

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

ROBERT HAAS, POLICE COMMISSIONER
GERALD REARDON, FIRE CHIEF

STAFF: ELIZABETH LINT, EXECUTIVE DIRECTOR.
COREY PILZ CONSUMER INFORMATION SPECIALIST

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

DATE: Tuesday, August 13, 2013 - 6:00 p.m.

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LICENSE COMMISSION HEARING

AUGUST 13, 2013

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EXECUTIVE DIRECTOR ELIZABETH LINT: We're going to get started. If anyone has a cell phone on, we would appreciate it if you would turn it off. The rear door is to remain open at all times. We just have two commissioners this evening.

This is the License Commission General Hearing, Tuesday, August 13, 2013 at 6:01 p.m. We are in the Michael J. Lombardi Building, 831 Massachusetts Avenue, Basement Conference Room.

Before you are Commissioners Chief Gerald Reardon and Commissioner Robert Haas.

And there's just one minor matter not on the agenda. It is an address ratification for Shake Shack. The application was for 657 JFK Street, although it is in that building it should

be 92 Winthrop Street.

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EXECUTIVE DIRECTOR ELIZABETH LINT:

APPLICATION: IBD Limited d/b/a Darwin's
Ltd., Carrie Richgels, Manager, has applied for a
common victualer licensing to be exercised at 313
Mass Ave. Said license, if granted, would allow
food and nonalcoholic beverages to be sold,
served, and consumed on said premises with a
seating capacity of 19.

The hours of operation will be Monday
through Saturday from 6:30 a.m. to 9:00 p.m. and
Sunday from 7:00 a.m. to 9:00 p.m.

Applicant is also applying for an
entertainment license to include an audio machine
which may play music below, at, or above
conversation level.

ATTORNEY JAMES RAFFERTY: Good evening,
Commissioners.

For the record, James Rafferty appearing on behalf of the applicant IBD Limited. Seated to my right is Ms. Carrie Richgels, R-I-C-H-G-E-L-S.

Ms. Richgels is the proposed manager.

IBD Limited is the corporate name of Darwin's. The Commission may be familiar.

Cambridge currently has two Darwin's.

There's cafes, green grocers, bakeries, there's one on the Skenderian block on Cambridge Street, been there about eight years, and probably now closer to 20 years on Mount Auburn Street heading out beyond the post office.

They are both neighborhood-based.

Popular cafes. They serve a wide range of food. And they are really seen as really very treasured amenities for those people that live around them.

This is a location on Massachusetts

Avenue next to the University Stationery Store
down heading towards Novartis.

It currently has a CV license for a
Chinese restaurant called Royal. Is that --

CARRIE RICHGELS: I don't know.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Royal Bengal.

ATTORNEY JAMES RAFFERTY: Yes, Royal
Bengal.

Is that still in operation?

EXECUTIVE DIRECTOR ELIZABETH LINT:
I don't know.

ATTORNEY JAMES RAFFERTY: It is the Royal
Bengal space.

And the proposal is to operate a Darwin's
in that location.

Ms. Richgels has been working at the
Cambridge Street location for six years so she's
quite familiar with the operation and the

requirements associated with running a store.

Darwin's has an exemplary reputation as a CV licensee.

They also hold a package store license at their Mount Auburn Street location.

And I think it is fair to say that they have operated both of those establishments in exemplary fashion and our expectation is that this third vision of Darwin's would be as well received and operated as the existing two.

FIRE CHIEF GERALD REARDON: 19 seats, that's all inside.

Is there a space in front for outside door seating?

ATTORNEY JAMES RAFFERTY: At the moment that's not contemplated.

There's an option in a year or two to take the space next door to expand. And I think at that time there might be some consideration to

do that.

There will be some cooking on premises.
A prep area. There's sandwiches. And mostly
brought-in baked goods.

There's no baking that occurs on the
premises.

CARRIE RICHGELS: Just the cookies.

ATTORNEY JAMES RAFFERTY: This is smaller
than the other two Darwin's.

But the opportunity exists to expand in a
year or two to expand and that's, frankly, part
of the long-term plans of the separation.

FIRE CHIEF GERALD REARDON: Are these
hours similar to the other locations?

ATTORNEY JAMES RAFFERTY: I believe they
are.

FIRE CHIEF GERALD REARDON: And they seem
to work well for you?

CARRIE RICHGELS: Very much.

ATTORNEY JAMES RAFFERTY: This is a block of Mass. Ave with Flour Bakery.

Novartis is putting a lot more employees in. Millennium is putting their new building across the street as part of the expanded Central Square retail area.

FIRE CHIEF GERALD REARDON: My question earlier to Ms. Lint was I didn't even know there was a vacancy there.

ATTORNEY JAMES RAFFERTY: Yeah, I have to confess I'm assuming that -- they ceased operation but I think the lease presumes that they have.

EXECUTIVE DIRECTOR ELIZABETH LINT:
I don't know.

FIRE CHIEF GERALD REARDON: The assumption is that you have already a lease lined up.

ATTORNEY JAMES RAFFERTY: Yes.

And we have provided a copy of the lease.

The landlord is an entity associated with the licensed premises there, the Miracle of Science ownership, he's the landlord. So they --

FIRE CHIEF GERALD REARDON: I don't know how old the equipment is from Royal Bengal but, again, we do a -- you are going to make sure --

ATTORNEY JAMES RAFFERTY: I have talked to Mr. Darwin.

It is a complete gut of the kitchen bringing it up to code. I think any of the existing equipment is not usable.

The nature of the cooking is very different too.

FIRE CHIEF GERALD REARDON: How long before you expect to be up and running?

CARRIE RICHGELS: Construction will

hopefully start in the fall, and then the so slow season.

So maybe January or February hopefully.

FIRE CHIEF GERALD REARDON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: Any questions from the public who wish to be heard on this matter?

(No response.)

FIRE CHIEF GERALD REARDON: Seeing none.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Oh ...

FIRE CHIEF GERALD REARDON: Paperwork in order?

EXECUTIVE DIRECTOR ELIZABETH LINT: Just the accessibility issue that Mr. Muehe brought up.

Has he been in touch with --

ATTORNEY JAMES RAFFERTY: Mr. Darwin reported to me he received a phone call from Mr. Muehe.

And my understanding is that Mr. Darwin's belief is that the current premises are rather confined in terms of the ability to construct a ramp, but I believe he told Mr. Muehe it is his intention, when the premises expands, there would be ample opportunity to improve the access.

This would continue to have the same access that the current CV license has.

But he doesn't believe there's a -- he would be happy to meet with Mr. Muehe and discuss any suggestions he might have.

FIRE CHIEF GERALD REARDON: So right now he's indicating, Mr. Muehe, it is a 5-and-a-half-inch single step --

ATTORNEY JAMES RAFFERTY: I haven't seen

what you are reading.

FIRE CHIEF GERALD REARDON: Okay.

He seems to be indicating there's a small-type ramp and it is not a large construction --

ATTORNEY JAMES RAFFERTY: Right.

I know Mr. Muehe has been involved and they have worked cooperatively with him, at least at the Cambridge Street and Mount Auburn Street, when there was an expanding there as well.

It is not for lack of willingness, I would say, on the applicant's part.

We would -- of course the building code ultimately determines it so we would work with Mr. Braman in the Building Department around issues of access.

FIRE CHIEF GERALD REARDON: Anything further?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: I'll make a motion to approve the application for Darwin's at 313 Massachusetts Avenue for 19 seats for the hours specified. The applicant is applying for an entertainment license with audio machine which may play at or below conversation level.

And you will seek to meet with Mr. Muehe in terms of potentially getting this taken care of.

POLICE COMMISSIONER ROBERT HAAS: Second the motion.

FIRE CHIEF GERALD REARDON: Motion made and seconded.

All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

ATTORNEY JAMES RAFFERTY: Thank you very much.

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EXECUTIVE DIRECTOR ELIZABETH LINT:

APPLICATION: Bertucci's Restaurant
Corp., d/b/a Bertucci's Brick Oven Ristorante,
holder of two all alcoholic beverages as a
restaurant license and one wine and malt
beverages as a restaurant license of the City of
Cambridge has applied for a change of
officers/directors, transfer of stock, issuance
of stock and new stockholders.

The application has already been approved
by the Alcoholic Beverages Control Commission.

So this is just a reverse application.

FIRE CHIEF GERALD REARDON: Good evening.
Would you like to state your name and spell it
for the stenographer and your relationship.

JOHN TESTA: John Testa, director of
operations for Bertucci's. T-E-S-T-A.

COURTNEY TARTAGLIA: Courtney Tartaglia,
T-A-R-T-A-G-L-I-A.

FIRE CHIEF GERALD REARDON: Maybe you can explain this quickly.

This is just a stock transfer?

JOHN TESTA: Yes. So we had a majority shareholder, which was out of California, a company called LLC, and they were minority shareholder, and Sanctity Investments was the majority so basically they switched roles, so LLC has taken over the leadership role in the company.

Nothing in the company changes except the title of leadership.

FIRE CHIEF GERALD REARDON: So the percentage of stockholder changes but the same players.

JOHN TESTA: Yes.

FIRE CHIEF GERALD REARDON: You have all the paperwork in on that?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

FIRE CHIEF GERALD REARDON: Questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: Anyone from the public wish to be heard on this matter?

(No response.)

FIRE CHIEF GERALD REARDON: Seeing none.

Any ABCC approval?

EXECUTIVE DIRECTOR ELIZABETH LINT:
They've already approved.

FIRE CHIEF GERALD REARDON: I make a motion to approve the application for Bertucci's d/b/a Bertucci's Brick Oven Ristorante, holder of two alcoholic licenses as amended license.

POLICE COMMISSIONER ROBERT HAAS:
Seconded.

FIRE CHIEF GERALD REARDON: Motion made and seconded.

All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

All set on that one.

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EXECUTIVE DIRECTOR ELIZABETH LINT:

Another Bertucci's.

APPLICATION: Bertucci's Restaurant
Corp., d/b/a Bertucci's Brick Oven Ristorante,
Erin Landaverde, Manager, holder of an all
alcoholic beverages as a restaurant license at 5
Cambridgepark Drive has applied for a change of
manager to Courtney Tartaglia.

FIRE CHIEF GERALD REARDON: Okay.

JOHN TESTA: So the former general
manager Courtney Tartaglia, she moved to the
South Shore and she transferred to an another
restaurant in the south Shore. Courtney she has
been in the restaurant for six years now -- or
four years now in that location. And it will be

taking the licensee spot location.

FIRE CHIEF GERALD REARDON: At the
Cambridgepark Drive location?

JOHN TESTA: Yes.

FIRE CHIEF GERALD REARDON: Background on
this?

EXECUTIVE DIRECTOR ELIZABETH LINT: I
don't have the background. I don't have it.

FIRE CHIEF GERALD REARDON: Okay.

So maybe you can give us your experience
there what your positions were at Bertucci's or
any other previous experience as an a manager
where you held a liquor license.

COURTNEY TARTAGLIA: Sure. I never held
a license or license in my name. I have been
with Bertucci's four years. And I started out of
as an hourly employee.

I'm in charge of the daily operations,
all aspects of the operations.

FIRE CHIEF GERALD REARDON: So have you had any 21 Proof or TIPS training?

COURTNEY TARTAGLIA: I'm Servsafe certified.

I know I have to go a meeting annually for the liquor license.

FIRE CHIEF GERALD REARDON: Cambridge has 21 Proof.

JOHN TESTA: That's what she's referring to, the 21 Proof.

EXECUTIVE DIRECTOR ELIZABETH LINT: You did do that?

JOHN TESTA: She didn't do that.

But in our other locations we're very familiar with the Cambridge -- so once a year we do the 21 Proof.

So she will do the 21 Proof. Crowd control, she's crowd control certified as well.

FIRE CHIEF GERALD REARDON: How many

people do you use have for crowd control that are certified up there?

JOHN TESTA: All our managers are crowd control certified.

FIRE CHIEF GERALD REARDON: Questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: Anyone from the public wish to be heard on the Bertucci's transfer of manager?

(No response.)

FIRE CHIEF GERALD REARDON: Seeing none, make a motion to approve change of manager to Courtney Tartaglia, pending the paperwork coming back and verification you need to take the 21 Proof training.

COURTNEY TARTAGLIA: Okay.

POLICE COMMISSIONER ROBERT HAAS:
Seconded.

FIRE CHIEF GERALD REARDON: Made and
seconded.

All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck.

JOHN TESTA: Thank you very much.

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EXECUTIVE DIRECTOR ELIZABETH LINT:

APPLICATION: Potbelly Sandwich Works, LLC,
d/b/a, Potbelly Sandwich Shop. Ian Goldstein,
Manager has applied for a common victualer
license to be exercised at 820 Somerville Avenue,
Unit 4.

Said license, if granted, would allow
food and nonalcoholic beverages to be sold,
served and consumed on said premises with a
seating capacity of 43 inside and 22 seasonal
patio seats on private property.

The hours of operation will be Monday
through Friday from 8:00 a.m. to 9:00 p.m. and
Saturday and Sunday from 11:00 a.m. to 9:00 p.m.

Applicant is also applying for an
entertainment license to include an audio machine
which may play music below conversation level and
live musical instruments and/or vocalists without
amplification.

FIRE CHIEF GERALD REARDON: Same thing,
for the record, can you state and spell your name
and your position tonight?

IAN GOLDSTEIN: My name is Ian Goldstein.
I-A-N G-O-L-D-S-T-E-I-N.

I'm general manager of Potbelly Sandwich
Shop.

CHRIS MARSZALEK: I'm Chris Marszalek
M-A-R-S-Z-A-L-E-K.

And I'm the district manager from
Potbelly Sandwich Shop.

FIRE CHIEF GERALD REARDON: One of you could probably give us your business plan.

First of all, whose space is this? Is it -- at 820.

CHRIS MARSZALEK: It used to be Uno's.

IAN GOLDSTEIN: We took the bottom floor.

CHRIS MARSZALEK: The top floor is --

IAN GOLDSTEIN: The top floor is an Asian restaurant.

CHRIS MARSZALEK: We've finished most of the construction. We would like to get opened next week.

The company has been open well over ten years. There's almost 300 restaurants throughout the country based out of Chicago.

It started out as an antique shop in 1977. We have five open in the Boston market right now and this would be our sixth. And we're looking forward to get it up and running.

FIRE CHIEF GERALD REARDON: You don't have one in Cambridge already?

IAN GOLDSTEIN: We don't have one in Cambridge, no.

The closest one that to that store would be on One Federal.

FIRE CHIEF GERALD REARDON: You've already started?

CHRIS MARSZALEK: Yes. Construction is just about done.

In fact, we were having a hearing last week or the week before, and it got postponed.

We are pretty much all set and ready to go just waiting for permits and hearings.

FIRE CHIEF GERALD REARDON: Inspections.

CHRIS MARSZALEK: Yeah. I don't have it.

I know the general contractors got inspections scheduled for the end of this week.

IAN GOLDSTEIN: I believe the health

inspector is on vacation this week. And he's back from in vacation now and we'll have an inspection next week.

FIRE CHIEF GERALD REARDON: Did you put in much a kitchen at this location?

IAN GOLDSTEIN: We don't cook anything. It is just reheating and a slicer.

CHRIS MARSZALEK: No fire or grease or gas.

FIRE CHIEF GERALD REARDON: And it is 43 seats inside, and 22 seats seasonal and that's private property?

CHRIS MARSZALEK: That's correct, yes.

IAN GOLDSTEIN: Yes.

FIRE CHIEF GERALD REARDON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: You serve any alcohol in your Boston location?

IAN GOLDSTEIN: No. None of our

locations do.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do
you have the green abutter notifications?

CHRIS MARSZALEK: We turned those in with
the -- to --

EXECUTIVE DIRECTOR ELIZABETH LINT: I
just have the receipts.

CHRIS MARSZALEK: -- to Christopher.

I just turned in the receipts into him.

(Referring to Ian Goldstein): Did you
get any green back in the store yet?

IAN GOLDSTEIN: I believe -- I haven't
received our mail yet.

CHRIS MARSZALEK: There were only five or
six sent out. And I gave him the receipts but I
don't think we got any of the cards back.

Blue does that make sense?

EXECUTIVE DIRECTOR ELIZABETH LINT: Well,
let's see what --

POLICE COMMISSIONER ROBERT HAAS: What is going on with the rest of the space?

IAN GOLDSTEIN: The upper space they are working on, they are going to make an Asian restaurant on the top part, which has nothing to do with us.

FIRE CHIEF GERALD REARDON: There was an up and down?

IAN GOLDSTEIN: Right. There was a stairwell. It's gone.

CHRIS MARSZALEK: We just took over the lower part.

FIRE CHIEF GERALD REARDON: I thought it might've been Uno's space.

I know almost the rest of the building is pretty much occupied.

IAN GOLDSTEIN: Walgreen's took the whole north side of it.

And the Sprint store and ourselves on the

bottom.

And on top of the eyeglass place.

And an empty restaurant on top now and
the basement is all fitness.

FIRE CHIEF GERALD REARDON: Still waiting
on the paperwork?

EXECUTIVE DIRECTOR ELIZABETH LINT: I'll
check on --

FIRE CHIEF GERALD REARDON: Anyone from
the public wish to be heard on this matter?

(No response.)

FIRE CHIEF GERALD REARDON: Seeing none.

POLICE COMMISSIONER ROBERT HAAS: I make
a motion to accept the application for a CV
license at 827 Somerville Ave with the proposed
operating hours and intended license on the
condition that you pass your final inspections.
That will happen next week?

IAN GOLDSTEIN: The 28th.

CHRIS MARSZALEK: 27th or 28th of this month.

FIRE CHIEF GERALD REARDON: Seconded.

Made and seconded.

All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Good luck.

POLICE COMMISSIONER ROBERT HAAS: All set.

CHRIS MARSZALEK: Anything else we need to do on our end?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

We'll send you a letter telling you what we need and what you need to do, okay?

IAN GOLDSTEIN: Excellent.

CHRIS MARSZALEK: You will send that to the store, 820.

EXECUTIVE DIRECTOR ELIZABETH LINT: We'll

send it to whatever we have.

CHRIS MARSZALEK: Thanks folks.

EXECUTIVE DIRECTOR ELIZABETH LINT: If
you don't get something, call us.

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EXECUTIVE DIRECTOR ELIZABETH LINT:

DISCIPLINARY: United Waste Management, LLC, and
Jet A Way for failing to renew their waste hauler
license.

Since no one is here, what I would
suggest is I will have a staff member make some
phone calls to see if they are no longer
operating in the city.

FIRE CHIEF GERALD REARDON: I'm not sure
about Jet A Way but I don't know about United
Waste Management. I think I have seen them
around but I could be wrong.

So you are going to check to see if (A)
they still exist and (B) if they are operating?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

If they are operating we can issue them a cease and desist.

FIRE CHIEF GERALD REARDON: If they were operating without a license, do you need a vote tonight or a fine?

EXECUTIVE DIRECTOR ELIZABETH LINT: You can't.

FIRE CHIEF GERALD REARDON: Put this down as a continuation?

POLICE COMMISSIONER ROBERT HAAS: We can vote to authorize, if you do, in fact, find them operating, you can, in fact, issue a cease and desist order.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

POLICE COMMISSIONER ROBERT HAAS: I make a motion on that.

FIRE CHIEF GERALD REARDON: I'll second that.

All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHRIS MARSZALEK: Excuse me. Sorry to
barge in.

The CV license was okay? But the
entertainment license, was that part of it too?

POLICE COMMISSIONER ROBERT HAAS: Yes.

CHRIS MARSZALEK: Thank you very much.

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EXECUTIVE DIRECTOR ELIZABETH LINT:

POLICY: The Commissioners will discuss interim
livery regulations.

I'm actually calling this emergency
interim regulations.

FIRE CHIEF GERALD REARDON: Can you give
us a summary on it? Or do you want to give us a
summary on it quickly?

EXECUTIVE DIRECTOR ELIZABETH LINT: We

both can.

I think just at the outset, the immediacy for this is that we have been receiving many phone calls both from taxi drivers and the general public saying there are cars around the city that look very much like taxicabs and then low and behold they find out that they are not.

Two in particular that are white vehicles that say Classic Car Service with the exact logo of our classic cabs, plus on the back they have 00 and 01, which looks like it would be a medallion number.

And one of the vehicles has a taxi light on the roof.

COREY PILZ: Corey Pilz, P-I-L-Z, Consumer Information Specialist.

Just to give a little bit more to the process.

The License Commission is in the process of revising our for-hire vehicle regulations, which is currently applicable to the livery and limousine licenses in the City of Cambridge.

The goal of revising the regulations is, No. 1, to modernize them.

And also to adapt our current regulations to reflect and address the realities of the industry, especially considering the innovation that's occurred in the way that people are now utilizing technology to contract with these livery vehicles.

As we conduct an extensive public input process, we feel it is best to put these two emergency regulations into place to maintain public peace and public safety.

And just to give you a little bit background, to start with, the second regulation that Executive Director Elizabeth Lint touched

upon, this would be a completely new regulation designed to guide the exterior livery vehicles.

As the regulation is written, it says "no license livery vehicle shall bear designs, markings, or exterior lights that makes said vehicle resemble a taxicab. No livery shall place exterior markings that contain the words taxicab or cab on the vehicle."

Generally, just besides consumer confusion, there's an issue where someone thinks they are hailing a taxicab and get into it and the vehicle itself doesn't have a meter and the passenger gets badgered into paying some amount of money which doesn't necessarily have a rate or a fare to it.

FIRE CHIEF GERALD REARDON: Well, there's also a difference also in licensing for the drivers of course.

COREY PILZ: That's correct.

FIRE CHIEF GERALD REARDON: For public safety purposes, there's rules and regulations and licensing of cab drivers in the city for purposes of making sure that they work within the guidelines and have safety consideration, as prescribed by the taxi portion of the License Commission, and a livery driver wouldn't be in that same category, so I guess -- I guess, in my opinion, this is false advertising under the pretense that they are a cab versus being a livery.

EXECUTIVE DIRECTOR ELIZABETH LINT: Well, that's exactly our concern with it because it looks exactly like our taxicabs.

And since they are not -- they are not licensed by us, but I am aware that they are registered in the city, so they have should have applied for livery licenses.

FIRE CHIEF GERALD REARDON: Now, would

this regulation apply to any livery operating in the City of Cambridge whether they are licensed or not?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. They cannot appear to be taxicabs.

It is incredibly misleading to the general public.

FIRE CHIEF GERALD REARDON: Looking at a picture of one, it has the same two-tone color and striping and I don't think the normal person would notice this.

EXECUTIVE DIRECTOR ELIZABETH LINT: Exactly.

FIRE CHIEF GERALD REARDON: Commissioner?

POLICE COMMISSIONER ROBERT HAAS: No questions.

COREY PILZ: The second regulation that we have proposed clarifies how a livery can contract with a passenger.

Currently the standards we have is a minimum charge of \$40 for all fares/passengers and also an eight-hour advance notice on all reservations. And given the current times, this doesn't seem to be a reasonable standard.

The regulation that we have proposed is "no livery vehicle shall solicit passengers for transportations services on any public way, nor shall a livery vehicle be parked on any public way for a time longer than is reasonably necessary to accept passengers as a result of a called service.

No passenger shall be accepted for any trip in such vehicle without previous engagement at a fixed charge."

One of the things we do intend to do in the public input process is to define what a prearrangement and fixed charge may be given the way the current livery industry is operating.

However, we do think it is important to continue to draw a reasonable distinction of what makes a livery vehicle and what makes a taxicab vehicle. Meaning what is a prearranged transportation service and what is an on-demand or hail-type transportation service, which will be the taxicabs.

FIRE CHIEF GERALD REARDON: Although I wasn't here when this was done, it did come up years ago and it was an issue, then it was prearranged for the hotels and motels the night before, usually the hotel would arrange for a limousine for someone, and that's where this, I think, eight-hour commitment came in.

But it is not feasible probably in this day and age.

COREY PILZ: The issue simply is that we have more people utilizing livery vehicles on a day-to-day basis.

It is no longer just, as you said, staying at a hotel and getting you a car to go to the airport or even contracting ahead of time.

People are taking these back and forth between meetings and they have become more accessible to the public with the introduction of the smart phone applications.

POLICE COMMISSIONER ROBERT HAAS: It says that they can't park on any public way for any period of time for the purposes of soliciting passengers.

What does that mean in terms of being parked in the driveway of a hotel?

COREY PILZ: And that's why we included that.

What we have seen is there are some livery vehicles, especially at night, that will just park in Harvard Square outside a couple of our fine establishments and they crank down the

window, as they see a group of people leaving, and they'll say, Hey, you want a ride? Come on in, get in and it is more talking the place of what an taxicab would normally do.

EXECUTIVE DIRECTOR ELIZABETH LINT: They are also sitting in the cab stands.

POLICE COMMISSIONER ROBERT HAAS: And the taxi drivers are putting up with that?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. We get complaints constantly.

POLICE COMMISSIONER ROBERT HAAS: So when you get a call, do you send someone down there to investigate? Or do you just take the complaint?

EXECUTIVE DIRECTOR ELIZABETH LINT: What I have been doing on days when Officer Zeto (phonetic) is in the office, he'll go down and check it out.

I have also spoken with Lieutenant Riley

and he's put it out to the officers that are on patrol and in the high traffic areas to make sure they know they can move them along and ticket them.

I also spoke with Wayne Amirault to make sure the CPOs were moving them along or ticketing them, instead of ticketing the cabs that's trying to get on the stand, where they belong, and they can't get on because there's a livery vehicle there.

POLICE COMMISSIONER ROBERT HAAS: So when you do get an active complaint, will you call 911? Or the ECC to dispatch an investigator?

EXECUTIVE DIRECTOR ELIZABETH LINT: I call 3300.

I would never call 911 to move a livery vehicle out of a cab stand.

COREY PILZ: Unless it was on fire.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah.

Yeah, then I would.

FIRE CHIEF GERALD REARDON: So the question before us tonight is the two emergency interim regulations and they would be in place immediately, today, tonight?

COREY PILZ: That would be the goal.

FIRE CHIEF GERALD REARDON: And these would be interim emergency in place in that the city's License Commission would have public information forums to discuss this for a permanent solution and upgrade of the rules and regulations regarding livery?

COREY PILZ: The public information forums are geared towards specific questions that we designed. One of them is prearrangement.

After we have the public information forums, we intend to draft the regulations and go through the normal hearing process for rulemaking.

So these will be put before you again for any modifications that may be appropriate based on public input, industry input.

But I actually think the industry will welcome at least the first regulation because they have had some confusion with the \$40 and the eight-hour advance notice because they simply can't do it anymore.

FIRE CHIEF GERALD REARDON: Anyone from the public wish to be heard on this?

(No response.)

FIRE CHIEF GERALD REARDON: Seeing none.

Anything further, Commissioner?

POLICE COMMISSIONER ROBERT HAAS: No further questions.

FIRE CHIEF GERALD REARDON: I'll make the motion to approve the two emergency regulations as outlined to the License Commission for one, solicitation of passengers prohibited, and the

second one exterior of livery vehicles to be added to the rules and regulations effecting livery vehicles, and that regulation should be effective immediately.

POLICE COMMISSIONER ROBERT HAAS:

Seconded.

FIRE CHIEF GERALD REARDON: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: Any other business?

FIRE CHIEF GERALD REARDON: Ratifications or anything?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. Want me to go find some?

FIRE CHIEF GERALD REARDON: No.

Motion to adjourn.

POLICE COMMISSIONER ROBERT HAAS: Motion adjourn.

FIRE CHIEF GERALD REARDON: Seconded.

POLICE COMMISSIONER ROBERT HAAS: All in
favor?

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

(Whereupon the Licensing Hearing

proceedings conclude at 6:40 p.m.)

ERRATA SHEET

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

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

CERTIFICATE

Commonwealth of Massachusetts

Norfolk, ss.

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

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 16th day of August 2013.

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

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1:22:10

written [1] -

1:36:1

www.**reportersinc.****com [1] -**

1:1:18

year [3] -

1:7:17;

1:8:11;

1:20:15

years [8] -

1:5:11;

1:6:18;

1:18:18;

1:19:16;

1:24:14;

1:40:8

Zeto [1] -

1:42:14