

FIRE CHIEF GERALD REARDON: But you, in fact, were are first cab that day?

DAVINDER SINGH: Yes.

FIRE CHIEF GERALD REARDON: And she didn't take it?

DAVINDER SINGH: They walked to the left side to the building.

FIRE CHIEF GERALD REARDON: It's actually not much more than a block from where you were.

PARVEEN KAPOOR: It doesn't matter if you were a block away, we are supposed to take the -- we're here to provide service, public service, and I'm doing that, and yes, I did get two tickets before, and I apologize for that, but I wasn't going to be ready to get the third ticket, so I did -- you know, I'm here to provide the best service I can.

POLICE COMMISSIONER ROBERT HAAS: But it seems to me you somewhat expose yourself in the fact that you knew you had a 2:30 prearranged pick up, you were in the cab line, you know that any fare doesn't have to necessarily go to the first cab, which means you could always have been somebody who was picked, so I think going back to

the Chief's question, if you had gotten a longer fare, you are just going to leave your prearranged ride?

PARVEEN KAPOOR: No, I can't do that, sir. That's my prearranged set and it's scheduled to be picked up at 2:30, I will go and pick it up at 2:30.

POLICE COMMISSIONER ROBERT HAAS: But if you are sitting in line, that means potentially you are gonna to refuse fares.

PARVEEN KAPOOR: I wasn't gonna refuse fares, sir. I had time. I was 20 feet away from my vehicle. I wasn't in the vehicle. If I was in the vehicle, then I would be bonded to take the fare.

I wasn't in the car, I was 20 feet away from my car outside talking to the people.

POLICE COMMISSIONER ROBERT HAAS: But your car was in the cab line.

PARVEEN KAPOOR: In the cab line, yes.

POLICE COMMISSIONER ROBERT HAAS: Anyone who is walking down the street would think your cab is prepared to be hired in the cab line, right?

If they see a cab sitting in a cab line, the assumption is going to be that those cabs are waiting.

PARVEEN KAPOOR: But if the driver is not in there, sir, they are not -- they're gonna go to the second cab.

CHAIR ANDREA JACKSON: So where did she approach you at?

PARVEEN KAPOOR: She approached me outside when I was outside the Chipotle, that's the restaurant, so we were standing right next to it.

CHAIR ANDREA JACKSON: And so you weren't standing -- you are saying that you were 20 feet

away from your car because you were coming out from Chipotle or you were standing at someone else's cab?

PARVEEN KAPOOR: I went to use the restroom and I was coming out. We were standing outside, outside of Chipotle.

CHAIR ANDREA JACKSON: And whose cab were you closer to, yours then or yours?

PARVEEN KAPOOR: 17.

DAVINDER SINGH: Close to mine. Because we have to stand close to the first cab.

PARVEEN KAPOOR: The first cab, correct.

FIRE CHIEF GERALD REARDON: She said she was going for an employment interview?

PARVEEN KAPOOR: She didn't say anything, sir, to me. She asked me directions. I gave her directions.

CHAIR ANDREA JACKSON: So your position is that no time did she say she wanted to get

into the cab?

PARVEEN KAPOOR: No, she didn't say that. I have two other cab drivers, this is the gentleman who is also a witness. And I requested two other drivers to come in and they just -- one of them couldn't speak English well, so he was just afraid, you know, what he might say, so -- might have said.

CHAIR ANDREA JACKSON: So, Ms. Lint, you took the phone call when the woman called?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

CHAIR ANDREA JACKSON: And again, can you relay the conversation?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't know if I can relay the whole conversation.

I just remember that she told me that this -- the 192 refused to take her to her destination because it was a short fare and told

her to take the first cab in the line.

Oh, actually, I have to backtrack.

And she then approached the first cab and got into the taxi. So it's what my notes indicate.

POLICE COMMISSIONER ROBERT HAAS: You were the first cab in line?

DAVINDER SINGH: Yes, sir. They didn't come to me. If they come to me, of course I take them.

POLICE COMMISSIONER ROBERT HAAS: You were standing next to your cab, right, at the time they approached?

DAVINDER SINGH: Yes.

CHAIR ANDREA JACKSON: Next to your cab or standing right outside of Chipotle on the sidewalk?

DAVINDER SINGH: On the sidewalk.

POLICE COMMISSIONER ROBERT HAAS: So you

weren't standing near your cab either then?

DAVINDER SINGH: I was close to my cab.

POLICE COMMISSIONER ROBERT HAAS: How long a distance from you to your cab when you were -- how far away were you from the cab?

DAVINDER SINGH: From my car, I was five yards.

Because we sit out every day. It's all long hours, so we like to stand outside, and so many times the people they just ask for some directions, and if that's nearby, they just walk.

POLICE COMMISSIONER ROBERT HAAS: And you observed the women walk away towards the destination she was directed to?

DAVINDER SINGH: I'm sorry?

POLICE COMMISSIONER ROBERT HAAS: You observed the women walk off to direction that she was directed to and she did not get in a cab?

DAVINDER SINGH: Yes. They thought it's

so close and they walked.

CHAIR ANDREA JACKSON: Which cab do you drive?

DAVINDER SINGH: 17.

CHAIR ANDREA JACKSON: Ms. Lint, do we have the waybill from the 17 or did she mention? Have we looked at whether or not there's a waybill for 17?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't believe we have looked that.

CHAIR ANDREA JACKSON: Do you have a waybill for that particular day?

DAVINDER SINGH: Not today with me.

PARVEEN KAPOOR: May I add something?

So I was actually -- I was out of my waybills, so I wrote down on a piece of paper what my jobs were that day and I have rendered that peace of paper to Ms. Lint at the time when I had the hearing.

EXECUTIVE DIRECTOR ELIZABETH LINT: He did, and it was not very complete, if I recall it. It's not in this file.

PARVEEN KAPOOR: I have the copy of that, and I didn't bring it with me. I do have a copy of all the documentation that were rendered to Ms. Lint at the time and to Benny Szeto, Officer Benny Szeto as well.

EXECUTIVE DIRECTOR ELIZABETH LINT: It did indicate that he took a job at 2:30.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

PARVEEN KAPOOR: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: And I believe that's why Officer Szeto didn't fine him for not having a waybill.

CHAIR ANDREA JACKSON: You typically do fill out your waybills?

PARVEEN KAPOOR: I do fill my waybills, yes. On that particular day, I ran out of it and

I didn't have time to come to the city hall and get that, so -- and I did apologize on the day of hearing with Ms. Lint and I did apologize to Officer Szeto as well.

CHAIR ANDREA JACKSON: When was your last violation of --

PARVEEN KAPOOR: I'm sorry, I don't recall that, but I request Ms. Lint to please look at it.

EXECUTIVE DIRECTOR ELIZABETH LINT: There were two in 2012 -- three in 2012.

CHAIR ANDREA JACKSON: And one in 2013.

EXECUTIVE DIRECTOR ELIZABETH LINT: That was a cab stand violation.

CHAIR ANDREA JACKSON: Are there any members of the public that wish to be heard in this matter?

Seeing none.

And the fine issued by Officer Szeto was

$300?

EXECUTIVE DIRECTOR ELIZABETH LINT: It was.

CHAIR ANDREA JACKSON: Thoughts? Comments? Motions?

POLICE COMMISSIONER ROBERT HAAS: I'm having a hard time reconciling the stories between the complainant and the fact you now have a witness basically supporting the cited driver.

It strikes me odd, though, that you -- I mean, as you said in your testimony, you knew -- you were keenly aware of the fact of the consequences of rejecting a fare because you have been the target of enforcement in the past.

But I'm having a hard time understanding why you would be in a cab line and then have a prearranged ride. It would seem to me you would not be in the cab line but waiting for your prearranged ride and not take the chance, as the

Chief pointed out, that someone could walk up and hail you and then risk being exposed being fined again. So I'm really trying to understand why that is.

PARVEEN KAPOOR: And if I may answer that, you know, that's why I wasn't in my cab, inside my car because I know I had to pick, so I was outside talking to these people, if I was in the cab and if a person comes in and I have a prearranged pick up, I would tell the person that I have a prearranged pick up, like you have to go to the next person.

POLICE COMMISSIONER ROBERT HAAS: Aren't you technically then rejecting the fare?

PARVEEN KAPOOR: If I have a prearranged, do I've to explain to the public I have a prearranged?

POLICE COMMISSIONER ROBERT HAAS: The public would assume that if you are in a cab

line, that you are prepared to be hired, and for you now to say to somebody when they walk up to your cab that I want fare -- or "I want to hire your cab" and then you say, Well, I got a rearranged ride," I think you are exposing yourself again to a rejection of a fare.

And again, the fact that you have been cited three other times, you would be keenly aware of that and wouldn't expose yourself to that risk, and again, if someone walked up and said, "Jeez, I need an airport ride," I'm wondering are you gonna turn down your prearranged ride and drive to the airport.

PARVEEN KAPOOR: No, I will not turn down my prearranged ride. Those are my loyal clients.

POLICE COMMISSIONER ROBERT HAAS: I'm saying to you, by doing that, you are now exposing yourself to committing another violation because when you tell a fare -- because they

don't know you have to a prearranged ride, right? You are in cab line, it's presumed if you are in a cab line, you are prepared to take on fares, and if you turn a fare down, you are in violation of the regulation.

PARVEEN KAPOOR: And on my defense on that, that's why I was 20 feet away from my car. I wasn't inside my car at the time.

CHAIR ANDREA JACKSON: But your car was still there though, right?

PARVEEN KAPOOR: My car was still there, and I was talking to these people at that time, and when they came in for directions, I gave them directions, what I was supposed to do, and when I gave them directions, I went to pick up my previous prearranged pick up.

CHAIR ANDREA JACKSON: Ms. Lint, did she call immediately thereafter?

EXECUTIVE DIRECTOR ELIZABETH LINT: She

did.

CHAIR ANDREA JACKSON: It wasn't the next day?

EXECUTIVE DIRECTOR ELIZABETH LINT: Nope.

And, Madam Chair, I think it's important to point out, too, I mean I'm listening to the comments that both drivers are making. It doesn't say in the rules that you can be in the cab stand and outside of your cab, and therefore, you are not available for a pick up, as the Commissioner was referring to, and there's no set distance. I mean I drive by the stands all the time, we all do, and certainly the drivers are outside, but if a passenger walks over, you have to be available to take that job.

POLICE COMMISSIONER ROBERT HAAS: If you're that far away from your cab, I'm trying to figure out how she knew your cab number, right, your medallion number, how did she get that? I

mean, it's your number, right?

Parveen Kapoor: Sir, what's that?

POLICE COMMISSIONER ROBERT HAAS: It's your number?

PARVEEN KAPOOR: That's my number. I'm not too sure how she got it, okay? At that time, I was picking up my prearranged. So when I give directions, she went her way and I went to pick up my prearranged and -- yeah.

POLICE COMMISSIONER ROBERT HAAS: You're third, your car is parked third?

PARVEEN KAPOOR: I'm the third car in the line.

POLICE COMMISSIONER ROBERT HAAS: And you are closer to his cab, which is the first car in line?

PARVEEN KAPOOR: Which is the first car in line.

POLICE COMMISSIONER ROBERT HAAS: So how

did she associate you with that cab in the third spot?

PARVEEN KAPOOR: I have no idea. I have no idea. I can't speak on behalf of the other person. I am only going to speak on behalf of myself and that's what I'm doing.

POLICE COMMISSIONER ROBERT HAAS: I'm just trying to reconcile your version of what happened and the complainant's version and there's just a disconnect, and I really can't figure out how I can reconcile those things, and I grant you have a witness here, so -- it doesn't make any sense to me.

Again, I'm not buying the argument that you had a prearranged ride, but yet, you were parked in the cab stand potentially exposing yourself again to rejecting another fare because you are not going to give up your normal customers, right, so I'm really having a hard

time kinda understanding your logic in thinking that it's okay to be in a cab stand taking up a space that another available cab could take, right? Was the cab line filled at the time with all the cars?

PARVEEN KAPOOR: Yeah.

POLICE COMMISSIONER ROBERT HAAS: That typically is, and the problem is, you have cabs that are trying to cruise around the block trying to get into a cab stand, but yet, you were weren't prepared to take a fare, right?

PARVEEN KAPOOR: No. If I want to use a restroom -- that's just an example I'm going to use here, if I want to use the restroom and I parked my car at the stand, where I cannot park my car anywhere else, I go use the restroom and come back out and go to my car.

If I want to take a break, I'm entitled to take a break. If I want to use the public

restroom, I'm entitled to do that.

POLICE COMMISSIONER ROBERT HAAS: Right.

PARVEEN KAPOOR: And --

POLICE COMMISSIONER ROBERT HAAS: But should you be in the cab stand when you are taking your break?

PARVEEN KAPOOR: I parked my car in the cab stand. I couldn't find parking anywhere else.

So I parked my car, went to Chipotle, used the restroom, came back out and talked to the gentleman, as soon as we done talking, went out to my car and moved out, moved out of the line, went to pick up my prearranged.

And I can't speak on behalf of the other people. I'm just speaking on --

POLICE COMMISSIONER ROBERT HAAS: I get that.

PARVEEN KAPOOR: -- on my own behalf.

Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: If i may, Madam Chair, this is a discussion that's been going on for many years in terms of when drivers need to take breaks, and what's appropriate, and we went through this with Traffic and Parking over the years, that if you are going to be taking a break to use a restroom, get a cup of coffee, lunch, whatever, you shouldn't be the third cab in the line. You should be at the end of the line, not where it appears that you have been waiting there for a long period of time.

And as we say, one of the issues that we hear repeatedly at taxicab subcommittee is that we need more cab stands because there's no where for the cabs to park, so you are taking up a spot to have a conversation with friends while other cabs are cruising around with nowhere to go.

FIRE CHIEF GERALD REARDON: I'm trying to figure out why the customer was irate enough to call. I mean, you know --

PARVEEN KAPOOR: Sir, again, I'm not going to speak on behalf of the other person. I'm just going to be talking about myself, what she said to me, what I did at that particular time, and that's it. I don't know what she said to Ms. Lint. I don't know. I heard the first time, I heard when Officer Benny Szeto called me in, you know, and that's the first thing I've heard, and so I can't speak on behalf of anybody else.

FIRE CHIEF GERALD REARDON: I guess, conversely, too, if you turned around and didn't tell her it was a block way and you took the fare, they may feel as though you took advantage of them because it was only around the corner but ...

PARVEEN KAPOOR: I was just trying to help them out as a sincere citizen and a person that's on the street.

There are a lot of diverse group of people there at MIT that comes around and ask all of us for directions. It's a touristy spot, they get off the Red line, they get off the tourist bus and they ask for directions.

CHAIR ANDREA JACKSON: In her case was she a tourist or a resident?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't know if she was a resident. Just she had a job interview in that area.

FIRE CHIEF GERALD REARDON: That's where the job interview is, okay.

The stories actually don't really jive, but not having the complainant to elaborate on some of this stuff, and you having a witness here that seems to corroborate your story, it doesn't

favor in the complainant's favor, it's in your favor tonight in terms of this, again, it doesn't really add up why she seemed to get so irate to start to make a call. Like I said, I don't know what happened, and I know generally something has to precipitate someone saying "I'm going to call because I'm very upset."

PARVEEN KAPOOR: Sure.

FIRE CHIEF GERALD REARDON: And your side of the story doesn't seem to indicate that there's something there that we're aware of, so ...

POLICE COMMISSIONER ROBERT HAAS: Did you bring witnesses with you when you spoke before Ms. Lint?

PARVEEN KAPOOR: I brought a letter of reference at the time when I have a meeting with Ms. Lint. The gentleman, he lives far away. And he couldn't make it at that meeting. So I

requested him to write down a note and I brought that note to Ms. Lint at the meeting and she has the note in the file, I hope.

And now, you know, I requested a hearing again, and thanks for taking the time to meet up, and I requested this gentleman to come from far away to be here at this meeting. And this gentleman was kind enough to come here for this meeting at the moment, and I thank you.

CHAIR ANDREA JACKSON: So prior to the date that the incident took place, did you two know each other before?

DAVINDER SINGH: Yeah, we were together everyday.

CHAIR ANDREA JACKSON: I think just what I'm struggling with is this, his version, passenger's version, he's got a witness here.

DAVINDER SINGH: We have friends but law is law. If he's trying to put something in my

car or something or wrong, you know, we be are not friends. We just say, "You have to do it, you have to do it."

FIRE CHIEF GERALD REARDON: I'm having a little trouble with the finding of facts predicated on the witness that we have.

CHAIR ANDREA JACKSON: What is your pleasure?

FIRE CHIEF GERALD REARDON: You know, this is the Commissioner's purview. It's his personnel.

POLICE COMMISSIONER ROBERT HAAS: You are much more objective to it than I am.

I don't think I'm disagreeing with where I think you're heading. I'm really having trouble. I mean, it seems to me it's kind of a jump wall at this point in time. It would be helpful if the complainant was here just to get clarification.

I'm troubled by the fact that you have been cited for this before and I'm troubled by the fact that you were in the cab line when you knew you weren't going to be able to take any more fares.

I can't figure out how she would have attached you to your cab when you were so far away from your cab, right? I mean those are difficulties I'm having in terms of trying your reconcile your version of what took place, and to the Chief's point, the fact that someone takes the time to call License Commission and file a complaint, it suggests that something happened that she wasn't happy about, and I'm trying to figure out what that is and you are telling me that after you gave her directions she walked off to that location. And again, I think there's only a block away, and I can't imagine why you would want to take a cab to that location,

because by the time you get in the cab, get to that location, pay for your fare and get out, it is going to take you as much time, if not longer, to finish that transaction, so ...

FIRE CHIEF GERALD REARDON: Knowing the traffic pattern down there, walking would certainly have been quicker than taking a cab.

PARVEEN KAPOOR: And the weather was nice that day, so if she's saying the weather was bad --

EXECUTIVE DIRECTOR ELIZABETH LINT: I just had a memory of that. I'm not saying that's absolutely true.

FIRE CHIEF GERALD REARDON: I guess I'm having trouble, I don't think there's enough finding of fact for me to uphold the fine.

And I know you had a previous, and it doesn't mean because you previously were guilty that you are going to be guilty every time in the

future, I'm not saying that, but it also doesn't help the fact that you've had previous citings as well. But, I guess, my motion is that we put this on file and dismiss the fine.

CHAIR ANDREA JACKSON: Second.

All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: So before you, I just want to -- I mean, I hope you understand the deliberations we went through in terms of trying to reconcile your story.

I think you recognize the folly in your reasoning in terms of being in a cab stand and walking off from your cab and leaving it there, that you do, in fact, expose yourself.

I would tell you that if you came back here with that same excuse again, and I agree with both the Chief and the Chairperson that there's probably not enough facts to sustain to find in my view either, but I would suggest to

you that you, based on your prior experience, this conversation would better inform you in terms of how you should be conducting business when you have this kind of situation occurring again.

If you are not prepared to take a fare, you shouldn't be in the cab line. I get your concerns about being able to take breaks and things like that, but you know you have other cab drivers that are competing for those spaces that are prepared to take fares, right, so if your purpose is to use that as a parking space so you can go get a sandwich or take a break and things like that, it's not fair to the other cab drivers either because they all have to wait in line, so you are taking up a space where they could be closer to the front of the line or could have an opportunity to get a fare.

Those cab stands, more times than not,

you always have cabs that are trying to get -- are jockeying for position in those cab stands.

So for doing that, I think that causes some problems for me, and I'm not totally sold on the notion that you never intended to take a fare if you are in the cab line, okay.

So I'm prepared to vote, but I just want to make sure that you rethink about how you are going to conduct yourself with respect to this kind of situation again because I view this as also kind of a warning to you, a fair warning to you, that you can't continue that practice because it does, in fact, expose you to a greater peril.

PARVEEN KAPOOR: May I add to it?

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

PARVEEN KAPOOR: Every cab driver on a cab stand, they do that. So why am I different? What they do is, they put their keys in the

ignition, leave the car keys in there, in the car, and the other drivers move the car.

I did the same thing. I left my car keys in the car, so if the car in front of me moves, they move my car if I'm not in the car. Everybody does that.

POLICE COMMISSIONER ROBERT HAAS: But it suggests to me that you were prepared to take a fare, right?

PARVEEN KAPOOR: What's that?

POLICE COMMISSIONER ROBERT HAAS: If you are allowing other drivers to move your car up in the line, that means you are still prepared to take a fare.

PARVEEN KAPOOR: No, I'm not saying that. I said, I went to use the restroom, left my car keys in the car. Everybody do that. If they're taking a break, they do that. And I see that all the time. Mr. Davinder is going to confirm that.

And if you ask other drivers besides Mr. Davinder, they are going to say that.

CHAIR ANDREA JACKSON: That makes sense but --

FIRE CHIEF GERALD REARDON: I can also confirm that but that doesn't necessarily mean it is okay.

PARVEEN KAPOOR: I understand, sir.

FIRE CHIEF GERALD REARDON: The law of the street versus the law of the land sometimes are different, but to the point the Commissioner is making, if your car is number 3 and they move it up, the situation gets worse because you get two people come up and now you are car No. 2.

PARVEEN KAPOOR: But I have a prearranged and I gotta move. I will --

CHAIR ANDREA JACKSON: Then if that's the case, then why wouldn't your car be the last car in the line and you parked your car at the very

back of the line?

PARVEEN KAPOOR: Because I left my car keys in the car and people were moving my car so they can park their cars.

POLICE COMMISSIONER ROBERT HAAS: You are not helping yourself.

I would suggest to you that you reflect upon the conversation we had tonight, and again, I think what we are trying to do is advise you in a way that you came very close to having the fine upheld, and you really need to think about, especially with a prior history, you know, it complicates things a little bit more, and I agree with the Chief, just because you did it before doesn't mean you did it again, but you should be well informed of the consequences of rejecting a fare and you shouldn't put yourself in that situation, particularly if you have a prearranged fare, and you are not going to stiff your regular

customers because that's bad business, I get that. So I think we are ready to vote.

There was a motion, and a second, so I'm just waiting for the Chair to call for a vote.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

All set.

CHAIR ANDREA JACKSON: You have that look on your face like, What happened?

PARVEEN KAPOOR: What is the verdict?

FIRE CHIEF GERALD REARDON: You are not paying the $300.

POLICE COMMISSIONER ROBERT HAAS: You are were successful in your appeal.

PARVEEN KAPOOR: Thank you very much for all your time.

FIRE CHIEF GERALD REARDON: It will be

noted in the file that we had this hearing and you got vindicated on this again, so it's a reportable incident, so to speak.

PARVEEN KAPOOR: Okay, thank you very much.

- - -

RATIFICATIONS

- - -

EXECUTIVE DIRECTOR ELIZABETH LINT: Ratifications. All were refinances medallions, 12, 30, 93, 1, 62, 118, 5, 9, 69. All paperwork is in order.

POLICE COMMISSIONER ROBERT HAAS: I make a motion to accept.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: That's it.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's all I have.

CHAIR ANDREA JACKSON: I make a motion that we adjourn.

FIRE CHIEF GERALD REARDON: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

(Hearing was adjourned)

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