

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT HAAS

FIRE CHIEF GERALD REARDON

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: Tuesday, May 19, 2015

TIME: 6:05 p.m.

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## INDEX OF AGENDA

<u>AGENDA MATTERS</u>	<u>PAGE</u>
APPLICATION: PRESIDENT AND FELLOWS OF HARVARD COLLEGE D/B/A DUNSTER HOUSE	4
APPLICATION: H.K. FOOD GROUP 1030, LLC D/B/A WAYPOINT	13
APPLICATION: ABBAY CAMBRIDGE, LLC D/B/A THE ABBAY	90
APPLICATION: TON VENTURE GROUP, LLC D/B/A HIT WICKET	102
REVIEW: OF THE CAMBRIDGE LICENSE COMMISSION'S APRIL 14, 2015 DECISION TO GRANT BRATTLE TRANSPORTATION SERVICE D/B/A CAMBRIDGE RADIO DISPATCH	107
APPLICATION: TRADER JOE'S EAST, INC D/B/A TRADER JOE'S	110
APPLICATION: BAILEY AND SAGE, LLC	112
APPLICATION: BERTUCCI'S RESTAURANT CORP. D/B/A BERTUCCI'S BRICK OVEN RISTORANTE	127
APPLICATION: HERITAGE CATERING, LLC D/B/A HERITAGE TRUCK CATERING COMPANY	132

## INDEX OF AGENDA

AGENDA MATTERS PAGE

## APPLICATION:

J.H. RESTAURANT CAMBRIDGE, LLC  
D/B/A JOHN HARVARD'S BREW HOUSE 137

## REVOCAATION:

CONTINUED FROM FEBRUARY 3, 2015 AND  
FEBRUARY 28, 2015, FI-HI PIZZA, Inc  
D/B/A HI-FI PIZZA 140

## APPLICATION:

CLASSIC RESTAURANT CONCEPTS, LLC 163

P R O C E E D I N G S

May 19, 2015

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

We would like to get started. If anyone has a cell phone on, we would appreciate it if you turned it off.

And this meeting is being audio taped and videotaped.

**APPLICATION:**

**PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE D/B/A DUNSTER HOUSE**

First matter is Application: President and Fellows of Harvard College, doing business as Dunster House, FAS, Harvard University, holder of a Lodging House License at 945 Memorial Drive, Robert Mortiner, manager, has applied to increase the number of rooms from 243 to 251. The applicant has also applied for a resident manager exemption.

CHAIR ANDREA JACKSON: The intro? I  
thought you were --

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh,  
my gosh, I'm so sorry.

CHAIR ANDREA JACKSON: That's okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: It's  
been that kind of a day.

Can we back up?

This is License Commission General  
Hearing Tuesday, May 19, 2015. It is 6:05 p.m.  
We are in the Michael J. Lombardi Building at 831  
Mass Ave, Basement Conference Room.

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

Now we have Dunster House.

ALEXANDRA OFFIONG: Good evening.

CHAIR ANDREA JACKSON: Good evening. Can  
you please state your names for the record,

spelling your first name and last name and your positions with Harvard?

ALEXANDRA OFFIONG: Sure. My name is Alexandra Offiong, that's A-L-E-X-A-N-D-R-A, Offiong, O-F-F-I-O-N-G.

I am the Director of Planning Services with Harvard Planning and Project Management.

RICHARD PICOTT: Richard Picott, R-I-C-H-A-R-D, Picott, P-I-C-O-T-T.

And I'm the Project Manager for Operations in logistics with Harvard Planning and Project Management, and I represent Faculty of Arts and Sciences on the house renewal project.

CHAIR ANDREA JACKSON: So if you can tell us about what's going on at Dunster House?

ALEXANDRA OFFIONG: Certainly. So we have come here tonight requesting an amendment for our Lodging House License for Dunster House, which is a building that's been a dormitory since

its first construction in 1930. It is one of the Harvard houses along Memorial Drive. And currently, we are in the process of undertaking a comprehensive renewal of the building, which is part of the Harvard's greater initiative renewal of all our houses. And you may remember, we were here last year and the year before with very similar projects.

So, it's a comprehensive renewal. It's a historic restoration on the exterior, and in the interior, we're really changing the room layouts and making it a fully code compliant. It's fully accessible. It will have new circulation, horizontal circulation, and through the process, we are just changing the room layouts to the extent that there's a small change in the number of bedrooms, largely attributed to a difference in the number of singles and doubles.

So that is the request tonight for an

additional eight rented rooms.

CHAIR ANDREA JACKSON: That's going to be more single rooms, fewer doubles?

ALEXANDRA OFFIONG: Yes.

CHAIR ANDREA JACKSON: Could you also address the resident manager exemption? I know that I read through there, there are 13 resident tutors on site?

RICHARD PICOTT: We have an extensive list of people that are responsible for the house. So, it starts off with the house masters, who are in residence, with a tenured faculty member. We have 13 tutors, we have a building manager who works regular business hours.

And in addition to that, we have the associate director of housing who is in residence in Quincy House, and overlying that is the Operations Center, the Harvard Operations Center which provides 24/7 coverage of the building.



So any particular house at Dunster, in particular, we have at least 15 people in residence at the building, in addition to, like I said, the building manager, and in residence, the associate director and the Operations Center.

FIRE CHIEF GERALD REARDON: Any of the sleeping wind up on the basement on this particular --

RICHARD PICOTT: Yes, there are. There are, I believe, eight bedrooms at the lower level.

FIRE CHIEF GERALD REARDON: At what point I have -- at what point is this at now in terms of construction, 85?

RICHARD PICOTT: In the 80 percent range, yeah. It's -- primarily the majority of the work is on the first and lower level.

ALEXANDRA OFFIONG: So I think we'll be seeking our occupancy permit probably sometime in

July, and we are hopeful that students will be in for the fall semester.

FIRE CHIEF GERALD REARDON: This is going to be a continuation of River project with the --

RICHARD PICOTT: Yes.

FIRE CHIEF GERALD REARDON: That has to be on-line prior to even a TCO.

RICHARD PICOTT: Yeah. We're shooting for July 15th is the date.

FIRE CHIEF GERALD REARDON: All set.

POLICE COMMISSIONER ROBERT HAAS:  
Potentially who are the residents of the building?

ALEXANDRA OFFIONG: Sophomores, juniors and seniors. Undergraduate students.

POLICE COMMISSIONER ROBERT HAAS:  
Undergraduate students, okay.

CHAIR ANDREA JACKSON: Ms. Lint, we did receive one letter in opposition.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, we did. From someone who resides in Arlington, that does not believe the lodging house to even attempt that size should function without a resident manager.

CHAIR ANDREA JACKSON: But I think you've addressed that there are plenty of people on site, is that correct?

RICHARD PICOTT: We do, yes. Tutors are grad students or practicing professionals, and there are residents 24/7 in addition to the house masters.

FIRE CHIEF GERALD REARDON: Generally speaking, they have more than the number of what a single resident manager would provide at that location, the way the dorm is set up.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: All set.

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

Seeing none, I make a motion that we approve the increase in occupancy for Harvard College doing business as Dunster House with the number of rooms from 243 to 251, located at 945 Memorial Drive and to approve the resident manager exemption.

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: You're all set.

ALEXANDRA OFFIONG: Thank you.

MR. PICOTT: Thank you.

**APPLICATION:**

**HK FOOD GROUP 1030, LLC D/B/A WAYPOINT**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: HK Food Group 1030, LLC doing business as Waypoint, Michael Scelfo, Manager, has applied for a new All Alcoholic Beverages as a Restaurant license at 1030 Massachusetts Avenue with proposed hours of operation from 4:00 p.m. to 1:00 a.m., Monday through Friday, and 10:30 a.m. to 1:00 a.m. Saturday and Sunday, and a proposed seating capacity of 145. Applicant is also applying for an Entertainment License to include: Audio Tape Machine/CD/Computerized Digital Media to be played below, at, or above conversation level; and two TVs.

CHAIR ANDREA JACKSON: Good evening.

ATTY JAMES RAFFERTY: Good evening, Madam Chair, Members of the Commission.

For the record, my name is James Rafferty. I'm an attorney with the offices of Adams and Rafferty, located at 675 Massachusetts Avenue in Cambridge, appearing this evening on behalf of the applicant, HK Food Group 1030, LLC. They will be doing business as Waybridge (sic-"Waypoint"). Seated to my right is Michael Scelfo, S-C-E-L-F-O.

Mr. Scelfo is one of the managers and members of the LLC. He will also serve as the manager of the license.

And to Mr. Michael Scelfo's right is Brian Lesser, L-E-S-S-E-R, and he's also a principal with the LLC.

Both Mr. Scelfo and Mr. Lesser, I'm sure, are familiar to the Commission. Mr. Scelfo and Mr. Lesser operate a Harvard Square restaurant known as Alden & Harlow.

Mr. Scelfo has a long culinary history in

Cambridge. He was the chef at the time of the opening of the Russell House Tavern in Harvard Square where he achieved great acclaim. He searched for his own location, and he took over or was -- applied for a transfer of the Casablanca license, the longstanding Harvard Square establishment, where he opened Alden & Harlow.

Alden & Harlow has been opened for about 18 months. It has proven to be extremely popular, one of the most well-received new restaurants in Boston over the past few years.

Mr. Scelfo himself is a luminary in the culinary world, a competitor and finalist in the James Beard competitions, known for his innovative cuisine, his attention to locally-sourced products.

And in the 18 months that Mr. Scelfo and Mr. Lesser have been operating Alden & Harlow,

they have demonstrated, I would suggest, the ability to operate at the highest standards of Cambridge Licensing, both in terms of the manner in which they operate their restaurant.

There have been no negative impacts nor complaints against this establishment.

Given the popularity of Alden & Harlow and the ability demonstrated by Mr. Scelfo to meet local and regional food needs, they began considering a second location.

What is proposed at this location at 1030 Mass Ave is what would be considered a sister restaurant to Alden & Harlow.

And I'd leave it to Mr. Scelfo and Mr. Lesser to go into the details of exactly what that means. But it has been described to me as similar to Alden & Harlow with more of a seafood orientation.

We have filed a menu. I did want to



share with the Commissioners in case members haven't had an opportunity to visit Alden & Harlow. There's some photographs there showing the high level of finishes, and the food products that are currently served and made available there.

This location at 1030 Mass Ave occupies a ground floor, a portion of the ground floor what has been a range of retail spaces.

Many years ago, you may recall it was a small grocery store. I think most recently, it might have been some kind of an art store. I imagine there are others in the room who have a better command of the history of the retail usage. But it has not served previously as a restaurant. It is primarily an office building. There are no residential units in the building.

It is on a stretch of Mass Ave almost opposite where Ellery Street comes into Mass Ave.

There's a new bicycle store on the diagonal corner, and I believe the Harvard University police and Domino's Pizza occupies a ground floor of an office building across the street. So, it's just outside of Harvard Square, and it's a location that has been vacant for awhile. And both Mr. Lesser and Mr. Scelfo felt it really would lend itself nicely to a restaurant of the caliber they're talking about.

Its floor plan, which we submitted, shows one of the dominant features of its architecture, which is a large curved window facing onto Mass Ave, and you can see with that prominence is employed critically in the design of the restaurant.

There are a couple issues that we've become aware of from some residents about the impact of the restaurant. I thought it might be of some benefit to the Board and the Commission

and others to understand how the building itself would work.

The building contains a below-grade and at-grade parking garage which is accessed at the end of the building closest to Harvard Square.

In the diagram I provided, you will see that the corner -- it's at the opposite end of the building where the restaurant will be located. Those are multiple copies.

And it's also true that the space that will be occupied by the restaurant -- it's the right-hand corner -- it does not run the full length of the building. There's actually another tenant that occupies the back portion of the building.

So it's approximately the front third of the building on Mass Ave, but everything about the operation of the restaurant is oriented towards Massachusetts Avenue.

There is a parking garage, and as a condition of the lease, the operators have access to 15 parking spaces which satisfies the zoning requirement in this Business B-1 District.

Restaurant uses, as I'm sure the Commission knows, are allowed usage in this district. The requirement is that there be one parking space for every 15 seats. They have access to 15, and that number has the ability to increase on nights and weekends because the parking demand in the garage is inverse for the restaurant to the office operation. As you can imagine, evenings and weekends, the office parking demand is quite low.

And the applicants intend to seek a valet license from the Traffic Department and to operate a valet stand to allow patrons to leave their car and have it placed into the garage direct. That's an advantage that few buildings

on this stretch of Mass Ave has, which is a garage there.

Similarly, all of the delivery operations will be occurring interior to the building. The same garage entry that the passenger vehicles use also provide access to a loading zone, a loading dock which is below grade. You enter the garage and go below. That loading dock will, during the day, receive food deliveries. All of the trash is stored in the loading dock area. It will be picked up within the loading dock internal to the building. There is no exterior dumpsters. There are no exterior storage of food or waste products. Everything is contained within the building.

So, one of the appeals of the location was its minimum impacts on surrounding uses and it's a location that can be served entirely within the building.

And, again, with its orientation towards Mass Avenue, there's little anticipated impact on the residential neighbors in the rear.

The application does include an entertainment license for two televisions, and I have seen some communication about concerns expressed about the television. Mr. Scelfo tells me they have two televisions today at Alden & Harlow and that's -- they are -- for most all of the time they are covered. They are not used. And on the rare occasion when they're used, such as the Academy Awards or perhaps the Kentucky Derby, there is no sound on.

It's a restaurant that when the televisions are on do not have any sound.

So the suggestion that noise from the entertainment here coming from the televisions could possibly impact residents on Green Street, I think there isn't a factual basis to support

such a concern. There is no other form of entertainment. Certainly no live entertainment. It is a restaurant. It will very much function as a restaurant.

The demand of Alden & Harlow is proven to be so strong that nearly all of the restaurant diners require reservations. So patrons don't gather outside very often, it's not a dissipated air, and Mr. Scelfo can speak to this.

But they do little, particularly on the weekends of diners arriving without reservations because they simply cannot accommodate them, and they anticipate a similar popularity here.

At this point, I thought Mr. Scelfo could answer any questions you might have, share with you his background and experience. He will be the principal person running the restaurant. It's his talents in the kitchen that will continue the tradition that he established at

Alden & Harlow at this location.

And maybe you want to just introduce yourself and tell the Commission a little bit about the location.

The application, just to conclude, does request a Section 12 license for the location. As I said, a restaurant use is an allowed use here. And we certainly understand neighbors' concerns about the impact that a liquor license can have on a particular venue, but we're here to impress upon the Commission, based upon the experience that the Commission has already had with Alden & Harlow, that this is a restaurant with dining as the principal activity, and frankly, if you're not there to have dinner, you're probably not particularly welcomed as a guest. That's just what the focus of the entire operation is.

MICHAEL SCHELFO: Thank you. Thank you



all for seeing us tonight. I think -- I don't know how much I can add to what Jim just said, but we are a restaurant first and foremost at Alden & Harlow. You know, we pride ourselves on our food. We like to think of ourselves at that location in Harvard Square as in terms of the concept as an extension of a family's table, my family's table. So we have a very kind of diverse clientele as are most of the people that reside in Harvard Square. We get everyone from professors to students to alumni to people visiting from the suburbs, the Foodies from all over the City come to visit us.

As James said, it's first and foremost because of the food. Jim was also correct in stating that the TVs that we have in the restaurant are covered. We have used them twice in 18 months, again, with no sound.

So we really are first and foremost about

the food. Our bar sales are actually dominated by -- it's really considered a dining bar. We consider it a dining bar, we refer to it as such in the restaurant, and we really are there to feature the food and kinda, you know, lend ourselves to the community, the Harvard Square community, in a positive way, which is something we are really active with, with Alden & Harlow even more so than when I was with the Russell House. We have gone to great lengths to kind've integrate ourselves in a positive way in the community there, and serve as a positive influence on the neighborhood.

And I think we're just looking to continue that tradition down the road, kinda anchor the other end of The Square and kinda carry on the tradition. Your know, there's, I think, lots of opportunities for us to pursue projects in different locations. We really love

Harvard Square, I personally love Harvard Square, and I would like to think of it as home, so for me, it made the most sense to stay home and do something in The Square.

So, if you have any questions about the concept, I would be happy to answer them, specifically, but I think Jim stated pretty much what we're going to do.

CHAIR ANDREA JACKSON: My questions are more related to the space itself. So I'm standing in front of the building, you're looking at the left side, correct?

MICHAEL SCELFO: Correct.

CHAIR ANDREA JACKSON: So does that space reach all the way back to the Green Street side or where does it stop at?

MICHAEL SCELFO: It does not.

ATTY JAMES RAFFERTY: That's the map I provided. The corner of the building

demonstrates the footprint of the space, I mean, where you see that line there.

CHAIR ANDREA JACKSON: Okay.

MICHAEL SCELFO: If you're facing the left side of the building and that curvature is in front of you, we descend back approximately a third to halfway back of the building, and then there's a tenant directly behind us that abuts the Green Street side of the building.

CHAIR ANDREA JACKSON: Okay. So, looking at the back of the building, and even the side of the building, there are windows there. Are those windows going to be uncovered? I'm concerned about the light. I know that was some of the concerns that some of the neighbors had raised.

MICHAEL SCELFO: We don't have any windows on the backside of the building at all.

CHAIR ANDREA JACKSON: What about on the side?

MICHAEL SCELFO: On the side part of the building towards the front, the curvature portion --

CHAIR ANDREA JACKSON: Yeah.

MICHAEL SCELFO: -- will be open and those will open up onto Massachusetts Ave, but there's nothing the side of the building that would be open and it would emanate light out.

ATTY JAMES RAFFERTY: Madam Chair, if you look at the floor plan, you can see the windows are depicted. There aren't windows where the chief's pen is now. They start at the curve as it comes around Mass Ave.

CHAIR ANDREA JACKSON: Okay.

ATTY JAMES RAFFERTY: Those are the only windows.

FIRE CHIEF GERALD REARDON: So there's no windows on the north side from the curvature all the way back to the --

MICHAEL SCELFO: There are windows along where your pen is there. That particular area where you're looking at is in the kitchen. So the kitchen equipment and line is on that side. The intent was not to black out those windows, but there's no fixture lighting or guest dining oriented lighting. The only light that would out would be an exhaust above that, which is where our kitchen line would be, and each -- every, I think, six feet on a line there's one bulb that descends down on the line to illuminate the equipment below. There won't be any, you know ...

FIRE CHIEF GERALD REARDON: So do you know roughly from the end of the curvature what roughly --

MICHAEL SCELFO: I could point it out.

FIRE CHIEF GERALD REARDON: Well, I mean, roughly here, how many windows?

MICHAEL SCELFO: I think it's just two, two full. They're about -- you know, they're four by eight panes, I would say. There's about two of those.

FIRE CHIEF GERALD REARDON: There's one, two, three across there?

MICHAEL SCELFO: Yeah, three. The third one in the back closest to you is where the dish area is and that's blacked out.

ATTY JAMES RAFFERTY: The prior retail use had, frankly, more openings and light in that area.

MICHAEL SCELFO: We don't use any fluorescent lighting or anything like that. We actually are very -- if you have been to all Alden & Harlows, it's very dimly lit. We use the old Edison-style bulbs to light the restaurant so it's quite dark. There's actually more light coming in from the neighbors than there's

actually in our own restaurant.

ATTY JAMES RAFFERTY: We did become aware recently, Madam Chair, of some concerns around the building. And we've asked building management to provide us with a summary. Those are four separate sheets. One's for you, Mrs. Lint. And these are all an attempt to address what we understand are some historic issues around equipment, air handling equipment in the building.

What's of note in that communication is that this operation will not be affected by that, and they are not going to be tied into that particular portion of the system. As you see in the last paragraph, it states: "The HVAC equipment serving the Waypoint stations are independent from the base building equipment serving the tenants above. None of the Waypoint equipment will be tied into the system serving



the upstairs tenants. In our opinion, the load generated from your restaurant will not negatively impact the operation of the existing base building equipment."

CHAIR ANDREA JACKSON: So what is -- what would be on the backside of the restaurant? So if I look with you, I note there's a wall there. What is on the backside as it relates to --

MICHAEL SCELFO: That abuts up against the other tenant?

CHAIR ANDREA JACKSON: Yes.

MICHAEL SCELFO: Prep kitchen area, some walk-in refrigerators.

ATTY JAMES RAFFERTY: Excuse me, Madam Chair, is that question about what is the space beyond their space or within their space?

CHAIR ANDREA JACKSON: If I looking from that tavern -- as I did this morning -- I looked through the glass and I see a back wall. What is

behind that wall? Is that your space as well?

ATTY JAMES RAFFERTY: The back wall of the building?

CHAIR ANDREA JACKSON: No, the back wall of the actual --

BRIAN LESSER: That's another tenant.

MICHAEL SCELFO: That's some other tenant.

CHAIR ANDREA JACKSON: That's another tenant.

ATTY JAMES RAFFERTY: Do you know that's an office tenant? Do you how many -- oh, apparently there's someone from the building here this evening that might be able to give us more specifications about that layout of that first floor. Should I ask that person?

CHAIR ANDREA JACKSON: Not yet. Thank you.

FIRE CHIEF GERALD REARDON: In your

kitchen area, you're gonna to have fryolators?

MICHAEL SCELFO: On the left wall there where your pen was pointing out, there will be, yes.

FIRE CHIEF GERALD REARDON: Where are your exhaust hoods going?

MICHAEL SCELFO: Above that.

FIRE CHIEF GERALD REARDON: Above that, and it discharges into the left side of the building?

MICHAEL SCELFO: It discharges into a pollution control unit which is housed within the space, and then ties into an existing fresh air intake lever that's already on the side of the building.

So there's nothing actually being placed on the exterior of the building, it all happens within the infrastructure of the building.

BRIAN LESSER: Kitchen control scrub

unit.

FIRE CHIEF GERALD REARDON: And that's all going to be behind the wall, so to speak? So it doesn't change the facade at all in terms of what --

MICHAEL SCELFO: On the side of the building, there's nothing that would be protruding that's not already there.

ATTY JAMES RAFFERTY: No penetrations into that facade.

CHAIR ANDREA JACKSON: It says in the letter that you provided that the HVAC equipment serving as space is going to be independent from the base building equipment. So is this new, a new HVAC unit that's going in or...?

BRIAN LESSER: These are heat pumps in the space, so it runs off the building condenser units, so they have a chilled water line.

ATTY JAMES RAFFERTY: That, again, might

be one you might want to defer, though. I think that sounds right, but we probably should --

CHAIR ANDREA JACKSON: Any questions for them?

POLICE COMMISSIONER ROBERT HAAS: So have you investigated purchasing a liquor license?

ATTY JAMES RAFFERTY: We have. We looked at licenses that we knew through my engagement with license holders that were available.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ATTY JAMES RAFFERTY: And of the few that I was aware of, I don't believe -- I made some inquiries of the Western Front license, which is inactive. I happen to represent the licensee. He has executed a contract to sell that license. That license is not available.

The Prospect Lounge license, which I also happen to have a history of representing that licensee, informed me that they are contemplating

a return to another location. I was not encouraged by their response.

And Mr. Holland's longstanding license has been transferred, and, frankly, I wasn't aware of any other license.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ATTY JAMES RAFFERTY: I made inquiry at the License Commission as well.

POLICE COMMISSIONER ROBERT HAAS: So has your client satisfied the requirements for establishing a liquor license, the criteria?

ATTY JAMES RAFFERTY: Right. Well, we believe so. The public need would be addressed, that we would not have an adverse impact upon areas. We're here tonight to introduce that.

We learned recently of the concern -- frankly, I talked to a number of larger area groups and didn't learn of any, but within the past few days, I've learned of a particular

concern on Green Street, and we're happy to meet with those people.

I've reviewed some of the communications expressing understandable concern about impacts, and I think an exchange of information might be helpful.

Time didn't allow us to do that before the hearing. But I would certainly welcome the opportunity to do so at a later point in time.

POLICE COMMISSIONER ROBERT HAAS: The need, how are you establishing the need?

ATTY JAMES RAFFERTY: I think the need is a reflection of the demand being experienced at Alden & Harlow, and the desire for restaurants in this stretch of Mass Ave. There aren't a lot of full-service restaurants.

It's a building that has a number of daytime occupants, and it's also in the evening well-served by existing multifamily buildings in

the area. So, we feel strongly that the need does exist, both for the restaurant and to provide alcohol.

A restaurant of this caliber, frankly, can't succeed without alcohol, and that's what led to this application.

POLICE COMMISSIONER ROBERT HAAS:

Demonstrate overwhelming support?

ATTY JAMES RAFFERTY: I think at the moment, we understand there's some people here to speak in favor. And we did not solicit signatures per se. We made it aware of -- patrons at Alden & Harlow were made known, and it's our understanding that many of them have expressed support, and possibly in attendance this evening willing to express a desire, those that live in the area.

POLICE COMMISSIONER ROBERT HAAS: Do you make that threshold do you think, just for the



people that will be here tonight?

ATTY JAMES RAFFERTY: I would suspect, candidly, given the concerns what I've heard about within in the last 48 hours, I advised my client that I suspected that it would be unlikely, in my experience, that a final determination would be made this evening until we had an opportunity to at least address some of the concerns that I've recently become aware of.

POLICE COMMISSIONER ROBERT HAAS: I'm all set, Madam Chair.

FIRE CHIEF GERALD REARDON: All set for now.

CHAIR ANDREA JACKSON: So if there's someone from the building who would like to speak...

If you could please come forward.

Good evening.

TOM CONGORAN: Good evening.

CHAIR ANDREA JACKSON: Please have a seat.

TOM CONGORAN: My name is Tom Congoran.

CHAIR ANDREA JACKSON: Please spell your name, please.

TOM CONGORAN: My last name is C-O-N-G-O-R-A-N. And I am the property manager at 1030 Mass Ave. And I recently started there back in November of 2013, so I have been there for slightly over a year now.

CHAIR ANDREA JACKSON: So, perhaps you can address for us the issue with the HVAC.

TOM CONGORAN: Yeah. So, first of all, he's right. All the air is gonna be -- heating is going to be provided through split systems, the heat pumps --

CHAIR ANDREA JACKSON: If you can speak up? I can see people in the back are unable to hear.

TOM CONGORAN: There's heat pumps,  
there's split systems and will all --

ATTY JAMES RAFFERTY: You're gonna have  
to sit here because of the fan.

(Tom Congoran switches seats.)

CHAIR ANDREA JACKSON: So if you could  
just keep your voice up.

And if the people in the back, if you  
can't hear, please indicate, please.

TOM CONGORAN: So, as I was saying, the  
heating and cooling is going to be provided  
through heat pumps that are interior to the  
restaurant itself. There's nothing to be added  
on the roof, from a base building standpoint for  
this new tenant.

So, as far as any concerns about new  
noise coming from any sort've base building  
concerns, nothing that is going to be added will  
tie in that's going to add any sort of noise to

the space.

In regards to their space, there was concern about their location in the building. So they're located in front. Behind them, in between them, is two layers of gypsum wall that actually goes from the ceiling to the floor which will keep out any sort of noise, even from going into the next space, let alone, permeating through the back wall and onto the neighbors as well.

FIRE CHIEF GERALD REARDON: Did you do that because of the fire rating, doubt five-eights?

TOM CONGORAN: Yep. That's what's in there.

FIRE CHIEF GERALD REARDON: Maybe you know a little more about this, so the scrubber and the hood system are going to vent to the outside to the left of your building, correct?

TOM CONGORAN: Correct. As far as the exact specifications of the hood scrubber, I'm not too familiar with that.

FIRE CHIEF GERALD REARDON: And you don't have any other exhaust system cooking-type kitchen facility?

TOM CONGORAN: No, we don't.

ATTY JAMES RAFFERTY: That issue Mr. Lesser is quite familiar with, if you have further questions about the particular scrubber. But as to the overall building, Mr. Congoran is the one.

FIRE CHIEF GERALD REARDON: Has this section of the building been segmented off as far as the fire alarm goes to represent the alarm just for that section?

TOM CONGORAN: It will. It will. When the tenant build-out takes place, they'll have their own system.

FIRE CHIEF GERALD REARDON: At the end of the day, this is just going to require a sprinkler retrofit to certain sections based on --

TOM CONGORAN: Outside of the space?

FIRE CHIEF GERALD REARDON: In the space.

TOM CONGORAN: In the space, yeah, there will have to be some.

CHAIR ANDREA JACKSON: So if I'm standing in the back of the building -- I guess this is earlier -- there's a house right there on Green Street, this space, does not come back to the back part of Green Street, is that correct?

TOM CONGORAN: Not at all. So I think one thing to point out, too, is that some of the noise concerns that have been brought up tonight are from base building equipment that sits on top of the roof that, again, won't be affected by the restaurant.

And, also, just that the new noise level on the 1030 Mass Ave side is actually a lot higher than the back of the building on Green Street. Let me just look on that.

POLICE COMMISSIONER ROBERT HAAS: So, in terms of the existing noise level that the residents are hearing, are you doing anything about that to mitigate that at all?

TOM CONGORAN: Yeah. We have done a lot. So it started probably back in 2012, our company invested about over \$200,000 in sound attenuation on the roof, because we had gone and met with a lot of the neighbors in the community, and they had discussed that they did have an issue with it. So we went forward and installed some sound attenuation around some of the base building systems on the roof, including a chiller which usually creates the most noise.

UNIDENTIFIED AUDIENCE MEMBER? Could you

repeat what you just said?

TOM CONGORAN: Yeah. So we invested over \$200,000 back in 2012 in sound attenuation on the roof around some of the mechanical systems that are the most noisy. And since then, there's been -- a lot of points that have been generated lately, I think, are actually from other construction going on, not necessarily our building.

But, again, one more point, too, is just that the concerns that are coming in, just in our opinion and from the research we have done with our consultants in the past, the concerns that are coming about noise, regardless of whether a tenant just moved in or didn't move in, wouldn't have any positive or negative effect on the space itself because of its location and because of the way it's --

POLICE COMMISSIONER ROBERT HAAS: So is



there additional work that you're planning to further reduce the sound that's coming from the roof or --

TOM CONGORAN: No, no. So, we've met with Andrea Boyer, who is part of the City of Cambridge Licensing Commission. And you can feel free to reach out to her. We've walked through with her many times. We've walked through with her and had meetings with the community as well, and we are completely compliant with the City of Cambridge.

FIRE CHIEF GERALD REARDON: So, as far as egress goes, there's the one egress off the restaurant space, and the rest is for the common lobby area?

TOM CONGORAN: Say that again?

FIRE CHIEF GERALD REARDON: Egress from the restaurant space, there's one that directly leads to the street and are there others that

go --

TOM CONGORAN: There's one that will be into the lobby, the main lobby, but, again, that will go out the side into the garage or out the front door.

FIRE CHIEF GERALD REARDON: But there's a secondary one to get to the lobby space that goes --

TOM CONGORAN: Yes.

CHAIR ANDREA JACKSON: Where will the trash disposal be? Would that be downstairs in the parking deck or...?

MICHAEL SCELFO: Yeah. There's a loading dock down below where the dumpster is. It's a self-contained unit that's picked up within the building and then taken out, contained, covered from the building itself, so it never actually leaves the building, except when it's on the truck.

TOM CONGORAN: Yeah, and in preparation for the new restaurant coming in, we have actually contracted with a new waste removal company that's local to Cambridge, does a lot of work in Cambridge, and they figured out a new logistic system where everything, as far as trash removal, will be taken care of completely inside the garage.

FIRE CHIEF GERALD REARDON: Do you know what size dumpsters these are?

TOM CONGORAN: Right now we have two-yarders. So, they're not that big. The building isn't that big itself. So the way we have been doing to try and make sure that all the trash is picked up inside the building, is we keep smaller two-yarders, that way the trucks that come to the building to pick up all the trash, first of all, can fit in the garage and we don't have to leave it outside.

FIRE CHIEF GERALD REARDON: Okay. And the smaller trucks actually can get into the garage?

TOM CONGORAN: Yes.

CHAIR ANDREA JACKSON: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIR ANDREA JACKSON: Any other questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: I would like to open it up for public comment, and let you hear some of these concerns by the neighbors, and then perhaps give you an opportunity to come back to the table.

So, are there members of the public -- if you can give me a show of hands -- members of the public that wish to be heard on this?

So I'm going to go row by row. And I

will start with you. If you can please come forward? And then we can work our way down and go to each aisle. Please have a seat.

Good evening.

MARILYN WELLONS: Thank you. My name is Marilyn Wellons, W-E-L-L-O-N-S.

THE REPORTER: Your first name, please?

MARILYN WELLONS: Marilyn like Monroe, M-A-R-I-L-Y-N, Wellons, W-E-L-L-O-N-S.

My address is 651 Green, and so, I'm an abutter, and I have quite a bit to say, so I beg your indulgence.

UNIDENTIFIED AUDIENCE MEMBER: Louder.

MARILYN WELLONS: So it's difficult to know where to begin. We have had, as Mr. Congoran had relayed, problems with the building since its conversion to lab use in the beginning of 2010, and so, contrary to Mr. Rafferty's statement that this is an office building, it is,

in fact, lab use. So it is 24/7 use over weekends, during blizzards, day and night, every day of the week.

And the HVAC system as Mr. Congoran also said has been brought at great expense into compliance with the Cambridge noise ordinance.

But I have to point out, that even though I have a handheld gizmo that measures noise levels, it does -- I am not always able to get up at 2:30 in the morning when the noise is bothering me and go to the property line to take a measurement. Sometimes I take measurements from the back porch which are better of their hours, and it's usually just at the border, low to 50, low to 50.

So the existing system is in compliance so far as I can tell, except on occasions when I do notice that it's noisier.

And I've reported those to your

inspector, but I sort've slacked off lately because when you've had sleep interrupted as often and as frequently over four years as I have, going on five, it's -- you tend to want to stay in bed.

I believe you have as a matter of record an email from Professor Jo Solet of the Harvard Medical School talking about the health effects of disturbed sleep.

And I think I can fairly say that I and other people who are abutters to the building itself are suffering the effects of disturbed and interrupted sleep.

So, while I appreciate what the owners of the building have done to bring the current use into compliance with the noise ordinance, I would point out in addition that the City's Noise Ordinance is inadequate because pure tones that violate the standards in the spectrum are not

counted, and consistently the buildings have pure tones.

When this all started, I talked to an acoustical consultant that's around who knows the industry and chose not to be quoted by name because he works in the industry. And he said if you can sing it or hum it, it's illegal. It's a pure tone. We get pure tones and ringing tones and thrums from the building all the time. So that's the existing situation for the HVAC system.

I would like to point out that it's relatively good news, I guess, that the back windows that were formerly used by Barsamian's space are not proposed to be used by this restaurant. But, unfortunately, the loading dock and the garage all face and abut Green Street.

So you find that all of us are nevertheless affected by plans for deliveries,



removals, cleaning, power washing, for example, all these things, we can hear them. We hear the dumpster. My bedroom is on the same level as the dumpster. We can hear it. We hear the power wash. We hear everything in that building. And I point out that the state law while you have a request for a 1:00 a.m. closing, contrary to many other places that are satisfied with 11:00 p.m., the state law says that the licensee may be on the premises at any time after 1:00 a.m. and before 8:00 a.m. for cleaning and various other activities that make noise.

So, all of this, rubbish disposal, deliveries we hear, and we will hear because the vents are directly back on a level with our bedrooms.

On traffic, I will say that it is very good to hear there are 15 spaces proposed and that is compliant with the rules. But our

experience is that for activities on Mass Ave and in Harvard Square, people park on Green Street, and most recently, we have had problems with people blocking our driveways. And, of course, we have had previous experience with a restaurant called Chi-Chi's with people coming down to get their cars at night, or even pedestrians on Mass Ave. You can hear noise from Mass Ave on Green Street.

We abutters are essentially the first line of residential buildings and we, in a sense, are protecting the residential character of the rest of our neighborhood. So I will leave that and move on to other problems.

One of our neighbors is a restaurant consultant, and his name is John Vyhnak, he couldn't be here tonight, V-Y-H-N-A-N-K. And he has -- he's noticed the smells, for example, from Dumpling House coming down to his end of Green

Street.

We can smell the fumes from the Indian restaurant, I happen to like Indian food, so, you know, I know when they're starting their curries but we can smell them.

So, I did have a question and I will wait for an answer because I would like to continue this. I understand that the scrubber vents outside to the left of the building. I'm not clear how this is supposed to work, because of course, if you're looking straight at the building, is it to the left as you face it? Or the left as we face it? And in any case, is this a vent to the exterior of the building?

Another problem, as I see it, is that there's a question about why is the applicant so far ahead of himself in that I believe construction has already begun.

Now, you can get a construction license,

a permit for interior work and it is not properly posted.

ATTY JAMES RAFFERTY: No work has began.

MARILYN WELLONS: The interior where the kitchen is there's two construction permits in the walls improperly --

ATTY JAMES RAFFERTY: It's not this space, Marilyn.

MARILYN MELLOWS: It is this space.

MICHAEL SCELFO: We don't have a signed construction contract with anyone, ma'am.

MARILYN WELLONS: Well, I have photographs of the construction permits in the windows improperly posted facing into the space. You can see it from the front door looking in and across. Should I offer this to you? This was taken this evening before just coming here. Here is -- and then this is what you can see from the outside. This is down the hill. It's not

actually on a public way. It's posted inside. I have to pass these, so...

ATTY JAMES RAFFERTY: It's the adjoining space.

MARILYN WELLONS: No, I'm sorry.

ATTY JAMES RAFFERTY: The man runs the building.

MARILYN WELLONS: You can take a look through the front door in your space.

MICHAEL SCELFO: The studio adjacent to us that's under construction. That may be --

CHAIR ANDREA JACKSON: So if I'm facing the building, standing right in front facing the building.

ATTY JAMES RAFFERTY: It would be best to direct this to --

CHAIR ANDREA JACKSON: You're going to the left side.

MICHAEL SCELFO: Yes.

CHAIR ANDREA JACKSON: To the right side is where By Design used to be.

MICHAEL SCELFO: Used to be.

CHAIR ANDREA JACKSON: What is going in that space?

TOM CONGORAN: Handle Bar. It's a spinning studio.

ATTY JAMES RAFFERTY: Currently, that's the window you're being shown, an adjoining space. It's not the space of the licensed premises.

MARILYN WELLONS: May I see your drawing please? Your drawing?

ATTY JAMES RAFFERTY: You mean the floor plan?

MARILYN WELLONS: Yeah.

How many windows do you have?

MICHAEL SCELFO: The picture that you're showing, ma'am?

CHAIR ANDREA JACKSON: I'm going to give you one -- maybe ten seconds just to go through just so she is clear about where the space is.

ATTY JAMES RAFFERTY: You don't know about this issue. So why don't we let Tom -- he seems to know where the permit is.

(Multiple side conversations occurring.)

CHAIR ANDREA JACKSON: If you can give me one second. I need one person to speak at time. I need to make sure the stenographer can get it on record, so I can't have all the side conversations. So, if you could please answer the questions in terms of as it relates to where the space is.

TOM CONGORAN: Yeah. So her question was about looking into the front door window through the space, and what she is seeing inside is a desk that houses where the construction contractors sit to do their office work. That's

all. So they just sit in the vacant space.

CHAIR ANDREA JACKSON: It's a table that's there?

TOM CONGORAN: A table.

MARILYN WELLONS: The photograph, and I hope you can go and look, the photograph is of construction permits facing in in the space designated for the restaurant.

CHAIR ANDREA JACKSON: I went today. I didn't see it. So I saw a table and chairs.

MARILYN WELLONS: No, you can --

ATTY JAMES RAFFERTY: Madam Chair, let's be clear for the record, if I may?

CHAIR ANDREA JACKSON: Yes, counsel.

ATTY JAMES RAFFERTY: Both the applicant and the building manager says there is no construction work occurring in the premises. There's been no permit applied for. No work has commenced. I don't know what the witness is



speaking to, but I want to make clear that the people with firsthand knowledge of the building are saying emphatically that there's no construction activity occurring within the proposed premises.

CHAIR ANDREA JACKSON: And, again, I looked through the glass today and I saw no work. That's why I wanted to make sure I was looking at the right space.

And just I'm being mindful that there are a lot of other people to speak, I can give you one more minute to please wrap up your comments.

MARILYN WELLONS: Let's see. I would point out that given the noise from the loading dock, the deliveries will be different for a restaurant than they were for the grocery store. They will be more frequent. And they will -- they could possibly be by a big truck, but, of course, I'm not an expert on that.

And we're concerned, as I said, about the smells. I'm glad to hear that you're proposed to have a scrubber or may even have one. But, again, I'm concerned about the venting. And I think that's it. But I'm sure it won't be.

I would like also to point out that the applicant has not asked for only two TVs, but also for a CD and tape systems below at or above conversational level, and that we hear noise on Mass Ave -- from Mass Ave.

And, again, I would emphasize this building is not an office building, it is a lab building. It's a semi-industrial use right now, and therefore, I wonder about the parking that's supposed to be freed up in the evenings.

Thank you.

CHAIR ANDREA JACKSON: Thank you.

MARILYN WELLONS: Remember the existing grade is different on Green Street from on Mass

Ave.

CHAIR ANDREA JACKSON: Would you like  
your picture back?

MARILYN WELLONS: I would like to submit  
them.

CHAIR ANDREA JACKSON: Sure.

MARILYN WELLONS: And if you would be  
kind enough to put today's date. In any case,  
they are not pointing out wherever the  
construction is in the structure. They're not  
publically visible.

CHAIR ANDREA JACKSON: Okay. Thank you.

May I have the next person who would like  
to speak?

ELLIN SAROT: Ellin Sarot. My last name  
is S-A-R-O-T. My first name is E-L-L-I-N.

My name is Ellin Sarot, but I'm two  
people tonight. I would like to read into the  
record someone who asked to be represented here.

Her name is Wellons again, spelled W-E-L-L-O-N-S,  
and her first name is a Clara, C-L-A-R-A.

And --

CHAIR ANDREA JACKSON: If you can speak  
up as you read so the people in the back can  
hear, please.

ELLIN SAROT: "My name is Clara Wellons.  
I live at 651 Green Street. There is a hearing  
tonight regarding granting a liquor and  
entertainment license to 1030 Mass Ave. 1030  
Mass Ave already has challenges meeting the noise  
requirements of abutters. Until they are able to  
resolve this issue, I cannot see myself  
supporting granting them this license. Cambridge  
is developing at a rapid rate, and I understand  
the desire to expand. This does not seem to be  
an appropriate place for that development,  
however. Please include this email in the public  
record."

I lived on Green Street from 1987 until my landlady died unexpectedly in 2013 and I was forced to move. I still live in Cambridge. The store that was called a little grocery was Barsamian, that's the same space as the restaurant wants to occupy. In the midst of all the furniture stores, we were grateful to have a food store, but there were problems with Barsamian. There was traffic day and night, there was the food garbage and stuff. I won't go into all that. But I just want to say we -- I did live on Green Street -- were very aware that there was a big food business there. Barsamian fed working people in the whole area. They would come and get their lunches, and it was a busy place.

So I would like that correction made. It was a food store.

As to noise, I can't imagine TVs with no

sound. You're gonna have music there. You're gonna have people who say, "I can't hear it. Would you please turn that up?"

If you have alcohol, you draw people to drink. Yes, they will also eat, but you will have young people, you will have noisy people.

I have a question about the space. Will the restaurant plan to expand to on-street dining tables in fine weather? I don't know.

There are going to be deliveries by day, there's going to be garbage pickup.

The noise on Mass Ave in front of the restaurant will be a problem, particularly in not snowy weather because they have will have to smoke outside. That is a lot of people and a lot of noise.

When Oberon opened in Harvard Square, I was surprised by everybody standing outside smoking. The streets are filthy around there.

There are a lot of restaurants already on Mass Avenue in that area. I don't see the need for a new one.

Oh, wait a minute. I can tell you about parking. Parking is a mess on that street party because of the people who live in the building where I live.

I gather, with no proof, that the landlord rents each apartment separate rooms in the apartment. Everybody on three floors -- that can be nine tenants -- has a car. And there's space for two cars in the back of that building.

So everybody goes to Green Street, and it's been a very big difficulty.

Thank you. Thank you for listening.

But I would like the question answered about the expansion to tables on the street in fine weather. I think the Russell House had some outdoor eating area.

ATTY JAMES RAFFERTY: Madam Chair, can we get an address on the speaker?

ELLIN SAROT: I live at 654 --

ATTY JAMES RAFFERTY: We maintain a record and --

CHAIR ANDREA JACKSON: You used to live on Green Street?

ELLIN SAROT: I did, for 27-and-a-half-years. I lived at 654 Green Street. And I'm still close to the neighborhood.

CHAIR ANDREA JACKSON: Thank you.

Next speaker.

Can I just get a show of hands of how many other people want to speak on this application?

Thank you.

DENA FELDSTEIN BRODY: My name is Dena Feldstein Brody.

CHAIR ANDREA JACKSON: Spell your whole



full name.

DENA FELDSTEIN BRODY: Yep. D-E-N-A,  
Feldstein, "F" as in "Frank" E-L-D-S-T-E-I-N,  
Brody, B-R-O-D-Y. I live at 661 Green Street.  
I'm a direct abutter.

First, I just want to thank the people  
who have come from the building and from the  
proposed restaurant and say thank you --

CHAIR ANDREA JACKSON: Speak up. I'm  
getting hand motions. They can't hear you.

DENA FELDSTEIN BRODY: I am not a loud  
speaker. I will do my best.

I appreciate the comments and  
explanations and I appreciate the talents of the  
chef regardless of this.

The rear of the loading dock has a vent  
that faces the back of my house, and I will just  
echo Marilyn's concerns.

The back of the building is above grade,

so the vent is above grade, and I am concerned about noise and smells.

I won't repeat what Marilyn said about the loading dock, you can hear it, et cetera.

I've got a question about where the -- if the HVAC system is going to be separate from the one on the roof, where will it vent?

It's got to vent somewhere.

I'll echo the concern about noise that there's no guarantees that the TVs will stay off and they would be allowed CDs and other different media.

There will be, I gather, a bar. Even if it's a dining bar, you will not be required to eat if you sit at the bar.

And I will echo what Marilyn said because we used to enjoy the back of our house in the summer, and although I understand that the building has done the best it could and brought

the noise down to the compliance level, it's still really at the edge and has constant penetrating, irritating noise.

I am concerned that despite the best efforts there will be additional garbage and vermin coming from the restaurant.

There will be additional late night pedestrian and auto traffic on Green Street. It will make parking more congested.

And I won't keep repeating the things that Marilyn brought up. I will echo that I support what she said.

I do have a letter from neighbors who cannot be here. They are our neighbors who are right beside me at 663 Green Street. They could not be here tonight. And they're Susan and Arthur Holcombe. And I will just read part of it and submit it, if that's okay?

CHAIR ANDREA JACKSON: Yeah.

DENA FELDSTEIN BRODY: "We cannot attend" blah, blah. "There are three main concerns. The first is that this application has not been considered within an overall framework of planning for the City of Cambridge. Both Central Square and Harvard Square are vibrant centers for dining and recreation. It makes planning sense to have hubs of entertainment and dining in any city. There are negative consequences to residential areas if these hubs evolve into ubiquitous strands of dining and entertainment facilities that increasingly impinge on residential neighborhoods.

Second, the proposed HK Food Restaurant and bar will bring additional traffic, demand for parking, noise from music and air conditioning, littering, potential for vermin and smells from cooking to a neighborhood that is largely residential.

Third, while the City of Cambridge may set standards for such a new establishment, there remains the concerns as to whether the City will be able to monitor and enforce standards with respect to these issues."

CHAIR ANDREA JACKSON: Thank you.

ELLIN SAROT: Thank you.

CHAIR ANDREA JACKSON: Will you leave the letter? May I have it?

ELLIN SAROT: Absolutely.

CAROL MONICA: I'm very loud. Can I stay here?

CHAIR ANDREA JACKSON: No. You'll have to come up front, but we appreciate the loudness.

CAROL MONICA: Carol Monica, M-O-N-I-C-A, C-A-R-O-L.

CHAIR ANDREA JACKSON: Could you spell your last name again, please?

CAROL MONICA: M-O-N-I-C-A.

CHAIR ANDREA JACKSON: Where do you live?

CAROL MONICA: 643 Green. Right at the back.

And you know, I do want to say that this is a city and we choose to live in the city.

UNIDENTIFIED AUDIENCE MEMBER: Louder.

CAROL MONICA: Oh, sorry. I thought I was loud.

We live in the city, and I understand that, but that building has been an assault on our senses since the day it started. However, I only want to say that at Barsmian's, the problem -- the most problem was the generator for their refrigeration which was a 24-hour-a-day thing that went on, this huge sound, and I wonder where your generator is going to go for your refrigeration, because this came right through the vents in the garage right into our backyards. You cannot sit in your backyard.

And what I decided is, if I ever want to sell my house, I'm going to have to show it between 2:00 a.m. and 8:00 a.m. in the morning because it will be impossible at any other time.

Thank you.

CHAIR ANDREA JACKSON: Thank you.

Next person that wishes to speak.

HARRIET FEINBERG: Thank you. My name is Harriet Feinberg, H-A-R-R-I-E-T F-E-I-N-B-E-R-G.

I live at 639/641 Green Street. I own that house. I have been living in the house since 1966, and I have owned it since the 1980s. So I have seen many, many changes in the neighborhood.

I would like to point out to the restaurateur and his supporters that we are not in Harvard Square at this location.

You said you wanted to have another restaurant in Harvard Square. That is the whole

point. We are not Harvard Square. Harvard Square is a great location for this type of restaurant. Central Square would be, Inman Square would be. We are on the edge between a residential neighborhood that goes Green, Franklin, Kinnaird and on into Cambridgeport, and we are the cutting edge protecting the residential area from the encroachment of Mass Ave which tends to encroach both from the Central Square and the Harvard Square area.

And at some point, now and then, we need to take a stand, and I think this is one of the points where we do. I don't want to repeat everything that everybody said. We know that the building, although they tried to comply, has been very difficult for all of us. I also live right behind it. And since we have had such difficulties with compliance with that building, it does not feel so good to me that we're going



to be sure that we're going to get everything that's promised by the restaurant in terms of not having noise, not having this, not having that.

As a person very involved in music, I am also very concerned that music carries far, and if the music in that restaurant is anything like the music that I have encountered going into some other places in Cambridge where I just want to run out the door right away, the volume being such that you cannot even carry on a conversation, not only is that music going to be audible through the front, people going in and out, they can't just lock the front doors, but, in fact, the vibrations can travel through the ground. And I dread the thought that I would feel varoom, varoom, varoom, varoom, you know, while sitting in my house, which is directly behind.

I also want to point out that there is a

passageway between 1030 where this restaurant would be located, and 1010, the adjoining building so that there's no sound protection from Mass Ave. And I live right next to that passageway, so the sounds from the street of people leaving and coming into the restaurant at 10:30, 11:30, 12:00 at night is going to come right through that corridor. My bedroom is in the back of the house.

And even if the restaurant itself was well insulated, they can't do anything about people going out on the street.

You know, when I heard this project had the two televisions, I know you say you're not going to do it, but I picture what happens when they have sporting events on TV in restaurants and, you know, everyone is cheering for the team, and then they go out in the street. Let's hope we never have that happening in our neighborhood.

So, I would say I have a combination of fears and concerns about many things about this proposal, and we just heard about it less than two weeks ago when we got the abutters notice. My feeling is that we have not had enough time even to inform the people on the adjoining streets, on Franklin Street and the other side of Green Street, about what is going to happen, and that I would hope that the decision could be postponed until at least we can make more inroads of people in the neighborhood knowing that this is going to happen.

I would have preferred that we had these discussions before this meeting tonight, but the gentleman here said that they were going to have discussion with the neighbors, and I think that's great, but I think the discussions ought to occur before a final decision about this license is made. I don't know what the time frame would be.

But certainly I think we need a little more time to see what it is they're promising and what is going to happen.

And I'm ending with a sort of compliment that we keep hearing that this restaurant in Harvard Square is so popular, people are just crazy to have a second restaurant and then it's going to be packed. Well, that isn't good news for us in the neighborhood if the restaurant is going to be packed, and there's going to be people standing outside wanting to come in and leaving at 12:00, 12:30 at night not being able to get enough food and staying until the very last person is ejected.

That's great are for the restaurant, but it's not so good for the neighborhood.

Thank you very much.

CHAIR ANDREA JACKSON: Thank you.

Sir?

PHIL WELLONS: So my name is Phil Wellons, P-H-I-L, Wellons, W-E-double-L-O-N-S. That would be the same as the others.

So I am struck by how in a sense the process before this meeting has wasted your time. I'm sorry about that. When we worked with the management of 1030 back in 2012 and forward, we met them again and again, and we met with City officials who were involved with them, and we talked about the neighborhood's concerns, and the management, in my opinion, did what it needed to do to comply with the law.

I don't think the law was strict enough, but it did what it needed to do, and that was really important.

The problem is that I think that the neighbor has been caught flat-footed by having to come here to learn about the layout of the restaurant.

We had no idea when we came here whether it would use the whole -- what we think of as the Barsamian space or whether it would be protected, whether there would be a series of other users, some other user between us and the restaurant. We had no idea about the venting, the possible venting. We knew nothing about what was going on in the loading docks. We knew none of that.

And so, you can imagine how people can start to think about what is going on. We would have benefited enormously, I now understand, if we had had the chance to talk with you folks and to find out what you're actually planning to do, and find out why a lot of the things we're worried about may not be relevant. You've all heard it. I was sitting in the back seat back here. I couldn't get a picture of what the building would look like with -- during the discussion. I heard some of the discussion. I

didn't hear it all.

So, my request is to pick up on what Harriet said, and instead of deciding this today, give these folks a chance to talk with the neighborhood, let the neighborhood find out what is going on. There will probably be some concerns, but they're not going to be everything you heard this evening -- I can assure you of that -- and then let's see what the issues actually are and they may not be major or they may be. But at least we're talking about the same -- the same footprint, the same activity.

So I would like to second Harriet's request, and I think actually, sir, you were talking about having a conversation --

ATTY JAMES RAFFERTY: Thank you. We would welcome the opportunity to do so, and I've got good addresses and names now, and so, we've got the beginnings of a good invitation list of

maybe hosting a meeting in the space, not to advocate, but to provide information and let people ask questions. And I agree, it would have been an advantage to have done that in advance of the hearing, I agree, and I take responsibility for not being able to identify the right venue to have that. I did some outreach, and frankly, I couldn't find exactly what neighborhood association, but now I have actual names.

PHIL WELLONS: That's my contribution.

Thank you.

CHAIR ANDREA JACKSON: Thank you.

Is there anyone else that would like to be heard in this matter?

Seeing none -- you can come right back?

Do you want to speak, ma'am?

(No response.)

CHAIR ANDREA JACKSON: So we heard a lot of concerns.



ATTY JAMES RAFFERTY: We have, and as noted by several of the speakers, including Mr. Wellons and Ms. Feinberg, we would welcome, and frankly, knowing the decisions made by the Commission in applications of this nature, we would ask that the matter be continued to allow us an opportunity to exchange information, thinking it might be beneficial to walk the site, walk the space, and understand -- I mean, there's a long history with many people in this building independent of this restaurant it sounds like, and I think, we, frankly, didn't have a complete command of that history, and we have learned about -- more about it in the last few days, and I would ask the Commission to allow the applicant at least an opportunity to address that before any final decisions are made.

CHAIR ANDREA JACKSON: Okay.

Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: I would like to make a motion that we continue this matter until counsel's had an opportunity, along with the applicant, to meet the concerns of the neighbors, and I will leave it to counsel to contact us as to when to put you back on the agenda.

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.

ATTY JAMES RAFFERTY: Thank you very much. Thank you for your time.

**APPLICATION:****ABBHEY CAMBRIDGE, LLC D/B/A THE ABBEY**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Abbey Cambridge, LLC, doing business as The Abbey, Jean-Claude Barrault, Manager, holder of an All Alcoholic Beverages Restaurant License at 1755 Massachusetts Avenue has applied for an Alteration of Premise to include an outdoor seasonal patio on the public sidewalk for six seats.

CHAIR ANDREA JACKSON: Hi. How are you?

DEAN TAROMINA: Good. How are you?

CHAIR ANDREA JACKSON: Please state your name.

DEAN TAROMINA: My name is Dean Taromina, D-E-A-N, first name. Last name is "T" as in "Tom" A-O-R "M" as in "Michael" I-N-A.

JEAN-CLAUDE BARRAULT: Jean-Claude Barrault, J-E-A-N-C-L-A-U-D-E, B-A-R-R-A-U-L-T.

CHAIR ANDREA JACKSON: If you can tell me your relationship to the applicant? What are your roles?

JEAN-CLAUDE BARRAULT: He's the general manager, I'm the bar manager. Both part owners.

CHAIR ANDREA JACKSON: You're seeking an alteration of premises to include an outdoor seasonal patio on the public sidewalk for six seats?

JEAN-CLAUDE BARRAULT: Yes.

CHAIR ANDREA JACKSON: Are we talking three tables?

DEAN TAROMINA: Three tables, approximately 30 inches each table.

CHAIR ANDREA JACKSON: I haven't seen the rendering of it. Are the tables and chairs contiguous to the building or on the edge of the sidewalk?

DEAN TAROMINA: Well, that's been the

thing.

CHAIR ANDREA JACKSON: The question --

DEAN TAROMINA: At this point -- I mean, I was assuming that next to the building would be the best space, but then speaking with --

CHAIR ANDREA JACKSON: DPW?

DEAN TAROMINA: DPW, Vin Best, he wanted it next to the curb. And there's been quite a few emails and phone calls back and forth and so where that stands right now, I'm not sure. So we wanted to go ahead with this portion of it until it's determined where we can have it.

CHAIR ANDREA JACKSON: This falls in the same category we were having with another establishment?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes, it does. It's the issue whether or not if it's against the building, there's enough passable space for ADA purposes given the tree wells and

the hydrants and the meters and everything else.

DEAN TAROMINA: That's --

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's why I didn't return the phone call because I had no answer.

DEAN TAROMINA: And I think that's why we wanted to keep it to the amount of tables, and even with the stanchions we proposed, you know, a lot of other restaurants on Mass Ave, and especially in our area there, they have big planters and everything, we wanted to keep it more simple with dividers that are similar to a queue in a bank and that sort of thing and we will be taking it down every night. So we would definitely create space out there for restaurant purposes.

FIRE CHIEF GERALD REARDON: Taking tables in and everything at night?

DEAN TAROMINA: Yeah, yeah.

FIRE CHIEF GERALD REARDON: Is your address in the middle of the property?

DEAN TAROMINA: To the left. To the left. You would be coming out of our door, and then along the windows, we would have the tables.

POLICE COMMISSIONER ROBERT HAAS: You come out of your premise to your left would be the three tables?

DEAN TAROMINA: Right. We leave a little space there for the trash receptacles, Sanitation Department, that sort of thing, and then have the tables.

CHAIR ANDREA JACKSON: What are the hours?

DEAN TAROMINA: We start -- we open at 11:00 for lunch from 11:00 a.m. to 4:00 p.m., then dinner from 4:00 until 1:00 on Sunday through Wednesday, and Thursday, Friday and Saturday we serve until 2:00.

CHAIR ANDREA JACKSON: Until 2:00?

DEAN TAROMINA: 1:30. We're open until 2:00, but we serve food until 1:30. There's a tree well right as you're coming out the door, but it wouldn't -- the way we have it -- the way I had the design is you would come out and we would have a table right there. So there would be at least, I think, five feet. There would be minimal amount before -- well...

POLICE COMMISSIONER ROBERT HAAS: Can you tell me, again, the times you will serve?

DEAN TAROMINA: 4:00 p.m. until 12:30, Sunday through Wednesday. And Thursday, Friday and Saturday until 1:30. Open until 2:00.

CHAIR ANDREA JACKSON: And it's your proposal to have those same hours for the outside patio as well?

DEAN TAROMINA: Not necessarily. We've looked at the way at our first restaurant, the



way we had done it, and the way that it's worked pretty well is, anyone that wanted to sit out there and have dinner, they can have dinner out there, but after a half an hour before we close, whenever we stop, the kitchen stops, nobody sits outside. We bring people back into the restaurant. We don't want people sitting outside and just drinking.

If they're eating food, they're out there, once half an hour before closing everybody comes back into the restaurant.

CHAIR ANDREA JACKSON: So the patio will close when the kitchen closes?

DEAN TAROMINA: Right, exactly. And if it's -- say, it's on a Wednesday and the kitchen closes at 12:30, we wouldn't seat anyone out there pretty much past midnight because they wouldn't be able to finish their meal, you know, so...

CHAIR ANDREA JACKSON: You said there is a tree well out there?

DEAN TAROMINA: As you're coming out the front door, but not where the seats would be. That's where the trash receptacle and sanitation goes. It's a little buffer.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No questions.

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

This is probably more of an intradepartmental squabble. We don't want to air our dirty laundry in public.

In my opinion, we're talking six seats, correct? I don't understand why we can't have

six seats next to the building.

So it's our license.

EXECUTIVE DIRECTOR ELIZABETH LINT:

However, Public Works has to grant a permit and City Council has to approve it.

CHAIR ANDREA JACKSON: So does the ABCC?

EXECUTIVE DIRECTOR ELIZABETH LINT:

Correct.

CHAIR ANDREA JACKSON: So the dilemma is, I don't see a problem with it. That's my own personal opinion. I don't want to -- I guess I'm kind've torn. Do I continue this until we can hopefully maybe next week see if we can get a definitive answer one way or the other, or approve it, and then I just don't want you to get a difficult time from DPW, so...

EXECUTIVE DIRECTOR ELIZABETH LINT:

Decisions?

CHAIR ANDREA JACKSON: Yeah.

DEAN TAROMINA: Can I ask a question?

CHAIR ANDREA JACKSON: Sure, absolutely.

DEAN TAROMINA: With the other restaurants on Mass Ave and the other ones around that already have patios, was this an issue with those restaurants or is this a newer sort of --

CHAIR ANDREA JACKSON: It's become --

EXECUTIVE DIRECTOR ELIZABETH LINT: It's become an issue.

CHAIR ANDREA JACKSON: And the ABCC is aware of it. So, it's really a lot of back and forth.

But I just don't think it's fair to you, as the licensee, that because we all don't agree on it that you have to pay the price.

So what I would like to do is make a motion to continue this to our Decision Hearing, which I believe is the 28th.

EXECUTIVE DIRECTOR ELIZABETH LINT: 28th.

CHAIR ANDREA JACKSON: And let us get an answer for you at that time.

DEAN TAROMINA: Okay.

CHAIR ANDREA JACKSON: So on the motion, 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: So on the 28th.

DEAN TAROMINA: Perfect.

CHAIR ANDREA JACKSON: Thank you.

JEAN-CLAUDE BARRAULT: You will notify us as far as what the decision is and we have to come back again for --

CHAIR ANDREA JACKSON: Come back on the 28th. Sorry.

EXECUTIVE DIRECTOR ELIZABETH LINT: They

don't have to.

CHAIR ANDREA JACKSON: You don't have to come back.

EXECUTIVE DIRECTOR ELIZABETH LINT: For Decisions, they really don't have to unless they have more information that would be helpful, but then we would notify them.

CHAIR ANDREA JACKSON: Yeah.

FIRE CHIEF GERALD REARDON: I assume we would let them know ahead of time.

EXECUTIVE DIRECTOR ELIZABETH LINT: I would, certainly.

FIRE CHIEF GERALD REARDON: Before we have the Decision Hearing would that be adjudicated?

EXECUTIVE DIRECTOR ELIZABETH LINT: I would if I have -- whatever Public Works tells me definitively then I would certainly convey that to you.

JEAN-CLAUDE BARRAULT: That's fantastic.  
Perfect.

CHAIR ANDREA JACKSON: It's completely up  
to you if you would like to come.

JEAN-CLAUDE BARRAULT: Thanks a lot.

**APPLICATION:**

**TON VENTURE GROUP, LLC D/B/A HIT WICKET**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: TON Venture Group, LLC, doing  
business as Hit Wicket, Paul Heredia, Manager,  
holder of an All Alcoholic Beverages Restaurant  
License at 1172 Cambridge Street has applied to  
holder said license as inactive.

CHAIR ANDREA JACKSON: Good evening.  
Please state your name for the record, spelling  
your first name and last name, please?

PAUL HEREDIA: Paul Heredia. Paul,  
P-A-U-L H-E-R-E "D" as in "Denver" I-A.

SHUBHA RAMESHKUMAR: Shubha Rameshkumar,

S-H-U-B-H-A R-A-M-E-S-H-K-U-M-A-R.

CHAIR ANDREA JACKSON: And what is your relationship to the application? Are you the owner?

PAUL HEREDIA: I'm the manager on record.

CHAIR ANDREA JACKSON: You're looking to hold your license as inactive?

PAUL HEREDIA: Yes.

CHAIR ANDREA JACKSON: Can tell us why, please.

PAUL HEREDIA: We made a slightly --

CHAIR ANDREA JACKSON: Speak up.

PAUL HEREDIA: She was the owner as well, so I will let you speak.

SHUBHA RAMESHKUMAR: You can do it.

PAUL HEREDIA: We had a tough winter and we were not able to recover enough of business that much, so we decided to hold off operations for awhile and/or look for a buyer.



CHAIR ANDREA JACKSON: Are you currently closed now?

PAUL HEREDIA: Yes.

CHAIR ANDREA JACKSON: And how long have you been closed?

PAUL HEREDIA: We submitted that on the 16th so March 14, the Saturday before that.

CHAIR ANDREA JACKSON: How much time do you think you need?

PAUL HEREDIA: We actually have an offer to purchase the business, and the license already in hand. We were hoping to get some sort of a transfer before this hearing, but the lease is actually going to be signed tomorrow, and the application for license transfer should follow shortly.

CHAIR ANDREA JACKSON: So six months would be more than enough time?

PAUL HEREDIA: I think so.

POLICE COMMISSIONER ROBERT HAAS: This is for -- this is a value license, right, you purchased this license?

PAUL HEREDIA: Yes.

SHUBHA RAMESHKUMAR: If you would like to take a look at the offer?

CHAIR ANDREA JACKSON: Do you have any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Do you have any questions?

FIRE CHIEF GERALD REARDON: No questions.

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

Seeing none, I make a motion that we hold the license for TON Venture Group, LLC, doing business as Hit Wicket inactive for six months,

or if sooner, until such license is sold.

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: You're all set.

PAUL HEREDIA: Thank you very much.

SHUBHA RAMESHKUMAR: Thank you very much.

PAUL HEREDIA: Have a good night, folks.

**REVIEW:**

**OF THE CAMBRIDGE LICENSE COMMISSION'S APRIL 14,  
2015 DECISION TO GRANT BRATTLE TRANSPORTATION  
SERVICE D/B/A CAMBRIDGE RADIO DISPATCH**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Review of the Cambridge License Commission

April 14, 2015 decision to grant Brattle

Transportation Service, doing business as

Cambridge Radio Dispatch, George Fiorenza,

Manager, a Dispatch Association Permit at 180  
Fawcett Street.

GEORGE FIORENZA: Good evening.

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

GEORGE FIORENZA: My name is George  
Fiorenza, G-E-O-R-G-E, F-I-O-R-E-N-Z-A.

CHAIR ANDREA JACKSON: So you were here  
on April 14 where we granted your dispatch  
association permit for 180 Fawcett Street. We  
were asked to -- we decided to give you, I  
believe it was, a 30-day review --

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Correct.

CHAIR ANDREA JACKSON: -- based on the  
concerns of the Fire Department. I know we have  
subsequently received an email from Captain  
Cahill --

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's correct.

CHAIR ANDREA JACKSON: -- saying that things have improved greatly. Do you have anything?

FIRE CHIEF GERALD REARDON: No. Do you want to continue the course you're on? If you're in the fire lane, things aren't going to go well.

GEORGE FIORENZA: They're times when they pull up, and we send them the message through the computer every day that we tell them, you know, "obey by the laws out there, otherwise, we get fined." We haven't had any major issues.

FIRE CHIEF GERALD REARDON: I was there this morning and they said things are going well.

GEORGE FIORENZA: Good to hear.

CHAIR ANDREA JACKSON: No action on our part, I believe.

I make a motion that we place the matter

on file.

Second? Yes?

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: You're all set.

GEORGE FIORENZA: Thank you.

FIRE CHIEF GERALD REARDON: Thank you.

**APPLICATION:**

**TRADER JOE'S EAST, INC. D/B/A TRADER JOE'S**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Trader Joe's East, Incorporated,  
doing business as Trader Joe's, Melanie Chelsey,  
Manager, holder of a Wine & Malt Beverages  
Package Store License at 748 Memorial Drive has  
applied for a Change of Officers/Directors.

CHAIR ANDREA JACKSON: Good evening.

ANDREW UPTON: Good evening,  
Commissioners, Ms. Lint.

Andrew Upton, U-P-T-O-N, representing  
Trader Joe's East, Incorporated. This is an  
application for a change of officers, which will  
occur at headquarters in California as a normal  
part of corporate business. There's no change to  
the management, the floor plan, the hours, the  
products, or any aspect of the operation in  
Cambridge.

CHAIR ANDREA JACKSON: Questions?

POLICE COMMISSIONER ROBERT HAAS: No  
questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No questions.

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

Seeing none, I would like to ask if you

would relay a reminder to your client that there's no street sweeping or parking lot sweeping before 7:00 a.m. or after 10:00 p.m. -- we have had some recent complaints -- as well as no loading or unloading before 7:00 a.m. If you can convey that, that would be very helpful.

ANDREW UPTON: Parking, sweeping and unloading?

CHAIR ANDREA JACKSON: Yes.

ANDREW UPTON: I would be glad to.

CHAIR ANDREA JACKSON: Thank you.

I make a motion that we approve the change of officers/directors for Trader Joe's East, doing business as Trader Joe's at 748 Memorial Drive.

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: You're all set.

ANDREW UPTON: Thank you very much.

CHAIR ANDREA JACKSON: Thank you.

**APPLICATION:**

**BAILEY AND SAGE, LLC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Bailey and Sage, LLC, holder of a Wine and Malt Beverages Restaurant License, Michael Kaplan, Manager, at 5 Cambridge Center, has applied for an alteration of premise to expand the approved patio inside the atrium and include two additional patios outside in a private courtyard.

CHAIR ANDREA JACKSON: Good evening.

ATTY KEVIN CRANE: Good evening, Madam Chair and Members of the Commission. My name is Attorney Kevin Crane, K-E-V-I-N C-R-A-N-E. My

office is located at 104 Mount Auburn Street in Cambridge, and I represent the licensee in this particular matter.

First of all, I do have the affidavit of notices, as well as the Green cards.

For the record, Madam Chair, I think you probably have received the correspondence that I sent to the Commission this morning to try to just narrow down some of the issues that might arise in the petition.

And the petition I see is two-fold. The first one is, I will call rearranging the furniture really.

The initial plan, which has been approved by the Commission, had seating capacity inside the premises of 45 seats, and outside in the -- I'm going to call it the interior lobby, 16 seats, for a total of 61, and also 12 seats out in the alleyway between the premises and the

garage next door on Ames Street.

When we applied for the beer and wine license, which the Board graciously granted to us, the alleyway seats were held in abeyance, they were not approved. But the inside, 61 seats, 45 inside and 16 in the interior lobby, were approved.

The construction, the actual build-out presented some issues with the seating capacity in the inside, in particular, was not necessary for the 45 seats.

So what we're proposing now is that the inside seating plan consists of 24 seats, and that the interior lobby seating plan consists of 36 seats for a total of 60, which is actually a reduction of one seat.

It just, on the initial plan, on construction build-out, the seats were not needed inside, and actually, I think, the interior lobby

area is much more attractive to people, and it's only an addition of five tables of four seats each.

Now, the second issue involves the seating on the outside, the 12 seats, which I already referred to, as well as the proposal for 24 seats outside the lobby door heading toward the garage.

When we were first here on the wine and beer application, I think the Board was concerned about control and service, particularly in those outdoor spaces. My client has now formulated a plan whereby there will be no service of beer or wine to any customer unless they're seated at a seat and a trained wait person would be taking an order from them.

There's a service bar inside the premises, there's no regular bar at all. But that wait person would then go to the service bar

and fill that order.

I think that control policy will be -- will generate the confidence that we won't have people walking around with drinks, which I think is the concern of the Commission when we were first here.

As far as the level of waitstaff, it will really be dictated by how much business is generated outside. It could be two, it could be three people, whatever it takes, to serve the customers that would be sitting at the seats.

And, also, as far as the outside seating is concerned, I know there was an issue about space being adjacent to the premises. We tried to have the landlord approve a door going out to the 12 seats, which have already been permitted for the common victualer license, but Boston Properties would not permit that. However, the access to it is, you know, out the back lobby

door, I think -- I will give you some more plans here -- which is a significant door, as far as its width is concerned. And the space outside, in my opinion, would satisfy the ABCC's requirement that it be adjacent to the premises or contiguous to the premises.

There's nothing different from what you would have with many other restaurants in the City that have outdoor sidewalk seating where the seats are located away from the building, such as two that come to mind that I know of, are Christopher's in Porter Square where the seating is not up against the building. It's across the public sidewalk, a wait person has to go across the public sidewalk to get to those seats. And the other spot is actually Charlie's Kitchen in Harvard Square. Again, their outside seating on Eliot Street involves a wait person going across out of the licensed premises across the public

sidewalk.

Quite frankly, here, we're not going across any public sidewalk. It's all within privately owned space actually.

FIRE CHIEF GERALD REARDON: These are six tables, counselor, you're talking about?

ATTY KEVIN CRANE: Yes. There are six tables that would be added, and then there's also 12 seats adjacent to it. The 12 adjacent to it, Chief, have already been approved just for the common victualer, not the beer and wine. We're looking at those seats, the 12 seats that have already been approved on the common victualer, and the 24 seats really right adjacent to that wide lobby door which goes out into the alleyway which goes into the parking garage.

FIRE CHIEF GERALD REARDON: So you got 24, right adjacent and the other 12 are down further?

ATTY KEVIN CRANE: Right. And the other 36 closer to you on that plan are all inside the interior lobby.

CHAIR ANDREA JACKSON: Was there landlord approval in terms of moving those seats for more seats into the lobby?

ATTY KEVIN CRANE: Yes.

CHAIR ANDREA JACKSON: I haven't seen anything in the file.

EXECUTIVE DIRECTOR ELIZABETH LINT: I didn't see it either.

ATTY KEVIN CRANE: We can supply you with that, Madam Chair.

CHAIR ANDREA JACKSON: The seats in the lobby, are you going to have stanchions to designate where that line separates from?

ATTY KEVIN CRANE: Yes. And actually, when you approved it initially, that was a condition of approval that we rope off with



appropriate barriers, the seating, and we would do to the same here, it would just be there are more seats.

CHAIR ANDREA JACKSON: The outdoor patio seats, just from looking at the rendering that you've offered, are those seats up against where the garage is at or where is it?

ATTY KEVIN CRANE: No. They're not up against the garage. Where you have your finger there, that's inside lobby.

CHAIR ANDREA JACKSON: Right. You go out the doors.

ATTY KEVIN CRANE: You go out the main door there where the Chief is pointing. That's right. If you went out those main doors there and you went straight across, you go into the garage. They're not against the garage at all. There's a space there representing an alleyway. The alley goes all the way down to Ames Street.

CHAIR ANDREA JACKSON: Okay.

FIRE CHIEF GERALD REARDON: So, counsel, there's no visual line to see these tables at all from in the restaurant?

ATTY KEVIN CRANE: There's a window.

FIRE CHIEF GERALD REARDON: That's a window there, too.

ATTY KEVIN CRANE: There's a window.

MICHAEL KAPLAN: That whole side is all windows, floor to ceiling.

POLICE COMMISSIONER ROBERT HAAS: You said waitstaff will be assigned outside in that area?

MICHAEL KAPLAN: Yes.

FIRE CHIEF GERALD REARDON: What is this depicting, another service area or...?

ATTY KEVIN CRANE: That's one of the --

MICHAEL KAPLAN: Tables.

ATTY KEVIN CRANE: -- tables out there.

Ten tables out there -- excuse me. There's two, four tops and a two top --

FIRE CHIEF GERALD REARDON: And all this is glass, the whole wall?

ATTY KEVIN CRANE: That's right.

FIRE CHIEF GERALD REARDON: I'm not sure I would be more comfortable with it if it ended right here adjacent to -- then all the way down here. But that's my own personal opinion.

CHAIR ANDREA JACKSON: For my opinion, from the last time you were here, Counselor, I just don't see -- I don't see how it works. So you're going outside the lobby door to be able to serve, is that correct?

ATTY KEVIN CRANE: That's right. It's just like someone come out of the front door at Christopher's going out across the sidewalk to a table and members of the public are on the sidewalk there going back and forth.

As far as the flow goes, again, this is private property, and they have people coming and going to the building at all different hours. Upstairs is a -- is Google, they work all the time.

CHAIR ANDREA JACKSON: Again, are there stanchions outside as well --

ATTY KEVIN CRANE: Yes.

CHAIR ANDREA JACKSON: -- keeping people corralled in?

ATTY KEVIN CRANE: Yes. As depicted there.

CHAIR ANDREA JACKSON: Do you have any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: I'm not really happy with the way it's laid out with the

disjointed seats on the side. I think it requires the waitstaff to walk all the way around to get to that area.

MICHAEL KAPLAN: Now -- yeah, I know. Now, if we have it laid out where they can walk through, so they're not going out --

FIRE CHIEF GERALD REARDON: How if you went out the main door and could walk through and service these without walking around the public space and having more gaps in your -- it would make a little more sense to me.

MICHAEL KAPLAN: This square has plenty of room to walk. I mean, it's a large area.

FIRE CHIEF GERALD REARDON: I know you can see it. But this way the staff can go out and turn around and service all this. You can turn around and put your barriers up, that kind've really encapsulates this, so they --

ATTY KEVIN CRANE: What about if we said

those ten seats were just common victualer and no beer and wine?

FIRE CHIEF GERALD REARDON: It's easier for us. It's a very busy place down there and obviously a control issue. It's hard for the working staff to keep an eye -- I think this particular opportunity you're talking about probably puts better control for the alcohol portion of it to a controlled area that is probably more easily served by service personnel than a spread out one.

ATTY KEVIN CRANE: I don't disagree with you, Chief.

CHAIR ANDREA JACKSON: I'm not particularly wild about the outside patio seating.

I would like to make a motion that we continue this until the Decision Hearing, number one, so we can get a letter in from the landlord,

and then that give us an opportunity if we want to go back and take a look at the site.

Is there a second to continue?

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: We'll continue it until the Decision Hearing.

ATTY KEVIN CRANE: Thank you.

**APPLICATION:**

**BERTUCCI'S RESTAURANT CORP. D/B/A**

**BERTUCCI'S BRICK OVEN RISTORANTE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Bertucci's Restaurant Corp., doing business as Bertucci's Brick Oven Ristorante, Giovanni Cefalo, Manager, holder of an All Alcoholic Beverages Restaurant License at 5 Cambridgepark Drive has applied for a Change of

Manager to Thomas Girard.

CHAIR ANDREA JACKSON: Good evening.

Please state your name for the record.

THOMAS GIRARD: Thomas Girard,

T-H-O-M-A-S, G-I-R-A-R-D.

CHAIR ANDREA JACKSON: Change of manager obviously is to you?

THOMAS GIRARD: To me.

CHAIR ANDREA JACKSON: How long have you been at Bertucci's?

THOMAS GIRARD: First Thursday in March I started at Alewife's, I have done another location previous to that.

CHAIR ANDREA JACKSON: Where?

THOMAS GIRARD: Medford.

CHAIR ANDREA JACKSON: How long have you were you at the Medford location?

THOMAS GIRARD: Six weeks, approximately.

CHAIR ANDREA JACKSON: Prior to Medford?



THOMAS GIRARD: Prior to Medford, I was director the operations for Applebees at six restaurants.

CHAIR ANDREA JACKSON: Have you ever had an alcohol license in your name?

THOMAS GIRARD: I don't believe so. This is the first time I've had to go to one of these.

CHAIR ANDREA JACKSON: Don't think you want to come back, huh?

THOMAS GIRARD: Not after the Green Street thing.

FIRE CHIEF GERALD REARDON: So you obviously have been there for a month or so. What are we doing with the wood stove?

THOMAS GIRARD: With the what?

FIRE CHIEF GERALD REARDON: Wood stove.

THOMAS GIRARD: We don't use wood anymore. It's gas fired. Completely different oven now, thankfully.

FIRE CHIEF GERALD REARDON: That was always a problem with that in that location.

THOMAS GIRARD: We talked about the ventilation, how it would come up and down and over and up and over and get all ash and stuff, and then you have to clean that up. That oven is no longer in use.

CHAIR ANDREA JACKSON: Have you had 21 Proof training yet?

THOMAS GIRARD: 21 Proof training?

CHAIR ANDREA JACKSON: Yes. It's the Cambridge version of TIPS.

THOMAS GIRARD: I've had ServeSafe and TIPS.

CHAIR ANDREA JACKSON: Cambridge is different.

THOMAS GIRARD: I have come to realize that.

CHAIR ANDREA JACKSON: We have 21 Proof

training, so that would be a requirement.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't have his background check.

CHAIR ANDREA JACKSON: No? So we have the form filled out?

EXECUTIVE DIRECTOR ELIZABETH LINT: It's waiting for one of the officers to come in.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: All set.

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

Seeing none, I make a motion that we approve the change of manager for Bertucci's Restaurant Corporate, doing business as Bertucci's Brick Oven Restaurant at 5 Cambridgepark Drive to Tom Girard upon --

EXECUTIVE DIRECTOR ELIZABETH LINT:

Subject to?

CHAIR ANDREA JACKSON: -- subject to your background check being run, and you need completion of 21 Proof training.

THOMAS GIRARD: Where does that take place?

CHAIR ANDREA JACKSON: We'll make sure we have the information in your letter.

THOMAS GIRARD: Sounds good.

CHAIR ANDREA JACKSON: Motion's been made.

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: You're all set.

THOMAS GIRARD: Thank you.

**APPLICATION:**

**HERITAGE CATERING, LLC D/B/A**  
**HERITAGE TRUCK CATERING COMPANY**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Heritage Catering, LLC, doing  
business as Heritage Truck Catering Company,  
David Stein, has applied for an annual  
Vendor/Peddler license to operate a Mobile Food  
truck at 32-34-36 Cambridgepark Drive on private  
property from 11:00 a.m. to 2:00 p.m. every  
Friday.

MARTIN BERRY: Hello.

CHAIR ANDREA JACKSON: Good evening.

MARTIN BERRY: Name is Martin Berry,  
M-A-R-T-I-N, B-E-R-R-Y.

CHAIR ANDREA JACKSON: Can you tell us  
your role with the Heritage Truck Catering  
Company?

MARTIN BERRY: Yes. I'm the food truck

operations manager.

FIRE CHIEF GERALD REARDON: Have you already been licensed to do business in Cambridge already?

MARTIN BERRY: Yes.

FIRE CHIEF GERALD REARDON: Where do you presently operate?

MARTIN BERRY: Right now, we're a commissary. We have several locations. We have a couple locations in Boston, Mondays at the Hurley building, Tuesday at Milk and Kilby. Wednesday and Thursday we're at Bear Hill Road in Waltham, and Friday at VECNA.

EXECUTIVE DIRECTOR ELIZABETH LINT: I do have approval from them. But I don't have the background checks.

FIRE CHIEF GERALD REARDON: What is the particular cuisine of your specialty?

MARTIN BERRY: We call it farm-to-table.

So we really have focus on local organic vegetables and fresh locally grown, or locally-sourced meats, and everything is pretty much cooked to order. We prep it our commissary in Malden, and load it on the truck, and any cooking needs to be done on the truck, is keeping foods cold and hot respectively.

Our truck is brand-new truck, just built, been inspected.

FIRE CHIEF GERALD REARDON: We like new trucks.

CHAIR ANDREA JACKSON: You're looking to operate at VECNA?

MARTIN BERRY: Yes.

CHAIR ANDREA JACKSON: From 11:00 to 2:00 every Friday?

MARTIN BERRY: 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: Are there any members of the public that wish to be heard in this matter?

EXECUTIVE DIRECTOR ELIZABETH LINT: They just need ISD signoff.

CHAIR ANDREA JACKSON: ISD.

EXECUTIVE DIRECTOR ELIZABETH LINT: And background.

CHAIR ANDREA JACKSON: I make a motion that we approve the annual vendor/peddler license for Heritage Catering, LLC, doing business as Heritage Truck Catering Company at VECNA 32-24-36 Cambridgepark Drive on private property at 11:00 a.m. to 2:00 every Friday subject to completion of the background check and signoff from Inspectional Services Department.



Is there a second?

FIRE CHIEF GERALD REARDON: Second.

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

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: You are all set.

MARTIN BERRY: Thank you. Thank you very much.

**APPLICATION:**

**J.H. RESTAURANT CAMBRIDGE, LLC**  
**D/B/A JOHN HARVARD'S BREW HOUSE**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: J.H. Restaurant Cambridge, LLC,  
doing business as John Harvard's Brew House,  
Ashley Tart, Manager, holder of an All Alcoholic  
beverages Restaurant License at 33 Dunster Street  
has applied for a Change of Beneficial interest.

ASHLEY SLIDER: Hello.

CHAIR ANDREA JACKSON: Good evening.

ASHLEY SLIDER: My name is Ashley Slider,  
S-L-I-D-E-R. And I am the general manager for  
John Harvard's in the Cambridge location.

We're applying for a change of officers  
at our corporation location for volume services.  
It's nothing that affects anything within my  
restaurant, no management is changing, none of  
the officers are in my location at all.

CHAIR ANDREA JACKSON: So, again, it's  
more at the corporate level?

ASHLEY SLIDER: It is the corporate  
level, yes.

CHAIR ANDREA JACKSON: When did the  
change take place?

ASHLEY SLIDER: I don't think I have the  
dates for you, honestly. I'm sorry. I think it  
might be September.

EXECUTIVE DIRECTOR ELIZABETH LINT: I  
don't think it's in here.

ASHLEY SLIDER: I apologize.

CHAIR ANDREA JACKSON: That's okay.

This is for Chris Ferris (phonetic), that was the change, correct?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR ANDREA JACKSON: Okay. So I have it. It was on or around November of 2014.

ASHLEY SLIDER: Okay. Sorry about that.

CHAIR ANDREA JACKSON: No worries.

EXECUTIVE DIRECTOR ELIZABETH LINT: It wasn't provided in the documentation. And again we need background on that because, as you know, the officers are the only ones that run the CORIs in the office.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No questions.

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

Seeing none, I make a motion that we approve the change of beneficial interest at JH Restaurant Cambridge, LLC, doing business as John Harvard's Brew House contingent upon the completion of the background check.

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: You're all set.

**REVOCATION:**

**CONTINUED FROM FEBRUARY 3, 2015 AND  
FEBRUARY 28, 2015, FI-HI PIZZA, INC.  
D/B/A HI-FI PIZZA**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Revocation: Continued from February 3, 2015 and February 28, 2015. Hi-Fi Pizza, Incorporated, doing business as Hi-Fi Pizza, Francis Holland, Manager, holder of a Wine & Malt Beverages Restaurant License at 496 Massachusetts Avenue pursuant to M.G.L. c.138 §77 - The licensing authorities may, after hearing or reasonable opportunity, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

ATTY KEVIN CRANE: Good evening, Madam Chair, Members of the Commission. My name is Attorney Kevin Crane, K-E-V-I-N, C-R-A-N-E, 104 Mount Auburn Street in Cambridge. I represent the licensee in this particular matter.

Frank, why don't you identify yourself?

FRANCIS HOLLAND: Francis Holland, 8 Swanley Street in Moultonborough, New Hampshire.

ATTY KEVIN CRANE: I was engaged by

Mr. Holland after the last hearing before this Board. And since that time, there have been a lot of efforts in trying to sell this license.

Just as background on the thing, I believe Mr. Holland probably regrets engaging the initial broker who, I don't think, marketed the license in a very positive manner.

A new broker has been engaged and Mr. Holland, I know at the last hearing, I wasn't representing him at that time, but I was in attendance at that hearing, had said he had engaged a new broker who is Dan Newcomb, who I believe the Board is probably familiar with, and Mr. Newcomb has been very aggressive as far as marketing the property.

Shortly after that last hearing, which, I believe, was in February, there was an offer to purchase accepted by Mr. Holland, to sell the license. It would've involved a transfer to an

existing licensee in Harvard Square who has an all alcoholic license, and their intent evidently was to buy Mr. Holland's beer and wine license and sell their existing all alcoholic license to a third party. The old, you know, Tinkers to Evers to Chance double-play combination. But myself and the attorney for the licensee actually had purchase and sale drafts going back and forth, and I just got a call one day that said that -- he told me his client was no longer interested in pursuing the transaction.

At that time Mr. Newcomb renewed his efforts, and has, although not received an offer to purchase, I spoke with him a couple times since then, most recently yesterday, and that supposedly an offer to purchase was coming in forthwith. I was hoping I could have it for tonight, but we don't have that yet, and again, I believe that transaction will be along the same

lines of -- he did mention the name of the licensee is also a Harvard Square establishment and a similar-type structure of the existing licensee with the all alcoholic selling it to a third party and buying Mr. Holland's license.

So, you know, the two factors, or two issues that I think the Board always looks at, or the case law anyway is indicated is whether he made diligent efforts to sell the license and also whether he -- whether the licensee has kept the Board informed of the status of the license.

Since my engagement, we certainly have kept the Board informed as to what the status of any transactions have been.

And, also, there have been significant diligent efforts to sell the license. It's not as if we're sitting on the license at this time and just waiting for a buyer to come along. It's being actively marketed.



I was almost going to ask Mr. Rafferty if his client was interested in purchasing my client's license.

But those are the two standards which I think we're satisfying at least now. And I realize that there's concern, as far as the present occupant evidently wants to apply for a license, and ironically, as you know, I was in the same situation with a client of mine, Felipe's, a year or two ago, and it took over a year before we could actually apply for a new license when the Bertucci's license in that instance was not being used.

So, I would request that the inactive status on this license be approved, and I would suggest that we be put on a short leash, I would say maybe the second meeting of July that we have to come back, and in the meantime, if there's any progress at all, I will certainly be reporting it

to the executive director.

CHAIR ANDREA JACKSON: So I think from my standpoint -- this is probably more of a statement than a question -- my concern is I think the difference that this case presents for me, and I am only speaking for myself, versus your client when you were here with Felipe's, is that Felipe's had not opened yet. At the time you were still looking to get the alcohol license.

What I'm concerned with now is that we have someone who has moved into the old space and they're currently open, and it will preclude them from applying for a license. So that is my struggle.

In terms of balancing, giving Mr. Holland more time to try to sell his license, and then also being able to give the opportunity for the new occupant of the space to be able to apply for

a license because this effectively blocks them from applying.

So I think that is a challenge that this Board is faced with. And again, more of a statement than a question.

ATTY KEVIN CRANE: And they could approach Mr. Holland as well. And, quite frankly, after the offer to purchase was signed on the transaction that went south, I believe the present occupant, he called me and he asked about, you know, making an offer, and I told him that we had signed an offer to purchase, and it would be in bad faith for us to entertain any further offers given the status of the transaction at that time.

Once the deal fell apart, I told the broker, "Go back to the present tenant, see what he has to say now. We are out of contract." And the word back to me was that the present occupant

was offering a worse-than-fire-sale price.

FIRE CHIEF GERALD REARDON: How long has this been inactive now?

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Since --

ATTY KEVIN CRANE: He stopped operation last August, was it, Frank?

FRANCIS HOLLAND: No.

EXECUTIVE DIRECTOR ELIZABETH LINT: July.

ATTY KEVIN CRANE: July.

EXECUTIVE DIRECTOR ELIZABETH LINT: It has been inactive since July 8 of 2014.

Madam Chair, I did receive a message from Dan Newcomb today. He said that he had hoped to have a signed offer to purchase by the end of the day. Dennis Quilty (phonetic) is representing the person who is seeking to purchase the license, and he was unable to get in touch with him today.

CHAIR ANDREA JACKSON: Do you have any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No questions.

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

Please come forward.

Good evening.

AYR MUIR: Hi.

CHAIR ANDREA JACKSON: If you could please state your name for the record, spelling your first name and last name.

AYR MUIR: Sure. My first name is Ayr, A-Y-R, and my last name is M-U-I-R, Muir.

CHAIR ANDREA JACKSON: And --

AYR MUIR: So, this is -- it was actually

March of last year that I was shut down. I think it might be true that the committee didn't hear this until a later date, but it has been over a year now.

I operate Clover Food Labs. We now have a restaurant in the same space where Hi-Fi used to be, and because of this pocket license unusual situation, we have been unable to pursue any type of beer and wine license. So we're being directly impacted by the decisions of this committee's meeting today, and not only have we been impacted, our customers now and the neighborhood is impacted as well as our landlord.

I think this is -- it's clear in the Cambridge ordinance that pocket licenses are not meant to be renewed. It's written very clearly. This license was renewed, and we've had a number of hearings. We had a hearing where you were considering the fact that the -- it had not been

applied for a renewal, but after the fact that was granted, it was renewed until a year after it was a pocket license, and the space was no longer controlled by the licensed owner, which is against what the ordinance says should happen.

And the last hearing we had, I remember being told that it was being postponed because the license was under agreement.

I think we have been hearing since the very beginning that this is just on the verge of being sold. I am losing belief in that, and in part because some of the things that were just said tonight aren't very believable.

It is true that I reached out to Mr. Crane after the last hearing asking if this is something we could make an offer on. And he told me that, no, we couldn't, which I understand that had to do with the state of everything.

But if this was an active pursuit, I

would think as soon as that last deal fell through, somebody might have given me a call. I expressed explicit interest in the permit, but that's not what happened. Nobody reached out to us about it.

It was also stated that -- I guess it was implied that nobody reached out to us because our offer was worse than fire sale, and I wonder how Mr. Crane might define "worse than fire sale" and what that language is intended to mean.

We didn't know what the license was worth. Mr. Holland was asking a very high price when he first was bringing it to market a year ago. We couldn't find any bank that would lend us that money for it. It was several hundred thousand dollars, and I didn't know how much this sort of license was worth. So we did a lot of work and found out historically what these licenses have actually sold for. And the offer



that we're happy to make for it is based on the historic price. We're happy to offer an average market price based on the last five years or last ten years.

So I think it would be pretty hard to call that a worse-than-fire-sale price. I think instead it's very clear what's happening here, which that there's no real danger, I think, that is felt of losing the license, and what's being -- what's being taken advantage of and the result is that they're looking for an above market price, and I don't know if it's the role of this Commission to help support Mr. Holland in achieving an above market price on the sale. Because it's clear that right now, because I'm willing to offer it, he can achieve an at market value. And I don't know how better to define "at market" than looking at the recent transaction history.

In the meantime, we can't apply for anything. So it's a funny and peculiar situation.

CHAIR ANDREA JACKSON: When you say -- I want to make sure it's on the record -- when you say you looked at the recent transaction history, you looked at the files that were available in the License Commission and you compared what those prices were, is that correct?

AYR MUIR: We literally, because are no records kept of this apparently, we literally pulled all the beer and wine transfers for the past ten years, and we looked at the price associated with each of those transfers and created a little spreadsheet to look at that all.

And I can understand that if Mr. Holland has a better offer, that would make a lot of sense to go with it. But I don't understand why we would continue to extend this period and

continue to extend and extend to go out hoping for some offer that's above market.

I don't know why anybody would make an offer above market, and that might be why he's had trouble selling it to date.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: I guess my question would be: If, in fact, there is a pending offer and this now also falls through, I mean, I'm just trying to figure out, you know, how far is the Commission willing to go to even extend out further the opportunity to try to sell this license given the inconvenience and serious position that's being placed on the current occupant of the property.

ATTY KEVIN CRANE: I can say all we'd be looking for is till, you know, the end of July.

I would like to comment a little bit about what the witness just testified to.

First of all, my experience has been that pocket licenses in the City of Cambridge are renewed many times. I mean, we had Mr. Holland's brother set the record, I think, seven or eight years probably. And they go on six-month intervals, but they're renewed.

Secondly, Mr. Newcomb informed me, or when I learned that the deal had fallen through, I informed Mr. Newcomb right away. And he told me -- at my suggestion, I told him to contact Mr. Muir.

And Mr. Newcomb came back to me and said that the price is \$20,000, the offer.

Now, in my opinion, that's a worse-than-fire-sale price, and it's also a little cute price, you know.

He comes in after he's learned that the deal has gone south, okay. Now, I had asked many times, "What's the value of a license in the City

of Cambridge?" And no one can tell you what the value of a license is because it depends upon so many different factors. Is it a 2:00 a.m. license? How good is your lease? In all these transactions, they're all as good as the lease is concerned. What is the capacity? You know, what is your business plan? There are so many different factors involved. It's not like you go around and you look at different files in the License Commission and say, "This one had a 300 capacity and it sold for this amount, so each seat is worth such-and-such."

I had one person once try to define "fair market value" to me that way. I said, you know, it really doesn't necessarily work out that way because you might have a lease of only two years left rather than 15.

The Bertucci license, which we talked about earlier tonight, was a beer and wine

license which sold for \$125,000.

Mr. Holland, on the deal that went south, accepted an offer for \$100,000. So I don't think he's trying to squeeze the market.

POLICE COMMISSIONER ROBERT HAAS: So getting back to my original question --

ATTY KEVIN CRANE: Yes.

POLICE COMMISSIONER ROBERT HAAS: -- for the sake of argument, let's say that this deal does fall through, what's the expectation of your client with respect to the Commission willing to allow it to go on any further?

ATTY KEVIN CRANE: Oh, probably he would have to come back here and see what the Commission would say at that point in time.

And maybe it's -- I don't know what the status of the transaction would be at that time, and that it would depend, I think, a lot on what that is would dictate a lot what, I think, the

Commission would say to us at that time.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

AYR MUIR: Can I just make a point of clarification?

POLICE COMMISSIONER ROBERT HAAS: Sure.

AYR MUIR: It was just mentioned that it was a \$20,000 offer. That was an offer I made back around this time last year, and that was before I had information about how much the license was worth. I have not been contacted since this most recent deal fell through, so it's not a cute offer, as was suggested by Mr. Crane, that was an offer that was made when I didn't know a lot a year ago. I have not been contacted since the most recent deal fell through. What we would be prepared to offer right now would be based on the average of the recent sale price, so just based on public records, a simple calculated average.

I agree that it's hard to name a price of these, but it seems to me the most reasonable way to approach it would be based on data and doing analysis. I'm a business person. I don't subscribe to smoke and mirrors this is an impossible thing to define. I think people define market values all the time. And in this case, it's look at what they have sold for in the past five years or ten years or three years, whatever range you want to pay. And you look at the average.

ATTY KEVIN CRANE: Mr. Muir could probably call me tomorrow, and I hopefully would hook up and he'd make offer to purchase the license, and we could weigh it against whatever we stand with that other customer.

CHAIR ANDREA JACKSON: Normally, I would not ask, but do you want to respond? You're not -- you don't have to.



AYR MUIR: Yeah, I would say at this point, I really just don't think there's much validity in the suggestions and what's being made. I think what's likely to happen is we're going to be back here again in a few months.

I think what has happened, we have been told a number of times that there's a deal that's imminent and I think it could be suggested again tonight that there's a deal that's imminent tomorrow and that there's another offer that you could compare my offer to and that some things can be acted upon, but I think we also just heard that Mr. Holland's brother, which I didn't know this information, held the record of holding onto a license for six or seven years' renewal.

So I think it speaks a little bit to the attitude and complacency here, and I don't know that it's in the best interest of Cambridge and the community and our landlord and my active

business to hold us all hostage to an inactive business that may or may not sell a license.

CHAIR ANDREA JACKSON: If I may? I think the difference between this situation and Mr. Holland's brother is that that license was tied to a building that no longer existed.

So, to me, this is a very different situation, and no one who had moved into that building.

ATTY KEVIN CRANE: That's absolutely correct. And also, Mr. Francis Holland should not be his brother's keeper.

CHAIR ANDREA JACKSON: So let me -- before I make a motion, is there anyone else that wishes to be heard in this matter?

I'm going to make a motion that we continue this until the Decision Hearing which is May 28th, at which time there should either be a signed purchase and sale agreement in hand, an

offer made or whatever it is, or I think at that time the Board is going to have to act one way or the other.

ATTY KEVIN CRANE: Uh-huh.

CHAIR ANDREA JACKSON: So that's my motion. I don't know if I have 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: Until the 28th.

ATTY KEVIN CRANE: Okay. Thank you.

**APPLICATION:**

**CLASSIC RESTAURANT CONCEPTS, LLC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Classic Restaurant Concepts, LLC,  
William Goodwin, Manager, has applied to transfer  
the All Alcoholic Beverages Restaurant License

currently held by Sandrine's, LLC, Gywenh Trost, Manager, at 8 Holyoke Street. The proposed hours of operation are 10:00 a.m. to 1:00 a.m. on Sunday, 8:00 a.m. to 1:00 a.m. Monday through Wednesday, and 8:00 a.m. to 2:00 a.m. Thursday through Saturday with a proposed seating capacity of 162. Applicant is also applying for an Entertainment license to include: Live Music with Amplification; Audio Tape Machine/CD playing music below conversation level; three TVs.

CHAIR ANDREA JACKSON: Good evening.

ATTY JAMES MCGRAIL: Good evening, Madam Chair and Members of the Commission. My name is Jim McGrail, counsel, for Classic Restaurant.

THE REPORTER: Spell your name.

ATTY JAMES MCGRAIL: First name Jim, J-I-M, last name M-C capital G-R-A-I-L.

With me this evening is Peter Sarmanian, Peter, P-E-T-E-R and --

PETER SARMANIAN: S-A-R-M-A-N-I-A-N.

ATTY JAMES MCGRAIL: The gentleman to my far right is Alex Mattera.

ATTY ALEX MATTERA: Alex, A-L-E-X, Mattera, M-A-T-T-E-R-A.

ATTY JAMES MCGRAIL: He is the bankruptcy attorney in this particular matter, not representing Classic Restaurant.

As you know, Madam Chair, we have been here once before formally, and when we originally applied for the transfer, the understanding that Classic Restaurants had, was that this was a full value license, all alcoholic seven-day value license.

As part of the process, when we submitted the application to Ms. Lint seeking this hearing before this Commission, we learned that it was a no-value license. That obviously was a surprise to Classic Restaurant.

We went before the bankruptcy judge. We explained to him about that dynamic. There was some back and forth with the judge. He asked us to come back to the Commission to clarify or come to the Commission and clarify the status of the license which we did.

Prior to reporting back to him with the answer, Attorney Mattera approached Classic Restaurants, and we began discussions relative to an adjusted price that reflected the fact that this was, in fact, a no-value license as opposed to a value license.

I think it's fair to say at this point in the discussions that we have reached an agreement, a financial arrangement, reflecting the status of the license, and as a result, Classic Restaurants would like to proceed with the transfer application for this particular license.

CHAIR ANDREA JACKSON: And just so I'm clear, are you looking to transfer the for value portion of it? What is it that you're looking to transfer?

ATTY JAMES MCGRAIL: We're looking to -- similar to the Dolphin Seafood matter that this Commission ruled on, we're looking for the Commission to act in the same manner. So effectively transfer the license in its present state from Sandrine's to Classic Restaurants.

FIRE CHIEF GERALD REARDON: Counsel, I just want to make sure I understand. So there is a for value wine and malt?

ATTY JAMES MCGRAIL: There is.

FIRE CHIEF GERALD REARDON: There's a no-value all alcohol?

ATTY JAMES MCGRAIL: Yes.

FIRE CHIEF GERALD REARDON: You're talking about turning in the for value wine and

malt and looking to seek a no-value all alcohol?

ATTY JAMES MCGRAIL: That was a discussion point, but then we reviewed the Dolphin Seafood matter, which is almost akin to this particular matter, it's virtually the same, and in that particular instance, everything got transferred over, so that's what we would be asking for.

FIRE CHIEF GERALD REARDON: Well, the no-value ones -- the no-value ones don't -- there's no value, no transfer, so you would be looking for --

ATTY JAMES MCGRAIL: Understood. Except in the instance of the Dolphin Seafood, that was a no-value, no transfer license. That was, in fact, for lack of a better term, a transfer.

FIRE CHIEF GERALD REARDON: Isn't that the one they turned in the value -- the for value one?



EXECUTIVE DIRECTOR ELIZABETH LINT: That was Ten Tables.

FIRE CHIEF GERALD REARDON: I'm sorry.

CHAIR ANDREA JACKSON: If I remember correctly with Dolphin, I would have to go back and look at the minutes, I know I have the old minutes from the original hearing, I believe we had a big discussion in the office, but I don't think the Board was aware at the time that we voted on it that it was a for value wine and malt that had been upgraded to a no-value all alcohol.

ATTY JAMES MCGRAIL: Which is what happened in this particular --

CHAIR ANDREA JACKSON: We probably have to go back and check the minutes, but I believe counsel is correct. But my interpretation of it is although that set somewhat of a precedent, I don't know if that was a correct precedent to

set. I would have to go back again and take a look at the minutes. But I believe that's what had happened.

So why you don't tell us more about the concept. Let's at least hear that piece of it.

ATTY JAMES MCGRAIL: Do you want to speak to the concept piece of it?

PETER SARMANIAN: Yes. So we are planning on doing a European small plate-type restaurant. It's not French, what was currently there, but along the same lines of quality and it's higher end dining.

ATTY JAMES MCGRAIL: I should have noted for the record that Mr. Goodwin, who was here with us before, who is the manager of Classic Restaurants, is away at his child's graduation from college. So he's out of state. So that's why Peter, our principal, is here in his stead.

CHAIR ANDREA JACKSON: I'm sorry. Go

ahead.

I was going to ask, would you be changing anything in the current location? Is there any cosmetic changes or anything like that or...

PETER SARMANIAN: Cosmetic changes. Some of the infrastructure will stay, but it will have a completely different look. It does need extensive renovations because it has been many years since it's been renovated.

FIRE CHIEF GERALD REARDON: Is that going to include the kitchen area?

PETER SARMANIAN: There will be some equipment changes. And there will be some electrical and HVAC changes, but for the most part, the kitchen will be intact.

FIRE CHIEF GERALD REARDON: That's a full service kitchen that is there now?

PETER SARMANIAN: It is.

FIRE CHIEF GERALD REARDON: Do they have

fryolators at the location as well?

PETER SARMANIAN: I believe they do, yes, but some of the equipment is a bit old, so it needs to be replaced.

FIRE CHIEF GERALD REARDON: You're aware of the changes in the law in the past couple years behind the hoods is concerned?

PETER SARMANIAN: Yeah, we currently operate a restaurant in Cambridge. We have been there for -- since 2001, so...

FIRE CHIEF GERALD REARDON: Okay.

CHAIR ANDREA JACKSON: Is the seating capacity the same?

ATTY JAMES MCGRAIL: Yes.

CHAIR ANDREA JACKSON: What about the hours?

ATTY JAMES MCGRAIL: Same hours. So that would be 10:00 a.m. to 1:00 a.m. on Sunday, 8:00 a.m. to 11:00 a.m. on Monday through Wednesday,

and 8:00 a.m. to 2:00 a.m. Thursday through Saturday.

CHAIR ANDREA JACKSON: In terms of the entertainment license piece, that is live music with amplification. Can you talk a little more about that?

PETER SARMANIAN: Sure. Well, we -- at our restaurant in Central Square, we do have an entertainment license, and we do have DJs and live bands.

As far as this location, we haven't -- there isn't quite as much space as our other restaurant, so we're asking to be -- for it to be transferred, but we don't have any immediate plans to actually use the entertainment license because the concept that we're developing isn't complete.

ATTY JAMES MCGRAIL: But I guess they're looking to keep their options open. They would

need an entertainment license for at least TVs,  
and an audio tape machine and CD.

But I guess the question for them right  
now is whether they will make live music a part  
of their operations, but everything else will  
be...

CHAIR ANDREA JACKSON: So, you're saying  
there's not enough space as right now to do the  
live music?

PETER SARMANIAN: Correct.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No  
questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: So other than  
the cosmetic work, the fire protection and  
sprinkler, you're not doing any structural or  
relocation of walls or anything that would  
require --

PETER SARMANIAN: No. Just a renovation.

ATTY JAMES MCGRAIL: I think part of the issue here is when Classic Restaurants entered into this -- made their bid through bankruptcy, they were hoping for a process that would have been completed, by no fault of this Commission at all, such that they would be able to open in late August-September time frame.

So the concern they have now is that if this process keeps moving along any further, that there would be a November-December time frame, which is an absolutely awful time to open a restaurant, so that's a major concern of theirs.

FIRE CHIEF GERALD REARDON: Assuming this was to go forward in a forthright manner, do you have any idea what the anticipation, based upon what you're seeing there, in terms of what the construction or the rehab period would be to get it up and open?

PETER SARMANIAN: I think once the plans are complete, it would probably be an eight- or nine-week build-out.

ATTY JAMES MCGRAIL: We're going back before the bankruptcy judge on May 29th, is it?

ATTY ALEX MATTERA: 27th. Wednesday.

ATTY JAMES MCGRAIL: Our hope is that --

ATTY ALEX MATTERA: It's creating a little pressure on the Bankruptcy Court.

Alex Mattera, on behalf of Sandrine's, the prior license holder. The Bankruptcy Court is eager to see this move along so that the funds will come in and go out to creditors. The court is waiting on the administration of the estate to pay out for remaining claims of vendors, employees, landlord and so on.

So the sooner that comes in, the court's encouraging us highly to get this done so that can happen.



CHAIR ANDREA JACKSON: What is the date of that?

ATTY ALEX MATTERA: 27th. A week from tomorrow. The court intimated it was hoping this would be final by then, but, obviously, that's out of our control.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No further questions.

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

MARIE FREDDURA: Actually, I would like to. My name is Marie. My name is Marie Freddura.

CHAIR ANDREA JACKSON: If can you spell

your first and last name, please?

MARIE FREDDURA: M-A-R-I-E, Freddura,  
F-R-E-D-D-U-R-A.

Along with my husband, I'm the owner and operator of The Daily Catch Restaurant. I've expressed an interest in this process of Chapter 11 bankruptcy with Sandrine's. I haven't met Alex Mattered until tonight.

ATTY ALEX MATTERA: Nice to meet you.

MARIE FREDDURA: And we have been seeking a location for The Daily Catch in Cambridge for the last several years. We were formerly here back in the '90s. We're residents of Cambridge. We run a restaurant-style eatery. We're not an entertainment eatery, we're not a beer eatery, we're not a booze eatery. We're a restaurant eatery.

And we thought that Sandrine's, as it is today, would be a good place for us to go. I

don't have an objection to the Asgard going in this direction. I'm curious to know how much of that direction is a restaurant and how much of it is non-restaurant, and small plate or beer or bar-only because as a resident of Cambridge, I still look for places to go to eat dinner, and it's keeping that balance as a Cambridge resident.

So I'm only here just to put on record that I am interested in this process and to the extent it is in the open and all the disclosures that are being discussed and shared are actually what's on the plate, if you pardon the pun, and that's what I would like to be on record for.

CHAIR ANDREA JACKSON: Thank you.

MARIE FREDDURA: Thank you very much.

And good luck to you.

ATTY ALEX MATTERA: Madam Chair, could I respond just very briefly to that for the benefit

of the Commission?

CHAIR ANDREA JACKSON: Sure.

ATTY ALEX MATTERA: The process by which the sale was determined in the Bankruptcy Court is necessarily an open process. Bankruptcy tends to be very transparent. So the sale motion which was filed in December was noticed on all of the creditors, all of the parties with any interest in the case, and there was about a six- or eight-week solicitation process to try to flush out any competing offers, and, in fact, Classic was a competing offer. The original offeror that we came in with was different, but bankruptcy's main drive is to maximize the price so that creditors will get the highest return.

None of the money goes out to the debtor, of course, to the ownership of the debtor. That process is long concluded, and we're now working toward a conclusion of this. We did work at

points throughout with counsel for The Daily Catch. I have not met any of the principals to try to afford an opportunity to bid. We have been in contact throughout that process, but no bid has ever been submitted, so there has been a fair vetting of this potential asset, and the Bankruptcy Court would need to hear any solicitation from another party, but that process is, as I say, been closed for some time.

CHAIR ANDREA JACKSON: Thank you.

Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No further questions.

CHAIR ANDREA JACKSON: So.

MARIE FREDDURA: May I ask one more question?

CHAIR ANDREA JACKSON: Sure.

MARIE FREDDURA: I guess.

CHAIR ANDREA JACKSON: Again, please come forward so our stenographer can hear you.

MARIE FREDDURA: The reason for me attending this hearing tonight is so that should it be available to make a bid on it as it's continuing its bankruptcy procedures, it was to distinguish and confirm exactly what the asset is that's being presented by the Bankruptcy Court. And apparently, it seems as though this hearing is yet another opportunity to try to clarify exactly what the license, if its beer and wine, value is and what all forms nonvalue is in an effort to establish its value.

So that's why I came here tonight is to actually hear from Licensing Commission itself what exactly the license is that's being represented as an asset.

CHAIR ANDREA JACKSON: So what the license is, and correct me if I'm incorrect, Ms. Lint, was that it was a for value wine and malt license that had been upgraded to a no-value, nontransferable all alcohol license, is that correct?

EXECUTIVE DIRECTOR ELIZABETH LINT: Correct. Except that the wine and malt retained its value.

MARIE FREDDURA: So hypothetically, one could, similar to Mr. Holland's situation, purchase that beer and wine license and move it to another address within that area?

EXECUTIVE DIRECTOR ELIZABETH LINT: They can be moved.

MARIE FREDDURA: The beer and wine portion only?

EXECUTIVE DIRECTOR ELIZABETH LINT: Beer and wine.

ATTY JAMES MCGRAIL: I think one of the issues is, and I don't know, but this may have come into play in the Dolphin Seafood issue, you can't have two licenses at one location.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Correct.

ATTY JAMES MCGRAIL: So --

ATTY ALEX MATTERA: The debtor also, Sandrine's, sees this, again, for the bankruptcy, which is not the first concern of the Commission, but it plays into the negotiation, this would also include an assumption of the leased premises to preserve that space, keep it used, would afford a particularly higher purchase price because it included a lease which would afford the ability to pay off vendors and pay other parties that have an interest.

So that a straight sale of just the license by Sandrine's for beer and wine, while it



might generate significant amount, wouldn't generate anything like the amount that this sale would create.

MARIE FREDDURA: So the second half of my question would be: That one could purchase the asset of the beer and wine value license and then one would at a later date have to go in to request an amendment to that license to add a nonvalue all forms, is that correct?

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Correct.

FIRE CHIEF GERALD REARDON: I think you're asking a hypothetical question.

MARIE FREDDURA: Which would not follow the precedent. That's why I'm asking.

FIRE CHIEF GERALD REARDON: Well, it's already in bankruptcy, so that's outside of our realm.

MARIE FREDDURA: No, I understand that.

But if I do become a potential bidder --

FIRE CHIEF GERALD REARDON: But that would be in the bankruptcy side versus --

MARIE FREDDURA: That would be on the bankruptcy, but I would only be looking at an asset that is a value beer and wine license?

FIRE CHIEF GERALD REARDON: Assuming they would do that for you, yes.

MARIE FREDDURA: Thank you so much. I think that does answer --

FIRE CHIEF GERALD REARDON: I want to make sure we're both clear.

MARIE FREDDURA: No, I'm just trying to get clarification.

Thank you very much.

CHAIR ANDREA JACKSON: So what I would like to make a motion on does not help this matter.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

CHAIR ANDREA JACKSON: I would like to make a motion that we continue this matter, but the problem with continuing is that our Decision Hearing and the date is the day after. And it's a holiday week at that, so...

EXECUTIVE DIRECTOR ELIZABETH LINT:

Right.

CHAIR ANDREA JACKSON: How much of a problem does it present for you if I do make a motion to continue it, and it's seconded and approved?

ATTY ALEX MATTERA: A fairly large one in that if the Bankruptcy Court decides to go forward on the 27th, since you have not yet consummated this transaction, we're not going to give you any more time to, it could effectively end the opportunity for the estate to consummate the transaction ever, and that would mean lack of any return to creditors in the case or at least a

very significant diminished return. We don't know what the Bankruptcy Court will do on the 27th, but that's certainly a fairly high risk.

It seemed to indicate at the last hearing that's where it would head.

POLICE COMMISSIONER ROBERT HAAS: Madam Chair, I do have concerns about compounding a potential mistake, and I think we need time to review it. So I appreciate the dilemma you're in, but I think to try to rush to judgment at this point in time could be just compounding a situation.

ATTY ALEX MATTERA: I would rather have the answer that you want to wait until the 28th, then out of an abundance caution, to deny the request, so certainly that's the lesser for us.

We would rather see it go to the 28th and have to re-approach the Bankruptcy Court to perhaps extend that hearing out and trespass on

their indulgence.

If there's any way we could sway you to the decision we prefer tonight, obviously, we would rather do that, but I understand, of course.

FIRE CHIEF GERALD REARDON: I would be on the Ten Tables format of what happened prior to that.

CHAIR ANDREA JACKSON: Let's go ahead. And I'm going to make a motion that we continue this matter until our Decision Hearing agenda to at least --

ATTY JAMES MCGRAIL: Not to interrupt your motion. So we -- from the Board's perspective, one scenario is that there are, in essence, two licenses here, there's a beer and wine license that can be transferred and no-value, no transfer seven-day all alcoholic license that can't be transferred. Is that in

essence --

POLICE COMMISSIONER ROBERT HAAS: The way I look at it is the one license was turned in and exchanged for upgrading to a no value, nontransferable license. The license being -- that particular wine license is being held somewhat in abeyance, right?

ATTY JAMES MCGRAIL: I guess. So hypothetically speaking if -- we're following the Dolphin Seafood, and you're going to review that, I gather, I understand that and I understand why.

The other issue is if hypothetically the beer and wine license were to be turned in, would the Board feel it would be within its purview to transfer to award transfer, you know, Classic a seven-day all alcoholic no-transfer, no-value license?

EXECUTIVE DIRECTOR ELIZABETH LINT: Which

is the Ten Tables scenario.

PETER SARMANIAN: So it's a switch.

CHAIR ANDREA JACKSON: Is that what you're proposing this evening?

ATTY JAMES MCGRAIL: Well, I don't know what -- this is a quandary here because there is a precedent that has been set. So, in essence, I'm asking -- I'm suggesting that my client might be giving up something that they don't necessarily have to or should give up, but at the same time we have this bankruptcy dilemma.

PETER SARMANIAN: And attorney's fees.

ATTY JAMES MCGRAIL: Well, that's not really a problem.

FIRE CHIEF GERALD REARDON: They like to turn those billable hours.

ATTY JAMES MCGRAIL: There's a time crunch here because at some point this become --

we're almost there now, that the time is of the essence, and if they don't get this soon, they're just not going to have the proper amount of time to be able to get in there and do what they need to do to open in the time period they want to.

That's a big issue. That price that they provided to -- through bankruptcy assumed an opening in, you know, before -- certainly before September.

So this -- and I know we're all trying to get our hands around this, and I know you're trying to -- you wish we said the bankruptcy hearing was the day after the Decision Hearing as opposed to before, so I get all that.

So I'm trying to get a sense for if the beer and wine got taken out of the equation, would that make the Board's -- does that give the Board a more comfortable position to walk right into.



CHAIR ANDREA JACKSON: So if I'm understanding your question, you're asking -- and correct me if I'm wrong, please -- if we looked at it in terms of essentially turning in the for value wine and malt, and going with a no value all alcohol license --

ATTY JAMES MCGRAIL: Seven days.

CHAIR ANDREA JACKSON: -- seven days; is that something that the Board would agree to?

ATTY JAMES MCGRAIL: Correct.

CHAIR ANDREA JACKSON: Let's put it all out the table, and essentially make a decision tonight, and not postpone until the Decision Hearing, which is the day after?

ATTY JAMES MCGRAIL: Correct.

CHAIR ANDREA JACKSON: Okay.

ATTY JAMES MCGRAIL: Are you comfortable with that?

PETER SARMANIAN: I am, yes.

FIRE CHIEF GERALD REARDON: Just the other word in there, too, no transfer. No value, no transfer.

PETER SARMANIAN: Just if I could mention something, in 2001, when I purchased my restaurant, which is now the Asgard, I bought it from the Austin Grill, and it's a nonvalue license, and I don't remember if it was -- maybe it wasn't transferred, maybe one was --

ATTY JAMES MCGRAIL: That was a transfer.

PETER SARMANIAN: Was it a transfer?

ATTY JAMES MCGRAIL: Yes.

PETER SARMANIAN: Did you do that one?

ATTY JAMES MCGRAIL: I did.

PETER SARMANIAN: Yeah, that was transfer. That was a nonvalue license. I didn't know if one was just -- you know, ceased to exist and another one was created, but...

EXECUTIVE DIRECTOR ELIZABETH LINT: I can

answer that. So there was a class of licenses that had no value but were transferrable and then it changed.

PETER SARMANIAN: Changed, okay.

ATTY JAMES MCGRAIL: I think there is -- just representing my client, I think there's precedent for you to act. There's the Ten Tables precedent and there's the Dolphin Seafood precedent, so...

CHAIR ANDREA JACKSON: So, as I look it, we have two options.

We can either continue this until after, based on what was presented to us initially, or if the Board is so inclined, to vote with, for lack of a better word, your Plan B.

Do you want time to discuss it? I mean, you don't have to sit here in front of us. We can take --

PETER SARMANIAN: I'm comfortable with

it. I mean, I think to clean it up and it would -- we could take the two licenses and get them away from the same premises and that's perfectly acceptable to me.

ATTY ALEX MATTERA: Again, not that it's a consideration, but that's certainly preferable from the bankruptcy aspect because it gives some finality and allows the case to administer and close out.

It's sort've like an estate of a deceased person, the longer the thing ticks around, the worse it's for all the creditors.

CHAIR ANDREA JACKSON: So would this be looked at -- it wouldn't be looked at as a transfer or -- would it have to be a new application?

EXECUTIVE DIRECTOR ELIZABETH LINT: I think -- that's a good question. I think given the circumstance where it was applied as a

transfer based on information that had been relayed and a portion of the license is transferrable, that you could consider it a transfer, but then it would have to, based on our current regulations, become a no-value, nontransferable license, and the wine and malt portion would -- value portion would disappear based on the Ten Tables situation.

CHAIR ANDREA JACKSON: Uh-huh.

Can I throw in yet another possible scenario? I'm trying to think creatively so I'm not wedded to anything.

ATTY JAMES MCGRAIL: We all are.

CHAIR ANDREA JACKSON: What if we look at it in terms of transferring the for value wine and malt and then they subsequently come back and ask for an upgrade to a no-value?

EXECUTIVE DIRECTOR ELIZABETH LINT: You could do that.

CHAIR ANDREA JACKSON: All alcohol.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think that would be the cleaner way to do it.

FIRE CHIEF GERALD REARDON: And still turn in the wine and malt for value?

EXECUTIVE DIRECTOR ELIZABETH LINT: At that time.

PETER SARMANIAN: See, the only problem, if I could speak --

CHAIR ANDREA JACKSON: Sure.

PETER SARMANIAN: -- is closing in bankruptcy, you know, we need the full liquor license for, you know, in order to close.

ATTY JAMES MCGRAIL: The condition of the closing.

PETER SARMANIAN: The condition of the closing.

CHAIR ANDREA JACKSON: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: I

don't think you can do it.

POLICE COMMISSIONER ROBERT HAAS: I agree.

EXECUTIVE DIRECTOR ELIZABETH LINT: You can't do it.

MARIE FREDDURA: I know I asked to speak. May I speak one more time?

CHAIR ANDREA JACKSON: Quickly.

MARIE FREDDURA: As I'm aware of the situation, this bankruptcy was initiated back in December, okay, that's five months ago. I'm also aware by talking to the owners of Sandrine's that they were requested mandatory that they close Sandrine's April 2nd. That restaurant is now closed a month and a half, that's six weeks the restaurant is closed with no income, which continues to offset their expenses --

ATTY JAMES MCGRAIL: Respectfully --

MARIE FREDDURA: All I want to say to

this is, as a businesswoman of 42 years, you've got to know what you're buying before you put a price tag on it. That's why I came to this meeting. This seems like a little bit of a zoo, what is being transferred, what isn't being transferred, and just as a resident of Cambridge now, if you might -- pardon me for a moment -- is there a floor plans to go with this transfer? You're going to transfer a license and you -- was there floor plans reviewed for any of this, or anything else that goes along with it?

I beg your pardon and thank you very much. Good evening.

ATTY JAMES MCGRAIL: You know, not to make this a circus because that's not anybody's intent, but to speak to what's -- what the relationship is between Classic Restaurants and Sandrine's really is not anybody's purview than what is going on between Sandrine's and Classic



Restaurants.

Classic Restaurants, from our perspective, has been more than accommodating throughout this process. I'm not going into details. But we have done things outside the scope of bankruptcy that most people wouldn't do in order to keep that restaurant open because we wanted it to be kept open and for the simple fact that we didn't have this situation, we thought we would have been done with this process some time ago.

So this wasn't -- this was, from our perspective, a misrepresentation relative to what the license existed, and I don't think Sandrine's necessarily understood what they had.

So, that all being said, whether people want to believe, is we're here in good faith trying to resolve the situation. We have been in front of a bankruptcy judge three times now.

We could have ended this thing twice with the bankruptcy judge and created a real problem for Sandrine's, and I think Alex would probably attest to that.

So I think we've all -- you know, there was a misrepresentation -- call it what you want, a misrepresentation, misunderstanding of something. It was caught. We realized it. Since that we worked in good faith and resolved the issue. We've been before this Commission and that's we continued to do.

No one is trying to sandbag anybody in this process.

CHAIR ANDREA JACKSON: Understood.

Thoughts?

I'm trying to weigh everybody's interest. I mean, even in terms of thinking -- I don't know people's schedules, like if we can try to schedule another hearing prior to. I just don't

know if it's possible.

EXECUTIVE DIRECTOR ELIZABETH LINT: We're here on the 26th for Pole and Conduit.

CHAIR ANDREA JACKSON: Which means she's already here as well.

EXECUTIVE DIRECTOR ELIZABETH LINT: Right. But the Chief and Commissioner may not be available.

FIRE CHIEF GERALD REARDON: What time is Pole and Conduit, 10:00?

EXECUTIVE DIRECTOR ELIZABETH LINT: Probably 10:00 to 12:00, the way it's been going.

CHAIR ANDREA JACKSON: I didn't think beforehand.

EXECUTIVE DIRECTOR ELIZABETH LINT: 9:00?

CHAIR ANDREA JACKSON: Does 9:00 work for you on the 26th?

POLICE COMMISSIONER ROBERT HAAS: Yeah, do you have time for a notice?

EXECUTIVE DIRECTOR ELIZABETH LINT: We  
can do it tomorrow.

CHAIR ANDREA JACKSON: Just do it  
tomorrow.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm  
sorry, I didn't hear anybody make a joke, did  
you?

CHAIR ANDREA JACKSON: Let's try to see  
if we can get it done then. That would still  
work within your time frame if we ended up  
scheduling a hearing?

ATTY ALEX MATERRA: That would give us  
the day before the Bankruptcy Court hearing,  
which we would be grateful for the accomodation.

CHAIR ANDREA JACKSON: Jill, are you able  
on the 26th at 9?

(Court reporter nods.)

CHAIR ANDREA JACKSON: All right, I make  
a motion that we continue this matter until May

26th at 9:00 a.m.

Does that work for you, Counsel?

ATTY JAMES MCGRAIL: Works for me.

CHAIR ANDREA JACKSON: 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: So the 26th at 9:00 a.m.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have some minutes, if we can approve some minutes. February 24 -- we're still on the record here. February 24th, March 5th, that was also just you two.

CHAIR ANDREA JACKSON: Wait a minute. February 24th. March 5th?

EXECUTIVE DIRECTOR ELIZABETH LINT:

March 5th. March 17th, it was all three of you.

CHAIR ANDREA JACKSON: Hold on. So the first two were just the Commissioner and I?

EXECUTIVE DIRECTOR ELIZABETH LINT:  
Correct.

CHAIR ANDREA JACKSON: I make a motion that we approve the minutes from March 24th -- February 24th and March 5th.

Is there a second?

POLICE COMMISSIONER ROBERT HAAS: 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: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT:  
March 17th was all three of you.

CHAIR ANDREA JACKSON: I make a motion that we approve the minutes from March 17th.

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: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: And then March 31st and April 14th and April 28th, just the Chair and the Commissioner.

CHAIR ANDREA JACKSON: I make a motion we approve the minutes from March 31st, April 14th, April 28th.

Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Is that it?

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's what I got.

CHAIR ANDREA JACKSON: I make a motion to adjourn.

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.

Done.

CHAIR ANDREA JACKSON: It's 9:04 p.m.

(Whereupon at 9:04 p.m., the License Commission hearing was adjourned.)



CERTIFICATION

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 22nd day of May 2015.

-----  
Jill Kourafas  
Certified Shorthand Reporter  
License No. 14903  
Notary Public

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<u>§</u>	68:7, 81:15, 85:2	118:18, 119:2, 119:8	<b>15th</b> [1] - 10:10	57:7, 95:9, 163:14, 163:15, 172:8
<b><u>\$100,000</u></b>	<b>104</b> [2] - 113:10, 141:2	<b>127</b> [1] - 2:16	<b>16</b> [2] - 114:7, 114:15	<b>1:30</b> [3] - 95:13, 95:14, 96:6
<b><u>\$125,000</u></b>	<b>107</b> [1] - 2:11	<b>12:00</b> [3] - 82:2, 84:7, 202:10	<b>162</b> [1] - 163:18	
<b><u>\$20,000</u></b>	<b>10:00</b> [5] - 111:12, 163:14, 172:8, 202:8, 202:10	<b>12:30</b> [3] - 84:7, 96:4, 97:7	<b>163</b> [1] - 3:7	
[2] - 156:4, 158:17	<b>10:30</b> [2] - 13:11, 82:2	<b>13</b> [3] - 2:5, 8:7, 8:13	<b>16th</b> [1] - 104:17	<u>2</u>
<b><u>\$200,000</u></b>	<b>11</b> [1] - 177:16	<b>132</b> [1] - 2:17	<b>1755</b> [1] - 90:19	<b>2001</b> [2] - 171:19, 193:8
[2] - 47:11, 48:3	<b>110</b> [1] - 2:12	<b>137</b> [1] - 3:3	<b>17th</b> [3] - 204:15, 205:12, 205:14	<b>2010</b> [1] - 53:15
<u>ı</u>	<b>112</b> [1] - 2:14	<b>14</b> [5] - 2:10, 104:17, 107:3, 107:8, 108:1	<b>18</b> [3] - 15:11, 15:19, 25:18	<b>2012</b> [3] - 47:10, 48:3, 85:2
<b><u>'90s</u></b> [1] - 178:3	<b>1172</b> [1] - 103:3	<b>140</b> [1] - 3:6	<b>180</b> [2] - 107:11, 108:2	<b>2013</b> [2] - 42:14, 68:18
<u>o</u>	<b>11:00</b> [7] - 57:5, 95:8, 132:18, 135:4, 136:5, 172:9	<b>145</b> [1] - 13:13	<b>19</b> [3] - 1:15, 4:2, 5:10	<b>2014</b> [2] - 138:15, 148:2
<b><u>02139</u></b> [1] - 1:14	<b>11:30</b> [1] - 82:2	<b>14903</b> [1] - 208:14	<b>1930</b> [1] - 7:1	<b>2015</b> [13] - 1:15, 2:10, 3:5, 3:5, 4:2, 5:10, 107:4, 107:8, 140:5, 140:6, 140:9, 140:10, 208:11
<u>1</u>	<b>12</b> [8] - 24:7, 114:8, 115:14, 117:6,	<b>14th</b> [2] - 206:4, 206:7	<b>1966</b> [1] - 79:8	<b>21</b> [4] - 129:16,
<b>1010</b> [1] - 81:16		<b>15</b> [6] - 9:2, 20:4, 20:9, 57:15, 157:8	<b>1980s</b> [1] - 79:8	
<b>102</b> [1] - 2:8			<b>1987</b> [1] - 68:17	
<b>1030</b> [13] - 2:5, 13:3, 13:6, 13:9, 14:6, 16:12, 17:8, 42:13, 47:2,			<b>1:00</b> [8] - 13:11, 13:12, 57:4,	

129:18, 130:8, 131:13 <b><u>22nd</u></b> [1] - 208:11 <b><u>24</u></b> [5] - 115:3, 115:16, 119:4, 119:8, 204:9 <b><u>24-hour-a-</u></b> <b><u>day</u></b> [1] - 78:10 <b><u>24/7</u></b> [3] - 8:19, 11:12, 53:18 <b><u>243</u></b> [2] - 4:17, 12:10 <b><u>24th</u></b> [4] - 204:10, 204:12, 205:2, 205:3 <b><u>251</u></b> [2] - 4:17, 12:10 <b><u>26th</u></b> [5] - 202:1, 202:15, 203:11, 203:14, 204:5 <b><u>27-and-a-</u></b> <b><u>half-years</u></b> [1] - 72:5 <b><u>27th</u></b> [4] -	175:15, 176:12, 187:2, 187:9 <b><u>28</u></b> [3] - 3:5, 140:6, 140:10 <b><u>28th</u></b> [10] - 100:9, 100:10, 101:2, 101:9, 162:10, 163:4, 188:2, 188:5, 206:4, 206:8 <b><u>29th</u></b> [1] - 175:14 <b><u>2:00</u></b> [11] - 78:18, 95:11, 95:12, 95:14, 96:6, 132:18, 135:4, 136:6, 156:13, 163:16, 172:10 <b><u>2:30</u></b> [1] - 54:7 <b><u>2nd</u></b> [1] - 198:14	<u>3</u> <b><u>3</u></b> [3] - 3:5, 140:5, 140:9 <b><u>30</u></b> [1] - 92:7 <b><u>30-day</u></b> [1] - 108:4 <b><u>300</u></b> [1] - 157:1 <b><u>31st</u></b> [2] - 206:4, 206:7 <b><u>32-24-36</u></b> [1] - 136:4 <b><u>32-34-36</u></b> [1] - 132:17 <b><u>33</u></b> [1] - 137:5 <b><u>36</u></b> [2] - 115:5, 119:11	<u>3</u> <b><u>4:00</u></b> [4] - 13:10, 95:8, 95:9, 96:4 <u>5</u> <b><u>5</u></b> [3] - 113:1, 127:7, 131:7 <b><u>50</u></b> [2] - 54:12 <b><u>5th</u></b> [4] - 204:10, 204:13, 204:15, 205:3 <u>6</u> <b><u>60</u></b> [1] - 115:5 <b><u>61</u></b> [2] - 114:8, 114:14 <b><u>617.786.</u></b> <b><u>7783</u></b> [1] - 1:19 <b><u>639/641</u></b> [1] - 79:6 <b><u>643</u></b> [1] - 77:17 <b><u>651</u></b> [2] - 53:7, 68:5 <b><u>654</u></b> [2] - 71:18, 72:5 <b><u>661</u></b> [1] - 72:19 <b><u>663</u></b> [1] -	75:11 <b><u>675</u></b> [1] - 14:4 <b><u>6:05</u></b> [2] - 1:16, 5:10 <u>7</u> <b><u>748</u></b> [2] - 110:7, 112:4 <b><u>7:00</u></b> [2] - 111:12, 111:14 <u>8</u> <b><u>8</u></b> [3] - 141:6, 148:2, 163:13 <b><u>80</u></b> [1] - 9:15 <b><u>831</u></b> [2] - 1:14, 5:11 <b><u>85</u></b> [1] - 9:14 <b><u>8:00</u></b> [6] - 57:8, 78:18, 163:15, 163:16, 172:8, 172:10 <u>9</u> <b><u>90</u></b> [1] - 2:6 <b><u>945</u></b> [2] - 4:15, 12:10
---	---	--	--	--

<p><b>9:00</b> [4] - 202:13, 202:14, 203:15, 204:6</p> <p><b>9:04</b> [2] - 207:7, 207:8</p>	<p>98:16, 100:1</p> <p><b>ABCC's</b> [1] - 117:13</p> <p><b>abeyance</b> [2] - 114:13, 189:14</p> <p><b>ability</b> [4] - 16:3, 16:9, 20:10, 184:4</p> <p><b>able</b> [15] - 34:14, 43:4, 54:6, 68:9, 76:19, 84:7, 88:1, 97:9, 104:8, 123:2, 146:8, 146:9, 174:17, 191:8, 203:10</p> <p><b>absolutely</b> [4] - 77:6, 99:12, 162:2, 175:2</p> <p><b>abundance</b> [1] - 188:3</p>	<p><b>abut</b> [1] - 56:14</p> <p><b>abuts</b> [2] - 28:9, 33:9</p> <p><b>abutter</b> [2] - 53:8, 73:1</p> <p><b>abutters</b> [4] - 55:8, 58:7, 68:9, 82:18</p> <p><b>Academy</b> [1] - 22:13</p> <p><b>acceptable</b> [2] - 7:13, 195:7</p> <p><b>accepted</b> [2] - 142:7, 157:13</p> <p><b>access</b> [4] - 20:3, 20:9, 21:7, 117:9</p> <p><b>accessed</b> [1] - 19:5</p> <p><b>acclaim</b> [1] - 15:4</p> <p><b>accommodat</b> <b>e</b> [1] - 23:13</p> <p><b>accommodat</b> <b>ing</b> [1] -</p>	<p>200:2</p> <p><b>acomodati</b> <b>on</b> [1] - 203:9</p> <p><b>accurate</b> [1] - 208:9</p> <p><b>achieve</b> [1] - 153:7</p> <p><b>achieved</b> [1] - 15:4</p> <p><b>achieving</b> [1] - 153:5</p> <p><b>acoustical</b> [1] - 56:1</p> <p><b>act</b> [3] - 162:13, 166:19, 194:10</p> <p><b>acted</b> [1] - 161:3</p> <p><b>action</b> [1] - 109:7</p> <p><b>active</b> [3] - 26:9, 151:10, 161:11</p> <p><b>actively</b> [1] - 144:9</p> <p><b>activities</b> [2] - 57:9, 57:17</p> <p><b>activity</b> [3] - 24:15,</p>	<p>65:1, 87:7</p> <p><b>actual</b> [3] - 34:5, 88:4, 114:17</p> <p><b>ADA</b> [1] - 93:12</p> <p><b>Adams</b> [1] - 14:4</p> <p><b>add</b> [3] - 25:3, 44:2, 184:16</p> <p><b>added</b> [3] - 43:15, 44:1, 118:17</p> <p><b>addition</b> [5] - 8:15, 9:3, 11:12, 55:14, 115:11</p> <p><b>additional</b> [6] - 8:1, 48:19, 75:1, 75:3, 76:11, 113:4</p> <p><b>address</b> [9] - 8:6, 32:8, 41:13, 42:17, 53:7, 71:17, 89:9, 94:13,</p>
<b>A</b>				
<p><b>a.m</b> [28] - 13:11, 13:12, 57:4, 57:7, 57:8, 78:18, 95:8, 111:12, 111:14, 132:18, 136:6, 156:13, 163:14, 163:15, 163:16, 172:8, 172:9, 172:10, 203:15, 204:6</p> <p><b>ABBEY</b> [4] - 2:6, 90:13</p> <p><b>abbey</b> [1] - 90:16</p> <p><b>Abbey</b> [1] - 90:17</p> <p><b>ABCC</b> [2] -</p>				

183:2 <b><u>addressed</u></b> [2] - 11:8, 38:17 <b><u>addresses</u></b> [1] - 87:13 <b><u>adequate</u></b> [1] - 55:15 <b><u>adjacent</u></b> [8] - 61:7, 117:4, 117:14, 118:18, 119:4, 119:8, 122:16 <b><u>adjoining</u></b> [4] - 60:19, 62:6, 81:16, 83:1 <b><u>adjourn</u></b> [1] - 206:18 <b><u>adjourned</u></b> [1] - 207:9 <b><u>adjudicate</u></b> <b><u>d</u></b> [1] - 102:6 <b><u>adjusted</u></b> [1] - 166:2 <b><u>administer</u></b>	[1] - 195:11 <b><u>administra</u></b> <b><u>tion</u></b> [1] - 176:4 <b><u>advance</u></b> [1] - 87:18 <b><u>advantage</u></b> [3] - 21:1, 87:18, 153:1 <b><u>adverse</u></b> [1] - 38:18 <b><u>advised</u></b> [1] - 41:9 <b><u>advocate</u></b> [1] - 87:15 <b><u>affected</u></b> [3] - 32:12, 46:18, 56:16 <b><u>affects</u></b> [1] - 137:14 <b><u>affidavit</u></b> [1] - 113:13 <b><u>afford</u></b> [3] - 180:11, 184:2, 184:4 <b><u>AGENDA</u></b> [4] - 2:1, 2:1, 3:1,	3:1 <b><u>agenda</u></b> [2] - 90:3, 188:18 <b><u>aggressive</u></b> [1] - 142:3 <b><u>ago</u></b> [7] - 17:11, 82:18, 144:19, 152:5, 159:5, 198:11, 200:10 <b><u>agree</u></b> [6] - 87:17, 87:19, 100:5, 159:11, 192:12, 198:3 <b><u>agreement</u></b> [3] - 150:18, 162:11, 166:7 <b><u>ahead</u></b> [4] - 59:14, 93:4, 102:1, 188:16 <b><u>air</u></b> [6] - 23:10, 32:9, 35:15, 42:19, 76:12, 98:7	<b><u>aisle</u></b> [1] - 52:19 <b><u>akin</u></b> [1] - 167:15 <b><u>alarm</u></b> [2] - 45:16 <b><u>alcohol</u></b> [12] - 40:8, 40:10, 69:19, 125:16, 128:13, 145:18, 167:8, 167:12, 169:3, 182:13, 192:9, 197:3 <b><u>alcoholic</u></b> [6] - 142:10, 142:12, 143:13, 165:5, 189:6, 190:4 <b><u>Alcoholic</u></b> [6] - 13:8, 90:18, 103:2, 127:7, 137:4, 163:11 <b><u>Alden</u></b> [17] - 14:19, 15:8,	15:10, 16:1, 16:8, 16:14, 16:18, 17:3, 22:9, 23:6, 24:2, 24:14, 25:5, 26:9, 31:16, 39:19, 40:17 <b><u>Alewife's</u></b> [1] - 128:1 <b><u>Alex</u></b> [5] - 164:14, 164:15, 175:19, 177:17, 201:2 <b><u>ALEX</u></b> [13] - 164:15, 175:15, 175:17, 176:12, 177:18, 179:7, 179:11, 183:16, 186:19, 188:1, 195:8, 203:7 <b><u>ALEXANDRA</u></b> [8] -
--	--	--	--	---

5:17, 6:3, 6:4, 6:16, 8:4, 9:18, 10:15, 13:1 <b><u>Alexandra</u></b> [1] - 6:4 <b><u>alley</u></b> [1] - 121:8 <b><u>alleyway</u></b> [4] - 114:9, 114:13, 119:5, 121:7 <b><u>allow</u></b> [5] - 20:18, 39:12, 88:18, 89:8, 158:3 <b><u>allowed</u></b> [3] - 20:7, 24:8, 74:7 <b><u>allows</u></b> [1] - 195:11 <b><u>almost</u></b> [4] - 17:19, 144:10, 167:15, 191:5 <b><u>alone</u></b> [1] - 44:10 <b><u>Alteration</u></b> [1] - 91:1 <b><u>alteration</u></b> [2] - 91:19,	113:2 <b><u>alumni</u></b> [1] - 25:12 <b><u>amendment</u></b> [2] - 6:17, 184:16 <b><u>Ames</u></b> [2] - 114:10, 121:8 <b><u>amount</u></b> [6] - 93:19, 96:1, 157:2, 184:9, 184:10, 191:7 <b><u>amplificat</u></b> <b><u>ion</u></b> [1] - 172:14 <b><u>Amplificat</u></b> <b><u>ion</u></b> [1] - 164:1 <b><u>analysis</u></b> [1] - 159:14 <b><u>anchor</u></b> [1] - 26:17 <b><u>AND</u></b> [6] - 2:3, 2:14, 3:5, 4:10, 112:15, 140:5 <b><u>AND/OR</u></b> [1] - 208:17 <b><u>Andrea</u></b> [2] - 5:14, 49:4 <b><u>ANDREA</u></b>	[272] - 1:8, 5:1, 5:5, 5:18, 6:14, 8:2, 8:5, 10:19, 11:7, 11:18, 12:2, 12:4, 12:15, 12:19, 13:18, 27:10, 27:15, 28:4, 28:11, 28:19, 29:5, 29:15, 33:5, 33:11, 33:17, 34:4, 34:9, 34:19, 36:13, 37:6, 41:19, 42:6, 42:9, 42:16, 43:3, 43:8, 46:9, 50:7, 52:2, 52:5, 52:8, 61:9,	61:14, 61:17, 62:1, 62:17, 63:5, 63:18, 64:6, 64:11, 65:3, 66:14, 66:18, 67:3, 67:9, 68:1, 72:2, 72:7, 72:15, 73:5, 75:15, 77:2, 77:4, 77:9, 77:13, 77:16, 79:2, 84:13, 88:7, 89:11, 89:15, 89:17, 90:6, 90:10, 91:4, 91:6, 91:13, 91:18, 92:4, 92:8, 92:14, 92:18,	93:6, 95:5, 95:12, 96:7, 97:3, 97:11, 97:17, 98:1, 98:3, 98:16, 98:19, 99:10, 99:12, 99:17, 100:1, 100:11, 100:14, 100:17, 101:2, 101:4, 101:8, 101:12, 101:18, 102:13, 103:5, 103:12, 103:16, 103:19, 104:3, 104:11, 104:14, 104:18, 105:8, 105:17, 106:2, 106:5, 106:14, 106:18, 107:14, 107:19,
---	---	---	--	---

108:7, 108:13, 109:7, 109:13, 109:17, 110:9, 111:1, 111:4, 111:6, 111:18, 112:1, 112:8, 112:12, 112:14, 113:6, 119:13, 119:17, 120:4, 120:12, 120:19, 121:9, 122:18, 123:14, 123:17, 124:2, 124:6, 126:3, 126:13, 126:17, 127:10, 127:14, 127:17, 128:3, 128:5, 128:8, 128:12, 128:16, 129:16, 129:19, 130:4,	130:8, 130:12, 130:16, 131:1, 131:11, 131:16, 131:19, 132:4, 132:8, 133:2, 133:5, 135:1, 135:4, 135:7, 135:10, 135:12, 135:17, 136:1, 136:11, 136:15, 137:8, 137:17, 138:2, 138:10, 138:14, 138:17, 139:4, 139:7, 139:9, 139:19, 140:4, 145:11, 148:10, 148:14, 148:16, 149:3, 149:8, 153:14, 154:16, 160:8,	161:14, 162:5, 162:16, 162:19, 163:4, 164:3, 166:12, 168:15, 169:6, 170:10, 172:2, 172:5, 172:12, 173:16, 174:1, 174:4, 176:10, 176:16, 176:19, 177:3, 177:9, 179:4, 179:10, 180:18, 181:3, 181:6, 181:9, 181:11, 182:9, 186:5, 186:8, 186:15, 188:16, 190:8, 192:4, 192:11, 192:14, 192:19, 194:13, 195:15,	196:11, 196:16, 197:3, 197:12, 197:18, 198:8, 201:13, 202:2, 202:11, 202:14, 203:2, 203:10, 203:13, 203:18, 204:1, 204:5, 204:12, 204:16, 205:1, 205:6, 205:10, 205:13, 205:17, 206:2, 206:6, 206:11, 206:14, 206:17, 207:2, 207:7 <b><u>ANDREW</u></b> [4] - 110:10, 111:16, 111:19, 112:13 <b><u>Andrew</u></b> [1] - 110:12 <b><u>annual</u></b> [2] - 132:15,	136:2 <b><u>answer</u></b> [11] - 23:16, 27:7, 59:4, 63:9, 93:17, 99:5, 100:12, 165:19, 185:18, 188:2, 194:4 <b><u>answered</u></b> [1] - 71:12 <b><u>anticipate</u></b> [1] - 23:14 <b><u>anticipate</u></b> <b><u>d</u></b> [1] - 22:3 <b><u>anticipati</u></b> <b><u>on</u></b> [1] - 175:6 <b><u>ANY</u></b> [2] - 208:17, 208:17 <b><u>anyway</u></b> [1] - 143:17 <b><u>AOR</u></b> [1] - 91:10 <b><u>apart</u></b> [1] - 147:6 <b><u>apartment</u></b> [2] - 71:5, 71:6 <b><u>apologize</u></b>
--	---	---	---	--

<p>[1] - 138:9</p> <p><b><u>appeals</u></b></p> <p>[1] - 21:17</p> <p><b><u>appearing</u></b></p> <p>[1] - 14:5</p> <p><b><u>Applebees</u></b></p> <p>[1] - 128:10</p> <p><b><u>applicant</u></b></p> <p>[8] - 4:18, 14:6, 59:13, 64:12, 66:4, 89:8, 90:1, 91:14</p> <p><b><u>Applicant</u></b></p> <p>[2] - 13:13, 163:18</p> <p><b><u>applicants</u></b></p> <p>[1] - 20:16</p> <p><b><u>APPLICATIO</u></b></p> <p><b><u>N</u></b> [20] - 2:2, 2:4, 2:6, 2:7, 2:12, 2:13, 2:15, 2:17, 3:2, 3:7, 4:10, 13:3, 90:13, 102:16,</p>	<p>110:1, 112:15, 127:1, 132:10, 136:18, 163:6</p> <p><b><u>Applicatio</u></b></p> <p><b><u>n</u></b> [4] - 4:12, 112:18, 127:4, 132:13</p> <p><b><u>applicatio</u></b></p> <p><b><u>n</u></b> [18] - 13:6, 22:5, 24:6, 40:11, 72:11, 75:18, 90:16, 102:19, 103:13, 105:6, 110:4, 110:14, 115:19, 137:2, 163:9, 165:8, 166:10, 195:18</p> <p><b><u>applicatio</u></b></p> <p><b><u>ns</u></b> [1] - 88:17</p> <p><b><u>applied</u></b></p> <p>[17] - 4:16, 4:18,</p>	<p>13:8, 15:6, 64:15, 91:1, 103:3, 110:8, 113:2, 114:11, 127:8, 132:15, 137:6, 150:10, 163:10, 165:3, 196:2</p> <p><b><u>apply</u></b> [4] - 144:16, 145:1, 146:9, 153:11</p> <p><b><u>APPLY</u></b> [1] - 208:17</p> <p><b><u>applying</u></b></p> <p>[5] - 13:14, 137:12, 146:4, 146:11, 163:18</p> <p><b><u>appreciate</u></b></p> <p>[6] - 4:6, 55:11, 73:9, 73:10, 77:10, 187:16</p> <p><b><u>approach</u></b></p> <p>[3] - 146:16,</p>	<p>159:13, 188:6</p> <p><b><u>approached</u></b></p> <p>[1] - 165:19</p> <p><b><u>appropriat</u></b></p> <p><b><u>e</u></b> [2] - 68:14, 120:10</p> <p><b><u>approval</u></b></p> <p>[3] - 119:14, 120:9, 134:4</p> <p><b><u>approve</u></b></p> <p>[13] - 12:8, 12:11, 98:15, 99:6, 112:2, 117:5, 131:5, 136:2, 139:13, 204:8, 205:2, 205:14, 206:7</p> <p><b><u>approved</u></b></p> <p>[9] - 113:3, 114:4, 114:14, 114:16, 118:19, 119:3, 120:8, 145:5,</p>	<p>186:18</p> <p><b><u>APRIL</u></b> [2] - 2:10, 107:3</p> <p><b><u>April</u></b> [7] - 107:8, 108:1, 198:14, 206:4, 206:7, 206:8</p> <p><b><u>architectu</u></b></p> <p><b><u>re</u></b> [1] - 18:13</p> <p><b><u>area</u></b> [24] - 21:11, 30:3, 31:9, 31:12, 33:12, 35:3, 39:3, 40:6, 41:3, 49:13, 69:11, 70:17, 71:15, 80:4, 80:6, 94:3, 115:10, 122:2, 122:5, 124:11, 125:2, 125:17, 171:1, 183:2</p>
--	--	--	--	---



<b><u>areas</u></b> [2] - 38:19, 76:6	195:10	- 87:3	113:9, 141:2, 165:19	64:9, 64:12, 71:16, 71:19, 87:11, 88:13, 90:11, 113:7, 118:16, 119:10, 119:16, 120:2, 120:7, 120:16, 121:2, 121:13, 121:16, 122:6, 122:8, 122:13, 123:4, 123:16, 123:19, 125:8, 126:1, 126:19, 140:19, 141:8, 146:15, 147:15, 147:19, 155:7, 157:17, 158:4, 160:3, 162:2, 162:15, 163:5, 164:4, 164:8,
<b><u>argument</u></b> [1] - 157:19	<b><u>assault</u></b> [1] - 78:6	<b><u>AT</u></b> [1] - 1:13	<b><u>attorney's</u></b> [1] - 190:17	
<b><u>arise</u></b> [1] - 113:19	<b><u>asset</u></b> [5] - 180:14, 181:17, 182:8, 184:14, 185:14	<b><u>at-grade</u></b> [1] - 19:5	<b><u>attractive</u></b> [1] - 115:10	
<b><u>Arlington</u></b> [1] - 11:3	<b><u>assigned</u></b> [1] - 122:1	<b><u>atrium</u></b> [1] - 113:3	<b><u>attributed</u></b> [1] - 7:17	
<b><u>arrangemen</u></b> <b><u>t</u></b> [1] - 166:7	<b><u>associate</u></b> [2] - 8:16, 9:5	<b><u>attempt</u></b> [2] - 11:5, 32:7	<b><u>ATTY</u></b> [115] - 13:19, 27:19, 29:10, 29:16, 31:10, 32:2, 33:14, 34:2, 34:11, 36:11, 37:2, 37:11, 37:15, 38:11, 38:16, 39:17, 40:14, 41:7, 45:9, 59:19, 60:4, 60:19, 61:3, 61:12, 62:5, 62:11, 63:1,	
<b><u>arriving</u></b> [1] - 23:12	<b><u>associated</u></b> [1] - 154:5	<b><u>attend</u></b> [1] - 75:16		
<b><u>art</u></b> [1] - 17:13	<b><u>Associatio</u></b> <b><u>n</u></b> [1] - 107:11	<b><u>attendance</u></b> [2] - 41:1, 141:19		
<b><u>Arthur</u></b> [1] - 75:13	<b><u>associatio</u></b> <b><u>n</u></b> [2] - 88:4, 108:2	<b><u>attending</u></b> [1] - 181:14		
<b><u>Arts</u></b> [1] - 6:13	<b><u>assume</u></b> [1] - 101:19	<b><u>attention</u></b> [1] - 15:17		
<b><u>Asgard</u></b> [2] - 178:10, 193:9	<b><u>assumed</u></b> [1] - 191:11	<b><u>attenuatio</u></b> <b><u>n</u></b> [3] - 47:11, 47:16, 48:3		
<b><u>ashes</u></b> [1] - 129:13	<b><u>assuming</u></b> [3] - 92:16, 175:4, 185:15	<b><u>attest</u></b> [1] - 201:3		
<b><u>Ashley</u></b> [2] - 137:4, 137:9	<b><u>assumption</u></b> [1] - 184:1	<b><u>attitude</u></b> [1] - 161:9		
<b><u>ASHLEY</u></b> [6] - 137:7, 137:9, 137:19, 138:4, 138:9, 138:16	<b><u>assure</u></b> [1]	<b><u>attorney</u></b> [3] - 14:3, 142:16, 164:18		
<b><u>aspect</u></b> [2] - 110:18,		<b><u>Attorney</u></b> [3] -		

164:13, 164:15, 164:17, 166:16, 167:6, 167:9, 167:13, 168:5, 169:4, 169:16, 170:4, 172:4, 172:7, 173:8, 174:11, 175:13, 175:15, 175:16, 175:17, 176:12, 177:18, 179:7, 179:11, 183:9, 183:15, 183:16, 186:19, 188:1, 189:1, 189:15, 190:10, 190:18, 191:3, 192:10, 192:13, 192:18, 193:1, 193:13, 193:15, 193:17,	194:8, 195:8, 196:15, 197:16, 198:18, 199:14, 203:7, 203:17 <b><u>Auburn</u></b> [2] - 113:10, 141:3 <b><u>audible</u></b> [1] - 81:8 <b><u>AUDIENCE</u></b> [3] - 47:19, 53:10, 78:2 <b><u>Audio</u></b> [2] - 13:15, 164:1 <b><u>audio</u></b> [2] - 4:8, 173:11 <b><u>August</u></b> [2] - 147:16, 174:17 <b><u>August-</u></b> <b><u>September</u></b> [1] - 174:17 <b><u>Austin</u></b> [1] - 193:10 <b><u>authoritie</u></b> <b><u>s</u></b> [1] - 140:15 <b><u>auto</u></b> [1] - 75:4 <b><u>available</u></b>	[6] - 17:6, 37:13, 38:1, 153:17, 181:15, 202:6 <b><u>Ave</u></b> [26] - 5:12, 16:13, 17:8, 17:19, 18:1, 18:14, 19:18, 21:2, 29:7, 29:14, 40:1, 42:13, 47:2, 57:17, 58:5, 66:7, 66:17, 68:7, 68:8, 70:8, 80:5, 81:18, 94:2, 99:14 <b><u>Avenue</u></b> [8] - 1:14, 13:9, 14:5, 20:1, 22:3, 70:17,	90:19, 140:13 <b><u>average</u></b> [4] - 152:12, 159:8, 159:10, 160:2 <b><u>award</u></b> [1] - 190:3 <b><u>Awards</u></b> [1] - 22:13 <b><u>aware</u></b> [12] - 18:18, 32:2, 37:16, 38:9, 40:17, 41:14, 69:9, 100:2, 169:1, 171:14, 198:9, 198:12 <b><u>awful</u></b> [1] - 175:2 <b><u>awhile</u></b> [2] - 18:7, 104:10 <b><u>aye</u></b> [48] - 12:16, 12:17, 12:18, 90:7, 90:8, 90:9, 90:10, 100:18,	100:19, 101:1, 106:15, 106:16, 106:17, 109:14, 109:15, 109:16, 112:9, 112:10, 112:11, 126:14, 126:15, 126:16, 132:5, 132:6, 132:7, 136:12, 136:13, 136:14, 140:1, 140:2, 140:3, 163:1, 163:2, 163:3, 204:2, 204:3, 204:4, 205:7, 205:8, 205:9, 205:18, 205:19, 206:1, 206:12, 206:13, 207:3, 207:4, 207:5
--	---	--	---	--

<b><u>AYR</u></b> [8] - 149:2, 149:6, 149:7, 149:9, 154:1, 158:13, 158:16, 160:11 <b><u>Ayr</u></b> [1] - 149:6	<b><u>backyard</u></b> [1] - 78:15 <b><u>backyards</u></b> [1] - 78:14 <b><u>bad</u></b> [1] - 147:3 <b><u>Bailey</u></b> [1] - 112:18 <b><u>BAILEY</u></b> [2] - 2:14, 112:15 <b><u>balance</u></b> [1] - 178:16 <b><u>balancing</u></b> [1] - 146:6 <b><u>bands</u></b> [1] - 172:19 <b><u>bank</u></b> [2] - 94:5, 152:5 <b><u>bankruptci</u></b> <b><u>es</u></b> [1] - 180:3 <b><u>bankruptcy</u></b> [20] - 164:17, 165:12, 174:13, 175:14, 177:16, 179:13, 181:16, 183:17, 185:6, 185:11,	185:13, 190:16, 191:11, 191:16, 195:10, 197:14, 198:10, 200:5, 200:18, 201:1 <b><u>Bankruptcy</u></b> [9] - 175:18, 176:1, 179:12, 180:15, 181:18, 187:1, 187:9, 188:6, 203:8 <b><u>bar</u></b> [12] - 26:2, 26:3, 26:4, 74:9, 74:10, 74:11, 76:11, 91:17, 116:7, 116:8, 116:9, 178:13 <b><u>Bar</u></b> [1] - 62:3 <b><u>Barrault</u></b> [2] - 90:17,	91:12 <b><u>BARRAULT</u></b> [6] - 91:11, 91:16, 92:3, 101:5, 102:11, 102:15 <b><u>barriers</u></b> [2] - 120:10, 125:6 <b><u>Barsamian</u></b> [4] - 69:2, 69:5, 69:10, 85:17 <b><u>Barsmian's</u></b> [2] - 56:11, 78:8 <b><u>base</u></b> [7] - 32:17, 33:4, 36:16, 43:16, 43:19, 46:17, 47:16 <b><u>based</u></b> [13] - 24:12, 46:4, 108:7, 152:11, 152:13, 159:8, 159:9,	159:13, 175:6, 194:16, 196:3, 196:6, 196:10 <b><u>basement</u></b> [1] - 9:7 <b><u>Basement</u></b> [2] - 1:13, 5:12 <b><u>basis</u></b> [1] - 23:1 <b><u>be..</u></b> [1] - 173:15 <b><u>Bear</u></b> [1] - 134:1 <b><u>Beard</u></b> [1] - 15:16 <b><u>become</u></b> [8] - 18:18, 32:2, 41:14, 99:17, 99:19, 185:9, 191:4, 196:7 <b><u>bed</u></b> [1] - 55:2 <b><u>bedroom</u></b> [2] - 56:19, 82:3 <b><u>bedrooms</u></b> [3] - 7:17, 9:10, 57:13
<b><u>B</u></b>				
<b><u>B-1</u></b> [1] - 20:5 <b><u>B-A-R-R-A-</u></b> <b><u>U-L-T</u></b> [1] - 91:12 <b><u>B-E-R-R-Y</u></b> [1] - 133:4 <b><u>B-R-O-D-Y</u></b> [1] - 72:19 <b><u>background</u></b> [9] - 23:17, 130:11, 131:12, 134:5, 135:19, 136:7, 139:1, 139:16, 141:12 <b><u>backside</u></b> [3] - 28:18, 33:6, 33:8				

<b><u>beer</u></b> [21] - 114:11, 115:19, 116:3, 119:1, 125:9, 142:11, 149:18, 154:3, 157:10, 178:5, 178:13, 182:2, 183:1, 183:5, 183:7, 184:8, 184:14, 185:14, 189:4, 190:1, 191:19	[1] - 87:14 <b><u>begun</u></b> [1] - 59:15 <b><u>behalf</u></b> [2] - 14:6, 175:19 <b><u>behind</u></b> [7] - 28:9, 34:1, 36:5, 44:6, 80:13, 81:13, 171:16 <b><u>belief</u></b> [1] - 151:2 <b><u>believable</u></b> [1] - 151:4 <b><u>below</u></b> [8] - 13:16, 19:4, 21:8, 21:9, 30:13, 50:11, 66:5, 164:2 <b><u>Beneficial</u></b> [1] - 137:6 <b><u>beneficial</u></b> [2] - 89:1, 139:13 <b><u>benefit</u></b> [2] - 19:1,	179:8 <b><u>benefited</u></b> [1] - 86:6 <b><u>BERRY</u></b> [9] - 133:1, 133:3, 133:8, 133:13, 133:16, 134:8, 135:3, 135:6, 136:16 <b><u>Berry</u></b> [1] - 133:3 <b><u>Bertucci</u></b> [1] - 157:9 <b><u>BERTUCCI'S</u></b> [4] - 2:15, 2:16, 127:1, 127:2 <b><u>Bertucci's</u></b> [6] - 127:4, 127:5, 127:18, 131:5, 131:7, 145:2 <b><u>beside</u></b> [1] - 75:11 <b><u>best</u></b> [6] - 61:12, 73:8, 74:15, 74:19,	92:17, 161:10 <b><u>Best</u></b> [1] - 92:19 <b><u>better</u></b> [7] - 17:15, 54:10, 125:16, 153:8, 154:8, 168:8, 194:18 <b><u>between</u></b> [9] - 44:7, 78:18, 79:19, 81:15, 85:19, 114:9, 161:15, 199:17, 199:19 <b><u>Beverages</u></b> [8] - 13:8, 90:18, 103:2, 110:6, 112:19, 127:7, 140:12, 163:11 <b><u>beverages</u></b> [1] - 137:5 <b><u>beyond</u></b> [1] - 33:15 <b><u>bicycle</u></b>	[1] - 18:2 <b><u>bid</u></b> [4] - 174:13, 180:11, 180:13, 181:15 <b><u>bidder</u></b> [1] - 185:9 <b><u>big</u></b> [8] - 51:9, 51:10, 65:15, 69:10, 71:10, 94:3, 168:19, 191:10 <b><u>billable</u></b> [1] - 191:2 <b><u>bit</u></b> [6] - 24:4, 53:8, 155:9, 161:8, 171:12, 199:4 <b><u>black</u></b> [1] - 30:6 <b><u>blacked</u></b> [1] - 31:9 <b><u>blah</u></b> [2] - 75:17 <b><u>blizzards</u></b> [1] - 53:18 <b><u>blocking</u></b> [1] - 58:1 <b><u>blocks</u></b> [1]
---	---	--	---	--

- 146:10	<b><u>brand-new</u></b>	- 72:13,	<b><u>building</u></b>	36:1,
<b><u>BOARD</u></b> [1]	[1] -	72:17,	[102] -	36:9,
- 1:7	134:16	73:7,	6:19, 7:4,	36:16,
<b><u>Board</u></b> [15]	<b><u>Brattle</u></b>	75:16	8:13,	36:19,
- 19:1,	[1] -	<b><u>Brody</u></b> [2]	8:19, 9:3,	40:3,
114:12,	107:8	- 72:14,	9:4,	42:1,
115:19,	<b><u>BRATTLE</u></b>	72:19	10:14,	43:16,
141:10,	[2] -	<b><u>broker</u></b> [4]	17:17,	43:19,
142:2,	2:10,	- 141:14,	17:18,	44:5,
143:16,	107:4	141:16,	18:5,	45:1,
144:1,	<b><u>Brew</u></b> [2] -	142:1,	19:2,	45:12,
144:3,	137:3,	147:7	19:4,	45:15,
146:13,	139:15	<b><u>brother</u></b>	19:6,	46:10,
162:13,	<b><u>BREW</u></b> [2] -	[3] -	19:9,	46:17,
169:1,	3:3,	155:14,	19:14,	47:3,
190:2,	136:19	161:5,	19:16,	47:16,
192:2,	<b><u>BRIAN</u></b> [3]	161:16	19:18,	48:8,
192:12,	- 34:6,	<b><u>brother's</u></b>	21:5,	50:13,
194:17	36:2,	[1] -	21:13,	50:14,
<b><u>Board's</u></b>	36:18	162:4	21:16,	50:15,
[2] -	<b><u>Brian</u></b> [1]	<b><u>brought</u></b>	22:1,	51:10,
189:2,	- 14:14	[4] -	27:12,	51:12,
192:1	<b><u>Brick</u></b> [2]	46:16,	28:1,	51:14,
<b><u>booze</u></b> [1]	- 127:5,	54:2,	28:6,	53:13,
- 178:6	131:7	74:15,	28:8,	53:17,
<b><u>border</u></b> [1]	<b><u>BRICK</u></b> [2]	75:7	28:10,	55:8,
- 54:11	- 2:16,	<b><u>buffer</u></b> [1]	28:12,	55:12,
<b><u>Boston</u></b> [3]	127:2	- 97:16	28:13,	56:6,
- 15:13,	<b><u>briefly</u></b>	<b><u>build</u></b> [4]	28:18,	57:2,
117:7,	[1] -	- 45:19,	29:3,	59:6,
133:18	179:8	114:17,	29:8,	59:9,
<b><u>bothering</u></b>	<b><u>bring</u></b> [3]	115:8,	32:4,	59:11,
[1] - 54:8	- 55:12,	175:12	32:10,	61:4,
<b><u>bought</u></b> [1]	76:11,	<b><u>build-out</u></b>	32:18,	61:10,
- 193:9	96:16	[4] -	33:4,	61:11,
<b><u>Boyer</u></b> [1]	<b><u>bringing</u></b>	45:19,	34:3,	64:13,
- 49:4	[1] -	114:17,	34:13,	64:18,
<b><u>brand</u></b> [1]	152:4	115:8,	35:12,	66:9,
- 134:16	<b><u>BRODY</u></b> [4]	175:12	35:17,	66:10,
			35:19,	71:2,

71:8, 73:3, 73:15, 74:15, 78:6, 80:11, 80:14, 81:17, 86:13, 89:3, 92:10, 92:16, 93:11, 98:11, 117:19, 118:3, 123:11, 133:19, 161:17, 162:1 <b><u>Building</u></b> [2] - 1:13, 5:11 <b><u>buildings</u></b> [4] - 21:1, 40:5, 55:17, 58:8 <b><u>built</u></b> [1] - 134:16 <b><u>bulb</u></b> [1] - 30:11 <b><u>bulbs</u></b> [1] - 31:17 <b><u>Business</u></b> [1] - 20:5 <b><u>business</u></b> [29] -	4:13, 8:14, 12:9, 13:7, 14:7, 69:10, 90:17, 103:1, 104:8, 105:2, 106:10, 107:9, 110:5, 110:16, 112:4, 116:17, 127:5, 131:6, 132:14, 133:11, 136:3, 137:3, 139:14, 140:11, 140:18, 156:17, 159:14, 161:12, 161:13 <b><u>businesswo</u></b> <b><u>man</u></b> [1] - 199:1 <b><u>busy</u></b> [2] - 69:12, 125:12 <b><u>but..</u></b> [1] - 194:2 <b><u>buy</u></b> [1] - 142:11	<b><u>buyer</u></b> [2] - 104:10, 144:8 <b><u>buying</u></b> [2] - 143:14, 199:2  <b><u>c</u></b> <b><u>C-A-R-O-L</u></b> [1] - 77:12 <b><u>C-L-A-R-A</u></b> [1] - 67:18 <b><u>C-O-N-G-O-</u></b> <b><u>R-A-N</u></b> [1] - 42:12 <b><u>C-R-A-N-E</u></b> [1] - 113:9 <b><u>c.138</u></b> [1] - 140:14 <b><u>Cahill</u></b> [1] - 108:10 <b><u>calculated</u></b> [1] - 159:10 <b><u>caliber</u></b> [2] - 18:10, 40:9 <b><u>California</u></b> [1] - 110:15 <b><u>CAMBRIDGE</u></b> [10] - 1:2, 1:3, 2:6, 2:9, 2:10, 3:3,	90:13, 107:3, 107:4, 136:18 <b><u>Cambridge</u></b> [38] - 1:14, 14:5, 15:2, 16:4, 49:4, 49:9, 51:1, 51:2, 54:3, 68:11, 68:19, 76:1, 76:16, 81:4, 90:16, 103:3, 107:7, 107:10, 110:19, 113:1, 113:11, 130:1, 130:4, 133:11, 137:2, 137:11, 139:14, 141:3, 150:5, 155:12, 156:11, 161:10, 171:18, 178:1,	178:3, 178:14, 178:16, 199:6 <b><u>Cambridgep</u></b> <b><u>ark</u></b> [4] - 127:8, 131:8, 132:17, 136:5 <b><u>Cambridgep</u></b> <b><u>ort</u></b> [1] - 80:2 <b><u>cancel</u></b> [1] - 140:16 <b><u>candidly</u></b> [1] - 41:8 <b><u>cannot</u></b> [6] - 23:13, 68:10, 75:10, 75:16, 78:15, 81:6 <b><u>capacity</u></b> [7] - 13:13, 114:5, 114:18, 156:16, 157:2, 163:17, 172:3 <b><u>capital</u></b> [1] - 164:9 <b><u>Captain</u></b> [1] - 108:9
--	---	---	--	--

<b><u>CAPTURING</u></b> [1] - 1:18	- 177:14, 178:1, 180:10	<b><u>cell</u></b> [1] - 4:6	208:7	43:3,
<b><u>car</u></b> [2] - 20:19, 71:7	<b><u>category</u></b> [1] - 93:7	<b><u>Center</u></b> [4] - 8:18, 9:5, 113:1	<b><u>CERTIFYING</u></b> [1] - 208:18	43:8, 46:9, 50:7, 52:2,
<b><u>cards</u></b> [1] - 113:14	<b><u>CATERING</u></b> [4] - 2:17, 2:18, 132:10, 132:11	<b><u>centers</u></b> [1] - 76:2	<b><u>cetera</u></b> [1] - 73:19	52:5, 52:8, 61:9, 61:14, 61:17, 62:1, 62:17, 63:5, 63:18, 64:6, 64:11, 65:3, 66:14, 66:18, 67:3, 67:9, 68:1, 72:2, 72:7, 72:15, 73:5, 75:15, 77:2, 77:4, 77:9, 77:13, 77:16, 79:2, 84:13, 88:7, 89:11, 89:15, 89:17, 90:6, 90:10,
<b><u>care</u></b> [1] - 51:4	<b><u>Catering</u></b> [5] - 132:13, 132:14, 133:6, 136:3, 136:4	<b><u>Central</u></b> [4] - 76:1, 79:18, 80:5, 172:17	<b><u>CHAIR</u></b> [272] - 1:8, 5:1, 5:5, 5:18, 6:14, 8:2, 8:5, 10:19, 11:7, 11:18, 12:2, 12:4, 12:15, 12:19, 13:18, 27:10, 27:15, 28:4, 28:11, 28:19, 29:5, 29:15, 33:5, 33:11, 33:17, 34:4, 34:9, 34:19, 36:13, 37:6, 41:19, 42:6, 42:9, 42:16,	
<b><u>CAROL</u></b> [5] - 77:7, 77:11, 77:15, 77:17, 78:3		<b><u>certain</u></b> [1] - 46:4		
<b><u>Carol</u></b> [1] - 77:11		<b><u>certainly</u></b> [13] - 6:16, 23:3, 24:9, 39:13, 83:15, 102:3, 102:9, 144:2, 145:9, 187:10, 188:4, 191:12, 195:9		
<b><u>carries</u></b> [1] - 81:1	<b><u>caught</u></b> [2] - 85:12, 201:7			
<b><u>carry</u></b> [2] - 26:18, 81:6	<b><u>caution</u></b> [1] - 188:3			
<b><u>cars</u></b> [2] - 58:4, 71:8	<b><u>CD</u></b> [2] - 66:5, 173:11			
<b><u>Casablanca</u></b> [1] - 15:7	<b><u>CDs</u></b> [1] - 74:7			
<b><u>case</u></b> [8] - 17:2, 59:10, 67:5, 145:14, 159:18, 179:17, 187:7, 195:11	<b><u>ceased</u></b> [1] - 194:1	<b><u>CERTIFICAT</u></b> <b><u>ION</u></b> [2] - 208:1, 208:16		
<b><u>caselaw</u></b> [1] - 143:17	<b><u>ceases</u></b> [1] - 140:17	<b><u>Certified</u></b> [1] - 208:14		
<b><u>Catch</u></b> [3]	<b><u>Cefalo</u></b> [1] - 127:6	<b><u>certify</u></b> [1] -		
	<b><u>ceiling</u></b> [2] - 44:8, 121:18			

91:4,	105:8,	128:3,	148:10,	188:16,
91:6,	105:17,	128:5,	148:14,	190:8,
91:13,	106:2,	128:8,	148:16,	192:4,
91:18,	106:5,	128:12,	149:3,	192:11,
92:4,	106:14,	128:16,	149:8,	192:14,
92:8,	106:18,	129:16,	153:14,	192:19,
92:14,	107:14,	129:19,	154:16,	194:13,
92:18,	107:19,	130:4,	160:8,	195:15,
93:6,	108:7,	130:8,	161:14,	196:11,
95:5,	108:13,	130:12,	162:5,	196:16,
95:12,	109:7,	130:16,	162:16,	197:3,
96:7,	109:13,	131:1,	162:19,	197:12,
97:3,	109:17,	131:11,	163:4,	197:18,
97:11,	110:9,	131:16,	164:3,	198:8,
97:17,	111:1,	131:19,	166:12,	201:13,
98:1,	111:4,	132:4,	168:15,	202:2,
98:3,	111:6,	132:8,	169:6,	202:11,
98:16,	111:18,	133:2,	170:10,	202:14,
98:19,	112:1,	133:5,	172:2,	203:2,
99:10,	112:8,	135:1,	172:5,	203:10,
99:12,	112:12,	135:4,	172:12,	203:13,
99:17,	112:14,	135:7,	173:16,	203:18,
100:1,	113:6,	135:10,	174:1,	204:1,
100:11,	119:13,	135:12,	174:4,	204:5,
100:14,	119:17,	135:17,	176:10,	204:12,
100:17,	120:4,	136:1,	176:16,	204:16,
101:2,	120:12,	136:11,	176:19,	205:1,
101:4,	120:19,	136:15,	177:3,	205:6,
101:8,	121:9,	137:8,	177:9,	205:10,
101:12,	122:18,	137:17,	179:4,	205:13,
101:18,	123:14,	138:2,	179:10,	205:17,
102:13,	123:17,	138:10,	180:18,	206:2,
103:5,	124:2,	138:14,	181:3,	206:6,
103:12,	124:6,	138:17,	181:6,	206:11,
103:16,	126:3,	139:4,	181:9,	206:14,
103:19,	126:13,	139:7,	181:11,	206:17,
104:3,	126:17,	139:9,	182:9,	207:2,
104:11,	127:10,	139:19,	186:5,	207:7
104:14,	127:14,	140:4,	186:8,	<b>Chair</b> [17]
104:18,	127:17,	145:11,	186:15,	- 5:13,



<p>14:1, 29:10, 32:3, 33:14, 41:16, 64:9, 71:16, 113:8, 113:15, 120:3, 141:1, 148:3, 164:5, 165:1, 179:7, 187:14</p> <p><b><u>chair</u></b> [2] - 122:10, 206:5</p> <p><b><u>chairs</u></b> [2] - 64:7, 92:9</p> <p><b><u>challenge</u></b> [1] - 146:12</p> <p><b><u>challenges</u></b> [1] - 68:8</p> <p><b><u>Chance</u></b> [1] - 142:15</p> <p><b><u>chance</u></b> [2] - 86:7, 86:18</p> <p><b><u>change</u></b> [11] - 7:16, 36:6, 110:14, 110:16, 112:3,</p>	<p>127:14, 131:5, 137:12, 138:3, 138:12, 139:13</p> <p><b><u>Change</u></b> [3] - 110:8, 127:8, 137:6</p> <p><b><u>changed</u></b> [2] - 194:6, 194:7</p> <p><b><u>changes</u></b> [6] - 79:9, 170:12, 170:14, 171:3, 171:4, 171:15</p> <p><b><u>changing</u></b> [4] - 7:11, 7:15, 137:15, 170:11</p> <p><b><u>Chapter</u></b> [1] - 177:15</p> <p><b><u>chapter</u></b> [1] - 140:17</p> <p><b><u>character</u></b> [1] - 58:9</p> <p><b><u>Charlie's</u></b> [1] - 118:6</p>	<p><b><u>check</u></b> [5] - 130:11, 131:12, 136:7, 139:16, 169:7</p> <p><b><u>checks</u></b> [1] - 134:5</p> <p><b><u>cheering</u></b> [1] - 82:12</p> <p><b><u>chef</u></b> [2] - 15:2, 73:11</p> <p><b><u>Chelsey</u></b> [1] - 110:5</p> <p><b><u>Chi</u></b> [1] - 58:3</p> <p><b><u>Chi's</u></b> [1] - 58:3</p> <p><b><u>Chi-Chi's</u></b> [1] - 58:3</p> <p><b><u>CHIEF</u></b> [117] - 1:10, 9:6, 9:12, 10:3, 10:7, 10:11, 11:14, 12:3, 12:14, 12:18, 29:18, 30:14, 30:18, 31:5, 35:2,</p>	<p>35:7, 35:10, 36:4, 41:17, 44:13, 44:17, 45:5, 45:14, 46:2, 46:6, 49:10, 49:15, 50:3, 51:6, 51:17, 52:7, 89:16, 90:5, 90:9, 94:9, 94:12, 98:2, 100:16, 101:1, 101:19, 102:4, 106:4, 106:13, 106:17, 108:15, 109:4, 109:12, 109:16, 109:19, 111:5, 112:7, 112:11, 118:14, 119:7, 121:10,</p>	<p>121:14, 122:4, 122:11, 122:14, 124:7, 124:15, 125:3, 125:11, 126:12, 126:16, 129:1, 129:5, 129:9, 130:19, 132:3, 132:7, 133:10, 133:14, 134:6, 134:18, 135:11, 136:10, 136:13, 139:8, 139:18, 140:3, 147:11, 148:15, 162:18, 163:3, 167:3, 167:7, 167:10, 168:1, 168:9, 168:14, 170:19, 171:6, 171:9, 171:14,</p>
--	---	---	---	--

172:1, 174:5, 175:4, 177:1, 181:4, 185:1, 185:5, 185:10, 185:15, 185:19, 188:13, 191:1, 193:4, 197:6, 202:7, 203:19, 204:4, 205:9, 205:16, 206:1, 207:1, 207:5 <b><u>chief</u></b> [2] - 121:3, 202:5 <b><u>Chief</u></b> [3] - 5:14, 118:19, 126:2 <b><u>chief's</u></b> [1] - 29:13 <b><u>child's</u></b> [1] - 170:7 <b><u>chill</u></b> [1] - 37:1 <b><u>chiller</u></b> [1] -	47:17 <b><u>choose</u></b> [1] - 78:1 <b><u>chose</u></b> [1] - 56:2 <b><u>Chris</u></b> [1] - 138:11 <b><u>Christophe</u></b> <b><u>r's</u></b> [2] - 118:2, 123:6 <b><u>circulatio</u></b> <b><u>n</u></b> [2] - 7:13, 7:14 <b><u>circumstan</u></b> <b><u>ce</u></b> [1] - 196:2 <b><u>circus</u></b> [1] - 199:15 <b><u>City</u></b> [7] - 49:4, 49:9, 76:1, 76:16, 98:15, 155:12, 156:11 <b><u>city</u></b> [8] - 25:14, 76:5, 76:18, 78:1, 78:5, 85:3, 117:18 <b><u>CITY</u></b> [1] - 1:3 <b><u>City's</u></b> [1] - 55:14	<b><u>claims</u></b> [1] - 176:5 <b><u>Clara</u></b> [2] - 67:18, 68:4 <b><u>clarificat</u></b> <b><u>ion</u></b> [2] - 158:14, 186:3 <b><u>clarify</u></b> [3] - 165:15, 165:16, 182:1 <b><u>class</u></b> [1] - 194:4 <b><u>CLASSIC</u></b> [2] - 3:7, 163:6 <b><u>Classic</u></b> [14] - 163:9, 164:6, 164:19, 165:4, 165:11, 165:19, 166:9, 167:2, 170:6, 174:12, 179:19, 199:17, 199:19, 200:1 <b><u>Classic's</u></b> [1] - 190:3 <b><u>Claude</u></b> [2]	- 90:17, 91:11 <b><u>CLAUDE</u></b> [6] - 91:11, 91:16, 92:3, 101:5, 102:11, 102:15 <b><u>clean</u></b> [2] - 129:14, 195:4 <b><u>cleaner</u></b> [1] - 197:5 <b><u>cleaning</u></b> [2] - 56:17, 57:8 <b><u>clear</u></b> [9] - 59:7, 62:19, 64:10, 64:17, 150:4, 152:17, 153:6, 166:13, 186:1 <b><u>clearly</u></b> [1] - 150:6 <b><u>client</u></b> [11] - 38:14, 41:9, 111:10, 116:2, 142:19,	144:11, 144:18, 145:16, 158:2, 190:13, 194:9 <b><u>client's</u></b> [1] - 144:12 <b><u>clientele</u></b> [1] - 25:10 <b><u>close</u></b> [6] - 72:6, 96:15, 97:4, 195:12, 197:15, 198:13 <b><u>closed</u></b> [5] - 104:12, 104:15, 180:17, 198:15, 198:16 <b><u>closer</u></b> [1] - 119:11 <b><u>closes</u></b> [2] - 97:4, 97:7 <b><u>closest</u></b> [2] - 19:6, 31:8 <b><u>closing</u></b> [4] - 57:4, 97:1, 197:13, 197:17
--	---	--	---	--

<p><b><u>Clover</u></b> [1] - 149:14</p> <p><b><u>code</u></b> [1] - 7:12</p> <p><b><u>cold</u></b> [1] - 134:15</p> <p><b><u>College</u></b> [2] - 4:13, 12:9</p> <p><b><u>college</u></b> [1] - 170:8</p> <p><b><u>COLLEGE</u></b> [2] - 2:3, 4:11</p> <p><b><u>combinatio</u></b> <b><u>n</u></b> [2] - 82:15, 142:15</p> <p><b><u>comfortabl</u></b> <b><u>e</u></b> [4] - 122:15, 192:2, 193:1, 195:3</p> <p><b><u>coming</u></b> [17] - 22:18, 31:19, 43:19, 48:10, 48:13, 49:1, 50:18, 58:3, 58:16, 60:14, 75:2, 82:1,</p>	<p>94:15, 95:15, 97:13, 123:10, 143:6</p> <p><b><u>command</u></b> [2] - 17:15, 89:6</p> <p><b><u>commenced</u></b> [1] - 64:16</p> <p><b><u>comment</u></b> [2] - 52:9, 155:9</p> <p><b><u>comments</u></b> [2] - 65:9, 73:9</p> <p><b><u>commissary</u></b> [2] - 133:17, 134:12</p> <p><b><u>COMMISSION</u></b> [3] - 1:2, 1:5, 1:7</p> <p><b><u>Commission</u></b> [37] - 5:9, 14:1, 14:17, 19:1, 20:6, 24:4, 24:12, 24:13, 38:12, 49:5, 88:17, 89:8,</p>	<p>107:7, 113:8, 113:17, 114:5, 116:14, 141:1, 153:4, 153:18, 155:2, 157:1, 158:2, 158:6, 158:11, 164:5, 165:9, 165:15, 165:16, 166:18, 166:19, 174:16, 179:9, 182:6, 183:18, 201:9, 207:9</p> <p><b><u>COMMISSION</u></b> <b><u>'S</u></b> [2] - 2:9, 107:3</p> <p><b><u>Commission</u></b> <b><u>er</u></b> [1] - 5:15</p> <p><b><u>commission</u></b> <b><u>er</u></b> [3] - 202:5, 204:17, 206:5</p> <p><b><u>COMMISSION</u></b> <b><u>ER</u></b> [60] - 1:9,</p>	<p>10:12, 10:17, 11:19, 12:17, 34:17, 37:8, 37:14, 38:10, 38:13, 39:15, 40:12, 41:4, 41:15, 47:5, 48:18, 52:4, 89:13, 90:8, 94:17, 96:2, 97:18, 100:19, 105:11, 105:19, 106:16, 109:15, 111:2, 112:10, 121:19, 124:4, 126:15, 130:17, 132:6, 135:8, 136:14, 139:5, 140:2, 148:12, 154:17, 157:15,</p>	<p>157:18, 158:12, 158:15, 163:2, 174:2, 176:17, 181:1, 186:7, 187:13, 189:9, 198:2, 202:16, 204:3, 205:5, 205:8, 205:19, 206:10, 206:13, 207:4</p> <p><b><u>Commission</u></b> <b><u>ers</u></b> [3] - 5:13, 17:2, 110:11</p> <p><b><u>committee</u></b> [1] - 149:11</p> <p><b><u>committee'</u></b> <b><u>s</u></b> [1] - 150:1</p> <p><b><u>common</u></b> [5] - 49:12, 117:7, 119:1, 119:3, 125:9</p> <p><b><u>Commonweal</u></b> <b><u>th</u></b> [2] - 208:3,</p>
---	---	---	---	--

208:6 <u>communicat</u> <u>ion</u> [2] - 22:7, 32:11 <u>communicat</u> <u>ions</u> [1] - 39:8 <u>community</u> [6] - 26:7, 26:8, 26:13, 47:13, 49:8, 161:11 <u>Company</u> [3] - 132:14, 133:7, 136:4 <u>company</u> [2] - 47:10, 51:1 <u>COMPANY</u> [2] - 2:18, 132:11 <u>compare</u> [1] - 161:2 <u>compared</u> [1] - 153:18 <u>competing</u> [2] - 179:19, 180:1	<u>competitio</u> <u>ns</u> [1] - 15:16 <u>competitor</u> [1] - 15:15 <u>complacenc</u> <u>y</u> [1] - 161:9 <u>complaints</u> [2] - 16:7, 111:13 <u>complete</u> [3] - 89:5, 173:7, 175:11 <u>completed</u> [1] - 174:15 <u>completely</u> [5] - 49:9, 51:4, 102:13, 129:7, 170:16 <u>completion</u> [3] - 131:13, 136:6, 139:16 <u>compliance</u> [5] - 54:3, 54:13, 55:13, 74:16,	80:14 <u>compliant</u> [3] - 7:12, 49:9, 57:16 <u>compliment</u> [1] - 83:18 <u>comply</u> [2] - 80:11, 85:7 <u>compoundin</u> <u>g</u> [2] - 187:14, 187:18 <u>comprehens</u> <u>ive</u> [2] - 7:4, 7:9 <u>computer</u> [1] - 109:1 <u>concept</u> [5] - 25:8, 27:7, 169:15, 169:17, 173:6 <u>Concepts</u> [1] - 163:9 <u>CONCEPTS</u> [2] - 3:7, 163:6 <u>concern</u> [13] - 23:2, 39:2,	39:5, 39:9, 44:5, 74:5, 116:14, 144:15, 145:13, 174:18, 175:3, 183:18, 203:3 <u>concerned</u> [12] - 28:14, 65:17, 66:1, 73:16, 74:19, 81:1, 115:19, 117:3, 117:12, 146:1, 156:16, 171:16 <u>concerns</u> [22] - 22:7, 24:10, 28:16, 32:3, 41:8, 41:13, 43:18, 44:1, 46:16, 48:10, 48:12, 52:10,	73:14, 75:17, 76:18, 82:16, 85:5, 87:2, 88:12, 90:1, 108:8, 187:14 <u>conclude</u> [1] - 24:6 <u>concluded</u> [1] - 180:7 <u>conclusion</u> [1] - 180:8 <u>condenser</u> [1] - 36:19 <u>condition</u> [3] - 20:3, 120:9, 197:16 <u>conditioni</u> <u>ng</u> [1] - 76:12 <u>conduct</u> [1] - 140:17 <u>conduit</u> [1] - 202:1 <u>Conduit</u> [1] - 202:8 <u>Conference</u>
---	--	--	--	--

[2] - 1:13, 5:12 <b><u>confidence</u></b> [1] - 116:12 <b><u>confirm</u></b> [1] - 181:17 <b><u>congested</u></b> [1] - 75:5 <b><u>CONGORAN</u></b> [25] - 42:5, 42:8, 42:11, 42:18, 43:6, 43:12, 44:16, 45:2, 45:8, 45:18, 46:5, 46:7, 46:14, 47:9, 48:2, 49:3, 49:14, 49:18, 50:6, 50:17, 51:8, 52:1, 62:3, 63:12, 64:1 <b><u>Congoran</u></b> [4] -	42:8, 45:12, 53:13, 54:1 <b><u>consequenc</u></b> <b><u>es</u></b> [1] - 76:5 <b><u>consider</u></b> [2] - 26:4, 196:5 <b><u>considerat</u></b> <b><u>ion</u></b> [1] - 195:9 <b><u>considered</u></b> [3] - 16:13, 26:3, 75:19 <b><u>considerin</u></b> <b><u>g</u></b> [2] - 16:11, 150:9 <b><u>consistent</u></b> <b><u>ly</u></b> [1] - 55:17 <b><u>consists</u></b> [2] - 115:3, 115:4 <b><u>constant</u></b> [1] - 74:17 <b><u>constructi</u></b> <b><u>on</u></b> [17] - 7:1, 9:14, 48:7, 59:15, 59:16,	60:2, 60:8, 60:10, 61:8, 63:15, 64:4, 64:14, 65:1, 67:7, 114:17, 115:8, 175:8 <b><u>consultant</u></b> [2] - 56:1, 58:13 <b><u>consultant</u></b> <b><u>s</u></b> [1] - 48:12 <b><u>consummate</u></b> [1] - 187:5 <b><u>consummate</u></b> <b><u>d</u></b> [1] - 187:3 <b><u>contact</u></b> [3] - 90:2, 156:2, 180:12 <b><u>contacted</u></b> [3] - 50:19, 159:1, 159:5 <b><u>contained</u></b> [3] - 21:15, 50:12,	50:13 <b><u>contains</u></b> [1] - 19:4 <b><u>contemplat</u></b> <b><u>ing</u></b> [1] - 38:4 <b><u>contiguous</u></b> [2] - 92:10, 117:15 <b><u>contingent</u></b> [1] - 139:15 <b><u>continuati</u></b> <b><u>on</u></b> [1] - 10:4 <b><u>continue</u></b> [18] - 24:1, 26:16, 59:4, 89:18, 99:3, 100:8, 108:16, 126:7, 126:11, 126:17, 154:10, 154:11, 162:9, 186:9, 186:17, 188:17, 194:15, 203:14 <b><u>CONTINUED</u></b> [2] - 3:5, 140:5	<b><u>Continued</u></b> [1] - 140:9 <b><u>continued</u></b> [2] - 88:18, 201:10 <b><u>continues</u></b> [1] - 198:17 <b><u>continuing</u></b> [2] - 181:16, 186:10 <b><u>contract</u></b> [3] - 37:19, 60:8, 147:8 <b><u>contractor</u></b> <b><u>s</u></b> [1] - 63:16 <b><u>contrary</u></b> [2] - 53:16, 57:4 <b><u>contributi</u></b> <b><u>on</u></b> [1] - 88:5 <b><u>CONTROL</u></b> [1] - 208:17 <b><u>control</u></b> [7] - 35:14, 36:2, 116:1, 116:11, 125:13,
--	--	---	---	--

125:16, 176:15 <b><u>controlled</u></b> [2] - 125:17, 150:13 <b><u>conversati</u></b> <b><u>on</u></b> [4] - 13:17, 81:7, 87:10, 164:2 <b><u>conversati</u></b> <b><u>onal</u></b> [1] - 66:6 <b><u>conversati</u></b> <b><u>ons</u></b> [2] - 63:4, 63:9 <b><u>conversion</u></b> [1] - 53:14 <b><u>convey</u></b> [2] - 102:9, 111:15 <b><u>cooked</u></b> [1] - 134:12 <b><u>cooking</u></b> [3] - 45:6, 76:14, 134:13 <b><u>cooking-</u></b> <b><u>type</u></b> [1] - 45:6 <b><u>cooling</u></b> [1] - 43:13 <b><u>copies</u></b> [1] - 19:10	<b><u>CORIs</u></b> [1] - 139:2 <b><u>corner</u></b> [4] - 18:3, 19:8, 19:13, 28:1 <b><u>Corp</u></b> [1] - 127:4 <b><u>CORP</u></b> [2] - 2:15, 127:1 <b><u>corporate</u></b> [3] - 110:16, 137:18, 137:19 <b><u>Corporate</u></b> [1] - 131:6 <b><u>corporatio</u></b> <b><u>n</u></b> [1] - 137:13 <b><u>corralled</u></b> [1] - 123:18 <b><u>correct</u></b> [28] - 11:9, 25:16, 27:13, 27:14, 45:1, 45:2, 46:13, 98:10, 98:18, 108:6, 108:12,	123:3, 138:12, 153:19, 162:3, 169:8, 169:10, 173:19, 182:10, 182:14, 182:16, 183:14, 184:17, 184:19, 192:6, 192:13, 192:18, 204:19 <b><u>correction</u></b> [1] - 69:13 <b><u>correctly</u></b> [1] - 168:16 <b><u>correspond</u></b> <b><u>ence</u></b> [1] - 113:16 <b><u>corridor</u></b> [1] - 82:3 <b><u>cosmetic</u></b> [3] - 170:12, 170:14, 174:6 <b><u>Council</u></b> [1] - 98:15 <b><u>counsel</u></b> [8] - 64:11,	90:2, 121:10, 164:6, 167:3, 169:8, 180:9, 203:16 <b><u>counsel's</u></b> [1] - 89:19 <b><u>counselor</u></b> [2] - 118:15, 122:19 <b><u>counted</u></b> [1] - 55:17 <b><u>couple</u></b> [4] - 18:17, 133:18, 143:4, 171:15 <b><u>course</u></b> [6] - 58:1, 59:8, 65:16, 108:16, 180:6, 188:12 <b><u>court</u></b> [2] - 176:3, 176:13 <b><u>Court</u></b> [10] - 175:18, 176:1, 179:12, 180:15, 181:18, 187:1,	187:9, 188:6, 203:8, 203:12 <b><u>court's</u></b> [1] - 176:7 <b><u>courtyard</u></b> [1] - 113:5 <b><u>coverage</u></b> [1] - 8:19 <b><u>covered</u></b> [3] - 22:11, 25:18, 50:13 <b><u>CRANE</u></b> [32] - 113:7, 118:16, 119:10, 119:16, 120:2, 120:7, 120:16, 121:2, 121:13, 121:16, 122:6, 122:8, 122:13, 123:4, 123:16, 123:19, 125:8, 126:1, 126:19, 140:19, 141:2,
---	--	---	--	--

141:8, 146:15, 147:15, 147:19, 155:7, 157:17, 158:4, 160:3, 162:2, 162:15, 163:5 <b><u>Crane</u></b> [5] - 113:9, 141:2, 151:6, 151:19, 159:3 <b><u>crazy</u></b> [1] - 84:2 <b><u>create</u></b> [2] - 94:8, 184:11 <b><u>created</u></b> [3] - 154:6, 194:2, 201:1 <b><u>creates</u></b> [1] - 47:18 <b><u>creating</u></b> [1] - 175:17 <b><u>creatively</u></b> [1] - 196:13 <b><u>creditors</u></b> [5] - 176:3,	179:16, 180:4, 187:7, 195:14 <b><u>criteria</u></b> [1] - 38:15 <b><u>critically</u></b> [1] - 18:15 <b><u>crunch</u></b> [1] - 191:4 <b><u>cuisine</u></b> [2] - 15:17, 134:7 <b><u>culinary</u></b> [2] - 15:1, 15:15 <b><u>curb</u></b> [1] - 93:1 <b><u>curious</u></b> [1] - 178:11 <b><u>current</u></b> [4] - 55:12, 155:5, 170:11, 196:7 <b><u>curries</u></b> [1] - 59:1 <b><u>curvature</u></b> [4] - 28:6, 29:3, 29:19, 30:15	<b><u>curve</u></b> [1] - 29:13 <b><u>curved</u></b> [1] - 18:13 <b><u>customer</u></b> [2] - 116:4, 160:7 <b><u>customers</u></b> [2] - 117:1, 150:2 <b><u>cute</u></b> [2] - 156:7, 159:3 <b><u>cutting</u></b> [1] - 80:3  <b><u>D</u></b> <b><u>D/B/A</u></b> [20] - 2:3, 2:5, 2:6, 2:8, 2:10, 2:12, 2:15, 2:17, 3:3, 3:6, 4:11, 13:3, 90:13, 102:16, 107:4, 110:1, 127:1, 132:10, 136:19, 140:6 <b><u>Daily</u></b> [3] - 177:14, 178:1,	180:9 <b><u>Dan</u></b> [2] - 142:1, 148:4 <b><u>danger</u></b> [1] - 152:18 <b><u>data</u></b> [1] - 159:13 <b><u>date</u></b> [7] - 10:10, 67:5, 149:12, 154:15, 176:10, 184:15, 186:11 <b><u>DATE</u></b> [1] - 1:15 <b><u>dates</u></b> [1] - 138:5 <b><u>David</u></b> [1] - 132:15 <b><u>days</u></b> [4] - 39:5, 89:7, 192:10, 192:11 <b><u>daytime</u></b> [1] - 40:4 <b><u>deal</u></b> [10] - 147:6, 151:11, 155:18, 156:9, 157:12, 157:19, 159:2, 159:6, 160:17,	160:19 <b><u>Dean</u></b> [1] - 91:8 <b><u>DEAN</u></b> [23] - 72:17, 91:5, 91:8, 91:9, 92:6, 92:12, 92:15, 92:19, 93:14, 93:18, 94:11, 94:14, 95:1, 95:7, 95:13, 96:4, 96:10, 97:5, 97:13, 99:11, 99:13, 100:13, 101:3 <b><u>debtor</u></b> [3] - 180:5, 180:6, 183:16 <b><u>deceased</u></b> [1] - 195:13 <b><u>December</u></b> [3] - 175:1, 179:15, 198:11
---	--	---	---	--

<b><u>decided</u></b> [3] - 78:16, 104:9, 108:3	149:19 <b><u>Decisions</u></b> [1] - 101:15	<b><u>demonstrat</u></b> <b><u>ed</u></b> [2] - 16:2, 16:9	<b><u>described</u></b> [1] - 16:17	68:14 <b><u>diagonal</u></b> [1] - 18:2
<b><u>decides</u></b> [1] - 187:1	<b><u>deck</u></b> [1] - 50:9	<b><u>demonstrat</u></b> <b><u>es</u></b> [1] - 28:2	<b><u>design</u></b> [2] - 18:15, 95:17	<b><u>diagram</u></b> [1] - 19:7
<b><u>deciding</u></b> [1] - 86:17	<b><u>defer</u></b> [1] - 37:3	<b><u>DENA</u></b> [4] - 72:13, 72:17, 73:7, 75:16	<b><u>Design</u></b> [1] - 61:18	<b><u>dictate</u></b> [1] - 158:10
<b><u>DECISION</u></b> [2] - 2:10, 107:4	<b><u>define</u></b> [5] - 151:19, 153:8, 157:4, 159:16, 159:17	<b><u>Dena</u></b> [1] - 72:13	<b><u>designate</u></b> [1] - 120:6	<b><u>dictated</u></b> [1] - 116:17
<b><u>Decision</u></b> [9] - 100:8, 102:5, 126:7, 126:18, 162:9, 186:10, 188:18, 191:17, 192:16	<b><u>definitely</u></b> [1] - 94:7	<b><u>Dennis</u></b> [1] - 148:6	<b><u>designated</u></b> [1] - 64:5	<b><u>died</u></b> [1] - 68:18
<b><u>decision</u></b> [6] - 83:4, 83:13, 101:6, 107:8, 188:10, 192:15	<b><u>definitive</u></b> [1] - 99:5	<b><u>Denver</u></b> [1] - 103:9	<b><u>desire</u></b> [3] - 39:19, 41:2, 68:13	<b><u>difference</u></b> [3] - 7:17, 145:14, 161:15
<b><u>decisions</u></b> [4] - 88:16, 89:10, 99:9,	<b><u>definitive</u></b> <b><u>ly</u></b> [1] - 102:9	<b><u>deny</u></b> [1] - 188:3	<b><u>desk</u></b> [1] - 63:15	<b><u>different</u></b> [14] - 27:1, 65:12, 66:16, 74:7, 117:16, 123:11, 129:7, 130:5, 156:13, 156:18, 156:19, 161:18, 170:16, 180:2
	<b><u>deliveries</u></b> [5] - 21:10, 56:16, 57:11, 65:12, 70:6	<b><u>Department</u></b> [4] - 20:17, 95:3, 108:8, 136:8	<b><u>despite</u></b> [1] - 74:19	
	<b><u>delivery</u></b> [1] - 21:4	<b><u>depicted</u></b> [2] - 29:12, 123:19	<b><u>details</u></b> [2] - 16:16, 200:4	
	<b><u>demand</u></b> [5] - 20:11, 20:14, 23:6, 39:18, 76:11	<b><u>depicting</u></b> [1] - 122:5	<b><u>determinat</u></b> <b><u>ion</u></b> [1] - 41:11	
	<b><u>demonstrat</u></b> <b><u>e</u></b> [1] - 40:13	<b><u>Derby</u></b> [1] - 22:13	<b><u>determined</u></b> [2] - 93:5, 179:12	
		<b><u>descend</u></b> [1] - 28:7	<b><u>developing</u></b> [2] - 68:12, 173:6	<b><u>difficult</u></b> [3] - 53:11, 80:12, 99:7
		<b><u>descends</u></b> [1] - 30:11	<b><u>developmen</u></b> <b><u>t</u></b> [1] -	



<b><u>difficulti</u></b>	- 24:16,	100:10,	197:4,	[2] -
<b><u>es</u></b> [1] -	95:9,	101:10,	197:8,	47:14,
80:14	96:14,	101:14,	197:19,	179:1
<b><u>difficulty</u></b>	178:15	102:2,	198:4,	<b><u>discussion</u></b>
[1] -	<b><u>DIRECT</u></b> [1]	102:7,	201:19,	[5] -
71:10	- 208:17	102:18,	202:4,	83:11,
<b><u>Digital</u></b>	<b><u>direct</u></b> [3]	107:6,	202:9,	86:14,
[1] -	- 21:1,	108:5,	202:13,	86:15,
13:16	61:13,	108:11,	202:18,	167:14,
<b><u>dilemma</u></b>	73:1	110:3,	204:7,	168:19
[3] -	<b><u>direction</u></b>	112:17,	204:14,	<b><u>discussion</u></b>
98:19,	[2] -	119:19,	204:18,	<b><u>s</u></b> [4] -
187:16,	178:11,	127:3,	205:11,	83:9,
190:16	178:12	130:10,	206:3,	83:12,
<b><u>diligent</u></b>	<b><u>DIRECTION</u></b>	130:14,	206:15	166:1,
[2] -	[1] -	131:9,	<b><u>director</u></b>	166:6
143:18,	208:18	132:12,	[4] -	<b><u>dish</u></b> [1] -
144:6	<b><u>directly</u></b>	134:3,	8:16, 9:5,	31:8
<b><u>diminished</u></b>	[5] -	135:15,	128:10,	<b><u>disjointed</u></b>
[1] -	28:9,	135:18,	145:10	[1] -
187:8	49:16,	137:1,	<b><u>dirty</u></b> [1]	124:9
<b><u>dimly</u></b> [1]	57:12,	138:7,	- 98:8	<b><u>DISPATCH</u></b>
- 31:16	81:13,	138:13,	<b><u>disagree</u></b>	[2] -
<b><u>diners</u></b> [2]	149:19	138:18,	[1] -	2:11,
- 23:8,	<b><u>Director</u></b>	140:8,	126:1	107:4
23:12	[1] - 6:6	147:13,	<b><u>disappear</u></b>	<b><u>Dispatch</u></b>
<b><u>dining</u></b>	<b><u>DIRECTOR</u></b>	147:18,	[1] -	[2] -
[10] -	[68] -	148:1,	196:9	107:10,
24:15,	1:11, 4:4,	163:8,	<b><u>discharges</u></b>	107:11
26:3,	5:3, 5:6,	168:12,	[2] -	<b><u>dispatch</u></b>
26:4,	11:2,	182:15,	35:11,	[1] -
30:7,	13:5,	183:3,	35:13	108:1
70:4,	90:15,	183:7,	<b><u>disclosure</u></b>	<b><u>disposal</u></b>
74:10,	93:9,	183:13,	<b><u>s</u></b> [1] -	[2] -
76:3,	93:15,	184:18,	178:19	50:8,
76:4,	98:13,	186:13,	<b><u>discuss</u></b>	57:10
76:7,	98:17,	190:5,	[1] -	<b><u>dissipated</u></b>
170:3	99:8,	194:3,	194:19	[1] - 23:9
<b><u>dinner</u></b> [5]	99:18,	195:19,	<b><u>discussed</u></b>	<b><u>distinguis</u></b>
		197:1,		

<p><b><u>h</u></b> [1] - 181:17</p> <p><b><u>District</u></b> [1] - 20:5</p> <p><b><u>district</u></b> [1] - 20:7</p> <p><b><u>disturbed</u></b> [2] - 55:6, 55:9</p> <p><b><u>diverse</u></b> [1] - 25:10</p> <p><b><u>dividers</u></b> [1] - 94:5</p> <p><b><u>DJs</u></b> [1] - 172:18</p> <p><b><u>dock</u></b> [9] - 21:8, 21:9, 21:11, 21:12, 50:11, 56:13, 65:12, 73:12, 73:19</p> <p><b><u>docks</u></b> [1] - 86:3</p> <p><b><u>documentat</u></b> <b><u>ion</u></b> [1] - 138:19</p> <p><b><u>DOES</u></b> [1] - 208:17</p> <p><b><u>dollars</u></b> [1] - 152:7</p> <p><b><u>Dolphin</u></b> [7] - 166:17,</p>	<p>167:15, 168:6, 168:16, 183:11, 189:17, 194:11</p> <p><b><u>dominant</u></b> [1] - 18:12</p> <p><b><u>dominated</u></b> [1] - 26:2</p> <p><b><u>Domino's</u></b> [1] - 18:4</p> <p><b><u>done</u></b> [13] - 47:9, 48:11, 55:12, 74:15, 87:18, 96:11, 128:1, 134:14, 176:8, 200:4, 200:9, 203:4, 207:6</p> <p><b><u>door</u></b> [18] - 50:2, 60:12, 61:6, 63:13, 81:5, 94:15, 95:15, 97:14, 114:10, 115:16, 117:5,</p>	<p>117:10, 117:11, 119:5, 121:3, 123:2, 123:5, 124:16</p> <p><b><u>doors</u></b> [3] - 81:9, 121:1, 121:4</p> <p><b><u>dorm</u></b> [1] - 11:17</p> <p><b><u>dormitory</u></b> [1] - 6:19</p> <p><b><u>double</u></b> [2] - 84:16, 142:15</p> <p><b><u>doubles</u></b> [2] - 7:18, 8:3</p> <p><b><u>doubt</u></b> [1] - 44:14</p> <p><b><u>down</u></b> [16] - 26:16, 30:12, 50:11, 52:18, 58:3, 58:16, 60:16, 74:16, 94:7, 113:18, 119:8, 121:8, 122:16, 125:12, 129:12,</p>	<p>149:10</p> <p><b><u>downstairs</u></b> [1] - 50:8</p> <p><b><u>DPW</u></b> [3] - 92:18, 92:19, 99:7</p> <p><b><u>drafts</u></b> [1] - 142:17</p> <p><b><u>draw</u></b> [1] - 69:19</p> <p><b><u>drawing</u></b> [2] - 62:9, 62:10</p> <p><b><u>dread</u></b> [1] - 81:11</p> <p><b><u>drink</u></b> [1] - 70:1</p> <p><b><u>drinking</u></b> [1] - 96:18</p> <p><b><u>drinks</u></b> [1] - 116:13</p> <p><b><u>drive</u></b> [1] - 180:3</p> <p><b><u>Drive</u></b> [9] - 4:15, 7:2, 12:11, 110:7, 112:5, 127:8, 131:8, 132:17, 136:5</p> <p><b><u>driveways</u></b> [1] - 58:1</p> <p><b><u>Dumpling</u></b></p>	<p>[1] - 58:16</p> <p><b><u>dumpster</u></b> [3] - 50:11, 56:19, 57:1</p> <p><b><u>dumpsters</u></b> [2] - 21:13, 51:7</p> <p><b><u>DUNSTER</u></b> [2] - 2:3, 4:11</p> <p><b><u>Dunster</u></b> [7] - 4:14, 5:16, 6:15, 6:18, 9:1, 12:9, 137:5</p> <p><b><u>during</u></b> [3] - 21:9, 53:18, 86:14</p> <p><b><u>dynamic</u></b> [1] - 165:13</p>
<b><u>E</u></b>				
<b><u>E-L-L-I-N</u></b>				
<p>[1] - 67:13</p> <p><b><u>eager</u></b> [1] - 176:2</p> <p><b><u>easier</u></b> [1] - 125:11</p> <p><b><u>easily</u></b> [1]</p>				

- 125:18	<b><u>effects</u></b>	<b><u>ELIZABETH</u></b>	148:1,	<b><u>email</u></b> [3]
<b><u>East</u></b> [3] -	[2] -	[68] -	163:8,	- 55:4,
110:4,	55:5, 55:9	1:11, 4:4,	168:12,	68:15,
110:13,	<b><u>effort</u></b> [1]	5:3, 5:6,	182:15,	108:9
112:4	- 182:3	11:2,	183:3,	<b><u>emails</u></b> [1]
<b><u>EAST</u></b> [2] -	<b><u>efforts</u></b>	13:5,	183:7,	- 93:2
2:12,	[5] -	90:15,	183:13,	<b><u>emanate</u></b>
110:1	75:1,	93:9,	184:18,	[1] - 29:9
<b><u>eat</u></b> [3] -	141:11,	93:15,	186:13,	<b><u>emphasize</u></b>
70:1,	143:3,	98:13,	190:5,	[1] - 66:8
74:11,	143:18,	98:17,	194:3,	<b><u>emphatical</u></b>
178:15	144:6	99:8,	195:19,	<b><u>ly</u></b> [1] -
<b><u>eatery</u></b> [5]	<b><u>egress</u></b> [3]	99:18,	197:1,	64:19
- 178:4,	- 49:11,	100:10,	197:4,	<b><u>employed</u></b>
178:5,	49:15	101:10,	197:8,	[1] -
178:6,	<b><u>eight</u></b> [6]	101:14,	197:19,	18:15
178:7	- 8:1,	102:2,	198:4,	<b><u>employees</u></b>
<b><u>eating</u></b> [2]	9:10,	102:7,	201:19,	[1] -
- 71:15,	31:3,	102:18,	202:4,	176:6
96:19	155:14,	107:6,	202:9,	<b><u>encapsulat</u></b>
<b><u>echo</u></b> [4] -	175:11,	108:5,	202:13,	<b><u>e</u></b> [1] -
73:14,	179:18	108:11,	202:18,	125:7
74:5,	<b><u>eight-week</u></b>	110:3,	204:7,	<b><u>encountere</u></b>
74:12,	[1] -	112:17,	204:14,	<b><u>d</u></b> [1] -
75:7	179:18	119:19,	204:18,	81:3
<b><u>edge</u></b> [4] -	<b><u>eights</u></b> [1]	127:3,	205:11,	<b><u>encouraged</u></b>
74:17,	- 44:15	130:10,	206:3,	[1] - 38:6
79:19,	<b><u>either</u></b> [3]	130:14,	206:15	<b><u>encouragin</u></b>
80:3,	- 120:1,	131:9,	<b><u>Ellery</u></b> [1]	<b><u>g</u></b> [1] -
92:10	162:10,	132:12,	- 18:1	176:8
<b><u>Edison</u></b> [1]	194:15	134:3,	<b><u>ELLIN</u></b> [6]	<b><u>encroach</u></b>
- 31:17	<b><u>ELDSTEIN</u></b>	135:15,	- 67:12,	[1] - 80:5
<b><u>effect</u></b> [1]	[1] -	135:18,	68:4,	<b><u>encroachme</u></b>
- 48:15	72:18	137:1,	71:18,	<b><u>nt</u></b> [1] -
<b><u>effectivel</u></b>	<b><u>electrical</u></b>	138:7,	72:4,	80:4
<b><u>y</u></b> [3] -	[1] -	138:13,	77:3, 77:6	<b><u>end</u></b> [10] -
146:10,	171:4	138:18,	<b><u>Ellin</u></b> [2]	19:6,
167:1,	<b><u>Eliot</u></b> [1]	140:8,	- 67:12,	19:8,
187:4	- 118:8	147:13,	67:14	
		147:18,		

26:17, 30:15, 46:2, 58:16, 148:5, 155:8, 170:3, 187:4 <b><u>ended</u></b> [3] - 122:15, 200:19, 203:6 <b><u>ending</u></b> [1] - 83:18 <b><u>enforce</u></b> [1] - 76:19 <b><u>engaged</u></b> [3] - 141:8, 141:16, 142:1 <b><u>engagement</u></b> [2] - 37:12, 144:2 <b><u>engaging</u></b> [1] - 141:13 <b><u>enjoy</u></b> [1] - 74:13 <b><u>enormously</u></b> [1] - 86:6 <b><u>enter</u></b> [1] - 21:8 <b><u>entered</u></b> [1] - 174:12 <b><u>entertain</u></b>	[1] - 147:3 <b><u>Entertainm</u></b> <b><u>ent</u></b> [2] - 13:14, 163:19 <b><u>entertainm</u></b> <b><u>ent</u></b> [12] - 22:6, 22:18, 23:3, 68:7, 76:4, 76:7, 172:13, 172:18, 173:5, 173:10, 178:5 <b><u>entire</u></b> [1] - 24:18 <b><u>entirely</u></b> [1] - 21:19 <b><u>entry</u></b> [1] - 21:6 <b><u>equation</u></b> [1] - 192:1 <b><u>equipment</u></b> [13] - 30:5, 30:12, 32:9, 32:16, 32:18, 32:19, 33:4, 36:14,	36:16, 46:17, 171:3, 171:12 <b><u>especially</u></b> [1] - 94:3 <b><u>essence</u></b> [4] - 189:4, 189:8, 190:12, 191:6 <b><u>essentiall</u></b> <b><u>y</u></b> [3] - 58:7, 192:7, 192:15 <b><u>establish</u></b> [1] - 182:4 <b><u>establishe</u></b> <b><u>d</u></b> [1] - 24:1 <b><u>establishi</u></b> <b><u>ng</u></b> [2] - 38:15, 39:16 <b><u>establishm</u></b> <b><u>ent</u></b> [5] - 15:8, 16:7, 76:17, 93:8, 143:11 <b><u>estate</u></b> [3] - 176:4, 187:5, 195:12 <b><u>et</u></b> [1] -	73:19 <b><u>European</u></b> [1] - 169:19 <b><u>evening</u></b> [30] - 5:17, 5:18, 13:18, 13:19, 14:5, 34:14, 40:4, 41:1, 41:12, 42:4, 42:5, 53:1, 60:14, 87:3, 103:5, 107:13, 110:9, 110:10, 113:6, 113:7, 127:10, 133:2, 137:8, 140:19, 149:1, 164:3, 164:4, 164:10, 190:9, 199:13 <b><u>evenings</u></b> [2] - 20:13,	66:12 <b><u>events</u></b> [1] - 82:11 <b><u>Evers</u></b> [1] - 142:14 <b><u>evidently</u></b> [2] - 142:10, 144:16 <b><u>evolve</u></b> [1] - 76:6 <b><u>exact</u></b> [1] - 45:3 <b><u>exactly</u></b> [6] - 16:16, 88:3, 97:5, 181:17, 182:1, 182:7 <b><u>example</u></b> [2] - 56:17, 58:15 <b><u>except</u></b> [4] - 50:15, 54:14, 168:5, 182:16 <b><u>exception</u></b> [1] - 8:6 <b><u>exchange</u></b> [2] - 39:10, 88:19 <b><u>exchanged</u></b> [1] - 189:11
---	--	---	--	--

<p><b><u>excuse</u></b> [1] - 122:9</p> <p><b><u>executed</u></b> [1] - 37:19</p> <p><b><u>EXECUTIVE</u></b> [68] - 1:11, 4:4, 5:3, 5:6, 11:2, 13:5, 90:15, 93:9, 93:15, 98:13, 98:17, 99:8, 99:18, 100:10, 101:10, 101:14, 102:2, 102:7, 102:18, 107:6, 108:5, 108:11, 110:3, 112:17, 119:19, 127:3, 130:10, 130:14, 131:9, 132:12, 134:3, 135:15, 135:18, 137:1,</p>	<p>138:7, 138:13, 138:18, 140:8, 147:13, 147:18, 148:1, 163:8, 168:12, 182:15, 183:3, 183:7, 183:13, 184:18, 186:13, 190:5, 194:3, 195:19, 197:1, 197:4, 197:8, 197:19, 198:4, 201:19, 202:4, 202:9, 202:13, 202:18, 204:7, 204:14, 204:18, 205:11, 206:3, 206:15</p> <p><b><u>executive</u></b> [1] - 145:10</p> <p><b><u>exemption</u></b> [2] -</p>	<p>4:19, 12:12</p> <p><b><u>exhaust</u></b> [3] - 30:9, 35:8, 45:6</p> <p><b><u>exist</u></b> [2] - 40:7, 194:1</p> <p><b><u>existed</u></b> [2] - 161:17, 200:13</p> <p><b><u>existing</u></b> [10] - 33:4, 35:15, 40:5, 47:6, 54:13, 56:7, 66:15, 142:9, 142:12, 143:12</p> <p><b><u>expand</u></b> [3] - 68:13, 70:4, 113:3</p> <p><b><u>expansion</u></b> [1] - 71:13</p> <p><b><u>expectatio</u></b> <b><u>n</u></b> [1] - 158:1</p> <p><b><u>expense</u></b> [1] - 54:2</p> <p><b><u>expenses</u></b> [1] -</p>	<p>198:17</p> <p><b><u>experience</u></b> [6] - 23:17, 24:13, 41:11, 57:17, 58:2, 155:11</p> <p><b><u>experience</u></b> <b><u>d</u></b> [1] - 39:18</p> <p><b><u>expert</u></b> [1] - 65:16</p> <p><b><u>explained</u></b> [1] - 165:13</p> <p><b><u>explanatio</u></b> <b><u>ns</u></b> [1] - 73:10</p> <p><b><u>explicit</u></b> [1] - 151:13</p> <p><b><u>express</u></b> [1] - 41:2</p> <p><b><u>expressed</u></b> [3] - 40:19, 151:13, 177:15</p> <p><b><u>expressing</u></b> [1] - 39:9</p> <p><b><u>extend</u></b> [5] - 154:10, 154:11, 155:3, 188:7</p> <p><b><u>extension</u></b> [1] - 25:8</p>	<p><b><u>extensive</u></b> [2] - 8:9, 170:17</p> <p><b><u>extent</u></b> [2] - 7:16, 178:19</p> <p><b><u>exterior</u></b> [5] - 7:10, 21:13, 21:14, 35:19, 59:11</p> <p><b><u>extremely</u></b> [1] - 15:11</p> <p><b><u>eye</u></b> [1] - 125:14</p>
				<b><u>F</u></b>
				<p><b><u>F-E-I-N-B-</u></b> <b><u>E-R-G</u></b> [1] - 79:5</p> <p><b><u>F-I-O-R-E-</u></b> <b><u>N-Z-A</u></b> [1] - 107:18</p> <p><b><u>F-R-E-D-D-</u></b> <b><u>U-R-A</u></b> [1] - 177:12</p> <p><b><u>facade</u></b> [2] - 36:6, 36:12</p> <p><b><u>face</u></b> [3] - 56:14, 59:9, 59:10</p> <p><b><u>faced</u></b> [1] - 146:13</p> <p><b><u>faces</u></b> [1]</p>

- 73:13	<b><u>fairly</u></b> [3]	117:2,	[1] - 26:6	72:14,
<b><u>facilities</u></b>	- 55:7,	117:11,	<b><u>features</u></b>	72:18
[1] - 76:8	186:19,	123:9,	[1] -	<b><u>Felipe's</u></b>
<b><u>facility</u></b>	187:10	142:3,	18:12	[3] -
[1] - 45:7	<b><u>faith</u></b> [3]	144:15,	<b><u>February</u></b>	144:19,
<b><u>facing</u></b> [6]	- 147:3,	155:2,	[7] -	145:16,
- 18:14,	200:16,	164:14,	140:9,	145:17
28:5,	201:8	173:1	140:10,	<b><u>fell</u></b> [4] -
60:11,	<b><u>fall</u></b> [3] -	<b><u>farm</u></b> [1] -	142:6,	147:6,
61:9,	10:2,	134:8	204:9,	151:11,
61:10,	93:6,	<b><u>FAS</u></b> [1] -	204:10,	159:2,
64:4	158:1	4:14	204:12,	159:6
<b><u>fact</u></b> [10]	<b><u>fallen</u></b> [1]	<b><u>fault</u></b> [1]	205:3	<b><u>FELLOWS</u></b>
- 53:17,	- 155:18	- 174:15	<b><u>FEBRUARY</u></b>	[2] - 2:3,
81:10,	<b><u>falls</u></b> [1]	<b><u>favor</u></b> [17]	[4] - 3:5,	4:10
150:9,	- 154:19	- 12:15,	3:5,	<b><u>Fellows</u></b>
150:10,	<b><u>familiar</u></b>	40:16,	140:5,	[1] - 4:13
154:18,	[4] -	90:6,	140:6	<b><u>felt</u></b> [2] -
166:2,	14:17,	100:17,	<b><u>fed</u></b> [1] -	18:8,
166:3,	45:4,	106:14,	69:10	152:19
168:8,	45:10,	109:13,	<b><u>fees</u></b> [1] -	<b><u>Ferris</u></b> [1]
179:19,	142:2	112:8,	190:17	- 138:11
200:7	<b><u>family's</u></b>	126:13,	<b><u>feet</u></b> [2] -	<b><u>few</u></b> [8] -
<b><u>factors</u></b>	[2] -	132:4,	30:11,	15:13,
[3] -	25:8, 25:9	136:11,	95:19	21:1,
143:15,	<b><u>fantastic</u></b>	139:19,	<b><u>FEINBERG</u></b>	37:15,
156:13,	[1] -	162:19,	[1] - 79:4	39:4,
156:18	102:11	204:1,	<b><u>Feinberg</u></b>	41:6,
<b><u>factual</u></b>	<b><u>far</u></b> [18] -	205:6,	[2] -	89:7,
[1] - 23:1	43:18,	205:17,	79:5,	93:2,
<b><u>faculty</u></b>	45:2,	206:11,	88:15	160:15
[1] - 8:12	45:15,	207:2	<b><u>FELDSTEIN</u></b>	<b><u>fewer</u></b> [1]
<b><u>Faculty</u></b>	49:10,	<b><u>Fawcett</u></b>	[4] -	- 8:3
[1] - 6:12	51:3,	[2] -	72:13,	<b><u>FI</u></b> [4] -
<b><u>fair</u></b> [4] -	54:14,	107:12,	72:17,	3:5, 3:6,
100:4,	59:14,	108:2	73:7,	140:6,
157:4,	81:1,	<b><u>fears</u></b> [1]	75:16	140:6
166:5,	101:6,	- 82:16	<b><u>Feldstein</u></b>	<b><u>Fi</u></b> [3] -
180:14	116:16,	<b><u>feature</u></b>	[2] -	140:10,

140:11, 149:15 <b><u>FI-HI</u></b> [2] - 3:5, 140:6 <b><u>Fi-Hi</u></b> [1] - 140:10 <b><u>figure</u></b> [1] - 155:1 <b><u>figured</u></b> [1] - 51:2 <b><u>file</u></b> [2] - 109:10, 119:18 <b><u>filed</u></b> [2] - 17:1, 179:15 <b><u>files</u></b> [2] - 153:17, 156:19 <b><u>fill</u></b> [1] - 116:10 <b><u>filled</u></b> [1] - 130:13 <b><u>filthy</u></b> [1] - 70:15 <b><u>final</u></b> [4] - 41:11, 83:13, 89:10, 176:14 <b><u>finalist</u></b> [1] - 15:15 <b><u>finality</u></b> [1] - 195:11 <b><u>financial</u></b> [1] -	166:7 <b><u>fine</u></b> [2] - 70:5, 71:14 <b><u>fined</u></b> [1] - 109:3 <b><u>finger</u></b> [1] - 120:17 <b><u>finish</u></b> [1] - 97:9 <b><u>finishes</u></b> [1] - 17:5 <b><u>Fiorenza</u></b> [2] - 107:10, 107:18 <b><u>FIORENZA</u></b> [5] - 107:13, 107:17, 108:18, 109:6, 109:18 <b><u>fire</u></b> [9] - 44:14, 45:16, 108:17, 147:10, 151:18, 151:19, 152:16, 156:6, 174:6 <b><u>FIRE</u></b> [117] - 1:10, 9:6, 9:12, 10:3, 10:7, 10:11,	11:14, 12:3, 12:14, 12:18, 29:18, 30:14, 30:18, 31:5, 35:2, 35:7, 35:10, 36:4, 41:17, 44:13, 44:17, 45:5, 45:14, 46:2, 46:6, 49:10, 49:15, 50:3, 51:6, 51:17, 52:7, 89:16, 90:5, 90:9, 94:9, 94:12, 98:2, 100:16, 101:1, 101:19, 102:4, 106:4, 106:13, 106:17, 108:15, 109:4,	109:12, 109:16, 109:19, 111:5, 112:7, 112:11, 118:14, 119:7, 121:10, 121:14, 122:4, 122:11, 122:14, 124:7, 124:15, 125:3, 125:11, 126:12, 126:16, 129:1, 129:5, 129:9, 130:19, 132:3, 132:7, 133:10, 133:14, 134:6, 134:18, 135:11, 136:10, 136:13, 139:8, 139:18, 140:3, 147:11, 148:15, 162:18, 163:3, 167:3,	167:7, 167:10, 168:1, 168:9, 168:14, 170:19, 171:6, 171:9, 171:14, 172:1, 174:5, 175:4, 177:1, 181:4, 185:1, 185:5, 185:10, 185:15, 185:19, 188:13, 191:1, 193:4, 197:6, 202:7, 203:19, 204:4, 205:9, 205:16, 206:1, 207:1, 207:5 <b><u>Fire</u></b> [1] - 108:8 <b><u>fired</u></b> [1] - 129:7 <b><u>first</u></b> [34] - 4:12, 6:1, 7:1, 9:17,
--	--	--	--	---

25:4, 25:15, 26:1, 34:15, 42:18, 51:15, 53:4, 58:7, 67:13, 67:18, 73:2, 75:18, 91:9, 96:11, 103:7, 107:15, 113:13, 114:2, 115:18, 116:15, 127:19, 128:15, 149:5, 149:6, 152:4, 155:11, 164:8, 177:10, 183:18, 204:17 <b><u>firsthand</u></b> [1] - 64:18 <b><u>fit</u></b> [1] - 51:15 <b><u>five</u></b> [7] - 44:15, 55:1, 95:19,	115:11, 152:13, 159:19, 198:11 <b><u>five-</u></b> <b><u>eights</u></b> [1] - 44:15 <b><u>fixture</u></b> [1] - 30:7 <b><u>flat</u></b> [1] - 85:12 <b><u>floor</u></b> [12] - 17:9, 18:4, 18:11, 29:11, 34:16, 44:8, 62:11, 110:17, 121:18, 199:8, 199:10 <b><u>floors</u></b> [1] - 71:6 <b><u>flow</u></b> [1] - 123:9 <b><u>fluorescen</u></b> <b><u>t</u></b> [1] - 31:14 <b><u>flush</u></b> [1] - 179:18 <b><u>focus</u></b> [2] - 24:18, 134:9 <b><u>folks</u></b> [3] - 86:7, 86:18, 107:2	<b><u>follow</u></b> [2] - 105:6, 185:3 <b><u>following</u></b> [1] - 189:16 <b><u>Food</u></b> [5] - 13:6, 14:6, 76:10, 132:16, 149:14 <b><u>FOOD</u></b> [2] - 2:5, 13:3 <b><u>food</u></b> [17] - 16:10, 17:5, 21:10, 21:14, 25:6, 25:16, 26:2, 26:6, 58:19, 69:4, 69:7, 69:10, 69:14, 84:8, 95:14, 96:19, 133:8 <b><u>Foodie's</u></b> [1] - 25:13 <b><u>foods</u></b> [1] - 134:14 <b><u>footed</u></b> [1] - 85:12	<b><u>footprint</u></b> [2] - 28:2, 87:7 <b><u>forced</u></b> [1] - 68:19 <b><u>FOREGOING</u></b> [1] - 208:16 <b><u>foremost</u></b> [3] - 25:4, 25:15, 26:1 <b><u>form</u></b> [2] - 23:2, 130:13 <b><u>formally</u></b> [2] - 56:11, 165:2 <b><u>format</u></b> [1] - 188:14 <b><u>formerly</u></b> [1] - 178:2 <b><u>forms</u></b> [2] - 182:3, 184:17 <b><u>formulated</u></b> [1] - 116:2 <b><u>forth</u></b> [6] - 93:2, 100:3, 123:8, 142:17, 165:14, 208:8 <b><u>forthright</u></b>	[1] - 175:5 <b><u>forthwith</u></b> [1] - 143:7 <b><u>forward</u></b> [8] - 42:3, 47:15, 52:18, 85:2, 148:19, 175:5, 181:12, 187:2 <b><u>four</u></b> [5] - 31:3, 32:6, 54:19, 115:11, 122:9 <b><u>frame</u></b> [4] - 83:14, 174:17, 175:1, 203:6 <b><u>framework</u></b> [1] - 75:19 <b><u>Francis</u></b> [3] - 140:11, 141:6, 162:3 <b><u>FRANCIS</u></b> [2] - 141:6, 147:17 <b><u>Frank</u></b> [2]
---	---	--	--	---



- 72:18, 147:16 <b>frank</b> [1] - 141:5 <b>Franklin</b> [2] - 80:2, 83:2 <b>frankly</b> [10] - 24:16, 31:11, 38:8, 39:2, 40:9, 88:2, 88:16, 89:5, 118:11, 146:17 <b>FREDDURA</b> [19] - 177:6, 177:11, 177:19, 179:5, 181:7, 181:10, 181:13, 182:18, 183:5, 184:12, 185:3, 185:8, 185:12, 185:17, 186:2, 198:6, 198:9, 198:19	<b>Freddura</b> [1] - 177:8 <b>free</b> [1] - 49:5 <b>freed</b> [1] - 66:12 <b>French</b> [1] - 170:1 <b>frequent</b> [1] - 65:14 <b>frequently</b> [1] - 54:19 <b>fresh</b> [2] - 35:15, 134:10 <b>Friday</b> [7] - 13:11, 95:10, 96:5, 132:19, 134:2, 135:5, 136:6 <b>FROM</b> [2] - 3:5, 140:5 <b>Front</b> [1] - 37:17 <b>front</b> [18] - 19:17, 27:12, 28:7, 29:3, 44:6, 50:2, 60:12, 61:6,	61:10, 63:13, 70:8, 77:10, 81:8, 81:9, 97:14, 123:5, 195:1, 200:18 <b>fryolators</b> [2] - 35:3, 171:10 <b>full</b> [7] - 19:13, 31:2, 40:2, 72:16, 165:4, 171:6, 197:14 <b>full-</b> <b>service</b> [1] - 40:2 <b>fully</b> [2] - 7:12 <b>fumes</b> [1] - 58:18 <b>function</b> [2] - 11:5, 23:4 <b>funds</b> [1] - 176:2 <b>funny</b> [1] - 153:12 <b>furniture</b> [2] - 69:4,	114:3 <hr/> <b>G</b> <b>G-I-R-A-R-</b> <b>D</b> [1] - 127:13 <b>G-R-A-I-L</b> [1] - 164:9 <b>gaps</b> [1] - 124:18 <b>garage</b> [20] - 19:5, 20:2, 20:12, 20:19, 21:3, 21:6, 21:8, 50:1, 51:5, 51:15, 51:19, 56:14, 78:14, 114:10, 115:17, 119:6, 120:15, 120:17, 121:6 <b>garbage</b> [3] - 69:7, 70:7, 75:1 <b>gas</b> [1] - 129:7 <b>gather</b> [4]	- 23:9, 71:4, 74:9, 189:18 <b>General</b> [1] - 5:9 <b>general</b> [2] - 91:16, 137:10 <b>generally</b> [1] - 11:14 <b>generate</b> [3] - 116:12, 184:9, 184:10 <b>generated</b> [3] - 33:2, 48:6, 116:18 <b>generator</b> [2] - 78:9, 78:12 <b>gentleman</b> [2] - 83:10, 164:13 <b>George</b> [2] - 107:10, 107:17 <b>GEORGE</b> [6] - 107:13, 107:17, 107:18, 108:18,
--	---	---	--	--

<p>109:6, 109:18 <b>Gerald</b> [1] - 5:14 <b>GERALD</b> [117] - 1:10, 9:6, 9:12, 10:3, 10:7, 10:11, 11:14, 12:3, 12:14, 12:18, 29:18, 30:14, 30:18, 31:5, 35:2, 35:7, 35:10, 36:4, 41:17, 44:13, 44:17, 45:5, 45:14, 46:2, 46:6, 49:10, 49:15, 50:3, 51:6, 51:17, 52:7, 89:16, 90:5, 90:9,</p>	<p>94:9, 94:12, 98:2, 100:16, 101:1, 101:19, 102:4, 106:4, 106:13, 106:17, 108:15, 109:4, 109:12, 109:16, 109:19, 111:5, 112:7, 112:11, 118:14, 119:7, 121:10, 121:14, 122:4, 122:11, 122:14, 124:7, 124:15, 125:3, 125:11, 126:12, 126:16, 129:1, 129:5, 129:9, 130:19, 132:3, 132:7, 133:10, 133:14, 134:6,</p>	<p>134:18, 135:11, 136:10, 136:13, 139:8, 139:18, 140:3, 147:11, 148:15, 162:18, 163:3, 167:3, 167:7, 167:10, 168:1, 168:9, 168:14, 170:19, 171:6, 171:9, 171:14, 172:1, 174:5, 175:4, 177:1, 181:4, 185:1, 185:5, 185:10, 185:15, 185:19, 188:13, 191:1, 193:4, 197:6, 202:7, 203:19, 204:4, 205:9, 205:16,</p>	<p>206:1, 207:1, 207:5 <b>Giovanni</b> [1] - 127:6 <b>Girard</b> [3] - 127:9, 127:12, 131:8 <b>GIRARD</b> [17] - 127:12, 127:16, 127:19, 128:4, 128:7, 128:9, 128:14, 128:18, 129:4, 129:6, 129:11, 129:18, 130:2, 130:6, 131:14, 131:18, 132:9 <b>given</b> [8] - 16:8, 41:8, 65:11, 93:12, 147:4, 151:12, 155:4, 196:1 <b>gizmo</b> [1]</p>	<p>- 54:5 <b>glad</b> [2] - 65:18, 111:19 <b>glass</b> [3] - 33:19, 65:4, 122:12 <b>gonna</b> [2] - 69:16, 69:17 <b>Goodwin</b> [2] - 163:10, 170:5 <b>Google</b> [1] - 123:12 <b>Gorge</b> [1] - 10:4 <b>gosh</b> [1] - 5:4 <b>graciously</b> [1] - 114:12 <b>grad</b> [1] - 11:11 <b>grade</b> [6] - 19:4, 19:5, 21:8, 66:16, 73:15, 73:16 <b>graduation</b> [1] - 170:7 <b>GRANT</b> [2] - 2:10, 107:4</p>
--	---	--	---	---

<p><b><u>grant</u></b> [2] - 98:14, 107:8</p> <p><b><u>granted</u></b> [3] - 108:1, 114:12, 150:11</p> <p><b><u>granting</u></b> [2] - 68:6, 68:11</p> <p><b><u>grateful</u></b> [2] - 69:4, 203:9</p> <p><b><u>great</u></b> [6] - 15:4, 26:11, 54:2, 79:17, 83:12, 84:10</p> <p><b><u>greater</u></b> [1] - 7:5</p> <p><b><u>greatly</u></b> [1] - 108:14</p> <p><b><u>Green</u></b> [28] - 22:19, 27:16, 28:10, 39:6, 46:11, 46:13, 47:3, 53:7, 56:14, 57:18,</p>	<p>58:5, 58:16, 66:16, 68:5, 68:17, 69:9, 71:9, 72:3, 72:5, 72:19, 75:4, 75:11, 77:17, 79:6, 80:1, 83:3, 113:14, 128:18</p> <p><b><u>Grill</u></b> [1] - 193:10</p> <p><b><u>Grocery</u></b> [1] - 69:1</p> <p><b><u>grocery</u></b> [2] - 17:12, 65:13</p> <p><b><u>ground</u></b> [4] - 17:9, 18:4, 81:11</p> <p><b><u>Group</u></b> [4] - 13:6, 14:6, 102:19, 106:9</p> <p><b><u>GROUP</u></b> [4] - 2:5, 2:8, 13:3, 102:16</p>	<p><b><u>groups</u></b> [1] - 39:3</p> <p><b><u>grown</u></b> [1] - 134:10</p> <p><b><u>guarantees</u></b> [1] - 74:6</p> <p><b><u>guarded</u></b> [1] - 31:18</p> <p><b><u>guess</u></b> [8] - 56:10, 99:2, 151:16, 154:17, 173:8, 173:12, 181:10, 189:15</p> <p><b><u>guest</u></b> [2] - 24:18, 30:7</p> <p><b><u>gypsum</u></b> [1] - 44:7</p> <p><b><u>Gywenh</u></b> [1] - 163:12</p>	<p>38:10, 38:13, 39:15, 40:12, 41:4, 41:15, 47:5, 48:18, 52:4, 89:13, 90:8, 94:17, 96:2, 97:18, 100:19, 105:11, 105:19, 106:16, 109:15, 111:2, 112:10, 121:19, 124:4, 126:15, 130:17, 132:6, 135:8, 136:14, 139:5, 140:2, 148:12, 154:17, 157:15, 157:18, 158:12, 158:15, 163:2, 174:2, 176:17, 181:1,</p>	<p>186:7, 187:13, 189:9, 198:2, 202:16, 204:3, 205:5, 205:8, 205:19, 206:10, 206:13, 207:4</p> <p><b><u>Haas</u></b> [1] - 5:15</p> <p><b><u>half</u></b> [4] - 96:15, 97:1, 184:12, 198:15</p> <p><b><u>halfway</u></b> [1] - 28:8</p> <p><b><u>Hampshire</u></b> [1] - 141:7</p> <p><b><u>hand</u></b> [5] - 19:13, 73:6, 105:3, 162:11, 208:11</p> <p><b><u>handheld</u></b> [1] - 54:5</p> <p><b><u>handle</u></b> [1] - 62:3</p> <p><b><u>handling</u></b> [1] - 32:9</p> <p><b><u>hands</u></b> [3] - 52:14, 72:9,</p>
		<b><u>H</u></b>		
		<p><b><u>H.K</u></b> [1] - 2:5</p> <p><b><u>HAAS</u></b> [60] - 1:9, 10:12, 10:17, 11:19, 12:17, 34:17, 37:8, 37:14,</p>		

191:15 <u>happy</u> [5] - 27:7, 39:6, 124:8, 152:11, 152:12 <u>hard</u> [3] - 125:13, 152:15, 159:11 <u>Harlow</u> [16] - 14:19, 15:9, 15:10, 16:1, 16:8, 16:14, 16:18, 17:4, 22:9, 23:6, 24:2, 24:14, 25:5, 26:9, 39:19, 40:18 <u>Harlows</u> [1] - 31:16 <u>HARRIET</u> [2] - 79:4, 79:5 <u>Harriet</u> [2] - 79:5, 86:17	<u>Harriet's</u> [1] - 87:8 <u>Harvard</u> [32] - 4:13, 4:14, 6:2, 6:7, 6:11, 7:2, 8:18, 12:8, 14:18, 15:3, 15:7, 18:3, 18:6, 19:6, 25:7, 25:11, 26:7, 27:2, 55:4, 57:18, 70:13, 76:2, 79:13, 79:15, 79:16, 80:6, 84:1, 118:7, 142:9, 143:11 <u>HARVARD</u> [2] - 2:3, 4:10 <u>HARVARD'S</u> [2] - 3:3, 136:19 <u>Harvard's</u> [4] - 7:5,	137:3, 137:11, 139:15 <u>head</u> [1] - 187:12 <u>heading</u> [1] - 115:16 <u>headquarte</u> <u>rs</u> [1] - 110:15 <u>health</u> [1] - 55:5 <u>hear</u> [33] - 9:8, 31:19, 37:10, 43:5, 43:11, 48:17, 52:9, 52:12, 56:18, 57:1, 57:2, 57:11, 57:15, 58:5, 65:18, 66:6, 68:3, 69:17, 73:6, 73:19, 86:15, 94:6, 109:6, 128:1, 149:11,	169:15, 180:15, 181:12, 182:6, 202:19 <u>heard</u> [20] - 12:5, 41:8, 52:15, 82:8, 82:17, 86:11, 86:14, 87:3, 88:9, 88:12, 98:4, 106:6, 111:7, 131:2, 135:13, 139:10, 148:17, 161:4, 162:7, 177:4 <u>hearing</u> [27] - 39:13, 47:7, 68:5, 83:19, 87:19, 105:4, 140:15, 141:9, 141:17, 141:19, 142:5,	150:8, 150:16, 150:19, 151:6, 165:8, 168:18, 181:14, 181:19, 187:11, 188:7, 191:16, 201:17, 203:6, 203:8, 207:9, 208:8 <u>HEARING</u> [2] - 1:2, 1:5 <u>Hearing</u> [10] - 5:10, 100:8, 102:5, 126:7, 126:18, 162:9, 186:11, 188:18, 191:17, 192:17 <u>hearings</u> [1] - 150:8 <u>heat</u> [4] - 36:18, 43:2, 43:6, 43:14
---	--	--	---	--

<b><u>heated</u></b> [1] - 42:19	105:1, 105:10, 105:14, 106:19, 107:2	149:15	153:16	<b><u>holiday</u></b> [1] - 186:12
<b><u>heating</u></b> [1] - 43:13		<b><u>high</u></b> [3] - 17:5, 152:3, 187:10	<b><u>HIT</u></b> [2] - 2:8, 102:16	<b><u>Holland</u></b> [13] - 140:11, 141:6, 141:9, 141:13, 141:17, 142:7, 146:6, 146:16, 152:3, 153:4, 154:7, 157:12, 162:3
<b><u>held</u></b> [4] - 114:13, 161:6, 163:12, 189:13	<b><u>herein</u></b> [1] - 208:8	<b><u>higher</u></b> [3] - 47:3, 170:3, 184:3	<b><u>Hit</u></b> [2] - 103:1, 106:10	
<b><u>hello</u></b> [2] - 133:1, 137:7	<b><u>hereunto</u></b> [1] - 208:10	<b><u>highest</u></b> [2] - 16:3, 180:4	<b><u>HK</u></b> [4] - 13:3, 13:6, 14:6, 76:10	
<b><u>help</u></b> [2] - 153:4, 186:6	<b><u>HERITAGE</u></b> [4] - 2:17, 2:18, 132:10, 132:11	<b><u>highly</u></b> [1] - 176:8	<b><u>Holcombe</u></b> [1] - 75:13	
<b><u>helpful</u></b> [3] - 39:11, 101:16, 111:15	<b><u>Heritage</u></b> [5] - 132:13, 132:14, 133:6, 136:3, 136:4	<b><u>hill</u></b> [1] - 60:16	<b><u>hold</u></b> [5] - 103:17, 104:9, 106:8, 161:12, 204:16	
<b><u>HERE</u></b> [1] - 103:9		<b><u>Hill</u></b> [1] - 134:1		<b><u>HOLLAND</u></b> [2] - 141:6, 147:17
<b><u>hereby</u></b> [1] - 208:6	<b><u>hi</u></b> [1] - 91:4	<b><u>himself</u></b> [2] - 15:14, 59:14	<b><u>holder</u></b> [10] - 4:14, 90:18, 103:2, 103:4, 110:6, 112:18, 127:6, 137:4, 140:12, 176:1	<b><u>Holland's</u></b> [7] - 38:7, 142:11, 143:14, 155:13, 161:5, 161:16, 182:19
<b><u>Heredia</u></b> [2] - 103:1, 103:8	<b><u>Hi</u></b> [4] - 140:10, 140:11, 149:2, 149:15	<b><u>historic</u></b> [3] - 7:10, 32:8, 152:12		
<b><u>HEREDIA</u></b> [13] - 103:8, 103:15, 103:18, 104:2, 104:4, 104:7, 104:13, 104:16,	<b><u>HI</u></b> [4] - 3:5, 3:6, 140:6, 140:6	<b><u>historical</u></b> <b><u>ly</u></b> [1] - 152:9	<b><u>holders</u></b> [1] - 37:13	<b><u>Holyoke</u></b> [1] - 163:13
	<b><u>HI-FI</u></b> [2] - 3:6, 140:6	<b><u>history</u></b> [7] - 15:1, 17:15, 38:3, 89:3, 89:6, 153:10,	<b><u>holding</u></b> [1] - 161:6	<b><u>home</u></b> [2] - 27:3, 27:5
	<b><u>Hi-Fi</u></b> [2] - 140:11,			<b><u>honestly</u></b> [1] - 138:5

<u>hood</u> [2] - 44:19, 45:3	97:1	82:4	<u>al</u> [1] - 185:2	<u>impact</u> [6] - 18:19, 22:3, 22:19, 24:10, 33:3, 38:18
<u>hoods</u> [2] - 35:8, 171:16	<u>hours</u> [12] - 8:14, 13:10, 41:9, 54:11, 95:6, 96:8, 110:17, 123:11, 163:13, 172:6, 172:7, 191:2	<u>HOUSE</u> [4] - 2:3, 3:3, 4:11, 136:19	<u>hypothetic</u> <u>ally</u> [3] - 182:18, 189:16, 189:19	<u>impacted</u> [3] - 149:19, 150:2, 150:3
<u>hook</u> [1] - 160:5	<u>House</u> [14] - 4:14, 4:15, 5:16, 6:15, 6:18, 8:17, 12:9, 15:3, 26:10, 58:16, 71:14, 137:3, 139:15	<u>housed</u> [1] - 35:14	<u>I</u>	<u>impacts</u> [3] - 16:6, 21:18, 39:9
<u>hope</u> [4] - 64:3, 82:13, 83:4, 175:16	<u>house</u> [14] - 6:13, 8:11, 9:1, 11:4, 11:12, 46:11, 73:13, 74:13, 78:17, 79:7, 81:13,	<u>houses</u> [3] - 7:2, 7:6, 63:15	<u>I-A</u> [1] - 103:9	<u>impinge</u> [1] - 76:8
<u>hoped</u> [1] - 148:4		<u>housing</u> [1] - 8:16	<u>I-N-A</u> [1] - 91:10	<u>implied</u> [1] - 151:17
<u>hopeful</u> [1] - 10:1		<u>hubs</u> [2] - 76:4, 76:6	<u>idea</u> [3] - 85:15, 86:1, 175:6	<u>important</u> [1] - 85:10
<u>hopefully</u> [2] - 99:4, 160:4		<u>huge</u> [1] - 78:11	<u>identify</u> [2] - 88:1, 141:5	<u>impossible</u> [2] - 78:19, 159:16
<u>hoping</u> [5] - 105:3, 143:7, 154:11, 174:14, 176:13		<u>hum</u> [1] - 56:4	<u>illegal</u> [1] - 56:4	<u>impress</u> [1] - 24:12
<u>horizontal</u> [1] - 7:14		<u>hundred</u> [1] - 152:7	<u>illuminate</u> [1] - 30:12	<u>improperly</u> [2] - 60:3, 60:11
<u>hostage</u> [1] - 161:12		<u>Hurley</u> [1] - 133:19	<u>imagine</u> [4] - 17:14, 20:13, 69:15, 86:4	<u>improved</u> [1] - 108:14
<u>hosting</u> [1] - 87:15		<u>husband</u> [1] - 177:13	<u>immediate</u> [1] - 173:4	
<u>hot</u> [1] - 134:15		<u>HVAC</u> [8] - 32:16, 36:14, 36:17, 42:17, 54:1, 56:7, 74:2, 171:4	<u>imminent</u> [2] - 160:18, 160:19	
<u>hour</u> [2] - 96:15,		<u>hydrants</u> [1] - 93:13		
		<u>hypothetic</u>		

<b><u>IN</u></b> [3] - 1:5, 208:10, 208:17	<b><u>included</u></b> [1] - 184:4	<b><u>indicate</u></b> [2] - 43:11, 187:11	<b><u>infrastruc</u></b> <b><u>ture</u></b> [2] - 36:1, 170:15	114:19, 115:3, 115:9, 116:7, 119:11, 120:18
<b><u>inactive</u></b> [8] - 37:18, 103:4, 103:17, 106:10, 145:4, 147:12, 148:2, 161:12	<b><u>including</u></b> [2] - 47:17, 88:14	<b><u>indicated</u></b> [1] - 143:17	<b><u>initial</u></b> [3] - 114:4, 115:7, 141:14	<b><u>inspected</u></b> [1] - 134:17
<b><u>inaudible</u></b> [1] - 10:5	<b><u>income</u></b> [1] - 198:16	<b><u>indulgence</u></b> [2] - 53:9, 188:8	<b><u>initiated</u></b> [1] - 198:10	<b><u>Inspection</u></b> <b><u>al</u></b> [1] - 136:8
<b><u>Inc</u></b> [1] - 3:5	<b><u>inconvenie</u></b> <b><u>nce</u></b> [1] - 155:4	<b><u>industrial</u></b> [1] - 66:10	<b><u>initiative</u></b> [1] - 7:5	<b><u>inspector</u></b> [1] - 54:17
<b><u>INC</u></b> [4] - 1:18, 2:12, 110:1, 140:6	<b><u>Incorporat</u></b> <b><u>ed</u></b> [3] - 110:4, 110:13, 140:10	<b><u>industry</u></b> [2] - 56:2, 56:3	<b><u>injected</u></b> [1] - 84:9	<b><u>installed</u></b> [1] - 47:15
<b><u>inches</u></b> [1] - 92:7	<b><u>incorrect</u></b> [1] - 182:10	<b><u>influence</u></b> [1] - 26:14	<b><u>Inman</u></b> [1] - 79:18	<b><u>instance</u></b> [3] - 145:3, 167:17, 168:6
<b><u>inclined</u></b> [1] - 194:17	<b><u>increase</u></b> [3] - 4:16, 12:8, 20:10	<b><u>inform</u></b> [1] - 83:1	<b><u>innovative</u></b> [1] - 15:17	<b><u>instead</u></b> [2] - 86:17, 152:17
<b><u>include</u></b> [9] - 13:15, 22:5, 68:15, 91:2, 91:19, 113:4, 163:19, 171:1, 184:1	<b><u>increasing</u></b> <b><u>ly</u></b> [1] - 76:8	<b><u>informatio</u></b> <b><u>n</u></b> [8] - 39:10, 87:16, 88:19, 101:16, 131:17, 158:19, 161:6, 196:3	<b><u>inquires</u></b> [1] - 37:17	<b><u>insulated</u></b> [1] - 82:6
	<b><u>independen</u></b> <b><u>t</u></b> [3] - 32:17, 36:15, 89:4	<b><u>informed</u></b> [5] - 38:4, 144:1, 144:3, 155:17, 155:19	<b><u>inquiry</u></b> [1] - 38:11	<b><u>intact</u></b> [1] - 171:5
	<b><u>INDEX</u></b> [2] - 2:1, 3:1		<b><u>inroads</u></b> [1] - 83:5	<b><u>intake</u></b> [1] - 35:16
	<b><u>Indian</u></b> [2] - 58:18, 58:19		<b><u>inside</u></b> [14] - 51:4, 51:12, 60:17, 63:14, 113:3, 114:5, 114:14, 114:15,	<b><u>integrate</u></b> [1] - 26:12
			<b><u>intend</u></b> [1] - 20:16	<b><u>intended</u></b>

[1] - 152:1 <b>intent</b> [3] - 30:6, 142:10, 199:16 <b>interest</b> [8] - 137:6, 139:13, 151:13, 161:10, 177:15, 179:16, 184:6, 201:15 <b>interested</b> [3] - 142:19, 144:11, 178:18 <b>interior</b> [10] - 7:11, 21:5, 43:14, 59:17, 60:1, 114:7, 114:15, 115:4, 115:9, 119:12 <b>internal</b> [1] - 21:12 <b>interpreta</b> <b>tion</b> [1] - 169:8	<b>interrupt</b> [1] - 189:1 <b>interrupte</b> <b>d</b> [2] - 54:18, 55:10 <b>intervals</b> [1] - 155:16 <b>intimated</b> [1] - 176:13 <b>intradepar</b> <b>tmental</b> [1] - 98:7 <b>intro</b> [1] - 5:1 <b>introduce</b> [2] - 24:3, 39:1 <b>inverse</b> [1] - 20:12 <b>invested</b> [2] - 47:11, 48:2 <b>investigat</b> <b>ed</b> [1] - 37:9 <b>invitation</b> [1] - 87:14 <b>involve</b> [1] - 118:8 <b>involved</b>	[4] - 80:19, 85:4, 142:8, 156:18 <b>involves</b> [1] - 115:13 <b>ironically</b> [1] - 144:17 <b>irritating</b> [1] - 74:18 <b>ISD</b> [2] - 135:16, 135:17 <b>issue</b> [16] - 42:17, 45:9, 47:14, 63:2, 68:10, 93:10, 99:15, 99:19, 115:13, 117:3, 125:13, 174:12, 183:11, 189:19, 191:10, 201:8 <b>issued</b> [1] - 140:16 <b>issues</b> [9] - 18:17, 32:9,	77:1, 87:4, 109:3, 113:18, 114:18, 143:16, 183:10 <b>itself</b> [10] - 18:9, 19:2, 27:11, 43:15, 48:16, 50:14, 51:10, 55:9, 82:5, 182:6  <b>J</b> <b>J.H</b> [3] - 3:3, 136:18, 137:2 <b>JACKSON</b> [272] - 1:8, 5:1, 5:5, 5:18, 6:14, 8:2, 8:5, 10:19, 11:7, 11:18, 12:2, 12:4, 12:15, 12:19, 13:18, 27:10,	27:15, 28:4, 28:11, 28:19, 29:5, 29:15, 33:5, 33:11, 33:17, 34:4, 34:9, 34:19, 36:13, 37:6, 41:19, 42:6, 42:9, 42:16, 43:3, 43:8, 46:9, 50:7, 52:2, 52:5, 52:8, 61:9, 61:14, 61:17, 62:1, 62:17, 63:5, 63:18, 64:6, 64:11, 65:3, 66:14, 66:18, 67:3, 67:9, 68:1,
---	---	---	--	---



72:2,	100:1,	113:6,	135:10,	174:1,
72:7,	100:11,	119:13,	135:12,	174:4,
72:15,	100:14,	119:17,	135:17,	176:10,
73:5,	100:17,	120:4,	136:1,	176:16,
75:15,	101:2,	120:12,	136:11,	176:19,
77:2,	101:4,	120:19,	136:15,	177:3,
77:4,	101:8,	121:9,	137:8,	177:9,
77:9,	101:12,	122:18,	137:17,	179:4,
77:13,	101:18,	123:14,	138:2,	179:10,
77:16,	102:13,	123:17,	138:10,	180:18,
79:2,	103:5,	124:2,	138:14,	181:3,
84:13,	103:12,	124:6,	138:17,	181:6,
88:7,	103:16,	126:3,	139:4,	181:9,
89:11,	103:19,	126:13,	139:7,	181:11,
89:15,	104:3,	126:17,	139:9,	182:9,
89:17,	104:11,	127:10,	139:19,	186:5,
90:6,	104:14,	127:14,	140:4,	186:8,
90:10,	104:18,	127:17,	145:11,	186:15,
91:4,	105:8,	128:3,	148:10,	188:16,
91:6,	105:17,	128:5,	148:14,	190:8,
91:13,	106:2,	128:8,	148:16,	192:4,
91:18,	106:5,	128:12,	149:3,	192:11,
92:4,	106:14,	128:16,	149:8,	192:14,
92:8,	106:18,	129:16,	153:14,	192:19,
92:14,	107:14,	129:19,	154:16,	194:13,
92:18,	107:19,	130:4,	160:8,	195:15,
93:6,	108:7,	130:8,	161:14,	196:11,
95:5,	108:13,	130:12,	162:5,	196:16,
95:12,	109:7,	130:16,	162:16,	197:3,
96:7,	109:13,	131:1,	162:19,	197:12,
97:3,	109:17,	131:11,	163:4,	197:18,
97:11,	110:9,	131:16,	164:3,	198:8,
97:17,	111:1,	131:19,	166:12,	201:13,
98:1,	111:4,	132:4,	168:15,	202:2,
98:3,	111:6,	132:8,	169:6,	202:11,
98:16,	111:18,	133:2,	170:10,	202:14,
98:19,	112:1,	133:5,	172:2,	203:2,
99:10,	112:8,	135:1,	172:5,	203:10,
99:12,	112:12,	135:4,	172:12,	203:13,
99:17,	112:14,	135:7,	173:16,	203:18,

204:1, 204:5, 204:12, 204:16, 205:1, 205:6, 205:10, 205:13, 205:17, 206:2, 206:6, 206:11, 206:14, 206:17, 207:2, 207:7	60:4, 60:19, 61:3, 61:12, 62:5, 62:11, 63:1, 64:9, 64:12, 71:16, 71:19, 87:11, 88:13, 90:11, 164:4, 164:8, 164:13, 164:17, 166:16, 167:6, 167:9, 167:13, 168:5, 169:4, 169:16, 170:4, 172:4, 172:7, 173:8, 174:11, 175:13, 175:16, 183:9, 183:15, 189:1, 189:15, 190:10, 190:18, 191:3, 192:10,	192:13, 192:18, 193:1, 193:13, 193:15, 193:17, 194:8, 196:15, 197:16, 198:18, 199:14, 203:17 <u>James</u> [4] - 14:2, 15:16, 25:3, 25:15 <u>Jean</u> [2] - 90:17, 91:11 <u>JEAN</u> [6] - 91:11, 91:16, 92:3, 101:5, 102:11, 102:15 <u>Jean-</u> <u>Claude</u> [2] - 90:17, 91:11 <u>JEAN-</u> <u>CLAUDE</u> [6] - 91:11, 91:16, 92:3, 101:5, 102:11, 102:15	<u>JEANCLAUDE</u> [1] - 91:12 <u>JH</u> [1] - 139:13 <u>Jill</u> [3] - 203:10, 208:5, 208:13 <u>JIM</u> [1] - 164:9 <u>Jim</u> [4] - 25:16, 27:8, 164:6, 164:8 <u>Jo</u> [1] - 55:4 <u>Joe's</u> [5] - 110:4, 110:5, 110:13, 112:3, 112:4 <u>JOE'S</u> [4] - 2:12, 110:1 <u>John</u> [4] - 58:13, 137:3, 137:11, 139:14 <u>JOHN</u> [2] - 3:3, 136:19 <u>joke</u> [1] - 203:1 <u>judge</u> [5] - 165:12,	165:14, 175:14, 200:18, 201:1 <u>judgment</u> [1] - 187:17 <u>july</u> [1] - 147:19 <u>July</u> [6] - 10:1, 10:10, 145:7, 147:18, 148:2, 155:8 <u>juniors</u> [1] - 10:15
<u>Jackson</u> [1] - 5:14 <u>JAMES</u> [72] - 13:19, 27:19, 29:10, 29:16, 31:10, 32:2, 33:14, 34:2, 34:11, 36:11, 37:2, 37:11, 37:15, 38:11, 38:16, 39:17, 40:14, 41:7, 45:9, 59:19,				
				<u>K</u>
				<u>Kaplan</u> [1] - 113:1 <u>KAPLAN</u> [5] - 121:17, 122:3, 122:7, 124:12, 125:1 <u>keep</u> [11] - 43:9, 44:9, 51:13, 75:6, 83:19, 93:19, 94:4, 125:14, 173:9,

184:2, 200:6 <b>keeper</b> [1] - 162:4 <b>keeping</b> [3] - 123:17, 134:14, 178:16 <b>keeps</b> [1] - 174:19 <b>Kentucky</b> [1] - 22:13 <b>kept</b> [4] - 143:19, 144:3, 154:2, 200:7 <b>KEVIN</b> [33] - 113:7, 113:9, 118:16, 119:10, 119:16, 120:2, 120:7, 120:16, 121:2, 121:13, 121:16, 122:6, 122:8, 122:13, 123:4, 123:16, 123:19, 125:8, 126:1,	126:19, 140:19, 141:2, 141:8, 146:15, 147:15, 147:19, 155:7, 157:17, 158:4, 160:3, 162:2, 162:15, 163:5 <b>Kevin</b> [2] - 113:9, 141:2 <b>Kilby</b> [1] - 133:19 <b>kind</b> [4] - 5:7, 17:13, 25:9, 67:5 <b>kind've</b> [3] - 26:11, 99:3, 125:7 <b>kinda</b> [3] - 26:6, 26:16, 26:17 <b>Kinnaird</b> [1] - 80:2 <b>kitchen</b> [14] - 23:19, 30:4, 30:5,	30:10, 33:12, 35:3, 45:7, 60:2, 96:16, 97:4, 97:6, 171:1, 171:5, 171:7 <b>Kitchen</b> [1] - 118:6 <b>know..</b> [1] - 30:13 <b>knowing</b> [2] - 83:6, 88:16 <b>knowledge</b> [1] - 64:18 <b>known</b> [3] - 14:19, 15:16, 40:18 <b>knows</b> [2] - 20:7, 56:1 <b>Kourafas</b> [2] - 208:5, 208:13 <hr/> <p style="text-align:center">L</p> <hr/> <b>lab</b> [3] - 53:14, 53:17,	66:9 <b>Labs</b> [1] - 149:14 <b>lack</b> [3] - 168:8, 187:6, 194:18 <b>laid</b> [2] - 124:8, 124:13 <b>landlady</b> [1] - 68:18 <b>landlord</b> [7] - 71:4, 117:5, 119:13, 126:8, 150:3, 161:11, 176:6 <b>lane</b> [1] - 108:17 <b>language</b> [1] - 152:1 <b>large</b> [3] - 18:13, 125:2, 186:19 <b>largely</b> [2] - 7:17, 76:14 <b>larger</b> [1] - 39:3 <b>last</b> [30] - 6:1,	7:7, 32:15, 41:9, 42:11, 67:12, 77:14, 84:9, 89:7, 91:9, 103:7, 107:16, 122:19, 141:9, 141:17, 142:5, 147:16, 149:5, 149:7, 149:10, 150:16, 151:6, 151:11, 152:13, 158:18, 164:9, 177:10, 178:2, 187:11 <b>late</b> [2] - 75:3, 174:17 <b>lately</b> [2] - 48:6, 54:17 <b>laundry</b> [1] - 98:8 <b>law</b> [5] - 57:3, 57:6,
--	--	--	--	---

85:7, 85:8, 171:15 <b>laws</b> [1] - 109:2 <b>lawyers</b> [1] - 44:7 <b>layout</b> [2] - 34:15, 85:13 <b>layouts</b> [2] - 7:11, 7:15 <b>leads</b> [1] - 49:16 <b>learn</b> [2] - 39:4, 85:13 <b>learned</b> [6] - 39:2, 39:5, 89:6, 155:18, 156:8, 165:9 <b>lease</b> [6] - 20:3, 105:4, 156:14, 156:15, 157:7, 184:4 <b>leased</b> [1] - 184:1 <b>leash</b> [1] - 145:6 <b>least</b> [11] - 9:2,	41:13, 83:5, 87:6, 89:9, 95:19, 144:14, 169:15, 173:10, 187:7, 188:19 <b>leave</b> [7] - 16:15, 20:18, 51:16, 58:10, 77:4, 90:2, 95:1 <b>leaves</b> [1] - 50:15 <b>leaving</b> [2] - 82:1, 84:7 <b>led</b> [1] - 40:11 <b>left</b> [13] - 27:13, 28:6, 35:4, 35:11, 45:1, 59:6, 59:9, 59:10, 61:15, 94:14, 94:15, 94:18, 157:8 <b>lend</b> [3] -	18:9, 26:6, 152:6 <b>length</b> [1] - 19:14 <b>lengths</b> [1] - 26:11 <b>less</b> [1] - 82:17 <b>lesser</b> [5] - 14:14, 14:16, 14:18, 16:16, 45:10 <b>lesser</b> [3] - 16:1, 18:8, 188:4 <b>LESSER</b> [4] - 14:14, 34:6, 36:2, 36:18 <b>letter</b> [6] - 11:1, 36:14, 75:9, 77:5, 126:8, 131:17 <b>level</b> [14] - 9:11, 9:17, 13:17, 17:5, 47:1, 47:6,	56:19, 57:12, 66:6, 74:16, 116:16, 137:18, 138:1, 164:2 <b>levels</b> [1] - 54:6 <b>lever</b> [1] - 35:16 <b>License</b> [18] - 4:15, 5:9, 6:18, 13:14, 38:12, 90:19, 103:3, 107:7, 110:7, 112:19, 127:7, 137:5, 140:13, 153:18, 157:1, 163:11, 207:8, 208:14 <b>LICENSE</b> [5] - 1:2, 1:5, 1:7, 2:9, 107:3 <b>license</b> [118] - 13:9, 14:12,	15:7, 20:17, 22:6, 24:7, 24:10, 37:9, 37:10, 37:13, 37:17, 37:19, 38:1, 38:2, 38:7, 38:9, 38:15, 59:16, 68:7, 68:11, 83:13, 98:12, 103:4, 103:17, 105:2, 105:6, 105:12, 105:13, 106:9, 106:11, 114:12, 117:7, 128:13, 132:16, 136:2, 140:16, 141:11, 141:15, 142:8, 142:10, 142:11, 142:12,
--	--	---	--	--

143:14, 143:18, 144:1, 144:6, 144:7, 144:12, 144:17, 145:2, 145:5, 145:19, 146:4, 146:7, 146:10, 148:8, 149:16, 149:18, 150:7, 150:12, 150:18, 152:2, 152:8, 152:19, 155:4, 156:10, 156:12, 156:14, 157:9, 157:11, 159:1, 160:6, 161:7, 161:13, 161:16, 163:19, 165:5, 165:6, 165:10, 165:17, 166:3, 166:4,	166:8, 166:11, 167:1, 168:7, 172:13, 172:18, 173:5, 173:10, 176:1, 182:2, 182:7, 182:10, 182:12, 182:13, 183:1, 184:8, 184:14, 184:16, 185:14, 189:5, 189:7, 189:10, 189:12, 189:13, 190:1, 190:4, 192:9, 193:11, 193:19, 196:4, 196:8, 197:15, 199:9, 200:13 <b><u>licensed</u></b> [5] - 62:7, 118:9, 133:11, 140:18,	150:13 <b><u>licensee</u></b> [12] - 37:18, 38:4, 57:6, 100:5, 113:11, 140:17, 141:4, 142:9, 142:16, 143:11, 143:13, 143:19 <b><u>licenses</u></b> [8] - 37:12, 150:5, 152:10, 155:12, 183:12, 189:4, 194:4, 195:5 <b><u>licensing</u></b> [1] - 140:14 <b><u>Licensing</u></b> [3] - 16:4, 49:5, 182:6 <b><u>light</u></b> [7] - 28:15, 29:9, 30:8, 30:10, 31:11,	31:17, 31:18 <b><u>lighting</u></b> [3] - 30:7, 30:8, 31:14 <b><u>likely</u></b> [1] - 160:14 <b><u>line</u></b> [10] - 10:8, 28:3, 30:5, 30:11, 30:12, 37:1, 54:8, 58:8, 120:6, 121:11 <b><u>lines</u></b> [2] - 143:10, 170:2 <b><u>LINT</u></b> [68] - 1:11, 4:4, 5:3, 5:6, 11:2, 13:5, 90:15, 93:9, 93:15, 98:13, 98:17, 99:8, 99:18, 100:10, 101:10, 101:14, 102:2,	102:7, 102:18, 107:6, 108:5, 108:11, 110:3, 112:17, 119:19, 127:3, 130:10, 130:14, 131:9, 132:12, 134:3, 135:15, 135:18, 137:1, 138:7, 138:13, 138:18, 140:8, 147:13, 147:18, 148:1, 163:8, 168:12, 182:15, 183:3, 183:7, 183:13, 184:18, 186:13, 190:5, 194:3, 195:19, 197:1, 197:4, 197:8, 197:19, 198:4,
--	--	--	--	--

201:19, 202:4, 202:9, 202:13, 202:18, 204:7, 204:14, 204:18, 205:11, 206:3, 206:15	<b><u>Live</u></b> [1] - 163:19 <b><u>live</u></b> [20] - 23:3, 41:2, 68:5, 68:19, 69:8, 71:2, 71:3, 71:18, 72:2, 72:19, 77:16, 78:1, 78:5, 79:6, 80:12, 81:18, 172:13, 172:19, 173:13, 173:18	90:16, 102:16, 102:19, 106:9, 112:15, 112:18, 132:10, 132:13, 136:3, 136:18, 137:2, 139:14, 163:6, 163:9, 163:12	117:9, 119:5, 119:12, 119:15, 120:5, 120:18, 123:2	44:5, 48:16, 79:13, 79:17, 128:6, 129:10, 137:11, 137:13, 137:16, 170:12, 171:10, 173:1, 178:1, 183:12
<b><u>Lint</u></b> [5] - 10:19, 32:7, 110:11, 165:8, 182:11	<b><u>lived</u></b> [2] - 68:17, 72:5	<b><u>load</u></b> [1] - 134:13	<b><u>local</u></b> [3] - 16:10, 51:1, 134:9	<b><u>locations</u></b> [3] - 27:1, 133:17, 133:18
<b><u>liquor</u></b> [6] - 24:10, 37:9, 37:10, 38:15, 68:6, 197:14	<b><u>living</u></b> [2] - 10:2, 79:7	<b><u>loading</u></b> [12] - 21:7, 21:9, 21:11, 21:12, 50:10, 56:13, 65:11, 73:12, 73:19, 86:3, 111:14	<b><u>locally</u></b> [3] - 15:17, 134:10	<b><u>lock</u></b> [1] - 81:9
<b><u>list</u></b> [2] - 8:10, 87:14	<b><u>lived</u></b> [2] - 68:17, 72:5	<b><u>lobby</u></b> [16] - 49:13, 49:19, 50:4, 114:7, 114:15, 115:4, 115:9, 115:16,	<b><u>located</u></b> [7] - 12:10, 14:4, 19:10, 44:6, 81:16, 113:10, 117:19	<b><u>Lodging</u></b> [2] - 4:15, 6:18
<b><u>listening</u></b> [1] - 71:11	<b><u>living</u></b> [2] - 10:2, 79:7		<b><u>location</u></b> [27] - 11:16, 15:5, 16:11, 16:12, 17:8, 18:7, 21:17, 21:19, 24:2, 24:5, 24:7, 25:7, 38:5,	<b><u>lodging</u></b> [1] - 11:4
<b><u>lit</u></b> [1] - 31:16	<b><u>lived</u></b> [2] - 68:17, 72:5			<b><u>logistic</u></b> [1] - 51:3
<b><u>literally</u></b> [2] - 154:1, 154:2	<b><u>living</u></b> [2] - 10:2, 79:7			<b><u>logistics</u></b> [1] - 6:11
<b><u>littering</u></b> [1] - 76:13	<b><u>LLC</u></b> [28] - 2:5, 2:6, 2:8, 2:14, 2:17, 3:3, 3:7, 13:3, 13:6, 14:6, 14:11, 14:15, 90:13,			<b><u>Lombardi</u></b> [2] - 1:13, 5:11
				<b><u>longstandi</u></b> <b><u>ng</u></b> [2] - 15:7, 38:7
				<b><u>look</u></b> [21] - 29:11, 33:7,

47:4, 61:5, 64:3, 86:13, 96:10, 104:10, 105:16, 126:10, 154:6, 156:19, 159:18, 160:1, 168:17, 169:12, 170:16, 178:15, 189:10, 194:13, 196:16	103:16, 119:2, 120:13, 135:1, 145:18, 153:2, 153:9, 155:8, 166:13, 166:14, 166:16, 166:18, 167:12, 168:4, 173:9, 185:13	<u>lower</u> [2] - 9:10, 9:17 <u>luck</u> [1] - 179:6 <u>luminary</u> [1] - 15:14 <u>lunch</u> [1] - 95:8 <u>lunches</u> [1] - 69:12	- 13:19, 29:10, 32:3, 33:14, 41:16, 64:9, 71:16, 113:7, 113:15, 120:3, 140:19, 148:3, 164:4, 165:1, 179:7, 187:13	182:16, 192:8, 196:8, 196:18, 197:7 <u>Malt</u> [3] - 110:6, 112:19, 140:12 <u>man</u> [1] - 61:3 <u>Management</u> [2] - 6:7, 6:12 <u>management</u> [5] - 32:5, 85:2, 85:6, 110:17, 137:15
<u>looked</u> [9] - 33:18, 37:11, 65:4, 153:16, 153:17, 154:4, 192:6, 195:16	<u>looks</u> [1] - 143:16 <u>losing</u> [2] - 151:1, 152:19	<u>M-A-T-T-E-</u> <u>R-A</u> [1] - 164:16 <u>M-O-N-I-C-</u> <u>A</u> [1] - 77:15	<u>main</u> [6] - 49:19, 75:17, 121:2, 121:4, 124:16, 180:3	<u>Manager</u> [13] - 6:10, 13:7, 90:18, 103:1, 107:11, 110:6, 113:1, 127:6, 127:9, 137:4, 140:12, 163:10, 163:13
<u>looking</u> [25] - 26:15, 27:12, 28:11, 30:4, 33:17, 59:8, 60:12, 63:13, 65:5,	<u>loud</u> [3] - 73:7, 77:7, 78:4 <u>louder</u> [2] - 53:10, 78:2 <u>loudness</u> [1] - 77:10 <u>Lounge</u> [1] - 38:2 <u>love</u> [2] - 27:1, 27:2 <u>low</u> [4] - 20:15, 33:2, 54:11, 54:12	<u>M.G.I.</u> [1] - 140:14 <u>ma'am</u> [3] - 60:8, 62:16, 88:11 <u>machine</u> [1] - 173:11 <u>Machine/CD</u> [1] - 164:1 <u>Machine/CD</u> / <u>Computerized</u> [1] - 13:15 <u>Madam</u> [16]	<u>maintain</u> [1] - 71:19 <u>major</u> [3] - 87:5, 109:3, 175:3 <u>majority</u> [1] - 9:16 <u>Malden</u> [1] - 134:13 <u>malt</u> [9] - 167:5, 167:12, 169:2, 182:12,	<u>Manager</u> [13] - 6:10, 13:7, 90:18, 103:1, 107:11, 110:6, 113:1, 127:6, 127:9, 137:4, 140:12, 163:10, 163:13 <u>manager</u> [19] - 4:16,

4:18, 8:6, 8:14, 9:4, 11:6, 11:16, 12:12, 14:12, 42:12, 64:13, 91:17, 103:15, 127:14, 131:5, 133:9, 137:10, 170:6 <b><u>managers</u></b> [1] - 14:10 <b><u>mandatory</u></b> [1] - 198:13 <b><u>manner</u></b> [4] - 16:4, 141:15, 166:19, 175:5 <b><u>map</u></b> [1] - 27:19 <b><u>March</u></b> [13] - 104:17, 127:19, 149:10, 204:10, 204:13, 204:15, 205:2, 205:3, 205:12, 205:14,	206:4, 206:7 <b><u>MARIE</u></b> [19] - 177:6, 177:11, 177:19, 179:5, 181:7, 181:10, 181:13, 182:18, 183:5, 184:12, 185:3, 185:8, 185:12, 185:17, 186:2, 198:6, 198:9, 198:19 <b><u>Marie</u></b> [2] - 177:7 <b><u>MARILYN</u></b> [17] - 53:2, 53:5, 53:6, 53:11, 60:1, 60:6, 60:9, 61:2, 61:5, 62:9, 62:13, 64:2, 64:8, 65:10,	66:15, 67:1, 67:4 <b><u>Marilyn</u></b> [6] - 53:3, 53:5, 60:5, 73:18, 74:12, 75:7 <b><u>Marilyn's</u></b> [1] - 73:14 <b><u>market</u></b> [11] - 152:4, 152:13, 153:3, 153:5, 153:7, 153:9, 154:12, 154:14, 157:5, 157:14, 159:17 <b><u>marketed</u></b> [2] - 141:14, 144:9 <b><u>marketing</u></b> [1] - 142:4 <b><u>MARTIN</u></b> [10] - 133:1, 133:3, 133:4, 133:8,	133:13, 133:16, 134:8, 135:3, 135:6, 136:16 <b><u>Martin</u></b> [1] - 133:3 <b><u>Mass</u></b> [27] - 5:12, 16:13, 17:8, 17:19, 18:1, 18:14, 19:18, 21:2, 22:3, 29:14, 40:1, 42:13, 47:2, 57:17, 58:4, 58:5, 66:7, 66:16, 68:7, 68:8, 70:8, 70:16, 80:4, 81:18, 94:2, 99:14 <b><u>Massachuse</u></b> <b><u>tts</u></b> [10] - 1:14, 1:14,	13:9, 14:4, 20:1, 29:7, 90:19, 140:13, 208:3, 208:6 <b><u>masters</u></b> [2] - 8:11, 11:13 <b><u>Materra</u></b> [1] - 177:17 <b><u>MATERRA</u></b> [1] - 203:7 <b><u>matter</u></b> [26] - 4:12, 12:6, 55:3, 88:9, 88:18, 89:18, 98:5, 106:7, 109:9, 111:8, 113:12, 131:3, 135:14, 139:11, 141:4, 148:18, 162:7, 164:18, 166:17,
---	---	--	--	--



<p>167:15, 167:16, 177:5, 186:6, 186:9, 188:18, 203:14</p> <p><b><u>Mattera</u></b> [4] - 164:14, 164:16, 165:19, 175:19</p> <p><b><u>MATTERA</u></b> [11] - 164:15, 175:15, 175:17, 176:12, 177:18, 179:7, 179:11, 183:16, 186:19, 188:1, 195:8</p> <p><b><u>MATTERS</u></b> [2] - 2:1, 3:1</p> <p><b><u>maximize</u></b> [1] - 180:3</p> <p><b><u>MC</u></b> [1] - 164:9</p> <p><b><u>MCGRAIL</u></b> [38] - 164:4, 164:8, 164:13,</p>	<p>164:17, 166:16, 167:6, 167:9, 167:13, 168:5, 169:4, 169:16, 170:4, 172:4, 172:7, 173:8, 174:11, 175:13, 175:16, 183:9, 183:15, 189:1, 189:15, 190:10, 190:18, 191:3, 192:10, 192:13, 192:18, 193:1, 193:13, 193:15, 193:17, 194:8, 196:15, 197:16, 198:18, 199:14, 203:17</p> <p><b><u>McGrail</u></b> [1] - 164:6</p> <p><b><u>meal</u></b> [1] -</p>	<p>97:9</p> <p><b><u>mean</u></b> [13] - 28:2, 30:18, 62:11, 89:2, 92:15, 125:2, 152:1, 155:1, 155:13, 187:6, 194:19, 195:4, 201:15</p> <p><b><u>means</u></b> [2] - 16:17, 202:2</p> <p><b><u>meant</u></b> [1] - 150:6</p> <p><b><u>meantime</u></b> [2] - 145:8, 153:11</p> <p><b><u>measuremen</u></b> <b><u>t</u></b> [1] - 54:9</p> <p><b><u>measuremen</u></b> <b><u>ts</u></b> [1] - 54:9</p> <p><b><u>measures</u></b> [1] - 54:5</p> <p><b><u>meats</u></b> [1] - 134:11</p> <p><b><u>mechanical</u></b> [1] - 48:4</p> <p><b><u>Medford</u></b> [4] - 128:4,</p>	<p>128:6, 128:8, 128:9</p> <p><b><u>media</u></b> [1] - 74:8</p> <p><b><u>Media</u></b> [1] - 13:16</p> <p><b><u>Medical</u></b> [1] - 55:5</p> <p><b><u>meet</u></b> [4] - 16:10, 39:6, 90:1, 177:18</p> <p><b><u>meeting</u></b> [8] - 4:8, 68:8, 83:9, 84:19, 87:15, 145:7, 150:1, 199:4</p> <p><b><u>meetings</u></b> [1] - 49:8</p> <p><b><u>Melanie</u></b> [1] - 110:5</p> <p><b><u>MELLOWS</u></b> [1] - 60:6</p> <p><b><u>member</u></b> [1] - 8:13</p> <p><b><u>MEMBER</u></b> [3] - 47:19, 53:10, 78:2</p> <p><b><u>members</u></b> [14] - 12:5,</p>	<p>14:11, 17:2, 52:13, 52:14, 98:4, 106:6, 111:7, 123:7, 131:2, 135:13, 139:10, 148:17, 177:4</p> <p><b><u>Members</u></b> [4] - 14:1, 113:8, 141:1, 164:5</p> <p><b><u>MEMBERS</u></b> [1] - 1:7</p> <p><b><u>Memorial</u></b> [5] - 4:15, 7:2, 12:11, 110:7, 112:5</p> <p><b><u>mention</u></b> [2] - 143:10, 193:7</p> <p><b><u>mentioned</u></b> [1] - 158:16</p> <p><b><u>menu</u></b> [1] - 17:1</p> <p><b><u>merely</u></b> [1] - 23:7</p> <p><b><u>mess</u></b> [1] -</p>
--	---	---	---	---

71:1 <u>message</u> [2] - 108:19, 148:3 <u>met</u> [6] - 47:12, 49:3, 85:3, 177:16, 180:10 <u>meters</u> [1] - 93:13 <u>MICHAEL</u> [30] - 25:1, 27:14, 27:18, 28:5, 28:17, 29:2, 29:6, 30:2, 30:17, 31:1, 31:7, 31:13, 33:9, 33:12, 34:7, 35:4, 35:9, 35:13, 36:8, 50:10, 60:7, 61:7, 61:16, 61:19,	62:15, 121:17, 122:3, 122:7, 124:12, 125:1 <u>michael</u> [1] - 14:13 <u>Michael</u> [6] - 1:13, 5:11, 13:7, 14:8, 91:10, 113:1 <u>middle</u> [1] - 94:13 <u>midnight</u> [1] - 97:8 <u>midst</u> [1] - 69:3 <u>might</u> [18] - 17:13, 18:19, 23:16, 34:14, 37:2, 37:3, 39:10, 89:1, 113:18, 138:6, 149:11, 151:12, 151:19, 154:14, 157:7,	184:9, 190:13, 199:7 <u>Milk</u> [1] - 133:19 <u>mind</u> [1] - 118:1 <u>mindful</u> [1] - 65:7 <u>mine</u> [1] - 144:18 <u>minimal</u> [1] - 96:1 <u>minimum</u> [1] - 21:18 <u>minute</u> [2] - 65:9, 70:19 <u>minutes</u> [9] - 168:17, 168:18, 169:7, 169:12, 204:8, 204:9, 205:2, 205:14, 206:7 <u>mirrors</u> [1] - 159:15 <u>misreprese</u> <u>ntation</u> [3] - 200:12, 201:5, 201:6	<u>mistake</u> [1] - 187:15 <u>misunderst</u> <u>anding</u> [1] - 201:6 <u>mitigate</u> [1] - 47:8 <u>Mobile</u> [1] - 132:16 <u>moment</u> [2] - 40:15, 199:7 <u>Monday</u> [3] - 13:11, 163:15, 172:9 <u>Mondays</u> [1] - 133:18 <u>money</u> [2] - 152:6, 180:5 <u>MONICA</u> [6] - 77:7, 77:11, 77:15, 77:17, 78:3 <u>Monica</u> [1] - 77:11 <u>monitor</u> [1] - 76:19 <u>Monroe</u> [1] - 53:5 <u>month</u> [3] - 129:2, 155:15,	198:15 <u>months</u> [7] - 15:11, 15:19, 25:18, 105:8, 106:10, 160:15, 198:11 <u>morning</u> [5] - 33:18, 54:7, 78:18, 109:5, 113:17 <u>Mortiner</u> [1] - 4:16 <u>most</u> [15] - 15:12, 17:12, 22:10, 25:10, 27:4, 47:18, 48:5, 57:19, 78:9, 143:5, 159:2, 159:6, 159:12, 171:4, 200:5 <u>motion</u> [25] - 12:7, 89:18, 100:7,
--	---	--	---	---

100:14, 106:8, 109:9, 112:2, 126:6, 131:4, 136:1, 139:12, 162:6, 162:8, 162:17, 179:14, 186:6, 186:9, 186:17, 188:17, 189:2, 203:13, 205:1, 205:13, 206:6, 206:17	<u>moved</u> [4] - 48:14, 146:2, 161:19, 183:4 <u>moving</u> [2] - 119:14, 174:19 <u>MR</u> [1] - 13:2 <u>MUIR</u> [8] - 149:2, 149:6, 149:7, 149:9, 154:1, 158:13, 158:16, 160:11 <u>Muir</u> [2] - 149:7, 160:3	164:2, 172:13, 173:13, 173:18 <u>Music</u> [1] - 163:19	133:3, 137:9, 141:1, 143:10, 149:4, 149:5, 149:6, 149:7, 159:11, 164:5, 164:7, 164:8, 164:9, 177:7, 177:10	40:6, 63:6, 63:7, 70:17, 80:7, 83:15, 104:19, 131:12, 135:16, 139:1, 170:16, 173:10, 180:15, 187:15, 191:8, 197:14
<u>motion's</u> [1] - 131:19	<u>multifamil</u>	<u>N</u>	<u>names</u> [2] - 5:19, 87:13	<u>needed</u> [3] - 85:6, 85:9, 115:8
<u>motions</u> [1] - 73:6	<u>multiple</u> [2] - 19:10, 63:4	<u>name</u> [53] - 6:1, 6:3, 14:2, 42:8, 42:10, 42:11, 53:2, 53:4, 56:2, 58:13, 67:12, 67:13, 67:14, 67:17, 67:18, 68:4, 72:13, 72:16, 77:14, 79:4, 84:15, 91:7, 91:8, 91:9, 103:6, 103:7, 107:15, 107:16, 107:17, 113:8, 127:11, 128:13,	<u>names..</u> [1] - 88:4	85:9, 115:8
<u>Moultonbor</u> <u>ough</u> [1] - 141:7	<u>y</u> [1] - 40:5	67:13, 67:14, 67:17, 67:18, 68:4, 72:13, 72:16, 77:14, 79:4, 84:15, 91:7, 91:8, 91:9, 103:6, 103:7, 107:15, 107:16, 107:17, 113:8, 127:11, 128:13,	<u>narrow</u> [1] - 113:18	<u>needs</u> [3] - 16:10, 134:14, 171:13
<u>Mount</u> [2] - 113:10, 141:3	<u>Muri</u> [1] - 156:2	67:13, 67:14, 67:17, 67:18, 68:4, 72:13, 72:16, 77:14, 79:4, 84:15, 91:7, 91:8, 91:9, 103:6, 103:7, 107:15, 107:16, 107:17, 113:8, 127:11, 128:13,	<u>nature</u> [1] - 88:17	134:14, 171:13
<u>move</u> [5] - 48:14, 58:11, 68:19, 176:2, 183:1	<u>music</u> [11] - 69:16, 76:12, 80:19, 81:1, 81:2, 81:3, 81:7,	67:13, 67:14, 67:17, 67:18, 68:4, 72:13, 72:16, 77:14, 79:4, 84:15, 91:7, 91:8, 91:9, 103:6, 103:7, 107:15, 107:16, 107:17, 113:8, 127:11, 128:13,	<u>necessaril</u> <u>y</u> [6] - 48:8, 96:10, 157:6, 179:13, 190:15, 200:14	<u>negative</u> [3] - 16:6, 48:15, 76:5
			<u>necessary</u> [1] - 114:19	<u>negatively</u> [1] - 33:3
			<u>need</u> [20] - 38:17, 39:16, 39:17,	<u>negotiatio</u>
				<u>n</u> [1] - 183:19
				<u>neighbor</u> [1] - 85:12
				<u>neighborho</u> <u>od</u> [14] -

26:14, 58:10, 72:6, 76:14, 79:10, 80:1, 82:14, 83:6, 84:4, 84:11, 86:19, 88:3, 150:3 <b><u>neighborho</u></b> <b><u>od's</u></b> [1] - 85:5 <b><u>neighborho</u></b> <b><u>ods</u></b> [1] - 76:9 <b><u>neighbors</u></b> [11] - 22:4, 28:16, 31:19, 44:11, 47:13, 52:10, 58:12, 75:9, 75:10, 83:11, 90:1 <b><u>neighbors'</u></b> [1] - 24:9 <b><u>never</u></b> [2] - 50:14, 82:13 <b><u>neverthele</u></b> <b><u>ss</u></b> [1] -	56:16 <b><u>New</u></b> [1] - 141:7 <b><u>new</u></b> [22] - 7:13, 13:8, 15:12, 18:2, 36:16, 36:17, 43:17, 43:18, 47:1, 50:18, 50:19, 51:2, 70:18, 76:17, 134:16, 134:18, 141:16, 142:1, 145:1, 146:9, 166:8, 195:17 <b><u>Newcomb</u></b> [7] - 142:1, 142:3, 143:2, 148:4, 155:17, 155:19, 156:3 <b><u>newer</u></b> [1] - 99:16 <b><u>news</u></b> [2] - 56:10,	84:3 <b><u>next</u></b> [10] - 44:10, 67:10, 72:8, 79:3, 81:18, 92:16, 93:1, 98:11, 99:4, 114:10 <b><u>nice</u></b> [1] - 177:18 <b><u>nicely</u></b> [1] - 18:9 <b><u>night</u></b> [9] - 53:19, 58:4, 69:6, 75:3, 82:2, 84:7, 94:7, 94:10, 107:2 <b><u>nights</u></b> [1] - 20:10 <b><u>nine</u></b> [2] - 71:7, 175:12 <b><u>nine-week</u></b> [1] - 175:12 <b><u>no-</u></b> <b><u>transfer</u></b> [1] - 190:4 <b><u>no-value</u></b>	[13] - 165:10, 166:3, 167:8, 167:12, 168:2, 168:7, 169:3, 182:13, 189:6, 190:4, 196:7, 196:19 <b><u>nobody</u></b> [3] - 96:16, 151:14, 151:17 <b><u>Noise</u></b> [1] - 55:14 <b><u>noise</u></b> [27] - 22:17, 43:19, 44:2, 44:9, 46:16, 47:1, 47:6, 47:18, 48:13, 54:3, 54:5, 54:7, 55:13, 57:9, 58:5, 65:11, 66:6, 68:8, 69:15,	70:8, 70:12, 73:17, 74:5, 74:16, 74:18, 76:12, 80:18 <b><u>noisier</u></b> [1] - 54:15 <b><u>noisy</u></b> [2] - 48:5, 70:2 <b><u>none</u></b> [11] - 12:7, 32:19, 86:3, 88:10, 106:8, 111:9, 131:4, 137:15, 139:12, 180:5, 203:2 <b><u>nonrestaur</u></b> <b><u>ant</u></b> [1] - 178:13 <b><u>nontransfe</u></b> <b><u>rable</u></b> [3] - 182:13, 189:12, 196:8 <b><u>nonvalue</u></b> [4] - 182:3, 184:17, 193:10,
--	--	--	---	--

193:19 <b><u>Norfolk</u></b> [1] - 208:4 <b><u>normal</u></b> [1] - 110:15 <b><u>normally</u></b> [1] - 160:8 <b><u>NOT</u></b> [1] - 208:17 <b><u>Notary</u></b> [2] - 208:5, 208:15 <b><u>note</u></b> [2] - 32:11, 33:7 <b><u>noted</u></b> [2] - 88:14, 170:4 <b><u>nothing</u></b> [8] - 29:8, 35:18, 36:9, 43:15, 44:1, 86:2, 117:16, 137:14 <b><u>notice</u></b> [3] - 54:15, 82:18, 202:17 <b><u>noticed</u></b> [2] - 58:15, 179:15 <b><u>notices</u></b>	[1] - 113:14 <b><u>notify</u></b> [2] - 101:5, 101:17 <b><u>November</u></b> [3] - 42:14, 138:15, 175:1 <b><u>November-</u></b> <b><u>December</u></b> [1] - 175:1 <b><u>number</u></b> [11] - 4:17, 7:16, 7:18, 11:15, 12:10, 20:10, 39:3, 40:3, 126:7, 150:7, 160:17  <u>o</u> <b><u>O-F-F-I-O-</u></b> <b><u>N-G</u></b> [1] - 6:5 <b><u>Oberon</u></b> [1] - 70:13 <b><u>obey</u></b> [1] - 109:2 <b><u>objection</u></b> [1] - 178:10	<b><u>obviously</u></b> [6] - 125:13, 127:15, 129:2, 165:10, 176:14, 188:10 <b><u>occasion</u></b> [1] - 22:12 <b><u>occasions</u></b> [1] - 54:14 <b><u>occupancy</u></b> [2] - 9:19, 12:8 <b><u>occupant</u></b> [5] - 144:16, 146:9, 146:19, 147:9, 155:6 <b><u>occupants</u></b> [1] - 40:4 <b><u>occupied</u></b> [1] - 19:12 <b><u>occupies</u></b> [3] - 17:8, 18:4, 19:15 <b><u>occupy</u></b> [1] - 69:3 <b><u>occur</u></b> [2] - 83:12, 110:15	<b><u>occurring</u></b> [3] - 21:5, 64:14, 65:1 <b><u>OF</u></b> [10] - 1:3, 2:1, 2:3, 2:9, 3:1, 4:10, 107:3, 208:16, 208:17, 208:18 <b><u>offer</u></b> [32] - 60:13, 105:1, 105:16, 142:6, 143:3, 143:6, 146:17, 147:1, 147:2, 148:5, 151:7, 151:18, 152:10, 152:12, 153:7, 154:8, 154:12, 154:14, 154:19, 156:4, 157:13, 158:17, 159:3, 159:4, 159:7,	160:5, 161:1, 161:2, 162:12, 180:1 <b><u>offered</u></b> [1] - 120:14 <b><u>offering</u></b> [1] - 147:10 <b><u>offers</u></b> [2] - 147:4, 179:19 <b><u>office</u></b> [12] - 17:17, 18:5, 20:13, 20:14, 32:16, 34:12, 53:17, 63:16, 66:9, 113:10, 139:3, 168:19 <b><u>officers</u></b> [5] - 110:14, 130:15, 137:12, 137:16, 139:2 <b><u>Officers/</u></b> <b><u>Directors</u></b> [1] - 110:8
--	--	---	--	--

<u>officers/</u> <u>directors</u> [1] - 112:3 <u>offices</u> [1] - 14:3 <u>OFFICIAL</u> [1] - 1:18 <u>officials</u> [1] - 85:4 <u>OFFIONG</u> [7] - 5:17, 6:3, 6:16, 8:4, 9:18, 10:15, 13:1 <u>Offiong</u> [2] - 6:4, 6:5 <u>offset</u> [1] - 198:17 <u>often</u> [2] - 23:9, 54:19 <u>old</u> [5] - 31:17, 142:14, 146:2, 168:17, 171:12 <u>on-line</u> [1] - 10:8 <u>on-street</u> [1] - 70:4 <u>once</u> [5] - 97:1, 147:6, 157:4,	165:2, 175:10 <u>one</u> [58] - 7:1, 11:1, 14:10, 15:12, 18:12, 20:8, 21:17, 30:11, 31:5, 31:8, 37:3, 45:13, 46:15, 48:9, 49:11, 49:16, 49:18, 50:4, 58:12, 62:18, 63:6, 65:9, 65:19, 70:18, 74:3, 80:8, 99:5, 114:2, 115:6, 122:6, 125:19, 126:8, 128:15, 130:15, 142:18, 156:11, 157:1, 157:4,	161:19, 162:13, 168:10, 168:11, 181:7, 182:18, 183:9, 183:12, 184:13, 184:15, 186:19, 189:3, 189:10, 193:12, 193:16, 194:1, 194:2, 198:7, 201:11 <u>one's</u> [1] - 32:6 <u>ones</u> [4] - 99:14, 139:2, 168:2 <u>open</u> [17] - 29:6, 29:7, 29:9, 52:9, 95:7, 95:13, 96:6, 146:3, 173:9, 174:17, 175:2, 175:9, 178:19,	179:13, 191:9, 200:6, 200:7 <u>opened</u> [4] - 15:8, 15:10, 70:13, 145:17 <u>opening</u> [2] - 15:3, 191:12 <u>openings</u> [1] - 31:11 <u>operate</u> [9] - 14:18, 16:3, 16:5, 20:18, 132:16, 133:15, 135:2, 149:14, 171:18 <u>operating</u> [1] - 16:1 <u>operation</u> [9] - 13:10, 19:19, 20:13, 24:19, 32:12, 33:3, 110:18, 147:15,	163:14 <u>Operations</u> [4] - 6:11, 8:18, 9:5 <u>operations</u> [5] - 21:4, 104:9, 128:10, 133:9, 173:14 <u>operator</u> [1] - 177:14 <u>operators</u> [1] - 20:3 <u>opinion</u> [9] - 33:2, 48:11, 85:6, 98:9, 99:2, 117:13, 122:17, 122:18, 156:5 <u>opportunit</u> <u>ies</u> [1] - 26:19 <u>opportunit</u> <u>y</u> [16] - 17:3, 39:14, 41:12, 52:11, 87:12, 88:19,
---	---	--	---	--

89:9, 89:19, 125:15, 126:9, 140:16, 146:8, 155:3, 180:11, 182:1, 187:5 <b><u>opposed</u></b> [2] - 166:3, 191:17 <b><u>opposite</u></b> [2] - 18:1, 19:8 <b><u>opposition</u></b> [1] - 11:1 <b><u>options</u></b> [2] - 173:9, 194:14 <b><u>or..</u></b> [4] - 36:17, 50:9, 122:5, 170:13 <b><u>order</u></b> [5] - 116:6, 116:10, 134:12, 197:15, 200:6 <b><u>ordinance</u></b> [4] - 54:3, 55:13, 150:5,	150:14 <b><u>Ordinance</u></b> [1] - 55:15 <b><u>organic</u></b> [1] - 134:9 <b><u>orientatio</u></b> <b><u>n</u></b> [2] - 16:19, 22:2 <b><u>oriented</u></b> [2] - 19:19, 30:8 <b><u>original</u></b> [3] - 157:16, 168:18, 180:1 <b><u>originally</u></b> [1] - 165:2 <b><u>otherwise</u></b> [1] - 109:2 <b><u>ought</u></b> [1] - 83:12 <b><u>ourselves</u></b> [4] - 25:5, 25:6, 26:7, 26:12 <b><u>outdoor</u></b> [6] - 71:15, 91:2, 91:19,	116:2, 117:18, 120:12 <b><u>outreach</u></b> [1] - 88:2 <b><u>outside</u></b> [27] - 18:6, 23:9, 44:19, 46:5, 50:4, 51:16, 59:6, 60:16, 70:11, 70:14, 84:6, 96:8, 96:16, 96:18, 113:4, 114:6, 115:14, 115:16, 116:18, 117:2, 117:12, 118:7, 122:1, 123:2, 123:15, 126:4, 185:6 <b><u>OVEN</u></b> [2] - 2:16, 127:2 <b><u>oven</u></b> [2] - 129:8,	129:14 <b><u>Oven</u></b> [2] - 127:5, 131:7 <b><u>overall</u></b> [2] - 45:12, 75:19 <b><u>overlying</u></b> [1] - 8:17 <b><u>overwhelmi</u></b> <b><u>ng</u></b> [1] - 40:13 <b><u>own</u></b> [6] - 15:5, 32:1, 45:19, 79:6, 99:1, 122:17 <b><u>owned</u></b> [2] - 79:8, 118:13 <b><u>owner</u></b> [4] - 103:14, 104:4, 150:13, 177:13 <b><u>owners</u></b> [3] - 55:11, 91:17, 198:12 <b><u>ownership</u></b> [1] - 180:6 <hr/> <b><u>P</u></b> <hr/> <b><u>P-I-C-O-T-</u></b> <b><u>T</u></b> [1] -	6:9 <b><u>p.m</u></b> [10] - 1:16, 5:10, 13:10, 57:5, 95:8, 96:4, 111:12, 132:18, 207:7, 207:8 <b><u>Package</u></b> [1] - 110:7 <b><u>packed</u></b> [2] - 84:3, 84:5 <b><u>PAGE</u></b> [2] - 2:1, 3:1 <b><u>panes</u></b> [1] - 31:3 <b><u>paragraph</u></b> [1] - 32:15 <b><u>pardon</u></b> [3] - 179:2, 199:7, 199:12 <b><u>park</u></b> [1] - 57:18 <b><u>parking</u></b> [15] - 19:5, 20:2, 20:4, 20:8, 20:11, 20:14,
---	--	---	---	---

50:9, 66:11, 71:1, 75:5, 76:12, 111:11, 111:16, 119:6 <u>part</u> [13] - 7:5, 29:2, 46:13, 49:4, 75:13, 91:17, 109:8, 110:16, 151:2, 165:7, 171:5, 173:13, 174:11 <u>particular</u> [19] - 9:1, 9:2, 9:8, 24:11, 30:3, 32:14, 39:5, 45:11, 113:12, 114:19, 125:15, 134:7, 141:4, 164:18, 166:10, 167:16,	167:17, 169:5, 189:13 <u>particular</u> <u>ly</u> [6] - 23:11, 24:17, 70:9, 116:1, 126:4, 184:3 <u>parties</u> [2] - 179:16, 184:5 <u>party</u> [4] - 71:1, 142:13, 143:14, 180:16 <u>pass</u> [1] - 60:18 <u>passable</u> [1] - 93:11 <u>passage</u> [1] - 81:15 <u>passageway</u> [1] - 81:19 <u>passenger</u> [1] - 21:6 <u>past</u> [7] - 15:13, 39:4, 48:12, 97:8, 154:4,	159:19, 171:15 <u>patio</u> [7] - 91:2, 92:1, 96:9, 97:3, 113:3, 120:12, 126:4 <u>patios</u> [2] - 99:15, 113:4 <u>patrons</u> [3] - 20:18, 23:8, 40:17 <u>Paul</u> [3] - 103:1, 103:8 <u>PAUL</u> [14] - 103:8, 103:9, 103:15, 103:18, 104:2, 104:4, 104:7, 104:13, 104:16, 105:1, 105:10, 105:14, 106:19, 107:2 <u>pay</u> [5] - 100:6, 160:1,	176:5, 184:5 <u>peculiar</u> [1] - 153:12 <u>pedestrian</u> [1] - 75:4 <u>pedestrian</u> <u>s</u> [1] - 58:4 <u>pen</u> [3] - 29:13, 30:3, 35:5 <u>pending</u> [1] - 154:19 <u>penetratin</u> <u>g</u> [1] - 74:18 <u>penetratio</u> <u>ns</u> [1] - 36:11 <u>people</u> [47] - 8:10, 9:2, 11:8, 25:10, 25:12, 39:7, 40:15, 41:6, 43:4, 43:10, 55:8, 57:18, 58:1, 58:3, 64:18, 65:8,	67:15, 68:2, 69:11, 69:17, 69:19, 70:2, 70:11, 71:2, 72:10, 73:2, 81:8, 82:1, 82:7, 83:1, 83:6, 84:1, 84:6, 86:4, 87:16, 89:3, 96:17, 96:18, 115:10, 116:13, 116:19, 123:10, 123:17, 159:16, 200:5, 200:15 <u>people's</u> [1] - 201:16 <u>per</u> [1] - 40:17 <u>percent</u> [2] - 9:15, 200:12
--	--	--	--	--



<b><u>perfect</u></b> [2] - 101:3, 102:12	<b><u>person</u></b> [15] - 23:18, 34:16, 63:6, 67:10, 79:3, 80:19, 84:9, 116:5, 116:9, 118:4, 118:8, 148:7, 157:4, 159:14, 195:13	171:2, 171:8, 171:11, 171:17, 172:16, 173:19, 174:10, 175:10, 190:7, 190:17, 193:3, 193:7, 193:14, 193:16, 193:18, 194:7, 195:3, 197:10, 197:13	64:2, 64:3 <b><u>photograph</u></b> <b><u>s</u></b> [2] - 17:4, 60:10 <b><u>pick</u></b> [2] - 51:14, 86:16 <b><u>picked</u></b> [3] - 21:12, 50:12, 51:12 <b><u>pickup</u></b> [1] - 70:7 <b><u>PICOTT</u></b> [8] - 6:8, 8:9, 9:9, 9:15, 10:6, 10:9, 11:10, 13:2 <b><u>Picott</u></b> [2] - 6:8, 6:9 <b><u>picture</u></b> [4] - 62:15, 66:19, 82:10, 86:12 <b><u>piece</u></b> [3] - 169:15, 169:17, 172:13 <b><u>PIZZA</u></b> [4] - 3:5, 3:6, 140:6, 140:6	<b><u>Pizza</u></b> [3] - 18:4, 140:10, 140:11 <b><u>place</u></b> [8] - 45:19, 68:14, 69:12, 109:9, 125:12, 131:15, 138:3, 178:9 <b><u>placed</u></b> [3] - 20:19, 35:18, 155:5 <b><u>places</u></b> [3] - 57:5, 81:4, 178:15 <b><u>Plan</u></b> [1] - 194:18 <b><u>plan</u></b> [12] - 18:11, 29:11, 62:12, 70:4, 110:17, 114:4, 115:3, 115:4, 115:7, 116:3, 119:11, 156:17 <b><u>planning</u></b> [5] - 48:19,
<b><u>perfectly</u></b> [1] - 195:6				
<b><u>perhaps</u></b> [4] - 22:13, 42:16, 52:11, 188:7				
<b><u>period</u></b> [3] - 154:10, 175:8, 191:9	<b><u>personal</u></b> [2] - 99:2, 122:17	<b><u>petition</u></b> [2] - 113:19, 114:1		
<b><u>permeating</u></b> [1] - 44:10		<b><u>PHIL</u></b> [3] - 84:15, 84:16, 88:5		
<b><u>permit</u></b> [8] - 9:19, 59:17, 63:3, 64:15, 98:14, 108:2, 117:8, 151:13	<b><u>personally</u></b> [1] - 27:2	<b><u>Phil</u></b> [1] - 84:15		
<b><u>Permit</u></b> [1] - 107:11	<b><u>personnel</u></b> [1] - 125:18	<b><u>phone</u></b> [3] - 4:6, 93:2, 93:16		
<b><u>permits</u></b> [3] - 60:2, 60:10, 64:4	<b><u>perspectiv</u></b> <b><u>e</u></b> [2] - 189:3, 200:2	<b><u>phonetic</u></b> [2] - 138:11, 148:6		
<b><u>permitted</u></b> [1] - 117:6	<b><u>Peter</u></b> [3] - 164:10, 164:11, 170:9	<b><u>photograph</u></b> [2] -		
	<b><u>PETER</u></b> [23] - 164:11, 164:12, 169:18, 170:14,			

76:1, 76:3, 86:8, 169:19 <b><u>Planning</u></b> [3] - 6:6, 6:7, 6:11 <b><u>plans</u></b> [6] - 56:16, 117:10, 173:5, 175:10, 199:8, 199:10 <b><u>planters</u></b> [1] - 94:3 <b><u>plate</u></b> [3] - 169:19, 178:13, 179:2 <b><u>plate-type</u></b> [1] - 169:19 <b><u>play</u></b> [2] - 142:15, 183:11 <b><u>played</u></b> [1] - 13:16 <b><u>playing</u></b> [1] - 164:1 <b><u>plays</u></b> [1] - 183:19 <b><u>plenty</u></b> [2] - 11:8, 125:1 <b><u>pocket</u></b> [4] - 149:16, 150:5,	150:12, 155:12 <b><u>point</u></b> [26] - 9:12, 9:13, 23:15, 30:17, 32:17, 39:14, 46:15, 48:9, 54:4, 55:14, 56:9, 57:3, 65:11, 66:3, 79:11, 79:16, 80:7, 81:14, 92:15, 158:6, 158:13, 160:11, 166:5, 167:14, 187:18, 191:4 <b><u>pointing</u></b> [3] - 35:5, 67:6, 121:3 <b><u>points</u></b> [3] - 48:6, 80:9, 180:9 <b><u>pole</u></b> [1] -	202:1 <b><u>Pole</u></b> [1] - 202:8 <b><u>police</u></b> [1] - 18:4 <b><u>POLICE</u></b> [60] - 1:9, 10:12, 10:17, 11:19, 12:17, 34:17, 37:8, 37:14, 38:10, 38:13, 39:15, 40:12, 41:4, 41:15, 47:5, 48:18, 52:4, 89:13, 90:8, 94:17, 96:2, 97:18, 100:19, 105:11, 105:19, 106:16, 109:15, 111:2, 112:10, 121:19, 124:4, 126:15,	130:17, 132:6, 135:8, 136:14, 139:5, 140:2, 148:12, 154:17, 157:15, 157:18, 158:12, 158:15, 163:2, 174:2, 176:17, 181:1, 186:7, 187:13, 189:9, 198:2, 202:16, 204:3, 205:5, 205:8, 205:19, 206:10, 206:13, 207:4 <b><u>policy</u></b> [1] - 116:11 <b><u>pollution</u></b> [1] - 35:14 <b><u>popular</u></b> [2] - 15:12, 84:1 <b><u>popularity</u></b> [2] -	16:8, 23:14 <b><u>porch</u></b> [1] - 54:10 <b><u>Porter</u></b> [1] - 118:2 <b><u>portion</u></b> [11] - 17:9, 19:15, 29:4, 32:14, 93:4, 125:17, 166:14, 183:6, 196:4, 196:9 <b><u>position</u></b> [2] - 155:5, 192:2 <b><u>positions</u></b> [1] - 6:2 <b><u>positive</u></b> [5] - 26:8, 26:12, 26:13, 48:15, 141:15 <b><u>possible</u></b> [3] - 86:1, 196:12, 201:18 <b><u>possibly</u></b> [3] - 22:19,
---	---	--	---	--

41:1, 65:15 <b><u>posted</u></b> [3] - 59:18, 60:11, 60:17 <b><u>postpone</u></b> [1] - 192:16 <b><u>postponed</u></b> [2] - 83:5, 150:17 <b><u>potential</u></b> [4] - 76:13, 180:14, 185:9, 187:15 <b><u>potentiall</u></b> <b><u>y</u></b> [1] - 10:13 <b><u>power</u></b> [2] - 56:17, 57:1 <b><u>practicing</u></b> [1] - 11:11 <b><u>precedent</u></b> [7] - 169:9, 169:10, 185:4, 190:12, 194:10, 194:11, 194:12 <b><u>preclude</u></b> [1] -	146:3 <b><u>prefer</u></b> [1] - 188:10 <b><u>preferable</u></b> [1] - 195:9 <b><u>preferred</u></b> [1] - 83:8 <b><u>Premise</u></b> [1] - 91:1 <b><u>premise</u></b> [2] - 94:18, 113:2 <b><u>premises</u></b> [14] - 57:7, 62:8, 64:14, 65:2, 91:19, 114:6, 114:9, 116:8, 117:4, 117:15, 118:9, 184:1, 195:6 <b><u>prep</u></b> [2] - 33:12, 134:12 <b><u>preparatio</u></b> <b><u>n</u></b> [1] - 50:17 <b><u>prepared</u></b> [1] - 159:7 <b><u>present</u></b>	[6] - 144:16, 146:19, 147:7, 147:9, 167:1, 186:16 <b><u>presented</u></b> [3] - 114:18, 181:18, 194:16 <b><u>presently</u></b> [1] - 133:15 <b><u>presents</u></b> [1] - 145:14 <b><u>preserve</u></b> [1] - 184:2 <b><u>PRESIDENT</u></b> [2] - 2:3, 4:10 <b><u>president</u></b> [1] - 4:12 <b><u>pressure</u></b> [1] - 175:18 <b><u>pretty</u></b> [5] - 27:8, 96:12, 97:8, 134:11, 152:15 <b><u>previous</u></b> [2] - 58:2, 128:2	<b><u>previously</u></b> [1] - 17:16 <b><u>price</u></b> [19] - 100:6, 147:10, 152:3, 152:12, 152:13, 152:16, 153:3, 153:5, 154:4, 156:4, 156:6, 156:7, 159:8, 159:11, 166:2, 180:3, 184:3, 191:10, 199:3 <b><u>prices</u></b> [1] - 153:19 <b><u>pride</u></b> [1] - 25:5 <b><u>primarily</u></b> [2] - 9:16, 17:17 <b><u>principal</u></b> [4] - 14:15, 23:18, 24:15, 170:9 <b><u>principals</u></b> [1] -	180:10 <b><u>private</u></b> [4] - 113:5, 123:10, 132:17, 136:5 <b><u>privately</u></b> [1] - 118:13 <b><u>problem</u></b> [12] - 59:12, 70:9, 78:9, 85:11, 99:1, 129:10, 186:10, 186:16, 190:19, 197:10, 201:1 <b><u>problems</u></b> [4] - 53:13, 57:19, 58:11, 69:5 <b><u>procedures</u></b> [1] - 181:16 <b><u>proceed</u></b> [1] - 166:9 <b><u>proceeding</u></b> <b><u>s</u></b> [1] - 208:9 <b><u>process</u></b>
--	--	---	--	---

<p>[17] - 7:3, 7:14, 84:19, 165:7, 174:14, 174:19, 177:15, 178:18, 179:11, 179:13, 179:18, 180:7, 180:12, 180:16, 200:3, 200:9, 201:12</p> <p><b><u>products</u></b> [4] - 15:18, 17:5, 21:15, 110:18</p> <p><b><u>profession</u></b> <b><u>als</u></b> [1] - 11:11</p> <p><b><u>Professor</u></b> [1] - 55:4</p> <p><b><u>professors</u></b> [1] - 25:12</p> <p><b><u>progress</u></b> [1] - 145:9</p> <p><b><u>Project</u></b> [3] - 6:7, 6:10, 6:12</p> <p><b><u>project</u></b> [3] -</p>	<p>6:13, 10:4, 82:8</p> <p><b><u>projects</u></b> [2] - 7:8, 27:1</p> <p><b><u>prominence</u></b> [1] - 18:15</p> <p><b><u>promised</u></b> [1] - 80:17</p> <p><b><u>promising</u></b> [1] - 83:16</p> <p><b><u>proof</u></b> [1] - 71:4</p> <p><b><u>Proof</u></b> [4] - 129:17, 129:18, 130:8, 131:13</p> <p><b><u>proper</u></b> [1] - 191:7</p> <p><b><u>properly</u></b> [1] - 59:17</p> <p><b><u>Properties</u></b> [1] - 117:8</p> <p><b><u>property</u></b> [8] - 42:12, 54:8, 94:13, 123:10, 132:18, 136:5, 142:4, 155:6</p>	<p><b><u>proposal</u></b> [3] - 82:17, 96:8, 115:15</p> <p><b><u>proposed</u></b> [12] - 13:10, 13:13, 16:12, 56:12, 57:15, 65:2, 65:18, 73:4, 76:10, 94:1, 163:13, 163:17</p> <p><b><u>proposing</u></b> [2] - 115:2, 190:9</p> <p><b><u>Prospect</u></b> [1] - 38:2</p> <p><b><u>protected</u></b> [1] - 85:17</p> <p><b><u>protecting</u></b> [2] - 58:9, 80:3</p> <p><b><u>protection</u></b> [2] - 81:17, 174:6</p> <p><b><u>protruding</u></b> [1] - 36:10</p> <p><b><u>proven</u></b> [2]</p>	<p>- 15:11, 23:6</p> <p><b><u>provide</u></b> [5] - 11:16, 21:7, 32:5, 40:8, 87:16</p> <p><b><u>provided</u></b> [7] - 19:7, 28:1, 36:14, 43:1, 43:13, 138:19, 191:11</p> <p><b><u>provides</u></b> [1] - 8:19</p> <p><b><u>pubically</u></b> [1] - 67:8</p> <p><b><u>Public</u></b> [4] - 98:14, 102:8, 208:5, 208:15</p> <p><b><u>public</u></b> [25] - 12:5, 38:17, 52:9, 52:13, 52:15, 60:17, 68:15, 91:2, 92:1, 98:4,</p>	<p>98:8, 106:6, 111:7, 118:4, 118:5, 118:9, 118:12, 123:7, 124:18, 131:2, 135:13, 139:10, 148:17, 159:9, 177:4</p> <p><b><u>pull</u></b> [1] - 108:19</p> <p><b><u>pulled</u></b> [1] - 154:3</p> <p><b><u>pumps</u></b> [4] - 36:18, 43:2, 43:6, 43:14</p> <p><b><u>pun</u></b> [1] - 179:2</p> <p><b><u>purchase</u></b> [13] - 105:2, 142:7, 143:4, 143:6, 146:17, 147:2, 148:5, 148:7, 160:5, 162:11, 183:1,</p>
---	---	--	--	--

184:3, 184:13 <b><u>purchased</u></b> [2] - 105:13, 193:8 <b><u>purchasing</u></b> [3] - 37:9, 142:17, 144:11 <b><u>pure</u></b> [4] - 55:15, 55:17, 56:5 <b><u>purposes</u></b> [2] - 93:12, 94:8 <b><u>pursuant</u></b> [1] - 140:14 <b><u>pursue</u></b> [2] - 26:19, 149:17 <b><u>pursuing</u></b> [1] - 143:1 <b><u>pursuit</u></b> [1] - 151:10 <b><u>purview</u></b> [2] - 190:2, 199:18 <b><u>put</u></b> [7] - 67:5, 90:3, 125:6,	145:6, 178:17, 192:14, 199:2 <b><u>puts</u></b> [1] - 125:16 <hr/> <b><u>q</u></b> <hr/> <b><u>quality</u></b> [1] - 170:2 <b><u>quandary</u></b> [1] - 190:11 <b><u>que</u></b> [1] - 94:5 <b><u>questions</u></b> [56] - 11:18, 12:1, 12:2, 23:16, 27:6, 27:10, 37:6, 45:11, 52:3, 52:6, 63:10, 87:17, 89:12, 89:14, 89:15, 89:16, 97:17, 97:19, 98:1, 98:2, 105:18,	106:1, 106:3, 106:4, 111:1, 111:3, 111:4, 111:5, 124:3, 124:5, 124:6, 130:16, 130:18, 135:7, 135:9, 135:10, 139:4, 139:6, 139:7, 139:8, 148:11, 148:13, 148:14, 148:15, 154:16, 174:1, 174:3, 174:4, 176:16, 176:18, 176:19, 177:2, 180:19, 181:2, 181:3, 181:5 <b><u>quickly</u></b> [1] - 198:8 <b><u>Quilty</u></b> [1]	- 148:6 <b><u>Quincy</u></b> [1] - 8:17 <b><u>quite</u></b> [8] - 20:14, 31:18, 45:10, 53:8, 93:1, 118:11, 146:16, 173:2 <b><u>quoted</u></b> [1] - 56:2 <hr/> <b><u>R</u></b> <hr/> <b><u>R-A-M-E-S-</u></b> <b><u>H-K-U-M-A-</u></b> <b><u>R</u></b> [1] - 103:11 <b><u>RADIO</u></b> [2] - 2:11, 107:4 <b><u>Radio</u></b> [1] - 107:10 <b><u>RAFFERTY</u></b> [34] - 13:19, 27:19, 29:10, 29:16, 31:10, 32:2, 33:14, 34:2, 34:11, 36:11, 37:2, 37:11,	37:15, 38:11, 38:16, 39:17, 40:14, 41:7, 45:9, 59:19, 60:4, 60:19, 61:3, 61:12, 62:5, 62:11, 63:1, 64:9, 64:12, 71:16, 71:19, 87:11, 88:13, 90:11 <b><u>Rafferty</u></b> [3] - 14:3, 14:4, 144:10 <b><u>Rafferty's</u></b> [1] - 53:16 <b><u>raised</u></b> [1] - 28:16 <b><u>RAMESHKUMA</u></b> <b><u>R</u></b> [4] - 103:10, 104:6, 105:15, 107:1 <b><u>Rameshkuma</u></b>
--	---	--	--	--

<b>r</b> [1] - 103:10	68:2, 75:13	73:12	94:12, 98:2,	135:11, 136:10,
<b>range</b> [3] - 9:15, 17:10, 160:1	<b>real</b> [2] - 152:18, 201:1	<b>Reardon</b> [1] - 5:14	100:16, 101:1, 101:19,	136:13, 139:8, 139:18,
<b>rapid</b> [1] - 68:12	<b>realize</b> [2] - 130:6, 144:15	<b>REARDON</b> [117] - 1:10, 9:6, 9:12, 10:3, 10:7, 10:11, 11:14, 12:3, 12:14, 12:18, 29:18, 30:14, 30:18, 31:5, 35:2, 35:7, 35:10, 36:4, 41:17, 44:13, 44:17, 45:5, 45:14, 46:2, 46:6, 49:10, 49:15, 50:3, 51:6, 51:17, 52:7, 89:16, 90:5, 90:9, 94:9,	102:4, 106:4, 106:13, 106:17, 108:15, 109:4, 109:12, 109:16, 109:19, 111:5, 112:7, 112:11, 118:14, 119:7, 121:10, 121:14, 122:4, 122:11, 122:14, 124:7, 124:15, 125:3, 125:11, 126:12, 126:16, 129:1, 129:5, 129:9, 130:19, 132:3, 132:7, 133:10, 133:14, 134:6, 134:18,	140:3, 147:11, 148:15, 162:18, 163:3, 167:3, 167:7, 167:10, 168:1, 168:9, 168:14, 170:19, 171:6, 171:9, 171:14, 172:1, 174:5, 175:4, 177:1, 181:4, 185:1, 185:5, 185:10, 185:15, 185:19, 188:13, 191:1, 193:4, 197:6, 202:7, 203:19, 204:4, 205:9, 205:16, 206:1,
<b>rate</b> [1] - 68:12	<b>realized</b> [1] - 201:7			
<b>rather</b> [4] - 157:8, 188:1, 188:5, 188:11	<b>really</b> [21] - 7:11, 18:8, 26:1, 26:3, 26:5, 26:9, 27:1, 74:17, 85:10, 100:2, 101:15, 114:3, 116:17, 119:4, 124:8, 125:7, 134:9, 157:6, 160:12, 190:18, 199:18			
<b>rating</b> [1] - 44:14				
<b>re</b> [1] - 188:6				
<b>RE</b> [1] - 1:5				
<b>re-</b> <b>approach</b> [1] - 188:6				
<b>reach</b> [2] - 27:16, 49:6				
<b>reached</b> [4] - 151:5, 151:14, 151:17, 166:6				
<b>read</b> [4] - 8:7, 67:15,	<b>realm</b> [1] - 185:7			
	<b>rear</b> [2] - 22:4,			

207:1, 207:5	[1] - 97:15	<u>reduce</u> [1] - 49:1	[1] - 141:13	<u>relocation</u> [1] - 174:8
<u>rearrangin</u> <u>g</u> [1] - 114:2	<u>receptacle</u> <u>s</u> [1] - 95:2	<u>reduction</u> [1] - 115:6	<u>regular</u> [2] - 8:14, 116:8	<u>remaining</u> [1] - 176:5
<u>reason</u> [1] - 181:13	<u>RECORD</u> [1] - 1:18	<u>refer</u> [1] - 26:4	<u>regulation</u> <u>s</u> [1] - 196:7	<u>remains</u> [1] - 76:18
<u>reasonable</u> [2] - 140:15, 159:12	<u>record</u> [21] - 5:19, 14:2, 55:3, 63:8, 64:10, 67:16, 68:16, 72:1, 103:6, 103:15, 113:15, 127:11, 149:4, 153:15, 155:14, 161:6, 170:5, 178:17, 179:3, 204:10, 208:9	<u>referred</u> [1] - 115:15	<u>rehab</u> [1] - 175:8	<u>remap</u> [1] - 9:8
<u>receive</u> [3] - 11:1, 21:10, 148:3	<u>received</u> [4] - 15:12, 108:9, 113:16, 143:3	<u>reflected</u> [1] - 166:2	<u>related</u> [1] - 27:11	<u>remember</u> [5] - 7:6, 66:15, 150:16, 168:15, 193:11
<u>received</u> [4] - 15:12, 108:9, 113:16, 143:3	<u>recent</u> [6] - 111:13, 153:9, 153:16, 159:2, 159:6, 159:8	<u>reflecting</u> [1] - 166:7	<u>relates</u> [2] - 33:8, 63:10	<u>reminder</u> [1] - 111:10
<u>received</u> [4] - 15:12, 108:9, 113:16, 143:3	<u>recently</u> [7] - 17:12, 32:3, 39:2, 41:14, 42:13, 57:19, 143:5	<u>reflection</u> [1] - 39:18	<u>relationsh</u> <u>ip</u> [3] - 91:14, 103:13, 199:17	<u>removal</u> [2] - 50:19, 51:4
<u>recently</u> [7] - 17:12, 32:3, 39:2, 41:14, 42:13, 57:19, 143:5	<u>records</u> [2] - 154:2, 159:9	<u>refrigerat</u> <u>ion</u> [2] - 78:10, 78:13	<u>relative</u> [2] - 166:1, 200:12	<u>removals</u> [1] - 56:17
<u>receptacle</u>	<u>recover</u> [1] - 104:8	<u>refrigerat</u> <u>ors</u> [1] - 33:13	<u>relatively</u> [1] - 56:10	<u>rendering</u> [2] - 92:9, 120:13
<u>receptacle</u>	<u>recreation</u> [1] - 76:3	<u>regarding</u> [1] - 68:6	<u>relay</u> [1] - 111:10	<u>renewal</u> [6] - 6:13, 7:4, 7:5, 7:9, 150:10, 161:7
<u>receptacle</u>		<u>regardless</u> [2] - 48:13, 73:11	<u>relayed</u> [2] - 53:13, 196:4	<u>renewed</u> [6] -
		<u>regards</u> [1] - 44:4	<u>relevant</u> [1] - 86:10	
		<u>regional</u> [1] - 16:10		
		<u>regrets</u>		

143:2, 150:6, 150:7, 150:11, 155:13, 155:16 <u>renovated</u> [1] - 170:18 <u>renovation</u> [1] - 174:10 <u>renovation</u> <u>s</u> [1] - 170:17 <u>rented</u> [1] - 8:1 <u>rents</u> [1] - 71:5 <u>repeat</u> [3] - 48:1, 73:18, 80:9 <u>repeating</u> [1] - 75:6 <u>replaced</u> [1] - 171:13 <u>reported</u> [1] - 54:16 <u>reporter</u> [1] - 203:12 <u>REPORTER</u> [3] - 53:4, 164:7, 208:18	<u>Reporter</u> [1] - 208:14 <u>REPORTERS</u> [1] - 1:18 <u>reporting</u> [2] - 145:10, 165:18 <u>represent</u> [5] - 6:12, 37:18, 45:16, 113:11, 141:3 <u>represente</u> <u>d</u> [2] - 67:16, 182:8 <u>representi</u> <u>ng</u> [7] - 38:3, 110:12, 121:7, 141:18, 148:6, 164:19, 194:9 <u>REPRODUCTI</u> <u>ON</u> [1] - 208:17 <u>request</u> [8] - 7:19, 24:7, 57:4, 86:16, 87:9,	145:4, 184:16, 188:4 <u>requested</u> [1] - 198:13 <u>requesting</u> [1] - 6:17 <u>require</u> [3] - 23:8, 46:3, 174:9 <u>required</u> [1] - 74:10 <u>requiremen</u> <u>t</u> [4] - 20:5, 20:8, 117:14, 130:9 <u>requiremen</u> <u>ts</u> [2] - 38:14, 68:9 <u>requires</u> [1] - 124:10 <u>research</u> [1] - 48:11 <u>reservatio</u> <u>ns</u> [2] - 23:8, 23:12 <u>reside</u> [1] - 25:11 <u>residence</u>	[4] - 8:12, 8:16, 9:3, 9:4 <u>resident</u> [8] - 4:18, 8:6, 8:7, 11:6, 12:11, 178:14, 178:16, 199:6 <u>residentia</u> <u>l</u> [9] - 17:18, 22:4, 58:8, 58:9, 76:6, 76:9, 76:15, 80:1, 80:4 <u>residents</u> [6] - 10:13, 11:12, 18:18, 22:19, 47:7, 178:3 <u>resides</u> [1] - 11:3 <u>resolve</u> [2] - 68:10, 200:17 <u>resolved</u> [1] - 201:8	<u>respect</u> [2] - 77:1, 158:2 <u>RESPECT</u> [1] - 208:17 <u>respectful</u> <u>ly</u> [1] - 198:18 <u>respective</u> <u>ly</u> [1] - 134:15 <u>respond</u> [2] - 160:9, 179:8 <u>response</u> [1] - 38:6 <u>responsibi</u> <u>lity</u> [1] - 87:19 <u>responsibl</u> <u>e</u> [1] - 8:10 <u>rest</u> [2] - 49:12, 58:10 <u>Restaurant</u> [19] - 13:9, 76:10, 90:19, 103:2, 112:19, 127:4, 127:7, 131:6, 131:7,
--	--	---	---	--



137:2, 137:5, 139:14, 140:13, 163:9, 163:11, 164:6, 164:19, 165:11, 177:14	25:17, 26:5, 31:17, 32:1, 33:2, 33:6, 40:7, 40:9, 43:15, 46:19, 49:12, 49:16, 50:18, 56:13, 58:2, 58:12, 58:19, 64:5, 65:13, 69:2, 70:4, 70:9, 73:4, 75:2, 79:15, 79:18, 80:17, 81:2, 81:15, 82:1, 82:5, 83:19, 84:2, 84:4, 84:10, 85:14, 85:19, 89:4, 94:8, 96:11,	96:17, 97:2, 121:12, 137:15, 149:15, 170:1, 171:18, 172:17, 173:3, 175:3, 178:4, 178:6, 178:12, 193:9, 198:14, 198:16, 200:6	166:9, 167:2, 170:7, 174:12, 199:17, 200:1	<u>revocation</u> [1] - 140:9
<u>RESTAURANT</u> [6] - 2:15, 3:3, 3:7, 127:1, 136:18, 163:6				<u>REVOICATION</u> [2] - 3:4, 140:5
<u>restaurant</u> [77] - 14:18, 16:5, 16:14, 17:17, 18:9, 18:16, 18:19, 19:9, 19:12, 19:19, 20:6, 20:12, 22:15, 23:4, 23:5, 23:7, 23:18, 24:8, 24:14, 25:4,		<u>restaurant</u> <u>-style</u> [1] - 178:4	<u>restoratio</u> <u>n</u> [1] - 7:10	<u>RICHARD</u> [8] - 6:8, 6:9, 8:9, 9:9, 9:15, 10:6, 10:9, 11:10
		<u>restaurant</u> <u>eur</u> [1] - 79:12	<u>result</u> [2] - 153:2, 166:9	<u>Richard</u> [1] - 6:8
		<u>restaurant</u> <u>s</u> [10] - 15:13, 39:19, 40:2, 70:16, 82:11, 94:2, 99:14, 99:16, 117:17, 128:11	<u>retail</u> [3] - 17:10, 17:15, 31:10	<u>right-hand</u> [1] - 19:13
		<u>Restaurant</u> <u>s</u> [9] - 165:4, 166:1,	<u>retained</u> [1] - 182:16	<u>ringing</u> [1] - 56:5
			<u>retrofit</u> [1] - 46:4	<u>risk</u> [1] - 187:10
			<u>return</u> [4] - 38:5, 93:16, 187:7, 187:8	<u>Ristorante</u> [1] - 127:5
			<u>review</u> [4] - 107:7, 108:4, 187:16, 189:17	<u>RISTORANTE</u> [2] - 2:16, 127:2
			<u>REVIEW</u> [2] - 2:9, 107:3	<u>River</u> [1] - 10:4
			<u>reviewed</u> [3] - 39:8, 167:14, 199:10	<u>road</u> [1] - 26:16
				<u>Road</u> [1] - 134:1
				<u>ROBERT</u> [60] - 1:9, 10:12,

10:17, 11:19, 12:17, 34:17, 37:8, 37:14, 38:10, 38:13, 39:15, 40:12, 41:4, 41:15, 47:5, 48:18, 52:4, 89:13, 90:8, 94:17, 96:2, 97:18, 100:19, 105:11, 105:19, 106:16, 109:15, 111:2, 112:10, 121:19, 124:4, 126:15, 130:17, 132:6, 135:8, 136:14, 139:5, 140:2, 148:12, 154:17, 157:15, 157:18,	158:12, 158:15, 163:2, 174:2, 176:17, 181:1, 186:7, 187:13, 189:9, 198:2, 202:16, 204:3, 205:5, 205:8, 205:19, 206:10, 206:13, 207:4 <b><u>Robert</u></b> [2] - 4:16, 5:15 <b><u>role</u></b> [2] - 133:6, 153:3 <b><u>roles</u></b> [1] - 91:15 <b><u>roof</u></b> [7] - 43:16, 46:18, 47:12, 47:17, 48:4, 49:1, 74:3 <b><u>Room</u></b> [2] - 1:13, 5:12 <b><u>room</u></b> [4] - 7:11, 7:15, 17:14,	125:2 <b><u>rooms</u></b> [5] - 4:17, 8:1, 8:3, 12:10, 71:5 <b><u>rope</u></b> [1] - 120:9 <b><u>roughly</u></b> [3] - 30:15, 30:16, 30:19 <b><u>row</u></b> [2] - 52:16 <b><u>rubbish</u></b> [1] - 57:10 <b><u>ruled</u></b> [1] - 166:18 <b><u>rules</u></b> [1] - 57:16 <b><u>run</u></b> [5] - 19:13, 81:5, 131:12, 139:2, 178:4 <b><u>running</u></b> [1] - 23:18 <b><u>runs</u></b> [2] - 36:19, 61:3 <b><u>rush</u></b> [1] - 187:17 <b><u>Russell</u></b> [3] - 15:3,	26:10, 71:14 <hr/> <b><u>s</u></b> <hr/> <b><u>S-A-R-M-A-</u></b> <b><u>N-I-A-N</u></b> [1] - 164:12 <b><u>S-A-R-O-T</u></b> [1] - 67:13 <b><u>S-C-E-L-F-</u></b> <b><u>O</u></b> [1] - 14:9 <b><u>S-L-I-D-E-</u></b> <b><u>R</u></b> [1] - 137:10 <b><u>SAGE</u></b> [2] - 2:14, 112:15 <b><u>Sage</u></b> [1] - 112:18 <b><u>sake</u></b> [1] - 157:19 <b><u>sale</u></b> [13] - 142:17, 147:10, 151:18, 151:19, 152:16, 153:5, 156:6, 159:8, 162:11, 179:12, 179:14, 184:7, 184:10 <b><u>sales</u></b> [1]	- 26:2 <b><u>SAME</u></b> [1] - 208:17 <b><u>sanctions</u></b> [2] - 120:5, 123:15 <b><u>sandbag</u></b> [1] - 201:11 <b><u>Sandrine's</u></b> [13] - 163:12, 167:2, 175:19, 177:16, 178:8, 183:17, 184:8, 198:12, 198:14, 199:18, 199:19, 200:13, 201:2 <b><u>Sanitation</u></b> [1] - 95:2 <b><u>sanitation</u></b> [1] - 97:15 <b><u>Sarmanian</u></b> [1] - 164:10 <b><u>SARMANIAN</u></b> [22] - 164:12, 169:18, 170:14, 171:2,
--	--	--	---	--

171:8, 171:11, 171:17, 172:16, 173:19, 174:10, 175:10, 190:7, 190:17, 193:3, 193:7, 193:14, 193:16, 193:18, 194:7, 195:3, 197:10, 197:13 <b><u>SAROT</u></b> [6] - 67:12, 68:4, 71:18, 72:4, 77:3, 77:6 <b><u>Sarot</u></b> [2] - 67:12, 67:14 <b><u>satisfied</u></b> [2] - 38:14, 57:5 <b><u>satisfies</u></b> [1] - 20:4 <b><u>satisfy</u></b> [1] - 117:13 <b><u>satisfying</u></b> [1] - 144:14	<b><u>Saturday</u></b> [6] - 13:12, 95:11, 96:6, 104:17, 163:17, 172:11 <b><u>saw</u></b> [2] - 64:7, 65:4 <b><u>SCELFO</u></b> [25] - 25:1, 27:14, 27:18, 28:5, 28:17, 29:2, 29:6, 30:2, 30:17, 31:1, 31:7, 31:13, 33:9, 33:12, 34:7, 35:4, 35:9, 35:13, 36:8, 50:10, 60:7, 61:7, 61:16, 61:19, 62:15 <b><u>Scelfo</u></b> [14] -	13:7, 14:9, 14:10, 14:16, 14:17, 15:1, 15:14, 15:19, 16:9, 16:15, 18:8, 22:8, 23:10, 23:15 <b><u>Scelfo's</u></b> [1] - 14:13 <b><u>scenario</u></b> [3] - 189:3, 190:6, 196:13 <b><u>schedule</u></b> [2] - 37:5, 201:17 <b><u>schedules</u></b> [1] - 201:16 <b><u>scheduling</u></b> [1] - 203:6 <b><u>School</u></b> [1] - 55:5 <b><u>Sciences</u></b> [1] - 6:13 <b><u>scope</u></b> [1] - 200:4 <b><u>scrub</u></b> [1]	- 36:2 <b><u>scrubber</u></b> [5] - 44:18, 45:3, 45:11, 59:5, 65:19 <b><u>se</u></b> [1] - 40:17 <b><u>seafood</u></b> [1] - 16:18 <b><u>Seafood</u></b> [6] - 166:17, 167:15, 168:6, 183:11, 189:17, 194:11 <b><u>searched</u></b> [1] - 15:5 <b><u>seasonal</u></b> [2] - 91:2, 92:1 <b><u>seat</u></b> [7] - 42:7, 52:19, 86:12, 97:7, 115:6, 116:5, 157:3 <b><u>seated</u></b> [2] - 14:8, 116:4 <b><u>seating</u></b> [14] -	13:13, 114:5, 114:18, 115:3, 115:4, 115:14, 117:2, 117:18, 118:2, 118:7, 120:10, 126:5, 163:17, 172:2 <b><u>seats</u></b> [32] - 20:9, 91:3, 92:2, 97:14, 98:9, 98:11, 114:6, 114:8, 115:1, 115:3, 115:5, 115:8, 115:11, 115:14, 115:16, 117:1, 117:6, 117:19, 118:5, 118:18, 119:2, 119:4, 119:14, 119:15, 120:4,
--	--	---	---	---

120:11, 120:13, 120:14, 124:9, 125:9 <b><u>second</u></b> [40] - 12:13, 12:14, 16:11, 63:6, 76:10, 84:2, 87:8, 90:4, 90:5, 100:15, 100:16, 106:12, 106:13, 109:11, 109:12, 112:6, 112:7, 115:13, 126:11, 126:12, 132:2, 132:3, 136:9, 136:10, 139:17, 139:18, 145:7, 162:17, 162:18, 184:12, 203:18, 203:19, 205:4,	205:5, 205:15, 205:16, 206:9, 206:10, 206:19, 207:1 <b><u>secondary</u></b> [1] - 50:4 <b><u>seconded</u></b> [1] - 186:17 <b><u>secondly</u></b> [1] - 155:17 <b><u>seconds</u></b> [1] - 62:18 <b><u>Section</u></b> [1] - 24:7 <b><u>section</u></b> [2] - 45:15, 45:17 <b><u>sections</u></b> [1] - 46:4 <b><u>see</u></b> [31] - 18:14, 19:7, 28:3, 29:11, 32:15, 33:19, 43:4, 59:12, 60:12, 60:15, 62:9, 64:7,	65:10, 68:10, 70:17, 83:16, 87:4, 99:1, 99:4, 114:1, 120:1, 121:11, 123:1, 125:4, 147:7, 158:5, 176:2, 188:5, 197:10, 203:4 <b><u>seeing</u></b> [8] - 12:7, 25:2, 63:14, 88:10, 106:8, 111:9, 131:4, 139:12 <b><u>seek</u></b> [2] - 20:16, 167:12 <b><u>seeking</u></b> [5] - 9:19, 91:18, 148:7, 165:8, 177:19 <b><u>seem</u></b> [1] - 68:13	<b><u>sees</u></b> [1] - 183:17 <b><u>segmented</u></b> [1] - 45:15 <b><u>self</u></b> [1] - 50:12 <b><u>self-</u></b> <b><u>contained</u></b> [1] - 50:12 <b><u>sell</u></b> [10] - 37:19, 78:17, 141:11, 142:7, 142:12, 143:18, 144:6, 146:7, 155:3, 161:13 <b><u>selling</u></b> [2] - 143:13, 154:15 <b><u>semester</u></b> [1] - 10:2 <b><u>semi</u></b> [1] - 66:10 <b><u>semi-</u></b> <b><u>industrial</u></b> [1] - 66:10 <b><u>seniors</u></b> [1] - 10:16 <b><u>sense</u></b> [7] - 27:4,	58:8, 76:3, 84:18, 124:19, 154:9, 191:19 <b><u>senses</u></b> [1] - 78:7 <b><u>sent</u></b> [2] - 108:19, 113:17 <b><u>separate</u></b> [3] - 32:6, 71:5, 74:2 <b><u>separates</u></b> [1] - 120:6 <b><u>September</u></b> [3] - 138:6, 174:17, 191:13 <b><u>series</u></b> [1] - 85:18 <b><u>serious</u></b> [1] - 155:4 <b><u>serve</u></b> [7] - 14:11, 26:13, 95:11, 95:14, 96:3, 116:19, 123:3 <b><u>served</u></b> [5] - 17:6, 17:16,
--	--	--	--	---

<p>21:19, 40:5, 125:18</p> <p><b><u>ServeSafe</u></b> [1] - 130:2</p> <p><b><u>SERVICE</u></b> [2] - 2:10, 107:4</p> <p><b><u>service</u></b> [10] - 40:2, 116:1, 116:3, 116:7, 116:9, 122:5, 124:17, 125:5, 125:18, 171:7</p> <p><b><u>Service</u></b> [1] - 107:9</p> <p><b><u>Services</u></b> [2] - 6:6, 136:8</p> <p><b><u>services</u></b> [1] - 137:13</p> <p><b><u>serving</u></b> [4] - 32:16, 32:18, 33:1, 36:15</p> <p><b><u>set</u></b> [22] - 10:11,</p>	<p>11:17, 12:3, 12:19, 41:16, 41:17, 52:7, 76:17, 106:18, 109:17, 112:12, 130:19, 132:8, 135:11, 136:15, 140:4, 155:14, 169:9, 169:11, 190:12, 208:8, 208:10</p> <p><b><u>seven</u></b> [7] - 155:14, 161:7, 165:5, 189:6, 190:3, 192:10, 192:11</p> <p><b><u>seven-day</u></b> [3] - 165:5, 189:6, 190:3</p> <p><b><u>several</u></b> [4] - 88:14, 133:17, 152:6,</p>	<p>178:2</p> <p><b><u>share</u></b> [2] - 17:2, 23:16</p> <p><b><u>shared</u></b> [1] - 179:1</p> <p><b><u>ship</u></b> [1] - 180:6</p> <p><b><u>shooting</u></b> [1] - 10:9</p> <p><b><u>short</u></b> [1] - 145:6</p> <p><b><u>Shorthand</u></b> [1] - 208:14</p> <p><b><u>shortly</u></b> [2] - 105:7, 142:5</p> <p><b><u>show</u></b> [3] - 52:14, 72:9, 78:17</p> <p><b><u>showing</u></b> [2] - 17:4, 62:16</p> <p><b><u>shown</u></b> [1] - 62:6</p> <p><b><u>shows</u></b> [1] - 18:12</p> <p><b><u>SHUBHA</u></b> [5] - 103:10, 103:11, 104:6, 105:15, 107:1</p> <p><b><u>Shubha</u></b> [1] - 103:10</p>	<p><b><u>shut</u></b> [1] - 149:10</p> <p><b><u>sic-"</u></b> <b><u>Waypoint")</u></b> [1] - 14:8</p> <p><b><u>side</u></b> [22] - 27:13, 27:16, 28:6, 28:10, 28:12, 29:1, 29:2, 29:8, 30:5, 35:11, 35:16, 36:8, 47:2, 50:1, 61:15, 61:17, 63:4, 63:8, 83:2, 121:17, 124:9, 185:11</p> <p><b><u>sidewalk</u></b> [10] - 91:3, 92:1, 92:11, 117:18, 118:4, 118:5, 118:10, 118:12, 123:6,</p>	<p>123:8</p> <p><b><u>signatures</u></b> [1] - 40:16</p> <p><b><u>signed</u></b> [6] - 60:7, 105:5, 146:17, 147:2, 148:5, 162:11</p> <p><b><u>significan</u></b> <b><u>t</u></b> [4] - 117:11, 144:5, 184:9, 187:8</p> <p><b><u>signify</u></b> [16] - 12:16, 90:7, 100:18, 106:15, 109:14, 112:9, 126:14, 132:5, 136:12, 140:1, 163:1, 204:2, 205:7, 205:18, 206:12, 207:3</p> <p><b><u>signoff</u></b> [2] - 135:16, 136:7</p>
---	--	--	---	--

<p><b><u>similar</u></b> [7] - 7:8, 16:18, 23:14, 94:5, 143:12, 166:17, 182:19</p> <p><b><u>similar-</u></b> <b><u>type</u></b> [1] - 143:12</p> <p><b><u>similarly</u></b> [1] - 21:4</p> <p><b><u>simple</u></b> [3] - 94:4, 159:9, 200:7</p> <p><b><u>simply</u></b> [1] - 23:13</p> <p><b><u>sing</u></b> [1] - 56:4</p> <p><b><u>single</u></b> [2] - 8:3, 11:16</p> <p><b><u>singles</u></b> [1] - 7:18</p> <p><b><u>sister</u></b> [1] - 16:13</p> <p><b><u>sit</u></b> [6] - 63:16, 63:17, 74:11, 78:15, 96:13, 195:1</p> <p><b><u>site</u></b> [4] - 8:8, 11:9, 89:1, 126:10</p>	<p><b><u>sits</u></b> [2] - 46:17, 96:16</p> <p><b><u>sitting</u></b> [5] - 81:13, 86:11, 96:18, 117:1, 144:7</p> <p><b><u>situation</u></b> [12] - 56:7, 144:18, 149:17, 153:13, 161:15, 161:19, 182:19, 187:19, 196:10, 198:10, 200:8, 200:17</p> <p><b><u>six</u></b> [15] - 30:11, 91:3, 92:1, 98:9, 98:11, 105:8, 106:10, 118:14, 118:16, 128:7, 128:10, 155:15, 161:7, 179:17,</p>	<p>198:15</p> <p><b><u>six-month</u></b> [1] - 155:15</p> <p><b><u>size</u></b> [2] - 11:5, 51:7</p> <p><b><u>slacked</u></b> [1] - 54:17</p> <p><b><u>sleep</u></b> [3] - 54:18, 55:6, 55:10</p> <p><b><u>sleeping</u></b> [1] - 9:7</p> <p><b><u>SLIDER</u></b> [6] - 137:7, 137:9, 137:19, 138:4, 138:9, 138:16</p> <p><b><u>Slider</u></b> [1] - 137:9</p> <p><b><u>slightly</u></b> [2] - 42:15, 104:2</p> <p><b><u>small</u></b> [4] - 7:16, 17:12, 169:19, 178:13</p> <p><b><u>smaller</u></b> [2] - 51:13, 51:18</p> <p><b><u>smell</u></b> [2] - 58:18,</p>	<p>59:2</p> <p><b><u>smells</u></b> [4] - 58:15, 65:18, 73:17, 76:13</p> <p><b><u>smoke</u></b> [2] - 70:11, 159:15</p> <p><b><u>smoking</u></b> [1] - 70:15</p> <p><b><u>snowy</u></b> [1] - 70:10</p> <p><b><u>so..</u></b> [6] - 60:18, 97:10, 99:7, 171:19, 186:12, 194:12</p> <p><b><u>sold</u></b> [6] - 106:11, 151:1, 152:10, 157:2, 157:11, 159:18</p> <p><b><u>Solet</u></b> [1] - 55:4</p> <p><b><u>solicit</u></b> [1] - 40:16</p> <p><b><u>solicitati</u></b> <b><u>on</u></b> [2] - 179:18, 180:16</p> <p><b><u>someone</u></b> [6] -</p>	<p>11:3, 34:13, 42:1, 67:16, 123:5, 146:2</p> <p><b><u>sometime</u></b> [1] - 9:19</p> <p><b><u>sometimes</u></b> [1] - 54:9</p> <p><b><u>somewhat</u></b> [2] - 169:9, 189:13</p> <p><b><u>somewhere</u></b> [1] - 74:4</p> <p><b><u>soon</u></b> [2] - 151:11, 191:6</p> <p><b><u>sooner</u></b> [2] - 106:11, 176:7</p> <p><b><u>sophomores</u></b> [1] - 10:15</p> <p><b><u>sorry</u></b> [9] - 5:4, 61:2, 78:3, 85:1, 101:9, 138:5, 138:16, 168:14, 202:19</p> <p><b><u>sort</u></b> [7] - 44:2, 44:9, 83:18,</p>
---	--	--	---	--

95:3, 99:16, 105:3, 152:8 <b><u>sort've</u></b> [3] - 43:19, 54:17, 195:12 <b><u>sound</u></b> [10] - 22:14, 22:16, 25:19, 47:11, 47:15, 48:3, 49:1, 69:16, 78:11, 81:17 <b><u>sounds</u></b> [4] - 37:4, 81:19, 89:4, 131:18 <b><u>sourced</u></b> [2] - 15:18, 134:11 <b><u>south</u></b> [3] - 146:18, 156:9, 157:12 <b><u>space</u></b> [59] - 19:11, 20:8, 27:11, 27:15, 28:2,	33:15, 33:16, 34:1, 35:15, 36:15, 36:19, 44:3, 44:4, 44:10, 46:5, 46:6, 46:7, 46:12, 48:15, 49:12, 49:16, 50:4, 56:12, 60:5, 60:6, 60:11, 61:1, 61:6, 62:2, 62:7, 62:19, 63:11, 63:14, 63:17, 64:4, 65:6, 69:2, 70:3, 71:7, 85:17, 87:15, 89:2, 92:17, 93:12, 94:8,	95:2, 117:4, 117:12, 118:13, 121:7, 146:2, 146:9, 149:15, 150:12, 173:2, 173:17, 184:2 <b><u>spaces</u></b> [4] - 17:10, 20:4, 57:15, 116:2 <b><u>speak..</u></b> [1] - 42:2 <b><u>speaker</u></b> [3] - 71:17, 72:8, 73:8 <b><u>speakers</u></b> [1] - 88:14 <b><u>speaking</u></b> [5] - 11:15, 64:17, 92:17, 145:15, 189:16 <b><u>speaks</u></b> [1] - 161:8 <b><u>specialty</u></b> [1] - 134:7 <b><u>specific</u></b>	<b><u>ly</u></b> [1] - 27:8 <b><u>specificat</u></b> <b><u>ions</u></b> [2] - 34:15, 45:3 <b><u>spectrum</u></b> [1] - 55:16 <b><u>spell</u></b> [5] - 42:9, 72:15, 77:13, 164:7, 177:9 <b><u>spelled</u></b> [1] - 67:17 <b><u>spelling</u></b> [4] - 6:1, 103:6, 107:15, 149:4 <b><u>spinning</u></b> [1] - 62:4 <b><u>split</u></b> [2] - 43:1, 43:7 <b><u>sporting</u></b> [1] - 82:11 <b><u>spot</u></b> [1] - 118:6 <b><u>spread</u></b> [1] - 125:19 <b><u>spreadshee</u></b> <b><u>t</u></b> [1] - 154:6 <b><u>sprinkler</u></b>	[2] - 46:3, 174:7 <b><u>squabble</u></b> [1] - 98:7 <b><u>square</u></b> [3] - 26:17, 27:5, 125:1 <b><u>Square</u></b> [28] - 14:18, 15:4, 15:8, 18:6, 19:6, 25:7, 25:11, 26:7, 27:2, 27:3, 57:18, 70:13, 76:2, 79:13, 79:15, 79:16, 79:17, 79:18, 79:19, 80:6, 84:1, 118:2, 118:7, 142:9, 143:11, 172:17 <b><u>squeeze</u></b> [1] -
---	--	--	--	---

157:14 <b><u>ss</u></b> [1] - 208:4 <b><u>staff</u></b> [2] - 125:4, 125:14 <b><u>STAFF</u></b> [1] - 1:11 <b><u>stanchions</u></b> [1] - 94:1 <b><u>stand</u></b> [3] - 20:18, 80:8, 160:7 <b><u>standards</u></b> [5] - 16:3, 55:16, 76:17, 76:19, 144:13 <b><u>standing</u></b> [5] - 27:12, 46:9, 61:10, 70:14, 84:6 <b><u>standpoint</u></b> [2] - 43:16, 145:12 <b><u>stands</u></b> [1] - 93:3 <b><u>start</u></b> [4] - 29:13, 52:17, 86:5, 95:7 <b><u>started</u></b>	[6] - 4:5, 42:13, 47:10, 55:19, 78:7, 128:1 <b><u>starting</u></b> [1] - 59:1 <b><u>starts</u></b> [1] - 8:11 <b><u>state</u></b> [11] - 5:19, 57:3, 57:6, 91:6, 103:6, 107:14, 127:11, 149:4, 151:9, 167:2, 170:8 <b><u>statement</u></b> [3] - 53:16, 145:13, 146:14 <b><u>states</u></b> [1] - 32:16 <b><u>stating</u></b> [1] - 25:16 <b><u>stations</u></b> [1] - 32:17 <b><u>status</u></b> [7] - 144:1, 144:3, 145:5,	147:4, 158:8, 165:16, 166:8 <b><u>stay</u></b> [5] - 27:4, 55:2, 74:6, 77:7, 170:15 <b><u>staying</u></b> [1] - 84:8 <b><u>stead</u></b> [1] - 170:9 <b><u>Stein</u></b> [1] - 132:15 <b><u>stenograph</u></b> <b><u>er</u></b> [2] - 63:7, 181:12 <b><u>still</u></b> [8] - 68:19, 72:6, 74:16, 145:18, 178:14, 197:6, 203:5, 204:9 <b><u>stop</u></b> [2] - 27:17, 96:15 <b><u>stopped</u></b> [1] - 147:15 <b><u>stops</u></b> [1] - 96:16 <b><u>storage</u></b> [1] -	21:14 <b><u>store</u></b> [7] - 17:12, 17:13, 18:2, 65:13, 69:1, 69:5, 69:14 <b><u>Store</u></b> [1] - 110:7 <b><u>stored</u></b> [1] - 21:11 <b><u>stores</u></b> [1] - 69:4 <b><u>stove</u></b> [2] - 129:3, 129:5 <b><u>straight</u></b> [3] - 59:8, 121:5, 184:7 <b><u>strands</u></b> [1] - 76:7 <b><u>Street</u></b> [37] - 18:1, 22:19, 27:16, 28:10, 39:6, 46:11, 46:13, 47:4, 56:14, 57:18, 58:6, 58:17,	66:16, 68:5, 68:17, 69:9, 71:9, 72:3, 72:6, 72:19, 75:4, 75:11, 79:6, 83:2, 83:3, 103:3, 107:12, 108:2, 113:10, 114:10, 118:8, 121:8, 128:19, 137:5, 141:3, 141:7, 163:13 <b><u>street</u></b> [9] - 18:5, 49:17, 70:4, 71:1, 71:13, 81:19, 82:7, 82:13, 111:11 <b><u>streets</u></b> [3] - 32:6, 70:15,
--	--	---	---	--



83:2 <b><u>stress</u></b> [1] - 22:8 <b><u>stretch</u></b> [3] - 17:19, 21:2, 40:1 <b><u>strict</u></b> [1] - 85:8 <b><u>strong</u></b> [1] - 23:7 <b><u>strongly</u></b> [1] - 40:6 <b><u>struck</u></b> [1] - 84:18 <b><u>structural</u></b> [1] - 174:7 <b><u>structure</u></b> [2] - 67:7, 143:12 <b><u>struggle</u></b> [1] - 146:5 <b><u>students</u></b> [5] - 10:1, 10:16, 10:18, 11:11, 25:12 <b><u>studio</u></b> [2] - 61:7, 62:4 <b><u>stuff</u></b> [2] - 69:7, 129:13 <b><u>style</u></b> [2]	- 31:17, 178:4 <b><u>subject</u></b> [3] - 131:10, 131:11, 136:6 <b><u>submit</u></b> [2] - 67:1, 75:14 <b><u>submitted</u></b> [4] - 18:11, 104:16, 165:7, 180:13 <b><u>subscribe</u></b> [1] - 159:15 <b><u>subsequent</u></b> <b><u>ly</u></b> [2] - 108:9, 196:18 <b><u>suburbs</u></b> [1] - 25:13 <b><u>succeed</u></b> [1] - 40:10 <b><u>suffering</u></b> [1] - 55:9 <b><u>suggest</u></b> [2] - 16:2, 145:6 <b><u>suggested</u></b> [2] - 159:3, 160:18	<b><u>suggesting</u></b> [1] - 190:13 <b><u>suggestion</u></b> [2] - 22:17, 156:1 <b><u>suggestion</u></b> <b><u>s</u></b> [1] - 160:13 <b><u>summary</u></b> [1] - 32:5 <b><u>summer</u></b> [1] - 74:14 <b><u>Sunday</u></b> [5] - 13:12, 95:9, 96:5, 163:15, 172:8 <b><u>supply</u></b> [1] - 120:2 <b><u>support</u></b> [5] - 23:1, 40:13, 41:1, 75:8, 153:4 <b><u>supporters</u></b> [1] - 79:12 <b><u>supporting</u></b> [1] - 68:11 <b><u>supposed</u></b> [2] - 59:7, 66:12	<b><u>supposedly</u></b> [1] - 143:6 <b><u>surprise</u></b> [1] - 165:10 <b><u>surprised</u></b> [1] - 70:14 <b><u>surroundin</u></b> <b><u>g</u></b> [1] - 21:18 <b><u>Susan</u></b> [1] - 75:12 <b><u>suspect</u></b> [2] - 41:7, 41:10 <b><u>Swanley</u></b> [1] - 141:7 <b><u>sway</u></b> [1] - 188:9 <b><u>sweeping</u></b> [3] - 111:11, 111:12, 111:16 <b><u>switch</u></b> [1] - 190:7 <b><u>system</u></b> [10] - 32:14, 33:1, 44:19, 45:6, 46:1, 51:3, 54:1,	54:13, 56:8, 74:2 <b><u>systems</u></b> [5] - 43:1, 43:7, 47:17, 48:4, 66:5 <hr/> <b><u>T</u></b> <b><u>table</u></b> [11] - 25:8, 25:9, 52:12, 63:18, 64:1, 64:7, 92:7, 95:18, 123:7, 134:8, 192:15 <b><u>tables</u></b> [17] - 70:5, 71:13, 92:5, 92:6, 92:9, 93:19, 94:9, 94:16, 94:19, 95:4, 115:11, 118:15, 118:17, 121:11, 122:7, 122:8,
---	--	--	---	--

122:9	97:13,	<b><u>tenant</u></b>	196:17,	208:16
<b><u>Tables</u></b> [5]	99:11,	[11] -	201:15	<b><u>Thomas</u></b> [2]
- 168:13,	99:13,	19:15,	<b><u>testified</u></b>	- 127:9,
188:14,	100:13,	28:9,	[1] -	127:12
190:6,	101:3	33:10,	155:10	<b><u>THOMAS</u></b>
194:10,	<b><u>Taromina</u></b>	34:6,	<b><u>thankfully</u></b>	[18] -
196:10	[1] - 91:8	34:8,	[1] -	127:12,
<b><u>tag</u></b> [1] -	<b><u>Tart</u></b> [1] -	34:10,	129:8	127:13,
199:3	137:4	34:12,	<b><u>THAT</u></b> [1] -	127:16,
<b><u>talents</u></b>	<b><u>Tavern</u></b> [1]	43:17,	157:19	127:19,
[2] -	- 15:3	45:18,	<b><u>THE</u></b> [11] -	128:4,
23:19,	<b><u>tavern</u></b> [1]	48:14,	1:18, 2:6,	128:7,
73:10	- 33:18	147:7	2:9, 53:4,	128:9,
<b><u>tape</u></b> [2] -	<b><u>TCO</u></b> [1] -	<b><u>tenants</u></b>	90:13,	128:14,
66:5,	10:8	[3] -	107:3,	128:18,
173:11	<b><u>team</u></b> [1] -	32:18,	164:7,	129:4,
<b><u>Tape</u></b> [2] -	82:12	33:1, 71:7	208:16,	129:6,
13:15,	<b><u>television</u></b>	<b><u>tend</u></b> [1] -	208:17,	129:11,
164:1	[1] - 22:8	55:1	208:17,	129:18,
<b><u>taped</u></b> [1]	<b><u>television</u></b>	<b><u>tends</u></b> [2]	208:18	130:2,
- 4:8	<b><u>s</u></b> [5] -	- 80:5,	<b><u>theirs</u></b> [1]	130:6,
<b><u>TAROMINA</u></b>	22:6,	179:13	- 175:3	131:14,
[21] -	22:9,	<b><u>tenured</u></b>	<b><u>therefore</u></b>	131:18,
91:5,	22:16,	[1] - 8:12	[1] -	132:9
91:8,	22:18,	<b><u>term</u></b> [1] -	66:11	<b><u>thoughts</u></b>
92:6,	82:9	168:8	<b><u>thinking</u></b>	[1] -
92:12,	<b><u>Ten</u></b> [5] -	<b><u>terms</u></b> [14]	[2] -	201:14
92:15,	168:13,	- 9:13,	89:1,	<b><u>thousand</u></b>
92:19,	188:14,	16:4,	201:15	[1] -
93:14,	190:6,	25:7,	<b><u>thinks</u></b> [1]	152:7
93:18,	194:10,	36:6,	- 82:16	<b><u>three</u></b> [13]
94:11,	196:10	47:6,	<b><u>third</u></b> [6]	- 31:6,
94:14,	<b><u>ten</u></b> [6] -	63:10,	- 19:17,	31:7,
95:1,	62:18,	80:17,	28:8,	71:6,
95:7,	122:9,	119:14,	31:7,	75:17,
95:13,	125:9,	146:6,	76:16,	92:5,
96:4,	152:14,	172:12,	142:13,	92:6,
96:10,	154:4,	175:7,	143:14	94:19,
97:5,	159:19	192:7,	<b><u>THIS</u></b> [1] -	116:19,

159:19, 164:2, 200:18, 204:15, 205:12 <b><u>threshold</u></b> [1] - 41:5 <b><u>throughout</u></b> [3] - 180:9, 180:12, 200:3 <b><u>throw</u></b> [1] - 196:12 <b><u>thrums</u></b> [1] - 56:6 <b><u>Thursday</u></b> [6] - 95:10, 96:5, 127:19, 134:1, 163:16, 172:10 <b><u>ticks</u></b> [1] - 195:13 <b><u>tie</u></b> [1] - 44:2 <b><u>tied</u></b> [3] - 32:13, 32:19, 161:17 <b><u>ties</u></b> [1] - 35:15 <b><u>TIME</u></b> [1] - 1:16 <b><u>Tinkers</u></b> [1] - 142:14	<b><u>TIPS</u></b> [2] - 130:1, 130:3 <b><u>TO</u></b> [3] - 2:10, 107:4, 208:17 <b><u>today</u></b> [8] - 22:9, 64:6, 65:4, 86:17, 148:4, 148:9, 150:1, 178:9 <b><u>today's</u></b> [1] - 67:5 <b><u>TOM</u></b> [25] - 42:5, 42:8, 42:11, 42:18, 43:6, 43:12, 44:16, 45:2, 45:8, 45:18, 46:5, 46:7, 46:14, 47:9, 48:2, 49:3, 49:14, 49:18, 50:6, 50:17,	51:8, 52:1, 62:3, 63:12, 64:1 <b><u>Tom</u></b> [4] - 42:8, 63:2, 91:10, 131:8 <b><u>tomorrow</u></b> [5] - 105:5, 160:4, 161:1, 176:13, 202:19 <b><u>TON</u></b> [4] - 2:8, 102:16, 102:19, 106:9 <b><u>tone</u></b> [1] - 56:5 <b><u>tones</u></b> [4] - 55:15, 55:18, 56:5 <b><u>tonight</u></b> [20] - 6:17, 7:19, 25:2, 39:1, 41:6, 46:16, 58:14, 67:15, 68:6,	75:12, 83:9, 143:8, 151:3, 157:10, 160:19, 177:17, 181:14, 182:5, 188:10, 192:16 <b><u>took</u></b> [2] - 15:5, 144:19 <b><u>top</u></b> [2] - 46:17, 122:10 <b><u>tops</u></b> [1] - 122:10 <b><u>torn</u></b> [1] - 99:3 <b><u>total</u></b> [2] - 114:8, 115:5 <b><u>touch</u></b> [1] - 148:8 <b><u>tough</u></b> [1] - 104:7 <b><u>toward</u></b> [2] - 115:16, 180:8 <b><u>towards</u></b> [3] - 20:1, 22:2, 29:3 <b><u>Trader</u></b> [5] - 110:4, 110:5, 110:13,	112:3, 112:4 <b><u>TRADER</u></b> [4] - 2:12, 110:1 <b><u>tradition</u></b> [3] - 24:1, 26:16, 26:18 <b><u>traffic</u></b> [4] - 57:14, 69:6, 75:4, 76:11 <b><u>Traffic</u></b> [1] - 20:17 <b><u>trails</u></b> [1] - 52:12 <b><u>trained</u></b> [1] - 116:5 <b><u>training</u></b> [4] - 129:17, 129:18, 130:9, 131:13 <b><u>transactio</u></b> <b><u>n</u></b> [9] - 143:1, 143:9, 146:18, 147:5, 153:9, 153:16, 158:8,
---	---	---	--	---

187:3, 187:6	194:5, 196:5	<u>tree</u> [3] - 93:12, 95:15, 97:12	<u>try</u> [11] - 51:11, 113:17, 146:7, 155:3, 157:4, 179:18, 180:11, 182:1, 187:17, 201:16, 203:4	168:10, 189:10, 190:1
<u>transactio</u> <u>ns</u> [2] - 144:4, 156:15	<u>transferre</u> <u>d</u> [8] - 38:8, 167:18, 173:4, 189:5, 189:7, 193:12, 199:5, 199:6	<u>trespass</u> [1] - 188:7	<u>turned</u> [4] - 4:7,	<u>turning</u> [2] - 167:11, 192:7
<u>TRANSCRIPT</u> [1] - 208:16	<u>transferri</u> <u>ng</u> [1] - 196:17	<u>tried</u> [2] - 80:11, 117:4	<u>trying</u> [11] - 141:11, 155:1, 157:14, 186:2, 191:14, 191:15, 191:18, 196:13, 200:17, 201:11, 201:14	<u>tutors</u> [3] - 8:8, 8:13, 11:10
<u>transfer</u> [27] - 15:6, 105:4, 105:6, 142:8, 163:10, 165:3, 166:10, 166:13, 166:15, 167:1, 168:3, 168:7, 168:8, 189:6, 190:3, 190:4, 193:5, 193:6, 193:13, 193:14, 193:19, 195:17, 196:3, 196:6, 199:8, 199:9	<u>transfers</u> [2] - 154:3, 154:5	<u>Trost</u> [1] - 163:12	<u>TV</u> [1] - 82:11	<u>twice</u> [2] - 25:18, 200:19
<u>transferra</u> <u>ble</u> [2] -	<u>transparen</u> <u>t</u> [1] - 179:14	<u>trouble</u> [1] - 154:15	<u>Tuesday</u> [3] - 1:15, 5:10, 133:19	<u>TVs</u> [7] - 13:17, 25:17, 66:4, 69:15, 74:6, 164:2, 173:10
	<u>Transporta</u> <u>tion</u> [1] - 107:9	<u>truck</u> [8] - 50:16, 65:15, 132:17, 133:8, 134:13, 134:14, 134:16	<u>TRUCK</u> [2] - 2:18, 132:11	<u>two</u> [32] - 13:17, 22:6, 22:9, 31:1, 31:2, 31:4, 31:6, 44:7, 51:9, 51:13, 60:2, 66:4, 67:14, 71:8,
	<u>TRANSPORTA</u> <u>TION</u> [2] - 2:10, 107:4	<u>TRUCK</u> [2] - 2:18, 132:11	<u>Truck</u> [3] - 132:14, 133:6, 136:4	
	<u>trash</u> [7] - 21:10, 50:8, 51:3, 51:12, 51:15, 95:2, 97:15	<u>trucks</u> [3] - 51:13, 51:18, 134:19	<u>turn</u> [6] - 69:18, 125:5, 125:6, 180:4, 191:2, 197:7	
	<u>travel</u> [1] - 81:10	<u>true</u> [4] - 19:11, 149:11, 151:5, 208:9		

82:9, 82:18, 113:4, 116:18, 118:1, 122:9, 122:10, 143:15, 144:13, 144:19, 157:7, 183:12, 189:4, 194:14, 195:5, 204:11, 204:17	[1] - 28:14 <b>under</b> [3] - 61:8, 140:16, 150:18 <b>UNDER</b> [1] - 208:17 <b>undergradu</b> <b>ate</b> [2] - 10:16, 10:18 <b>understand</b> <b>able</b> [1] - 39:9 <b>understood</b> [3] - 168:5, 200:14, 201:13 <b>undertakin</b> <b>g</b> [1] - 7:3 <b>unexpected</b> <b>ly</b> [1] - 68:18 <b>unfortunat</b> <b>ely</b> [1] - 56:13 <b>UNIDENTIFI</b> <b>ED</b> [3] - 47:19, 53:10, 78:2 <b>unit</b> [4] - 35:14, 36:3, 36:17,	50:12 <b>units</b> [2] - 17:18, 37:1 <b>University</b> [2] - 4:14, 18:3 <b>unless</b> [2] - 101:15, 116:4 <b>UNLESS</b> [1] - 208:17 <b>unlikely</b> [1] - 41:10 <b>unloading</b> [2] - 111:14, 111:17 <b>unusual</b> [1] - 149:16 <b>up</b> [38] - 5:8, 9:7, 11:17, 21:12, 29:7, 33:9, 43:4, 43:9, 46:16, 50:12, 51:12, 51:14, 52:9, 54:6, 65:9, 66:12, 68:2,	69:18, 73:5, 75:7, 77:10, 86:16, 102:13, 104:3, 108:19, 118:3, 120:14, 120:16, 125:6, 129:12, 129:13, 129:14, 160:5, 175:9, 190:14, 190:15, 195:4, 203:6 <b>upgrade</b> [1] - 196:19 <b>upgraded</b> [2] - 169:3, 182:12 <b>upgrading</b> [1] - 189:11 <b>upstairs</b> [2] - 33:1, 123:12 <b>UPTON</b> [5] - 110:10, 110:12, 111:16,	111:19, 112:13 <b>Upton</b> [1] - 110:12 <b>usage</b> [2] - 17:16, 20:7 <b>user</b> [1] - 85:19 <b>users</b> [1] - 85:18 <b>uses</b> [2] - 20:6, 21:18
<b>two-</b> <b>yarders</b> [2] - 51:9, 51:13 <b>twofold</b> [1] - 114:1 <b>type</b> [5] - 45:6, 79:17, 143:12, 149:17, 169:19				<b>v</b>
<b>ubiquitous</b> [1] - 76:7 <b>unable</b> [2] - 148:8, 149:17 <b>uncovered</b>				<b>V-Y-H-N-A-</b> <b>N-K</b> [1] - 58:14 <b>vacant</b> [2] - 18:7, 63:17 <b>valet</b> [2] - 20:16, 20:18 <b>validity</b> [1] - 160:12 <b>value</b> [42] - 105:12, 153:8, 156:10, 156:12, 157:5, 165:5, 165:10, 166:3, 166:4, 166:13,

167:5, 167:8, 167:11, 167:12, 168:2, 168:3, 168:7, 168:10, 169:2, 169:3, 182:2, 182:4, 182:11, 182:13, 182:17, 184:14, 185:14, 189:6, 189:11, 190:4, 192:8, 193:5, 194:5, 196:7, 196:9, 196:17, 196:19, 197:7 <u>values</u> [1] - 159:17 <u>various</u> [1] - 57:8 <u>varoom</u> [4] - 81:12 <u>VECNA</u> [3] - 134:2, 135:2, 136:4 <u>vegetables</u>	[1] - 134:10 <u>vehicles</u> [1] - 21:6 <u>vendor/</u> <u>peddler</u> [1] - 136:2 <u>Vendor/</u> <u>Peddler</u> [1] - 132:16 <u>vendors</u> [2] - 176:5, 184:5 <u>vent</u> [6] - 44:19, 59:11, 73:12, 73:16, 74:3, 74:4 <u>ventilatio</u> <u>n</u> [1] - 129:12 <u>venting</u> [3] - 66:1, 86:1, 86:2 <u>vents</u> [3] - 57:12, 59:5, 78:14 <u>VENTURE</u> [2] - 2:8, 102:16 <u>Venture</u> [2] - 102:19,	106:9 <u>venue</u> [2] - 24:11, 88:1 <u>verge</u> [1] - 151:1 <u>vermin</u> [2] - 75:2, 76:13 <u>version</u> [1] - 130:1 <u>versus</u> [2] - 145:15, 185:11 <u>vetting</u> [1] - 180:14 <u>vibrant</u> [1] - 76:2 <u>vibrations</u> [1] - 81:10 <u>victualer</u> [4] - 117:7, 119:1, 119:3, 125:9 <u>videotaped</u> [1] - 4:9 <u>Vin</u> [1] - 92:19 <u>violate</u> [1] - 55:16 <u>virtually</u> [1] - 167:16	<u>visible</u> [1] - 67:8 <u>visit</u> [2] - 17:3, 25:14 <u>visiting</u> [1] - 25:13 <u>visual</u> [1] - 121:11 <u>voice</u> [1] - 43:9 <u>volume</u> [2] - 81:5, 137:13 <u>vote</u> [1] - 194:17 <u>voted</u> [1] - 169:2 <u>Vyhnak</u> [1] - 58:13  <u>w</u> <u>W-E-double</u> <u>-L-O-N-S</u> [1] - 84:16 <u>W-E-L-L-O-</u> <u>N-S</u> [2] - 53:3, 53:6 <u>wait</u> [8] - 32:17, 59:3, 70:19, 116:5, 116:9, 118:4, 118:8, 188:2	<u>waiting</u> [3] - 130:15, 144:8, 176:4 <u>waitstaff</u> [3] - 116:16, 122:1, 124:10 <u>walk</u> [8] - 33:13, 89:1, 89:2, 124:10, 124:14, 124:16, 125:2, 192:3 <u>walk-in</u> [1] - 33:13 <u>walk-</u> <u>through</u> [1] - 124:14 <u>walked</u> [2] - 49:6, 49:7 <u>walking</u> [2] - 116:13, 124:17 <u>wall</u> [10] - 33:7, 33:19, 34:1, 34:2, 34:4,
---	---	---	--	---

35:4, 36:5, 44:7, 44:11, 122:12 <b>walls</b> [2] - 60:3, 174:8 <b>Waltham</b> [1] - 134:2 <b>wants</b> [2] - 69:3, 144:16 <b>wash</b> [1] - 57:2 <b>washing</b> [1] - 56:17 <b>waste</b> [2] - 21:14, 50:19 <b>wasted</b> [1] - 84:19 <b>water</b> [1] - 37:1 <b>Waybridge</b> [1] - 14:7 <b>WAYPOINT</b> [2] - 2:5, 13:3 <b>Waypoint</b> [2] - 13:7, 32:19 <b>weather</b> [3] - 70:5, 70:10,	71:14 <b>wedded</b> [1] - 196:14 <b>Wednesday</b> [7] - 95:10, 96:5, 97:6, 134:1, 163:16, 172:9, 175:15 <b>week</b> [6] - 53:19, 99:4, 175:12, 176:12, 179:18, 186:12 <b>weekends</b> [4] - 20:11, 20:14, 23:12, 53:18 <b>weeks</b> [3] - 82:18, 128:7, 198:15 <b>weigh</b> [2] - 160:6, 201:14 <b>welcome</b> [3] - 39:13, 87:12, 88:15 <b>welcomed</b> [1] -	24:17 <b>well-</b> <b>received</b> [1] - 15:12 <b>well-</b> <b>served</b> [1] - 40:5 <b>well..</b> [1] - 96:1 <b>WELLONS</b> [18] - 53:2, 53:5, 53:11, 60:1, 60:9, 61:2, 61:5, 62:9, 62:13, 64:2, 64:8, 65:10, 66:15, 67:1, 67:4, 67:17, 84:15, 88:5 <b>Wellons</b> [7] - 53:3, 53:6, 67:17, 68:4, 84:16, 88:15 <b>wells</b> [1]	- 93:12 <b>Western</b> [1] - 37:17 <b>whereby</b> [1] - 116:3 <b>WHEREOF</b> [1] - 208:10 <b>whole</b> [6] - 69:11, 72:15, 79:15, 85:16, 121:17, 122:12 <b>Wicket</b> [2] - 103:1, 106:10 <b>WICKET</b> [2] - 2:8, 102:16 <b>wide</b> [1] - 119:5 <b>width</b> [1] - 117:12 <b>wild</b> [1] - 126:4 <b>William</b> [1] - 163:10 <b>willing</b> [4] - 41:2, 153:7, 155:2, 158:2 <b>wind</b> [1] -	9:7 <b>window</b> [6] - 18:13, 62:6, 63:13, 121:13, 121:15, 121:16 <b>windows</b> [15] - 28:13, 28:14, 28:18, 29:11, 29:12, 29:17, 29:19, 30:2, 30:6, 30:19, 56:11, 60:11, 62:14, 94:16, 121:18 <b>wine</b> [29] - 114:11, 115:18, 116:4, 119:1, 125:10, 142:11, 149:18, 154:3, 157:10, 167:5, 167:11, 169:2, 182:2,
---	--	--	--	--

182:11, 182:16, 183:1, 183:5, 183:8, 184:8, 184:14, 185:14, 189:5, 189:13, 190:1, 191:19, 192:8, 196:8, 196:17, 197:7 <u>Wine</u> [3] - 110:6, 112:19, 140:12 <u>winter</u> [1] - 104:7 <u>wish</u> [11] - 12:5, 52:15, 98:4, 106:6, 111:7, 131:2, 135:13, 139:10, 148:17, 177:4, 191:16 <u>wishes</u> [2] - 79:3, 162:6 <u>witness</u> [2] -	64:16, 155:10 <u>WITNESS</u> [1] - 208:10 <u>wonder</u> [3] - 66:11, 78:11, 151:18 <u>wood</u> [3] - 129:3, 129:5, 129:6 <u>word</u> [5] - 31:19, 107:15, 147:9, 193:5, 194:18 <u>Works</u> [2] - 98:14, 102:8 <u>works</u> [4] - 8:14, 56:3, 123:1, 203:17 <u>world</u> [1] - 15:15 <u>worried</u> [1] - 86:10 <u>worries</u> [1] - 138:17 <u>worse</u> [6] - 147:10, 151:18, 151:19,	152:16, 156:6, 195:14 <u>worse-than</u> <u>-fire-sale</u> [3] - 147:10, 152:16, 156:6 <u>worth</u> [4] - 152:3, 152:8, 157:3, 159:1 <u>would've</u> [1] - 142:8 <u>wrap</u> [1] - 65:9 <u>written</u> [1] - 150:6 <u>www.</u> <u>reportersinc</u> <u>.com</u> [1] - 1:19 <u>y</u> <u>yarders</u> [2] - 51:9, 51:13 <u>year</u> [11] - 7:7, 42:15, 144:19, 145:1, 149:10, 149:13,	150:11, 152:4, 158:18, 159:5 <u>years</u> [16] - 15:13, 17:11, 54:19, 152:13, 152:14, 154:4, 155:15, 157:7, 159:19, 161:7, 170:18, 171:16, 178:2, 199:1 <u>yesterday</u> [1] - 143:5 <u>young</u> [1] - 70:2 <u>yourself</u> [2] - 24:4, 141:5 <u>z</u> <u>zone</u> [1] - 21:7 <u>zoning</u> [1] - 20:4 <u>zoo</u> [1] - 199:4 <u>z</u> <u>§77</u> [1] -	140:14
---	--	---	--	--------