

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

Michael P. Gardner, Chairman
Robert C. Haas, Cambridge Police Commissioner
Gerald R. Reardon, Cambridge Fire Chief

STAFF: Elizabeth Y. Lint, Executive Director

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

DATE: Tuesday, December 18, 2012

TIME: 6:15 p.m.

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P R O C E E D I N G S

ELIZABETH LINT: Before we get started, if anyone has a cell phone on, we would appreciate it if you turned it off.

The fire exit is to the rear, that door must stay open at all times. The other exit is here. How did I do at your job?

FIRE CHIEF GERALD REARDON: Remind me to get a little helmet for you next week that.

ELIZABETH LINT: This is the License Commission general hearing, Tuesday, December 18, 2012 at 6:15 p.m.

We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Ave, basement conference room.

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

APPLICATION: MIDDLE EAST RESTAURANT, INC

ELIZABETH LINT: The first matter is the application of Middle East Restaurant Incorporated doing business as Middle East Restaurant/Zuzu, Nabil Sater. Manager, holder of an all alcoholic beverages as a restaurant license at 472, 474 and 480 Mass. Ave, 2-4 Brookline Street has applied for a change of hours on Sundays to open at 8:00 a.m. with alcohol sales starting after 10:00 a.m. The current opening time on Sunday is 11:00 a.m.

COMMISSIONER MICHAEL GARDNER: Good evening. If you would be so kind to state and spell your name last names for the record.

NABIL SATER: Nabil N-A-B-I-L, last name is S-A-T-E-R. President of the Middle East Restaurant Corporation.

JOSEPH SATER: Joseph Sater S-A-T-E-R.

MARIE ALESSANDRO: Marie Alessandro

A-L-E-S-S-A-N-D-R-O manager the Zuzu.

COMMISSIONER MICHAEL GARDNER: Tell us with your application.

NABIL SATER: Okay. We would like to serve food on Sunday like every other day at 8:00 in the morning, and if possible, to do Bloody Mary's and spirit drinks at 10:00. If doable, we would appreciate that.

COMMISSIONER MICHAEL GARDNER: Are you open for food at 8:00 a.m. now Monday through Saturdays?

NABIL SATER: Other days, yes, we are.

COMMISSIONER MICHAEL GARDNER: Give us some sense about the kind of food you serve and the business you bring in at that point?

MARIE ALESSANDRO: We have a brunch and breakfast service. Breakfast foods, benedicts, waffles. We would like to add the alcohol service for say 10:00 for Bloody Mary's. I feel

terrible turning doing a Bloody Mary when someone comes in for a nice brunch, and we feel it would enhance the service, so we are petitioning for it.

COMMISSIONER MICHAEL GARDNER: Monday through Saturday. When is the earliest you serve alcohol?

NABIL SATER: We hardly have anything. So we don't have any -- our customers they come for the food.

MARIE ALESSANDRO: During the week there's almost no alcohol.

COMMISSIONER MICHAEL GARDNER: If I understand the application, this for a 10:00 a.m. service time for alcohol on Sundays only.

NABIL SATER: Sunday is the only day that you cannot serve until 11:00 by the state law, which is something I.

ELIZABETH LINT: State law is 8:00 am.

But Sundays it was noontime and then it went back to 11:00 and two summers it was rolled back to 10:00.

NABIL SATER: So this is an application to serve at 10:00, which we didn't know that. We thought it was 11:00.

COMMISSIONER MICHAEL GARDNER: Is the current license, if anybody knows, to begin serving alcohol at 11:00 Monday through Sunday?

ELIZABETH LINT: I would have to look.

JOSEPH SATER: 10:00 except Sundays.

ELIZABETH LINT: I think it is 10:00.

NABIL SATER: It reads on the license 11:00 on Sunday and we put the application. I didn't know it was 10:00.

COMMISSIONER MICHAEL GARDNER: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: Your application does say you are asking for 10:00.

COMMISSIONER MICHAEL GARDNER: My -- I was trying to find out if that was for Sunday only or --

ELIZABETH LINT: I knew what you were --

COMMISSIONER MICHAEL GARDNER: Discipline history?

ELIZABETH LINT: Not any recent history at all. And I couldn't even tell you. Since I've been here, I don't think there's been, correct me if I'm wrong.

POLICE COMMISSIONER ROBERT HAAS: No other matters. You all have a fight here and there.

ELIZABETH LINT: Outside.

(Short Recess to troubleshoot technical difficulties.)

CHAIRMAN MICHAEL GARDNER: So we have

gone off the record for a few minutes to deal with technical difficulties. My apologies to both the current applicant and anybody else who is in the audience this evening waiting for us to conduct our business.

I think I was about to ask if there was anything else, anything you wish to add with respect to this application.

MARIE ALESSANDRO: No.

CHAIRMAN MICHAEL GARDNER: Seeing nothing, I'll make the motion to --

POLICE COMMISSIONER ROBERT HAAS: Has the public --

CHAIRMAN MICHAEL GARDNER: We did that all already.

The Police Commissioner has dutifully inquired as to whether we have given the opportunity for public comment. I was pretty sure we had. But in the interest of being

completely sure I'll ask again: Are there any members of the public who would like to be heard on this matter?

(No response.)

CHAIRMAN MICHAEL GARDNER: Thank you for not changing your minds.

FIRE CHIEF GERALD REARDON: I have another question, if I may.

Is generally the food service just the unit in the middle?

NABIL SATER: No.

We do serve food in the three units. But we offer earlier than usual, the middle one.

FIRE CHIEF GERALD REARDON: The middle in the --

NABIL SATER: Yes. It's mainly for brunch in the middle one and when we open later on at 11:00, so we do also offer the brunch in the other rooms as well.

FIRE CHIEF GERALD REARDON: Thank you.

CHAIRMAN MICHAEL GARDNER: Anything else?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIRMAN MICHAEL GARDNER: I'll make the motion to approve the application for change of hours on Sundays to have an 8 a.m. opening for the service of food with alcohol sales starting at 10 am.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded. All those in favor say "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

Good luck with your new change.

MARIE ALESSANDRO: Thank you very much.

NABIL SATER: Thanks a lot, guys.

Merry Christmas.

ELIZABETH LINT: Is anyone here for the disciplinary matter on OM?

(No response.)

ELIZABETH LINT: I didn't think so.

I have a letter from Attorney Hope which I believe you all received. He had a prior commitment and they never received the notice.

CHAIRMAN MICHAEL GARDNER: So just with respect to that, Ms. Lint, can you perfect the service and put it on for an early January time?

ELIZABETH LINT: That will be done.

CHAIRMAN MICHAEL GARDNER: Our meeting in January is the 8th. That's a --

ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: I just make a motion we put this matter off until the 8th of January.

POLICE COMMISSIONER ROBERT HAAS:

Seconded.

CHAIRMAN MICHAEL GARDNER: Any
discussion?

Motion having been made and seconded.

All those in favor say "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

ELIZABETH LINT: If I might go slightly
out of order and it's always been our policy that
we take active CLAB members before anybody else.
And Mr. Weiner certainly falls into that
category.

APPLICATION: FRESH POND LIQUORS, INC.

ELIZABETH LINT: Application of Fresh
Pond Liquors Incorporated Michael Weiner, holder
of an all alcoholic beverages as a package store
at 233 Alewife Parkway has applied for change of
officers/directors and a transfer of stock.

CHAIRMAN MICHAEL GARDNER: If you could be so kind to state and spell your last name.

LAWRENCE WEINER: Lawrence Weiner. I'm the president and owner of Fresh Pond Liquors, Inc.

Did you say address? 21 Hill Street in Malden.

COMMISSIONER MICHAEL GARDNER: Just spell your also last name.

LAWRENCE WEINER: W-E-I-N-E-R.

MICHAEL WEINER: Michael Weiner. I'm the manager of record and hopefully the future owner.

POLICE COMMISSIONER ROBERT HAAS: Is that your father?

MICHAEL WEINER: My uncle.

POLICE COMMISSIONER ROBERT HAAS: Are you trying to push him out?

MICHAEL WEINER: (Laughing) He may.

I'll give you a little history. This is

-- actually, the 30 years ago, 1982, we purchased -- I purchased Fresh Pond Liquors from Turner, who is in bankruptcy. And we bought that store and my brother bought Savmore Liquors on McGrath Highway, Somerville. We have -- we'd gotten into the liquor business, our parents, at a store in Malden called Locke Liquors, and we'll be celebrating the 50th year next year of the same family, same location. That's gonna be done next year. I didn't say happy -- Merry Christmas and Happy New Year to everybody.

So back then I was -- that was 30 years ago and I had a lot more hair and now I'm 67 and my brother is 64 and we have been joined in the business and the running of business of the stores by our sons. I have two in the business and my brother's son Michael is in the business with us and involved over ten years.

They would all be here today, including

my wife, but Malden scheduled the hearing the same time, so they are at the Malden hearing where we are transferring Locke Liquors and we hope to do that.

FIRE CHIEF GERALD REARDON: You've got winners on that one?

MICHAEL WEINER: We love it -- I have had a wonderful time here in Cambridge. And we hope we have been good business people in the city.

CHAIRMAN MICHAEL GARDNER: So Michael is the manager now?

MICHAEL WEINER: Yes.

CHAIRMAN MICHAEL GARDNER: You have been the manager how long?

MICHAEL WEINER: Five or six years of record, I think.

CHAIRMAN MICHAEL GARDNER: Just tell us a little more explicitly about what your plan is.

MICHAEL WEINER: So my brother and I have

four stores and we are giving stock to the three boys. Each one will own one store individually, and they'll share in the ownership of the fourth.

CHAIRMAN MICHAEL GARDNER: Okay.

And who will be the owner/director of the Fresh Pond Liquors on Alewife Brook Parkway?

MICHAEL WEINER: I will.

LAWRENCE WEINER: Michael's the owner, president. And the other two boys, one is Robert Weiner and he'll be treasurer. And my other son Kenneth Weiner is secretary.

CHAIRMAN MICHAEL GARDNER: Any disciplinary history with this store?

ELIZABETH LINT: None.

CHAIRMAN MICHAEL GARDNER: Questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No questions.

CHAIRMAN MICHAEL GARDNER: Any members of the public who would like to be heard on this matter? Anything else you would like to add.

MICHAEL WEINER: No.

CHAIRMAN MICHAEL GARDNER: So I will make the motion to approve the application to change the owners of directors and approve the transfer of stock for Fresh Pond Liquors, Inc., as described further in the application.

FIRE CHIEF GERALD REARDON: Seconded.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

None opposed.

So congratulations on all of your --

CHAIRMAN MICHAEL GARDNER: Take care.

POLICE COMMISSIONER ROBERT HAAS: Good night.

APPLICATION: PLAZA DELI, INC. D/B/A DISCOVERY

CAFE AND PLAZA CATERING:

ELIZABETH LINT: Application for Plaza Deli Incorporated doing business as Discovery Cafe as Plaza Catering, Gerald Walba.

Manager has applied for common victualer license to be exercised to be 157, Sixth Street.

Said license if granted would be allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 22 inside and 4 outside seasonal seats. The hours of operation will be 7:00 a.m. to 5:00 p.m. Monday through Friday.

CHAIRMAN MICHAEL GARDNER: Did we have someone here for awhile and left?

ELIZABETH LINT: Interesting.

CHAIRMAN MICHAEL GARDNER: Okay, let's put it off until the end.

POLICE COMMISSIONER ROBERT HAAS: They are already operating, though, right? Is this on the corner of Binney and Sixth?

CHAIRMAN MICHAEL GARDNER: Are they open?

ELIZABETH LINT: It's something else now.

CHAIRMAN MICHAEL GARDNER: The place that was there before has been closed.

POLICE COMMISSIONER ROBERT HAAS: It's been open for awhile now.

CHAIRMAN MICHAEL GARDNER: So there's something open there now?

POLICE COMMISSIONER ROBERT HAAS: Oh, yeah.

FIRE CHIEF GERALD REARDON: Are you familiar with that area?

POLICE COMMISSIONER ROBERT HAAS: I am familiar with that area.

CHAIRMAN MICHAEL GARDNER: Can you send someone to find out if they are open?

ELIZABETH LINT: Tomorrow I can.

POLICE COMMISSIONER ROBERT HAAS: They make great sandwiches there. Who knew?

CHAIRMAN MICHAEL GARDNER: Well, of everybody, you should.

ELIZABETH LINT: You are supposed to see the license on the wall.

POLICE COMMISSIONER ROBERT HAAS: I have only been there once.

COMMISSIONER MICHAEL GARDNER: Move this to the end of the agenda.

APPLICATION: DANIEL MULUGETA D/B/A D/M LIVERY

ELIZABETH LINT: Application Daniel Mulugeta doing business as D/M livery has applied for a livery license at 29 Alewife Brook Parkway for one vehicle.

CHAIRMAN MICHAEL GARDNER: Anyone here?
Come forward. I just ask you to state your name
and spell your last name for the record and then
describe your plan.

DANIEL MULUGETA: My last name
M-U-L-U-G-E-T-A. Mulugeta. First name Daniel,
D-A-N-I-E-L.

CHAIRMAN MICHAEL GARDNER: What is your
plan, sir?

DANIEL MULUGETA: To do livery business.

CHAIRMAN MICHAEL GARDNER: What kind of
experience do you have in that business to date?

DANIEL MULUGETA: I have a taxi -- I have
been driving taxi over eight years.

CHAIRMAN MICHAEL GARDNER: In Cambridge?

DANIEL MULUGETA: Yes.

CHAIRMAN MICHAEL GARDNER: And what is
your understanding of how the livery business
would be different than the taxi business.

DANIEL MULUGETA: Well, the business I'm planning to do is they call it a new company Uber, so to have an iPhone, which I will have, so turn it on when I'm on duty and somewhere, someone want to be picked up, I go there, and take them wherever he wants.

Other than that, nothing.

CHAIRMAN MICHAEL GARDNER: So I'm not sure I understand whether I understand you are saying that you would do this completely separate from the cab business or you are saying when you are operating a cab this would be another way of --

DANIEL MULUGETA: No, no, no. I'm sorry.

That's different.

CHAIRMAN MICHAEL GARDNER: Okay. So you have a taxi license.

DANIEL MULUGETA: Yeah.

CHAIRMAN MICHAEL GARDNER: But you don't

own a medallion?

DANIEL MULUGETA: No.

CHAIRMAN MICHAEL GARDNER: So you work for somebody else, either on a lease or for a company?

DANIEL MULUGETA: Yeah.

CHAIRMAN MICHAEL GARDNER: When you are driving a cab?

DANIEL MULUGETA: When I'm driving.

CHAIRMAN MICHAEL GARDNER: Now what you want to do is use your own personal vehicle.

DANIEL MULUGETA: Yes my personal.

CHAIRMAN MICHAEL GARDNER: And to take calls from a dispatch service and you have identified Uber as the dispatch service you want to use?

DANIEL MULUGETA: Yes.

COMMISSIONER MICHAEL GARDNER: And to then respond to their calls and do it in -- then

do the pick-ups that way?

DANIEL MULUGETA: Exactly.

CHAIRMAN MICHAEL GARDNER: Could you tell us what you understand to be the financial terms and the sort've mechanics about how it would work between you and Uber.

DANIEL MULUGETA: Well, I haven't started the business but I'm ready. I am all -- you know with Massport, I have everything, so supposedly, I deliver from Cambridge to airport. Say if I do \$100, I get to give to take commission \$20. And expenses on me, insurance, whatever.

CHAIRMAN MICHAEL GARDNER: Your understanding is that \$20 of \$100 or 20 percent of the fee would go to Uber?

DANIEL MULUGETA: Yes.

CHAIRMAN MICHAEL GARDNER: And how does the fee get set?

DANIEL MULUGETA: I have an account and

they do with a credit card. The customer calls Uber and they contact me and they the payment directly go to their. I'm not handling that. It goes into my account.

CHAIRMAN MICHAEL GARDNER: You won't have a meter or anything in your vehicle?

DANIEL MULUGETA: No.

COMMISSIONER MICHAEL GARDNER: How does the price get set.

DANIEL MULUGETA: I'm sorry?

COMMISSIONER MICHAEL GARDNER: Say a ride from Harvard Square to Logan, who sets the price for how much you are going to charge.

DANIEL MULUGETA: The mileage. Sort've the mileage.

CHAIRMAN MICHAEL GARDNER: Some sort of per mile rate?

DANIEL MULUGETA: Yeah.

CHAIRMAN MICHAEL GARDNER: Do you happen

to know what the per mile rate you would plan to be charging is?

DANIEL MULUGETA: I haven't started, so I don't fix it. You know, it is based on the mileage.

CHAIRMAN MICHAEL GARDNER: What's your sort've business plan with respect to how many hours a day, days a week you would be operating, where you would be while you were waiting for these calls?

Would you be garaged at the location you've got at 29 Alewife Brook Parkway?

Or would you be out in the city?

How do you envision this?

DANIEL MULUGETA: Mainly in Boston.

CHAIRMAN MICHAEL GARDNER: So your hope is to do most of your business in Boston?

DANIEL MULUGETA: Yes.

CHAIRMAN MICHAEL GARDNER: So is it your

plan to, like, I don't know, be either at the airport or be someplace in the downtown? Or Back Bay area of Boston? Or around hotels?

I'm trying to understand how this would work because we have not dealt with this before.

DANIEL MULUGETA: It depends, you know, on the business. If the call is -- mainly the they centralize the business. Go to Back Bay. Go to South Station. Go to Logan. Go to somewhere.

CHAIRMAN MICHAEL GARDNER: This is when Uber contacts you because they have gotten a call?

DANIEL MULUGETA: Exactly.

CHAIRMAN MICHAEL GARDNER: And so the notice time, the sort've prearrangement time between the time when the request is made and you do the pick-up, just really depends how far away you are from the ride, the person who wants the

ride?

DANIEL MULUGETA: Yes. Supposedly I'm here in Cambridge, in Central Square, they call -- a call comes to go you pick up from Harvard Law to Logan or to Peabody, or whatever. So that's how they do, they operate.

FIRE CHIEF GERALD REARDON: That's why they require a start phone because of the GPS is turned on and Uber knows where his vehicle is in relation to the call.

CHAIRMAN MICHAEL GARDNER: So Ms. Lint tell us a little bit about what our current livery rules say with respect to minimum notice and anything else that might be applicable here.

ELIZABETH LINT: At the present time Uber's method of operation completely violates our rules and regulations which requires an 8-hour advance appointment and a minimum fee of \$40.

CHAIRMAN MICHAEL GARDNER: And beyond the minimum fee is then the rest simply negotiated with the livery?

ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: So it's minimum plus whatever their fee structure is?

ELIZABETH LINT: Yes. A livery wouldn't operate on a per mile fee. It's a flat fee.

CHAIRMAN MICHAEL GARDNER: So I think our current problem with the business model you are proposing here is that for a livery service we currently require 8 hours prearrangement, so someone calls at 6:00 a.m. to say I want to be picked up at 10 a.m. -- no, I'm sorry, 2 p.m. to be taken someplace. And, you know, it's that minimum, although I'm not sure if any of us were involved in the setting of it, but at least it sounds like it's try to make sure that this is not in competition with the Hackney services

within the city which really rely on being able to pick up fares by waiting in a taxi line or while on the street or by immediate dispatch from a dispatch service. Sort've keep of those two kinds of businesses completely separate.

I will, of course, listen to the advice and thoughts of the other commissioners and Ms. Lint who are more experienced here in this than me, but at least from my part, it looks like we would not approve your service this evening on this business model without violating our livery rules. And I will tell you that a review of what our your livery arrangements is, is something which is in the offing.

A subcommittee of the City Council held a hearing last week to sort've talk in general about how services like Uber might or might not be melded or worked into our existing structure or what kind of changes we would have to make to

our rules and regulations to allow essentially for this new GPS-based technology to work well both for consumers and drivers and businesses. But I don't think we're ready yet to do that.

I don't know if any of the other commissioners have any thoughts on that?

POLICE COMMISSIONER ROBERT HAAS: Right now my understanding is that Uber is not licensed with the city at this point?

ELIZABETH LINT: There are not.

POLICE COMMISSIONER ROBERT HAAS: So the other complication is the vendor you want to do business is not currently licensed with the city so they wouldn't be able to operate or offer services for any Cambridge-based livery business.

ELIZABETH LINT: And Mr. Chair, if I may, I would also add, as you know, we have had a moratorium on livery vehicles, although quite a few have been recently approved.

This would be the 15th livery in the city, so I think that we would have to -- that this applicant would have to show there's a need for another livery vehicle in the city and why it should be approved.

DANIEL MULUGETA: Sir, I'm currently unemployed. Just end up this week I'm -- I put all my money on the bank and insurance, it's over a month, paying over \$3,500 per year, so raise two kids, struggling, you know, to pay my bill. Can you please consider?

CHAIRMAN MICHAEL GARDNER: The problem is this is a much bigger and much more complicated decision than dealing with your particular circumstance.

I appreciate somebody sort've has to be first but -- and I understand and appreciate that we need to respond new capacities of the technology in a way which is valuable to

consumers and to entrepreneurs such as yourself and people trying to make a living.

And I'm very sorry to hear you had those commitments this far in terms of actually already arranging for livery insurance and having done so without the license, I wish you'd come to us first before you made those commitments.

I'm hopeful you may be able to exercise some rights of cancellation.

The city has a consumer arm, which may be able to be of help to you but I really myself don't see how this evening we can approve your application based on this model.

There's just too many things which are different about it compared to how we have structured how livery services in the city will operate. And I'm very regretful that, at least I don't see a way to be able to accommodate you at this point. But I honestly don't.

Anything else from any of the other commissioners.

FIRE CHIEF GERALD REARDON: I think we just mention that Uber issue is also in court still?

ELIZABETH LINT: Yes.

FIRE CHIEF GERALD REARDON: Or is it under appeal?

ELIZABETH LINT: It is under appeal.

FIRE CHIEF GERALD REARDON: Unfortunately we can't even deal with something as far as I understand it that's under appeal.

CHAIRMAN MICHAEL GARDNER: The city and Uber agency are in some litigation.

I don't know all the nuances of it. But that's a further compilation.

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

MARY WALSH: I would.

COMMISSIONER MICHAEL GARDNER: Come forward.

If you would be so kind as state and spell your last name for the record and have a seat if you like.

MARY WALSH: I'm a neighbor.

ELIZABETH LINT: Please state your name.

MARY WALSH: Mary Walsh.

CHAIRMAN MICHAEL GARDNER: Walsh, is that W-A-L-S-H?

MARY WALSH: Yes.

CHAIRMAN MICHAEL GARDNER: And you are a neighbor?

MARY WALSH: Abutting neighbors. Most of the streets have their own parking besides the house. But Daniel has permission to have one car in that -- he had a cut-out put into the Alewife Brook Parkway. And he was authorized to have a cut-out so he was allowed one-car parking. And

when I read this I thought, gee-whiz, would they have to change the zones for business parking because it is a business and it was going through my mind. I didn't see Daniel to ask him so I thought I would go down and check and see what it was all about to find out what you had to do. But we have never had any trouble. He does park more than one car, but it is very difficult park on the streets today and we don't mind.

The only I was worried it would be zoned for business and I mean, it's my property.

CHAIRMAN MICHAEL GARDNER: Our understanding, at least my present understanding is, that the traffic regulations do not distinguish, if it is a legal parking place, it can be a vehicle used in trade or it can be a personal vehicle. Is that your memory, Ms. Lint?

ELIZABETH LINT: Yes.

MARY WALSH: Or even a truck? Once you

get parking place you --

CHAIRMAN MICHAEL GARDNER: If it's a legal space and the truck is not too big I suppose the truck would park there.

TRISHA WALSH: It would be commercially zoned then?

FIRE CHIEF GERALD REARDON: No.

The way this works is that you need to have an address for where the licensed owner is.

The business doesn't run out of his address.

He simply is giving it to us so we know where he lives and where he parks it. But it wouldn't be a business operation. It doesn't change, to the best of your knowledge, the zoning, anything to do with any property rights, traffic regulations.

MARY WALSH: That's all we are worried about.

FIRE CHIEF GERALD REARDON: It's very similar to a used car dealer can actually have a license out of a location too.

MARY WALSH: Well, thank you. It has nothing to do with Daniel. He's a very nice neighbor.

TRISHA WALSH: I just have one concern.

CHAIRMAN MICHAEL GARDNER: Please identify yourself for the record.

TRISHA WALSH: Trisha Walsh, W-A-L-S-H. The other concern is, if livery license is granted, then is it limited to just one car or how does that work?

ELIZABETH LINT: Want me to?

CHAIRMAN MICHAEL GARDNER: Yes, please.

ELIZABETH LINT: First of all, he's only applying for one car so it is limited to one car.

The other thing that might be, just to

put you at ease a little bit in this regard, the zoning is signed off as home office only, no advertising. So it is not a business in the terms that you are thinking of.

TRISHA WALSH: That's great. We just needed that clarification. Thank you for your time.

CHAIRMAN MICHAEL GARDNER: So I will make the motion to defer this application pending review and resolution of the License Commission's consideration of the use of GPS enhanced dispatch services for both Hackney and livery businesses.

POLICE COMMISSIONER ROBERT HAAS:
Seconded.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

So the motion carries.

What we have done, sir, is say we're not going to decide this now until we do a lot more study and are ready with a more comprehensive response to the issues that Uber-like dispatch services present to us.

So we haven't said just a flat-out no.

Your application will stay pending with the city. I can't give you an estimate of how long it will take for us to review. It is pretty contemplated. There's a matter of litigation.

My advice to you is if you are now paying an awful lot more for a specialized business insurance for your vehicle, understand that that isn't going -- you are not going to have that business approved in the City of Cambridge in the near future and you should perhaps talk to your

insurance agent. Or talk to the company about whether or not you can do a quick cancel or conversion back to just simply standard personal auto insurance.

The City of Cambridge in a unit that Ms. Lint works closely with, has a consumer protection component, and maybe if -- they may be available to assist with you that. But we can't approve your license this evening.

DANIEL MULUGETA: Is this doing in Cambridge?

CHAIRMAN MICHAEL GARDNER: This is the -- we can only speak for Cambridge.

DANIEL MULUGETA: How about if I do in Boston?

CHAIRMAN MICHAEL GARDNER: You can't be garaged -- you can't get a license unless you are garaged -- if you are garaged this Cambridge you have to have a Cambridge license. Did I say that

right?

ELIZABETH LINT: Yes.

CHAIRMAN MICHAEL GARDNER: The issue of whether or not we could allow a Cambridge license to do business only in Boston, I'm not sure we have the capacity to do that.

ELIZABETH LINT: Can't do that.

FIRE CHIEF GERALD REARDON: But you could possibly come back with a different business model that doesn't involve Uber right now that's in litigation.

DANIEL MULUGETA: That was my idea, you know, let me forget Uber and with others.

FIRE CHIEF GERALD REARDON: I believe that's --

CHAIRMAN MICHAEL GARDNER: We have some of the same problems with respect to the issue of the 8-hours' notice, the fee structure. So it isn't just Uber who -- the litigation with Uber

makes it a little more contemplated but it is not just Uber. It is the model of this GPS-based instantaneous livery dispatch, which we are committed to work on but it is not going to be resolved immediately.

FIRE CHIEF GERALD REARDON: But there are some other livery business models that you could possibly explore.

DANIEL MULUGETA: Yes.

POLICE COMMISSIONER ROBERT HAAS: You will need to build in your fee rates, your 8-hour window from the time you get a call and pick-up. So you have to work all that stuff into your model before you come back to the License Commission.

FIRE CHIEF GERALD REARDON: Maybe could you contact somebody that has a livery-type business model and get some more information.

DANIEL MULUGETA: I'm sure there are.

CHAIRMAN MICHAEL GARDNER: Even if you did that, it still requires us to determine, in fact, there's a need for additional livery service and I don't know what we would say to that.

DANIEL MULUGETA: Can I have this in writing?

ELIZABETH LINT: We'll send it to you in writing.

DANIEL MULUGETA: Okay.

CHAIRMAN MICHAEL GARDNER: I'm sorry we can't be more help to you this evening but I think we have gone as far as we can go.

DANIEL MULUGETA: Okay. Good luck to you, sir.

ELIZABETH LINT: Would you like to approve the minutes from November 8?

COMMISSIONER MICHAEL GARDNER: Make a motion to approve the minutes of November 8. Who

was here?

POLICE COMMISSIONER ROBERT HAAS:

Seconded.

ELIZABETH LINT: All of you. That's why
I'm --

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

COMMISSIONER MICHAEL GARDNER: Aye.

Minutes are approved.

ELIZABETH LINT: Have you seen December
4?

COMMISSIONER MICHAEL GARDNER: I haven't
looked at it.

So the other matter which was pending
this evening at 157 Sixth Street, there being
nobody in the audience, you will inquire, Ms.
Lint?

ELIZABETH LINT: I sure will.

CHAIRMAN MICHAEL GARDNER: We'll have
review as to their status.

A motion to adjourn is always in order.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIRMAN MICHAEL GARDNER: All those in
favor signify by saying aye?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

(The License Commission hearing was
adjourned at 7:30 p.m.)

CERTIFICATE

Commonwealth of Massachusetts

Norfolk, ss.

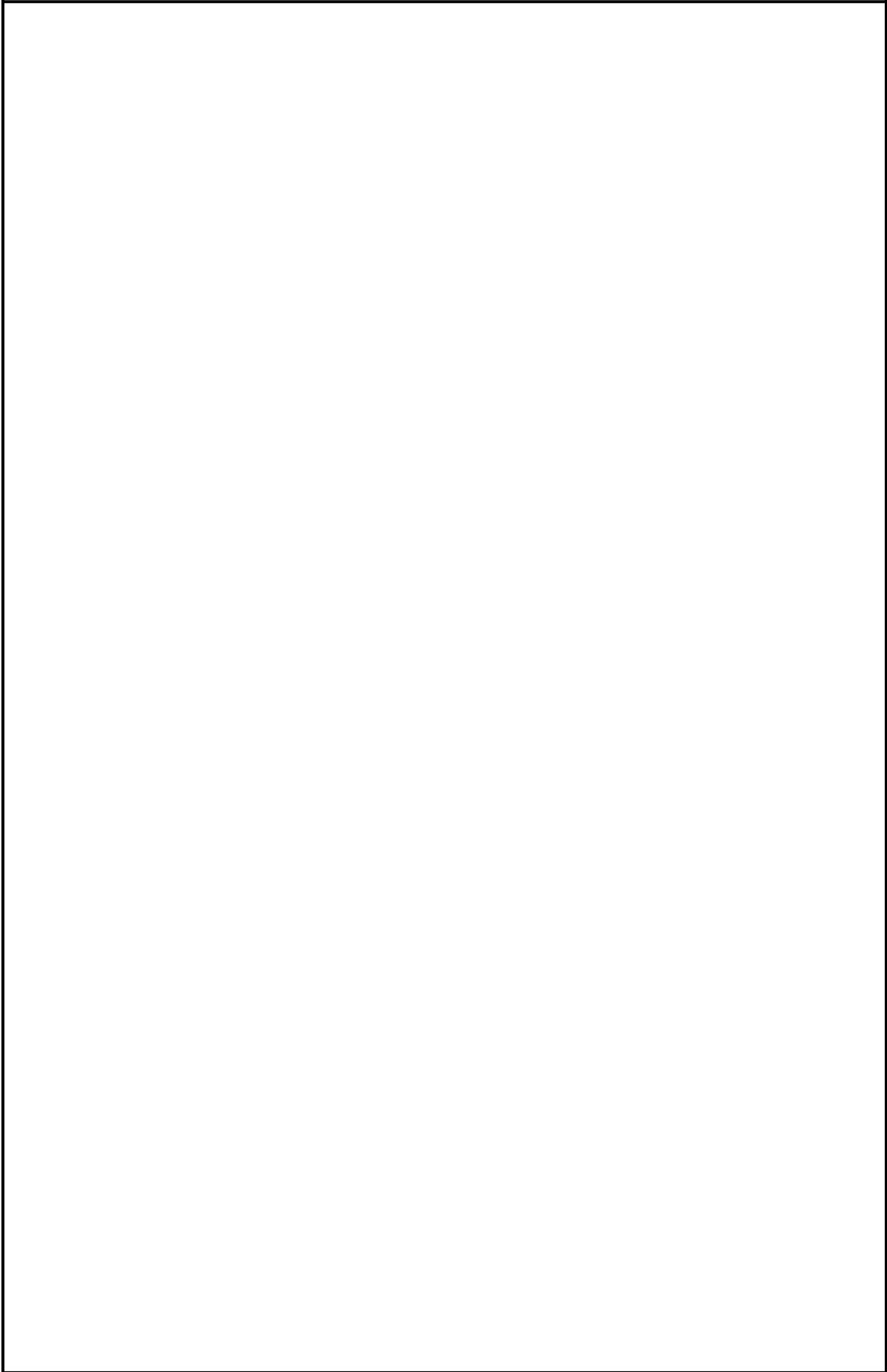
I, Jill Kourafas, a Notary Public in and
for the Commonwealth of Massachusetts, do hereby
certify:

That the hearing herein before set forth
is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set
my hand this 30th day of December 2012.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public
My Commission expires:
February 2, 2017

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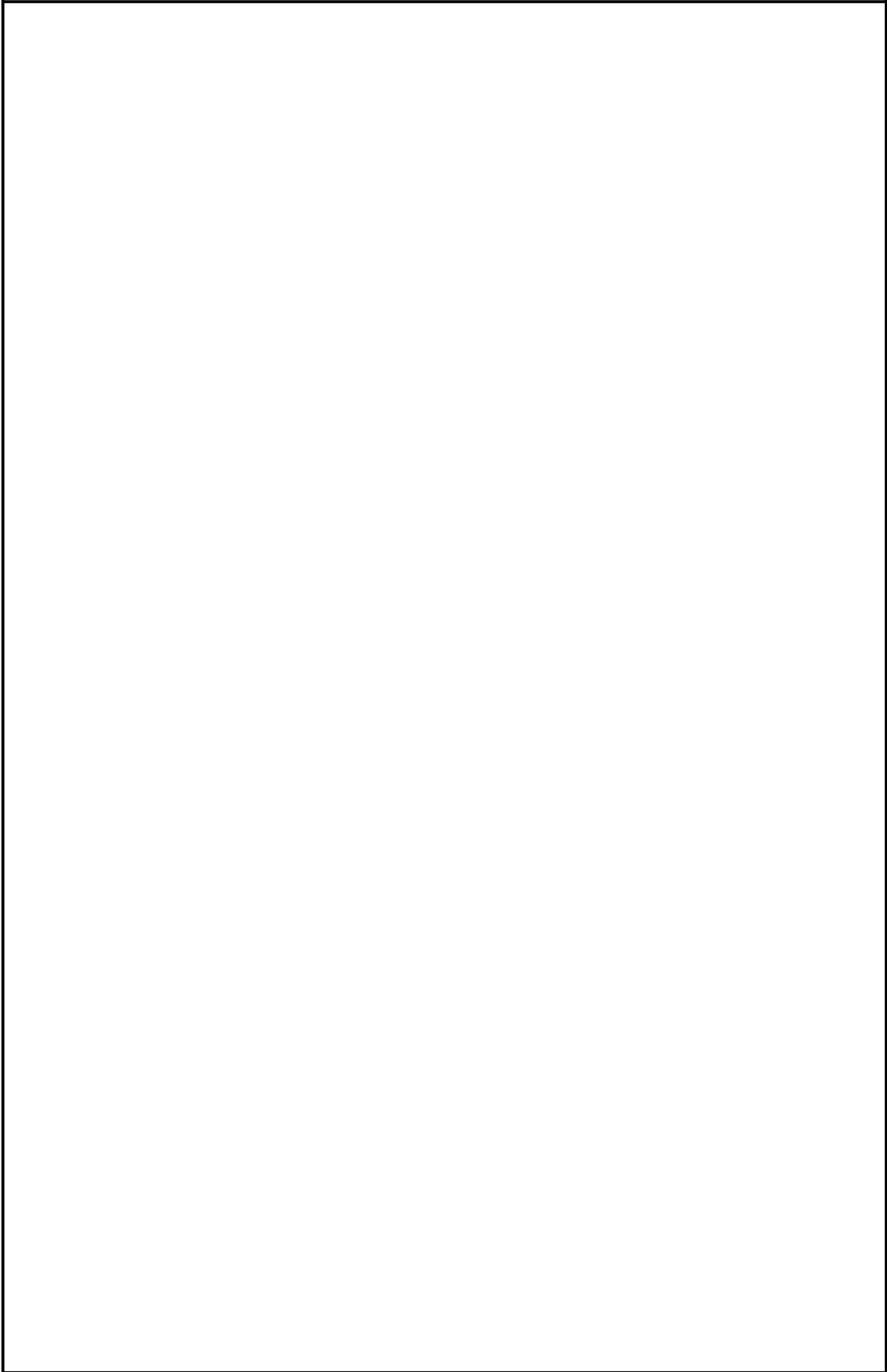
CAMBRIDGE License Commission GENERAL HEARING
12-18-2012

ERRATA SHEET

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