

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

LICENSE COMMISSION BOARD MEMBERS:

Richard V. Scali, Chairman
Robert C. Haas, Police Commissioner
Daniel Turner, Deputy Chief

STAFF:

Elizabeth Y. Lint, Executive Officer

- held at -

Michael J. Lombardi Municipal Building
831 Massachusetts Avenue
Basement Conference Room
Cambridge, Massachusetts 02139
Tuesday, December 8, 2009
6:00 p.m.

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P R O C E E D I N G S

MS. LINT: License Commission General Hearing, Tuesday, December 8, 2009. It's 6:00 p.m. We're in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Basement Conference Room. Before you the Commissioners: Chairman Richard Scali, Deputy Chief Dan Turner, and Commissioner Robert Haas.

If anyone is here for the matter of the Cantab Lounge, that's been continued to January 5.

MR. SCALI: The Cantab is here. Did you not get the word?

MS. LINT: They were the ones who asked.

UNIDENTIFIED SPEAKER: No, we didn't get the word.

MS. LINT: Oh, no. It was because the officer wasn't available.

MR. SCALI: So the officer wasn't available?

MS. LINT: He went to the funeral.

MR. HAAS: In Washington.

MR. SCALI: The police officer requested a continuance because he was not in town. I thought that we had notified you. I apologize.

MS. LINT: I thought so too.

MR. SCALI: It's on January 5, our next hearing.

UNIDENTIFIED SPEAKER: I've got the thing from the Courthouse. Do you want that?

MR. SCALI: Whatever information you have you can give to Mrs. Lint. You don't have to do it tonight. If you want to submit anything to her, you can, if it's relevant to the particular case that we have before us here.

UNIDENTIFIED SPEAKER: We'll wait until the 6th.

MR. SCALI: The 5th.

UNIDENTIFIED SPEAKER: I keep saying the 6th.

MR. SCALI: I apologize again. I thought someone had called you.

UNIDENTIFIED SPEAKER: Can I address an issue? I got a notice to be here today for Hoffa's and it's not on the list.

MS. LINT: That's not the hearing; that's to pay the --

UNIDENTIFIED SPEAKER: Jim Rafferty is going to be here as well.

MR. SCALI: Is it something that was continued? Do you have the letter in front of you?

UNIDENTIFIED SPEAKER: Yes.

MR. SCALI: Why don't you show Mrs. Lint.

MS. LINT: Oh, boy. When we sent in August the six-month extension, we said we would put it on this one but obviously it got lost in the shuffle. It's for a status on the inactive status.

MR. SCALI: Is Mr. Rafferty coming for you tonight?

UNIDENTIFIED SPEAKER: I think so. I have power of attorney for Bernard Imhoff.

MR. SCALI: Why don't you stay; we'll hear you. It's not a very long agenda so we should

be able to hear you.

MR. SCALI: Is anybody else here for the matter of the Cantab? Okay, January 5 for the Cantab.

Any other continued items, Mrs. Lint?

MS. LINT: No.

MR. SCALI: First of all, motion to accept the minutes from our last meeting of November 24.

MR. HAAS: Moved.

MR. SCALI: That's moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MS. LINT: Application: Trader Joe's East, Inc., Brian Fahey, Manager, holder of a Wine and Malt Beverages as a Package Store license at 748 Memorial Drive has applied for a change of manager from Brian Fahey to Gayle Pamphrey. Applicant is also applying to change the current opening hour from 9:00 a.m. to 8:00 a.m.

MR. SCALI: Good evening. Tell us your name for the record.

MR. BELANGER: My name is Peter Belanger, Store Captain.

MS. PAMPHREY: Gayle Pamphrey.

MR. SCALI: Change of manager to you; is that correct?

MS. PAMPHREY: Correct.

MR. SCALI: Tell us your experience in the alcohol business, wine and malt.

MS. PAMPHREY: It's been at Trader Joe's. I've worked for Trader Joe's for just under three years, and I worked in the Framingham store that carries alcohol, as well as the current Cambridge store.

MR. SCALI: How long have you been in the Cambridge store?

MS. PAMPHREY: Since October.

MR. SCALI: Have you ever had a license in your name before?

MS. PAMPHREY: No.

MR. SCALI: This is the first time?

MS. PAMPHREY: Correct.

MR. SCALI: Have you been through our 21-Proof training?

MS. PAMPHREY: Not through Cambridge.

MR. SCALI: We required any new managers to go through our 21-Proof training. Mr. Connolly will come out to you and train you there, and your staff if you wish, as well.

MS. PAMPHREY: Great.

MS. LINT: We don't have the background checks back.

MR. SCALI: It's probably just a slow response from the CORI check.

MR. SCALI: So the other thing is you want to change your opening hour of the store?

MR. BELANGER: That's correct.

MR. SCALI: To 8:00 a.m.?

MR. BELANGER: To 8:00 a.m.

MR. SCALI: The reason for that is?

MR. BELANGER: Trader Joe's nationwide, in an effort to be more competitive in the industry, has decided to open all of its stores at 8:00 instead of 9:00.

MR. SCALI: Does that mean you'll be selling the beer and wine at that time, too. Or is it just storewide?

MR. BELANGER: Storewide.

MR. SCALI: Questions, Commissioners?

MR. HAAS: No questions.

MR. TURNER: The only question I would have is, when the original license was issued was there any conditions on the opening hours?

MR. SCALI: Actually Ms. Boyer has been working with you on your loading and unloading problems that are back there. I was asking her to ask you whether you wanted to continue this, because I know the hotel has been complaining about

deliveries in the middle of the night. The original condition from 1996 states that you can only have deliveries between 7:00 a.m. and 10:00 p.m. So I hope you're adhering to that now although I know you're not happy with that.

MR. BELANGER: We are adhering to that.

MS. LINT: We have a letter from them asking to be put on for a hearing to discuss that issue.

MR. HAAS: Asking who; the hotel?

MR. SCALI: Us to change the conditions.

MR. HAAS: For Trader Joe's?

MS. LINT: Trader Joe's.

MR. SCALI: So is there a plan in place? I hear you're going to maybe be building something or trying to extend your loading dock.

MR. BELANGER: We've looked at the possibility of expanding the loading dock in that area in an effort to take deliveries at any time within that timeframe where it wouldn't cause us to

have a burden in terms of truck bottlenecking coming into the store, and a lot of product, whether it be alcohol a regular grocery products, all coming in at the same time.

As it is right now, we are working under those conditions from 7:00 a.m. to 10:00 p.m. The challenge is with several different alcohol vendors that come to the store. We've managed to do that for this past Monday where all of our alcohol vendors are now spread out through the day.

MR. SCALI: It is not unusual. The noise ordinance says there can be no loading and unloading other than between those hours. If we were to expand those hours for you, it would in the form of an exemption under the noise ordinance to do that, unless you're in a commercial business zone, which I think you're not.

MS. LINT: I haven't looked at that yet because it wasn't before us tonight.

MR. SCALI: I guess the issue is whether these items that you are requesting tonight have any impact on those delivery hours. As long

as you're adhering to the 7:00 a.m. to 10:00 p.m. condition now, it's not a problem for me, but I don't know whether the Commissioners want to continue the matter to talk about the delivery hours later on.

MR. HAAS: It sounds like it's going to be a longer process if they're going to try to get a variance anyway. I don't know if we'd be able to do that in another meeting or two. I just want to make sure that there's no outstanding issues with respect to the hotel's concerns with the modified hours. As far as you know, there aren't; right? The hotel is no longer concerned about your delivery schedule at this point?

MR. BELANGER: I'm sure they're concerned about us working within those parameters.

MS. LINT: I can address that. They're not concerned; they haven't expressed concern with them changing their opening hour. They are concerned with the delivery schedule and that's something that's being worked on and then will be presented to the Commission.

MR. HAAS: Different from 7:00 a.m. to 10 p.m.?

MS. LINT: Yes.

MR. SCALI: You're looking for something later.

MR. BELANGER: A little earlier and a little later.

MR. SCALI: That's going to be an issue.

Does anybody from the public want to be heard on this matter? No hands. Pleasure of the Commissioners?

MR. HAAS: With respect to the change of manager, I'd motion to make an approval contingent upon the background investigation and completion of 21-Proof training.

MR. SCALI: A motion has been made to approve of the manager subject to 21-Proof and the background check. That's moved. I'll second it. All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: With regard to the opening hour changing to 8:00 a.m. --

MR. HAAS: Just remind me how that impacts the sale of liquor on Sundays.

MR. SCALI: You can't sell alcohol on Sundays before noontime. So this would only be for nonalcoholic items on a Sunday.

MR. BELANGER: That would still be in place even if we open at 8:00. We would still --

MR. HAAS: It's just that when the Chairman asked you that question before, does it include liquor and everything, I just want to make sure we're clear about that.

MR. BELANGER: Right, Sunday hours is still noontime.

MR. HAAS: I make a motion to approve the adjusted opening hour.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: So it's 8:00 a.m. six days

a week. Actually 8:00 seven days a week but noontime for the alcohol on Sundays.

And then we'll see you in January or February, or whenever you're ready to present the other items.

You're stating on the record you're adhering to the 7:00 a.m. to 10:00 p.m. for deliveries?

MR. BELANGER: For the record, yes, we are.

MR. HAAS: Just for the record?

MR. SCALI: On the record. Thank you very much.

MS. LINT: Application: P & E Restaurant, Inc., d/b/a Desfina Restaurant, Paraskevas Mallakis, Manager, holder of an All Alcoholic Beverages as a Restaurant license at 202 Third Street has applied for a transfer of stock, change of corporate officers, and a change of manager from Paraskevas Mallakis to Evelyne Mallakis.

MR. SCALI: Good evening.

MR. CRANE: Good evening, Mr. Chairman and members of the Board. My name is Kevin Crane. I'm the attorney that represents the petitioner. My address is 104 Mount Auburn Street, Cambridge. To my left is Evelyn, E-V-E-L-Y-N, Mallakis, and to her left is her husband, Steven, also known as Efstathios, E-F-S-T-A-T-H-I-O-S, Mallakis.

Presently the manager of record is Peter Mallakis, Steven's brother, and as the Board knows, we've had some difficulty with some of his actions. So this has probably been a longtime in coming. It should have been a while ago.

We now have Evelyn Mallakis as the

proposed manager. Evelyn works the restaurant 50 hours a week. She's a buzz saw down there I would say. She's well familiar with the rules. She's worked at the restaurant since its inception.

As far as the change of stockholders and officers, initially Steven and his brother, Peter, were the shareholders. Stephen has purchased Peter's interest and would like to be recognized as the sole shareholder as well as the sole officer of the corporation as well.

MR. SCALI: So Peter is no longer involved?

MR. CRANE: That's right.

MR. SCALI: Is he on the premises working?

MR. CRANE: No.

MR. SCALI: He no longer has anything to do with the restaurant?

MR. CRANE: He might come in as a patron once in a while, Mr. Chairman.

MR. SCALI: So it's just Mr. and Mrs. Mallakis here that will be the manager and Stephen

as the sole owner.

MR. CRANE: Their children are also very active in operating the business.

MR. HAAS: Your son was here last time; right?

MR. CRANE: Yes.

MS. LINT: We don't have a background check and there's a fee owed for it as well.

MR. SCALI: On the application?

MS. LINT: Uh-huh.

MR. CRANE: How much is owed?

MS. LINT: Ten dollars.

MS. LINT: For the CORI.

MR. CRANE: I'll send you the check tomorrow. I've got to work on Chris O'Neil's math.

MR. SCALI: Questions from the Commissioners?

MR. HAAS: Mrs. Mallakis, how long have you been involved with the restaurant, actively?

MRS. MALLAKIS: Like 10 years.

MR. HAAS: And you feel comfortable in

the role of being manager?

MRS. MALLAKIS: I am anyway.

MR. SCALI: So you're there on a regular basis? Are you there late into the evening, 2:00 in the morning? What are your hours generally?

MRS. MALLAKIS: Generally I'm there pretty much whenever they need me. I'm there all the time during the day, and at night time, I'm here because I don't live far away. So if somebody needs something, or whatever, then I go there all the time. I'm there pretty much all the time.

MR. SCALI: When you're not there, who's in charge?

MRS. MALLAKIS: I have my husband who is there and my son who is there because that's a lot of hours. I can't be there like 80 hours, but when I'm not here then they are. There's always somebody there.

MR. SCALI: I know you've been there for many many years but you haven't been through 21-Proof training; right?

MRS. MALLAKIS: No.

MR. SCALI: We do require any managers -- although you're not really new, you're new by name. If we do approve you, you need to go through 21-Proof training.

I had asked Mrs. Lint to ask you, Mr. Crane, whether you wanted to continue this matter or not due to the other matter that's before us. I guess that's going to be an extended process. Is that not done with the court system?

MR. CRANE: Not yet. It's scheduled for some time in January.

MR. SCALI: I was curious as to how that was going to work out for us in terms of the actual case. I don't know if any of the Commissioners have any concerns about that or not.

MR. CRANE: I don't think the matters that are before you have really -- I mean they're long overdue regardless of if there was any pending criminal matter. There is a pending disciplinary matter before the Board in conjunction with that, and that certainly motivated the change in manager

because the manager of record was involved in that.

MR. SCALI: I'm not sure I'm ready to go ahead and switch things up until we know what's going to happen with the disciplinary action. Granted, I know that Mr. Mallakis had his issues there and certainly shouldn't be the manager but I'm not sure whether we should make any changes until we know what's going to happen with the case just for future actions.

MS. LINT: Mr. Chair, if I may, I think one of the bigger problems though, then, is you have a manager of record who has absolutely nothing to do with the restaurant; that's not on the premises so there's nobody overseeing.

MR. SCALI: Well, they're overseeing it. It's just that they're not on there by name.

MR. HAAS: I would offer the fact that the business is going to operate until we do have a disciplinary hearing. I don't know if the change in the manager is going to have an impact in terms of the ultimate outcome. I don't know if we want a hold up. I think to Attorney Crane's point,

and in my view, this is probably something that should have happened a long while ago. It seems to me that we have should probably have some responsible parties in charge of the restaurant while we're wait for the outcome of that other situation.

MR. TURNER: I agree.

MR. HAAS: Sorry.

MR. SCALI: Whatever your vote is. I'm not prepared to vote for it. You all can do that. That's fine.

So on the change of manager and change of corporate officers, the pleasure of the Commissioners?

MR. HAAS: I would make a motion to approve the change of manager and the change of stockholders, contingent upon the completion of the background investigation and completion of 21-Proof training.

MR. TURNER: Seconded.

MR. SCALI: And I will vote no. All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: No.

MR. CRANE: Mr. Chairman, I never received a notice as to the continuation of the disciplinary matter as far as a specific date. Has that been scheduled yet?

MR. SCALI: I think we might have voted to wait to see what happened with the case first.

MS. LINT: No. I think there was a date that was after what you told us was the next hearing date, but I don't remember what that was. It could be January 19.

MR. CRANE: I'll check that. Another election day.

MR. SCALI: All right.

MR. CRANE: Thank you very much.

MS. LINT: Application: Bertucci's Restaurant Corp. d/b/a Bertucci's Brick Oven Ristorante, Eric Delorenzo, Manager, holder of a Wine and Malt Beverages as a Restaurant license at 21 Brattle Street has applied for a change of manager from Eric Delorenzo to Erin Landaverde.

MR. SCALI: Good evening. Tell us who you are, please.

MS. LANDAVERDE: I'm Erin Landaverde.

MR. SCHWANKE: Brian Schwanke.

MR. SCALI: So this is a change of manager to Erin?

MS. LANDAVERDE: Yes.

MR. SCALI: Tell us your experience.

MS. LANDAVERDE: I've been with Bertucci's for seven years. I've been the general manager for a little over a year. I'm ServSafe certified for the last eight years. I started serving alcohol in 2001 at Chile's and then I came to Bertucci's. I've been a manager for about five years.

MR. SCALI: At this location?

MS. LANDAVERDE: No, at a couple of different locations but I did have a liquor license at the one in Brookline before I came to Harvard Square.

MR. SCALI: Have you been through 21-Proof?

MS. LANDAVERDE: I have not, no.

MS. LINT: I know you'll find this shocking: we have no background check.

MR. SCALI: We're just delayed on our CORI checks.

MR. SCHWANKE: Does she need to go through the 21-Proof even though she's ServeSafe certified?

MR. SCALI: Yes. We do require all new managers and we require any transfers of any owners and servers to go through 21-Proof. It's our own Cambridge-based training program and they will come out to you and training you there, and your staff. If you are a member of CLAB, you get a discount on that, and it also qualifies you for your insurance discount as well, if you don't have

that already with your current insurance policy.

Questions from the Commissioners?

MR. HAAS: While holding a liquor license in Brookline, were there any disciplinary issues?

MS. LANDAVERDE: No.

MR. HAAS: No other questions.

MR. TURNER: No questions.

MR. SCALI: This is just the one location; right?

MS. LANDAVERDE: Uh-huh.

MR. SCALI: You're not associated with the other locations?

MS. LANDAVERDE: Just Harvard Square.

MR. SCALI: Pleasure of the Commissioners?

MR. HAAS: I would make a motion to approve contingent upon passing the background investigation and completion of 21-Proof.

MR. SCALI: So that's moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: So when your background check comes in I'm sure you'll know if that's a problem or not, and the 21-Proof. We'll give you that information in a letter telling you how to get a hold of Mr. Connolly. He'll come out to you or any location that you wish. Thank you and good luck.

MS. LINT: Application: Dalu Arruda d/b/a Stefani Pizzeria, Daluziana Arruda, Manager, has applied for a Common Victualer license and Entertainment license to be exercised at 263 Brookline Street. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and to have a seating capacity of 14. the hours of operation would be 6:00 a.m. to 4:00 a.m. seven days per week. Applicant is also applying for an Entertainment license to include a TV, radio, and a compact disc.

MR. SCALI: Stefani's? Ms. Arruda? Anybody here from the neighborhood on Stefani's? Did you hear from them at all, Mrs. Lint?

MS. LINT: No.

MR. SCALI: Why don't we call them and see why they haven't appeared.

MS. LINT: Application: Shalimar, Inc. d/b/a Dosa Factory, Amrik Pabla, Manager, has applied for a Common Victualer license to be exercised at 571 Massachusetts Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and to have a seating capacity of 38. The hours of operation will be 10:00 a.m. to 11:00 p.m. seven days per week.

MR. SCALI: Good evening.

MR. GOLDBERG: Good evening Mr. Chairman, Members. I'm Attorney Bernard Goldberg, 620 Massachusetts Avenue, Cambridge. And on my right, Jaswinder Pabla.

MR. SCALI: Is this a new owner?

MR. GOLDBERG: No, same owner. They were here before with another attorney, my brother and they had -- the request was for an increase of the capacity. I think it was 28. This is a hearing to establish the increase in the capacity to 38. I have a plan here.

MR. SCALI: Is it under Shalimar,

Inc., now, still?

MR. GOLDBERG: Yes. And it's doing business as Dosa Factory. I have a d/b/a certificate.

MR. SCALI: I'm just confused because all of sudden, I got a number of calls from City Councilors saying they love the new restaurant, Dosa. I'm saying, what's Dosa? I had no idea what they were talking about. So come to find out you changed the name, and changed everything to Dosa, and you didn't come before us.

MR. GOLDBERG: there was a d/b/a submitted in the application. I believe it's in there.

MR. SCALI: Nothing was submitted to us.

MS. LINT: Now it is.

MR. GOLDBERG: For the d/b/a, yes.

MR. SCALI: But it's been Dosa for a while.

MR. GOLDBERG: That could have been. I'm not able to state factually.

MR. SCALI: It's been a few months, at least.

MR. GOLDBERG: But that was going back to sometime in June when they came before the Board in connection with the application.

MR. SCALI: No. You've never been before us for a change in the name.

MS. LINT: Not for a name change.

MR. GOLDBERG: The change of the name was on 6/9, June 9.

MS. LINT: That was with the City Clerk but not with us.

MR. GOLDBERG: That's an error that I can't rectify at this moment in time, except that it's in the file, and they're doing business as Dosa, Dosa Factory.

MR. SCALI: So the application really is a change of d/b/a; right?

MR. GOLDBERG: Yes.

MR. SCALI: Because it's applied for as a new owner and a change in capacity, too.

MR. GOLDBERG: Just the capacity to 38

occupancy.

MR. SCALI: What was it before?

MR. GOLDBERG: I think it was so far as I know -- I have it right here. The capacity was 28.

MR. SCALI: So you want to go to 38?

MR. GOLDBERG: Yes. Ms. Lint, if you could present this to the Board. I have this as the new plan. It's hot off the press and I can present it to you, Mr. Chairman, or give it to Ms. Lint.

MR. SCALI: So how is this different than the other?

MR. GOLDBERG: It's the same location, except that in fact there is a little alcove where the other restaurant is, and it will seat 10 people.

MR. SCALI: Different food?

MR. GOLDBERG: Same food. And the menu is --

MR. SCALI: Just a different name?

MR. GOLDBERG: Yes. The plan will

show the 38 there, and there's a little alcove that will be denoted on the plan where they can seat 10 people.

MR. SCALI: What was there before?

MR. GOLDBERG: It was just an empty room. It's where the exit is onto the parking area.

MR. SCALI: No outside seats?

MR. GOLDBERG: No.

MR. SCALI: No alcohol; right?

MR. GOLDBERG: No. It's an elaborate menu, Mr. Chairman. I can't describe the types of food that are there, but if you're interested, I can have Jaswinder tell you what the nature of the food is. It's Indian food, South Indian food.

MR. SCALI: It's what you were serving before; right?

MR. GOLDBERG: Yes.

MR. SCALI: Just a more elaborate menu?

MR. PABLA: More elaborate, yes.

MR. SCALI: So why the name change?

MR. PABLA: We just love the name.

MR. GOLDBERG: What was the name
before?

MR. PABLA: It was under Shalimar.

MR. GOLDBERG: They had no name
before. It was Shalimar, Inc.

MR. SCALI: You had a CV before;
right?

MR. GOLDBERG: Yes.

MR. TURNER: Mr. Chair, has this been
run by Zoning?

MS. LINT: Yes.

MR. GOLDBERG: Yes. Zoning has
approved it, yes.

MR. SCALI: Comments from the public
at all? No hands. Commissioners, questions?

MR. TURNER: No questions.

MR. SCALI: I just would have
preferred -- well, preferred -- you should have
come to us with the name change and not put it up
first. I think you're very familiar with the
rules, Mr. Pabla. When I have City Councilors

calling me saying, "I love the new restaurant," and restaurant I have no idea who you are, that's a problem for me.

MR. HAAS: Is this a change of name, or is this an application for a new CV license?

MR. SCALI: They applied as a new license but it's the same corporation.

MR. GOLDBERG: The same corporation d/b/a, doing business as Dosa Restaurant, Dosa Factory, I believe.

MR. HAAS: So what are we voting on?

MR. SCALI: It's a change of d/b/a and an increase in capacity from 28 to 38.

MR. SCALI: Pleasure of the Commissioners?

MR. HAAS: Motion to approve the change of name and the increase in capacity.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: Now you're Dosa with 38 seats.

MR. GOLDBERG: Thank you.

MR. SCALI: Please make sure you come in and get your license, too.

MS. LINT: Application: Millstone, LLC d/b/a Canteen, Aaron Siegel, Manager, has applied for a Common Victualer license and Entertainment license to be exercised at 983 Massachusetts Avenue. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises and to have a seating capacity of 28. The hours of operation will be from 6:30 a.m. to 1:30 a.m. seven days per week. Applicant is also applying for an Entertainment license to include a TV, radio, and an iPod or other digital media device.

MR. SCALI: Canteen? Tell us who you are for the record, please.

MR. MURRAY: Good evening. My name is James Murray.

MR. SIEGEL: Good evening. My name is Aaron Siegel.

MR. BENZEN: Attorney Dennis Benzen for the applicants.

MR. SCALI: So this is a new location, not previously a restaurant; right?

MR. MURRAY: Previously a restaurant.

MR. BENZEN: The Friendly Eating Place, but they've been out of business for a few years now. They're looking for the same capacity, which is 28 seats.

They recently went before the Zoning Board for a special permit, although, I don't think they needed to do that. It was a special permit to open an environmentally friendly cafe, which means that unlike most businesses in the City, they will have a number of pieces of equipment in the restaurant that are environmentally friendly.

For example, their toilets, a lot of the utensils will be made out of recyclable materials such as bamboo. Their light switches will be special light switches. They'll be re-certified by the National Restaurant Association, and according to Jimmy, I guess less than one percent of the restaurants in Cambridge have been certified as such. They will be using the tankless water heaters, Energy Star appliances.

This is really a new concept for our

City. It is going to be a neighborhood-friendly business. It's looking to attract folks in the neighborhood that are looking to the new wave of the future, which is environmentally friendly establishments.

MR. SCALI: So you needed a special permit to be green or to be fast-food.

MR. MURRAY: To be fast-food. We just threw the green in there.

MR. SCALI: Green fast-food. So fast-food means what?

MR. MURRAY: Quick-serve sandwiches, salads. We're doing some waffles, French toast, breakfast all day, but principally the platform is built around gourmet sandwiches, breakfast, lunch, and dinner, warm entrée salads, a few light entrées, including a few pasta and seafood dishes. Most light fare, but principally sandwiches and salads.

MR. BENZEN: And waffles and fried chicken.

MR. SCALI: So there's some home

cooking in there too. So on paper plates, plastic?

MR. MURRAY: Dennis touched upon part of our sustainable agenda. We're doing some very interesting things. One of the cool things we're doing is almost 100 percent of our disposables, which means forks, knives, straws, cups, lids, plates, to-go boxes, will be made from fabricare products, which is a new biopolymer that is 100 percent compostable made from corn.

So we're going to be spending quite a bit of money on bringing in these types of disposables, which are more expensive than traditional disposables, but we feel that it's important to embrace this green agenda. We feel like it is without question something that restaurants as they move forward are going to have to embrace. So we're embracing this philosophy at this particular locale. So disposables are organic.

MR. SCALI: Hours of operation?

MR. BENZEN: 6:30 to 1:30.

MR. SCALI: Breakfast, lunch and

dinner?

MR. MURRAY: Breakfast, lunch, and dinner.

MR. SCALI: Why 1:30 in the morning?

MR. MURRAY: We don't intend to operate until 1:30, but because we have been fortunate enough to have been given a long-term lease on the property, we feel like we would like to request operating hours between 6:30 a.m. and 1:30 a.m.

MR. SCALI: What are you actually going to do right now?

MR. MURRAY: We intend to operate from 8:00 to midnight.

MR. SCALI: We only give what you're actually are doing. You can come back later if you figure that maybe you're doing so well you want to be open until 1:30. If we say 1:30, it means the public expects you to be open at 1:30, or up to 1:30.

MR. MURRAY: Sure. I think that we should probably change that to 7:00 a.m. I think

7:00 a.m. to midnight is probably a better suggestion for operating hours.

MR. SCALI: Tell me a little bit about your loading, unloading, deliveries, trash pickups.

MR. MURRAY: Of course. We are working very closely with Hallsmith-SYSCO and their green agenda. We expect to get deliveries from one principal purveyor two to three times a week. We also will be bringing in organic fruits and vegetables, and that delivery will come in every other day most likely. Those deliveries will arrive on Dana Street and come in our back door, as opposed to lining up trucks on Mass. Ave. We're going to specifically insist that our vendors do that to avoid as much congestion on Mass. Avenue as we can.

MR. SCALI: What time of the day will these deliveries be made?

MR. MURRAY: These deliveries will be coming in between 6:30 a.m. and 10:00 a.m., more or less.

MR. SCALI: The noise ordinance says

7:00 a.m.

MR. MURRAY: Operating hours would be 7:00, but there would be someone on site preparing the venue for opening to receive.

MR. SCALI: Under the noise ordinance, you cannot take deliveries before 7:00 a.m.

MR. MURRAY: Very well.

MR. SCALI: So deliveries 7:00 a.m. to 10:00 a.m.

Trash pickup?

MR. MURRAY: We have worked out in our lease piggybacking with the current landlord's dumpster arrangement. We're going to add Save-that-stuff Recycling to that platform. So we're not sure what our needs will be. We do know that we're going to generate low recyclable stuff, but I'm not sure of the amount of pickups; probably two times, maybe three times a week.

MR. SCALI: On Mass. Avenue or a dumpster?

MR. MURRAY: The dumpster is on Dana Street, at the end of the property on Dana.

MR. SCALI: Is that fenced in?

MR. MURRAY: It's on a concrete pad and the current service is once a month. We expect that to bump up to two to three times a week.

MR. SCALI: Pickup?

MR. MURRAY: Pickups, yes.

MR. SCALI: Again, you're going to want to make sure that the dumpster company only picks up after 7:00 a.m.

MR. MURRAY: Yes, sir. I will.

MR. SCALI: They'll give you a hard time about that because on Mass. Avenue -- if you pickup on Mass. Avenue, meaning right on the curb of Mass. Avenue, you can pickup at any time. If you are picking up on the street behind, it's residentially zoned so it has to be after 7:00 a.m.

MR. MURRAY: I understand.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: Through you to the applicant: Looking at the proposed layout, are we going to do some reservations?

MR. MURRAY: We are going to do some improvements, no structural changes to the building. When the former landlords rebuilt the space after the fire, they really did spend quite a lot of money and brought it up to wonderful shape. So right now, it's all built out with all its fire systems and they're well maintained.

As for build out, nothing structural, just design oriented. So that principal cash/wrap in the middle of the restaurant; that area is built-in, and then the bench seats are all built-in. But other than that there's no moving of walls or substantial construction.

MR. TURNER: I notice you're applying for a seating capacity of 28. Mr. Chair, outdoor area seating on private, is that included in the total occupancy load?

MR. SCALI: It should be.

MR. TURNER: Do they need a special request for that outdoor?

MR. SCALI: Is it on private property?

MR. MURRAY: It's on our property

which is private, yes.

MR. SCALI: So they would just need to have a CV under our --

MR. TURNER: I have 18 on tables and chairs, and I assume the rest is at a 10-seat built-in bench?

MR. MURRAY: It's 20 I believe in the dining room principally, and then we're showing six out back.

MR. TURNER: I forgot to count the bench-seat wraparound. So 20 in the dining room and eight in the back.

I notice a screen wall at the main entry. There's no vestibule.

MR. MURRAY: We are constructing -- incorporated into the bench there is a screen wall to help sort of reduce the impact of principally cold weather when that door is open. So that screen is coming vertically off the back of the bench up eight feet and then will be tied into the wall.

MR. TURNER: Define screen wall. I'm

just concerned because we can't obstruct any egress with like curtains and screens and things.

MR. MURRAY: As you walk in the front door running approximately five feet into the doorway is a kneewall rising about 42 inches or so, and that kneewall is both -- it's a kneewall on that side, the entrance and the exit, but on the other side it's the back of what would be a customer bench, a banquette.

Then rising from approximately 42 inches up to approximately 80 inches, which is the same height as a door, is a translucent and transparent screen, for lack of a better word, to block that weather. It is nothing substantial in the way of construction, probably not more than three-quarters of an inch thick, comprised of bamboo ply. It will have a clear pane in it so that when you're coming in the exit you can see into the restaurant, and from the restaurant, you can see into that little entranceway. It's an architectural detail. Its primary function is to deflect or defer the weather.

MR. BENZEN: I would guess Deputy, your concern would be more that there's nothing actually blocking the actual egress; correct?

MR. TURNER: You cannot obstruct, so that varies in interpretation.

MR. MURRAY: Would it be okay to -- I don't want to assume anything, but what I'm asking you is, this width between the wall and this proposed kneewall, I believe that that width is 36 or 30 inches. Does code call for a wider clearance than that?

MR. TURNER: It's not the width I'm concerned about. Again, you're putting an obstruction in an egress access. Why don't we do this: Before you build it we're going to have to get an opinion from the Building officials and the Fire officials, so it's certainly contingent upon -- well, you're not under a building permit; no, yes?

MR. MURRAY: Not right now. What I can do is I'm with my architect on Thursday and he and I can walk down and speak with David Grogan and

whoever else you suggest we talk with about this. We'll address it properly.

MR. TURNER: You would need to speak with -- Fire and Building has to review that for approval before you go ahead and put it up.

I have no objection to approving this pending a review of his proposed screen wall at the entrance.

MS. LINT: As well as the BZA approval.

MR. SCALI: I have a clarification. It's 20 seats inside and six outside.

MR. MURRAY: That's an exchange. We're looking for 26 or 28 inside, and then during the months in which you permit outdoor seats, it would be an exchange. So we would pull the five or six seats from inside and put them out.

MR. SCALI: So total 28 inside?

MR. MURRAY: Yes.

MR. SCALI: And then in the seasonal weather, six outside.

MR. MURRAY: Let's say eight.

We would take eight from --

MR. SCALI: Your plan shows six.

MR. MURRAY: Excuse me, six. Sorry, that's right.

MR. SCALI: If you want to amend the plan, you can.

MR. BENZEN: We also want to be clear that on the right side they're also proposing six stools along the right wall. If you count the seating, it's actually 20.

MR. SCALI: Along the right-hand wall?

MR. BENZEN: Along the right wall there's going to be an additional six stools and somehow they have to squeeze another two seats.

MR. SCALI: I don't see where the stools are.

MR. MURRAY: Mr. Scali, can I address this? May I ask, would it be possible for us to operate with a total -- assuming you allow this -- 28 seats inside, and then for the months we operate the patio, can we add seats for the patio keeping 28 inside?

MR. SCALI: What did the BZA approve you for?

MR. MURRAY: Twenty-eight.

MR. SCALI: That's what it is unless you want to go back to the BZA.

MR. MURRAY: We can do that at a later date.

MR. SCALI: So 28 seats total.

MR. MURRAY: Twenty-eight total.

MR. BENZEN: There are only 20 showing here but they're proposing to put six stools along the right side.

MR. MURRAY: Five stools.

MR. SCALI: Would you do me a favor and redo your plan for us? For us to write on it is not going to be helpful.

MR. MURRAY: Part of the sign-off that he's requesting we do is we'll have a proper seating chart with the floor plan. I apologize for not having that tonight.

MR. SCALI: Let's have a proper plan that lays it all out without my drawing all over it

and making it look terrible.

MR. TURNER: The drawing should show the proposed screen wall actually going across so that it would get noticed by the proper people that approve that.

MR. MURRAY: Sure.

MR. TURNER: Thank you.

MR. SCALI: Anybody from the public want to be heard on this matter? I see a hand. Sir, why don't you come forward. Good evening. Come right over here if you would and have a seat. Just tell us your name and your address please.

MR. O'DONNELL: My name is Tim O'Donnell and I'm at 3 Dana Street. We're the abutters.

MR. SCALI: Tell us what you want us to know.

MR. O'DONNELL: I'm on the Board of Trustees for the condo association so they asked me to come down and ask a few questions. One of the questions was about alcohol. I notice it does say, "allows food and non-alcoholic beverages." So we

wanted to be sure that's in stone.

MR. SCALI: No alcohol, unless they come back and apply in the future but that would be another hearing.

MR. O'DONNELL: We'd get another notice and we could cry about it then.

The second question was about the entertainment. I'm assuming the entertainment license applies to exactly what it says, just to be able to put in a TV. It won't be live loud entertainment?

MR. SCALI: No. One TV, radio, and the iPod digital media just to plug into the --

MR. MURRAY: The iPod plugs into the stereo. It's just a digital version of CDs and tapes.

MR. O'DONNELL: So that answers two questions.

My third concern was trash. I heard what you said about recycling and all this other stuff, but in the past when the Friendly Eating Place was there we did have issues with their

dumpster. We had rats. We had the City after us because of rats, because of the dumpster, because of the Friendly Eating Place, blah, blah, blah. So I wanted to be really clear that that is a concern of ours. It seems like this is what you do: you're into recycling so I'm assuming you don't want rats either.

MR. MURRAY: That's right.

MR. O'DONNELL: My last issue was I just discovered sitting here listening to this that there will be outside seating, and I don't quite understand where exactly that is.

MR. SCALI: From the plan he can show you, in the back.

MR. MURRAY: There's two spaces which abut the rear door of the building. So this is Dana and this is Mass. Avenue.

MR. O'DONNELL: And this is the parking lot right now.

MR. MURRAY: Correct. We have these two spaces, which our plan is to basically take the gravel that this whole lot is comprised of and

we're going to put brick pavers in the first two spaces, which are ours. And this is going to be utilized in such a way that during the winter months when we're not using the patio, we can still park our cars, and in and out all day. Then as we're permitted to put these seats outside, we'll just literally put the tables and chairs on that same surface and not park there.

MR. O'DONNELL: So it's going to be two of the spaces?

MR. MURRAY: Two of the spaces and we're looking to put three tables out there during the summer months.

MR. O'DONNELL: That may be an issue. I don't know, because people live right there. Literally their windows are right there in front of the building.

MR. MURRAY: The lot is 100 feet deep from Mass. Avenue, and the building is 40 feet from Mass. Avenue to where this proposed patio area is. So we're still 50 feet from your building where these tables and chairs are.

MR. O'DONNELL: So that's the legal limit; 50 feet from our building you can do an outdoor patio?

MR. SCALI: There's no limitation. It depends on what we feel is appropriate, reasonable, and safe. Obviously the question is your concern about noise, and people talking, and are you going to smell food.

MR. O'DONNELL: Right, there's neighbors with kids who sleep and all that.

MR. SCALI: So how close are you to their windows? Is there any screening? Are you going to be doing any kind of filtering?

MR. MURRAY: I would suggest that we are at a minimum 50 feet from the property that's in question. Then there's a row of bushes and whatnot that block the parking lot from that building that act as a bit of a screen. Even though we're abutters, that proposed patio space is pretty far away from their building. So I don't think that conversation level speaking is going to disrupt them because you're so far away.

MR. SCALI: You'd be surprised.

MR. MURRAY: We certainly know that there are people who can be quite loud and we will certainly manage that noise level quite vigorously because we don't want to have problems with our neighbors. We're not a bar. We're not something that expects to be full close to closing time.

We've run a business down the street for 11 years and we don't have any similar problems and have some outdoor seating.

MR. SCALI: Why don't you tell us which that is?

MR. MURRAY: We've been down the street at 1154 Mass. Avenue at Le Creperie for 11 years operating in the neighborhood with nothing but wonderful things to be said about us. So we certainly understand.

We also live and work in Cambridge, and we know what kind of community it is. As a result of being close to home, we don't want to do anything to offend our neighbors because we're there for such a long run. We will work very

closely with them on controlling that.

If it's necessary to curb the outdoor seating times if noise is a factor, we would certainly be happy to consider shutting down the patio a little bit earlier as we approach closing time, if it becomes an issue.

MR. O'DONNELL: I'll bring that back to my people.

MR. SCALI: Your board didn't understand that there was going to be outside seats?

MR. O'DONNELL: It wasn't in the notice.

MR. SCALI: That's true.

MR. O'DONNELL: So this is kind of one of the issues we'd be concerned about.

MR. MURRAY: Would you comfortable with what I've proposed or suggested?

MR. O'DONNELL: I would have to bring it back to other people because I can only speak to the issues that were addressed to me, and there's 22 units of people. I happen to live on the other

side of the building where you folks wouldn't personally bother me, but there are people on the opposite side who it may.

MR. MURRAY: How many apartments are abutting us on that side of the building?

MR. O'DONNELL: I think it's six and there are kids in there. It may not be an issue. That's why I say I don't know because a lot of people use air conditioners all summer long. I don't know. So I would have to bring it back to them.

MR. MURRAY: We're not playing music or entertainment outside.

MR. O'DONNELL: That's good to know.

MR. BENZEN: I was just going to suggest that maybe Jimmy get together with the other members of the condo association, and maybe discuss some type of a resolution that's convenient for them and won't disrupt.

MR. SCALI: We always recommend that you go and meet with your abutters, and particularly a condo association. It's always a

good thing to do ahead of time. It might be helpful for you to come up with a plan that looks like there's some kind of greenery or fencing or something that may make it look or feel that there's not so much disruption. It may not be disruptive at all, I'm not sure, but turning a parking lot into a patio is not that easy without some design to it.

MR. MURRAY: Yes, certainly. And we have designed it. There actually is some sort of a low foundation wall because this is not a level lot. So it would certainly be easy and possible for us to construct some sort of temporary screen to help with that.

MR. BENZEN: Or maybe just plant some bamboo that's consistent with the concept.

MR. SCALI: Maybe. I think he needs to go back to his condo association and tell them what your ideas were. What's your timeline on this? What's your plan?

MR. MURRAY: We expect to open Valentine's Day.

MR. SCALI: Any other questions you had, Mr. O'Donnell?

MR. O'DONNELL: I don't think so.

MR. SCALI: Just the patio is your issue at this point.

MR. O'DONNELL: Yes. The other issues seemed to have been addressed. And this may not be an issue, but I don't want to say that until I talk to the other folks who may have a concern, because I have to represent my people.

MR. MURRAY: Fair enough.

MR. SCALI: I'm going to suggest we continue it to give you an opportunity to go back to your condo board, for you to submit a new plan showing all the right seats, and the patio seats and what it might look like. I know you're planning on Valentine's Day but our next hearing is not until January 5.

MR. MURRAY: I'd rather take out the seats and come back for them, because based on some business things going on with the financial side of things, that would hurt us. So what I would ask,

if that's the issue, is to take the patio out and we'll come back for permission to do outdoor seats.

MR. BENZEN: Commissioner, as you know, this is a very tough economy right now, and the both of them are taking some serious risk right now. So it would be very difficult for them to walk away from this meeting without a decision by this Board.

MR. SCALI: You're always welcome to come back for the patio, but I would suggest you go and talk to your neighbors first before you come back.

MR. MURRAY: Of course.

MR. SCALI: We don't want to discourage outdoor seating, it's just that it needs to be done properly.

MR. MURRAY: And that makes sense to me. And considering that they were sort of not aware -- we sent a notice with our note -- and that's reasonable. So what we would ask us to simply get a decision tonight and come back for the patio issue at a later date.

MR. O'DONNELL: Just to interject quickly, we're very -- I mean most of the people in my building were very excited about the idea. The menu looks like fun, so in that sense we're very supportive.

MR. SCALI: Better than an empty building there; that's for sure.

MR. O'DONNELL: It's been there for quite a while.

MR. SCALI: Pleasure of the Commissioners?

MR. HAAS: So what you're proposing then is to temporarily remove the outside seating?

MR. MURRAY: Yes.

MR. SCALI: Would you have the revised drawings in time for our next decision meeting.

MR. MURRAY: That would be easy. I could provide those this week, actually.

MR. SCALI: We meet the 16th to vote at 10:00 a.m.

MR. HAAS: Unless you can get this resolved with the neighbors.

MR. MURRAY: That's what I'm hoping to be able to do actually, between now and when you make your decision is to speak with them. If for some reason we can't resolve this outdoor patio issue, then we would ask for this to be provisional.

MR. HAAS: So I'd make a motion to take this under advisement.

MR. SCALI: Motion to take the matter under advisement. Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MR. SCALI: We meet December 16, which is a Wednesday morning right here. We have another very big hearing going on at that same time at 10:00 a.m. We probably won't get to this until about 11:00 a.m. or a little later.

If you can come up with a solution and a plan before that, bring it Mrs. Lint. If you can come up with a solution with the neighbors before

then, you may want to notify Mrs. Lint of that and that would be fine. If not, then we'll just take your suggestion and take out the patio seats until you come up with a plan.

MR. MURRAY: Fair enough.

MR. SCALI: Thank you.

MR. BENZEN: Thank you, Mr. Chairman.

MS. LINT: Application: Coleman Murray, Inc. d/b/a The Field, Jerry Coleman, Manager, holder of an All Alcoholic Beverages as a Restaurant license, 2:00 a.m. closing, at 20-24 Prospect Street has applied for a change in premises description to include seasonal outdoor seating on public patio with service of food and alcohol for six tables and 24 seats.

Do you have the abutter notifications?

MR. RAFFERTY: Do you have the abutter notifications?

MR. COLEMAN: I don't have them with me, no.

MR. RAFFERTY: We'll need to file those tomorrow, apparently. You know, the green cards that you mailed out?

MR. COLEMAN: Yeah.

MR. SCALI: Did you notify abutters?

MR. SCHAFER: Did you do that?

MR. SCALI: It seems like everyone is asking everybody else. Mr. Rafferty should know.

MR. RAFFERTY: Sometimes you come out

of the bullpen late in the game.

MR. SCALI: Do you know if --

MR. SCHAFER: I did not do that, and if the owner did not do it, then it did not occur.

MR. SCALI: Then we have a problem. That's a problem because abutter notifications are required, particularly with the alcoholic beverages.

MR. COLEMAN: Of course.

MR. SCALI: Say your name for the record please.

MR. SCHAFER: William Schafer, architect for the project.

MR. COLEMAN: Jerry Coleman.

MR. RAFFERTY: Rafferty, R-A-F-F-E-R-T-Y.

MR. SCALI: If we don't have abutter notifications, we need to re-advertise and re-hear. Just while you are here, as a consideration, I know that Public Works has been out there. They measured, they looked at it. I know you changed it

from the wall to the curb. I've been by there a number of times. I'm all for patio seats, don't get me wrong. Mrs. Lint and I were talking about being really really concerned about traffic on Prospect Street, and people sitting on the edge of the curb. If you move your elbow out over the edge of that patio and a car comes by and clips you. . . I'm just a little worried; that's all.

MR. COLEMAN: There's a bicycle lane there. That's the start of a -- I don't know the exact distance of it.

MR. RAFFERTY: It comes out three feet.

MR. COLEMAN: So they extended the sidewalk four feet and then there's the three feet added onto that. Then they reduced the -- it used to be a three-lane and they've reduced it to two lanes, which is comparatively slowed.

MR. SCALI: So you feel confident that this is going to be safe.

MR. COLEMAN: Yeah. Definitely with the buffer zone from the bicycle lane. I mean I

definitely would see your issue with it if the cars were --

MR. SCALI: If somebody put their arm out or --

MR. COLEMAN: Oh, no. But it's --

MR. SCALI: Quick service right from the curb.

MR. RAFFERTY: The DPW is mindful of that too, because I did speak to the DPW. I think they feel the bicycle lane creates the buffer that is ordinarily provided by the parked cars. That issue did come up.

It was a case of -- as you know in the initial filing, it seemed having it up against the building might be safer in terms of the patrons, but DPW felt that having an uninterrupted path along the face of the building was actually better for the pedestrians, so it was changed.

MR. SCALI: Then why don't we continue this for re-advertisement.

MS. LINT: We have a deadline tomorrow to get it on the 5th.

MR. SCALI: Maybe we can get it into the paper before then, get it into the paper for the 5th before the deadline. If you would contact Mr. O'Neil tomorrow and make sure he gets in the paper for you for January 5. Or, if you'd like it January 19, it's up to you.

MR. RAFFERTY: Tomorrow is your filing deadline; right?

MR. SCALI: Yes.

MR. RAFFERTY: I'm going to be seeing him anyhow. I can mention it to him if he wouldn't mind to re-advertise it.

MR. SCALI: Thank you very much.

MR. HAAS: Do we need to make a motion?

MR. SCALI: Motion to re-advertise.

MR. HAAS: A motion to continue; right?

MR. SCALI: Motion to continue, yes.
Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Mr. Rafferty is waiting with --

MR. RAFFERTY: Ms. Endyke.

MR. SCALI: With Hoffa's. Let's take that next.

MR. RAFFERTY: Attorney Endyke, in chatting with her I discovered her mother and I were classmates at New England School of Law 25 years ago. So you can imagine I'm feeling a bit old when my classmate's daughters are now appearing.

MS. LINT: Should I make you feel better and say that Richard and I graduated from New England several years before you?

MR. RAFFERTY: I was mentioning how much older you two were than me, but I forgot they were also fellow alums.

MR. SCALI: This is not on the agenda. This is with regard to -- you were noticed to appear but we didn't put it on our agenda.

MS. LINT: It was in the decision letter from the last extension.

MR. SCALI: So this is with regards to Hoffa's?

MS. ENDYKE: Hoffa's, yes. The license has been in inactive status for some time now. We are anticipating going into the revamped Chili's building which is where Mr. Rafferty comes in. We were just informed by Bullfinch, who's doing the construction, that we're not going to have the opportunity to do that because of hiccups in their construction plan.

So my client now would like me to ask the Board for a further extension to find a buyer for the license.

MR. SCALI: So there's no intention to reopen?

MS. ENDYKE: No.

MR. RAFFERTY: Mr. Scali, I represent the property owner and as I mentioned last time, there was a complete re-development of this site along with the adjacent Conductor's Building of the T. The new building was designed to have a ground-floor restaurant and the plan was to allow Hoffa's

to have an opportunity to return. But it's become clear that in the near-term there is not going to be any definite start on this project due to the general economic conditions.

Bullfinch informed the Hoffa's recently that given the uncertainty they -- they'd still love to do the project, and perhaps hope to be able to do it someday -- no longer thinks it's fair to hold out the opportunity that they could come back. So we've informed them that the project, the redevelopment project has gone from being uncertain start to an unlikely start in the near-term.

As a result, we understand that Hoffa's has yet to go out and actively market, which they had not been doing it was my understanding, prior to this point, because we felt the opportunity was and we were working cooperatively, because we would like to see the license back in the building. It was a nice feature of the building but it doesn't appear in the near-term that we'll be seeing a new building

there.

MR. SCALI: There are a few people looking for licenses out there, particularly one Kendall Square is asking for a brand-new, very large license for that complex, which we have taken under advisement and have not voted on at all yet. So if we know that you're selling --

MS. ENDYKE: I don't know where the information comes from that prospective buyers find holders names, but my law firm once in a while gets phone calls from certain individuals looking for a license.

MR. SCALI: We provide that to people. We have an inactive list and Mr. O'Neil will give it to anybody asking.

MS. ENDYKE: So you can tell One Kendall Square that they can contact me and I can help with that.

MR. HAAS: How many seats are associated with the license?

MS. ENDYKE: It's big.

MR. RAFFERTY: Close to 200 would be

my guess.

MR. SCALI: Just about what they would be looking for.

MS. ENDYKE: Is One Kendall the new building that has like a double-feature restaurant, like half upscale and half pizza?

MS. LINT: No.

MR. SCALI: It's where the cinema is down there in One Kendall Square. Pompanoosuc Mills furniture store is gone and the landlord there is looking for a new restaurant license for that location. Along with the space where Shine used to be, they have a proposed tenant that's going in there as well.

MS. LINT: It's where the Blue Room is and Tommy Doyle's, Friendly Toast.

MR. RAFFERTY: It just so happens that I represent the landlord down there as well, so I think what the landlord was looking for was the opportunity for a licensee to emerge. So if someone came along that wanted to acquire this license, and the policy was amended and we could

put another license in there, it would seem that it might satisfy a lot of interests.

MR. SCALI: There would be a lot of happy people.

MS. ENDYKE: I think so.

MR. SCALI: We're looking for six months?

MS. ENDYKE: Yeah. I don't think we should need any more than that. There's high demand.

MR. SCALI: Pleasure of the Commissioners?

MR. HAAS: Motion to approve six month extension on inactivity of the license.

MR. SCALI: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MS. LINT: Application: Bachir Sassine, Hackney No. 28839, is appealing the decision made on November 18, 2009 by the Executive Officer, Elizabeth Lint, upholding Officer Szeto's fine issued to Mr. Sassine for refusing a fare.

MR. BACHIR SASSINE: Good evening ladies and gentlemen.

MR. SCALI: Good evening. Just tell us who you are for the record, please.

MR. BACHIR SASSINE: Bachir Sassine, I drive taxi, part-time job.

OFFICER SZETO: Benny Szeto, Cambridge Police officer.

MR. SCALI: Officer Szeto and the other Mr. Sassine is back there, Mr. Amir Sassine.

MR. BACHIR SASSINE: He's the owner of the cab.

MR. SCALI: Which is your brother; right?

MR. BACHIR SASSINE: Yes.

MR. SCALI: We'll start with Officer Szeto.

OFFICER SZETO: I received a complaint on July 9, 2009. The complaint was a fare refusal on Ambassador Brattle Medallion No. 144. The complainant states that he refused to take him from the Galleria Mall to the Marriott Hotel.

Once I received that complaint, I believe the time was approximately close to 5:00 p.m. on that day, I contacted the Ambassador dispatcher to have the cab call me so I could speak to him about the complaint. He finally called me back, I want to see maybe 10 or 15 minutes later, approximately. I asked him what happened. He told me that the reason why he refused the fare was he already had a fare already.

He said the fare was a painter who was doing work around the Sonesta Hotel, and his car had gotten towed to Western Ave., the two company on Western Avenue, Stadium Autobody in Allston. He said that he already placed his tool in the trunk and that he was just outside his cab talking on the cell phone.

MR. SCALI: Mr. Sassine was outside?

OFFICER SZETO: No, the painter himself. That's his story.

So I talked to the driver who had taken the person that Mr. Bachir had refused, who was right behind --

MR. SCALI: Second in line.

OFFICER SZETO: Yes. I asked if he observed anybody entering the cab or making any contact with Mr. Sassine. He said no, he didn't witness anything, no one placing any items. Because I assumed -- he said he placed his paint brushes --

MR. SASSINE: He have a bag that he put in the car because the reason is his car been towed, his truck or van. I'm not sure. He had a Ford 350.

MR. SCALI: Let's have Officer Szeto finish and then you can tell your whole story.

OFFICER SZETO: So I talked to the driver who was right behind him and he didn't observe anyone or anyone on the side that was talking on the phone. I also called Stadium

Autobody and asked them if they had towed the car in the area of the Sonesta Hotel in Cambridge. He couldn't tell me that without a plate number because they deal with so many tows I guess, and everything is entered by plate.

Finally, I went over to Ambassador Brattle, the dispatch area because I know that they do have a GPS. I guess it operates when they turn the meter on; it activates the GPS. So I gave him the time and according to their computer, the GPS, at the time in question he did leave the Galleria Mall, but went up Memorial Drive to the Charles Hotel, and nowhere during that time was he even in Boston or in Allston where supposedly he took this fare.

MR. SCALI: And the GPS system, is that accurate that they can remember and track back to that date?

OFFICER SZETO: Yeah. On that day I guess it gets -- every 30 seconds I guess it gets repositioned. I believe that's how it works.

MR. SCALI: SO they have some kind of

a record from that day?

OFFICER SZETO: Yeah, on that day when I went -- I don't know if he still has it now, but on that day in question, when I went that night --

MR. SCALI: It shows where he went?

OFFICER SZETO: Yes. It showed from the Galleria Mall to the Charles Hotel, up Memorial Drive.

MR. SCALI: So he didn't go to the tow?

OFFICER SZETO: No. During that time in question, no. I believe I had it checked from 4:30 to 5:30 p.m. just to cover that time zone.

MR. SCALI: You talked to Mr. Sassine after that or before that?

OFFICER SZETO: I spoke to him for his story first, and these are the things I did to investigate. The outcome was that his story didn't match what I found so that's why I fined him.

MR. SCALI: What did you fine him?

OFFICER SZETO: I fined him the \$300, which is the maximum.

MR. SCALI: What's his past record?

OFFICER SZETO: The only thing I have on him is that I guess he's been fighting with another driver. I told him to stay away. I guess they've been going back and forth. But the driver that he's been having problems with is no longer with Cambridge.

MR. SCALI: Was he fined or something for that? Was he given some kind of a penalty?

OFFICER SZETO: They had gone to court and I guess they're still going to court for it; right? I don't know.

MR. SASSINE: Yes, assault. He assaulted me physically and sent me to the emergency room.

OFFICER SZETO: And this was going to court so I didn't know what the outcome was.

MR. SCALI: So you took no action on that?

OFFICER SZETO: No. I was going to take action after --

MR. SCALI: After the assault case?

OFFICER SZETO: Exactly. I think it's
Said Corey, he's no longer driving. He sold the
medallion.

MR. SCALI: That's not before us.
I just wanted to know if there was some action he
took on the report.

MR. SASSINE: No, they never -- that's
why I have a problem with him about that too,
because he didn't do his job.

MR. SCALI: That's not before us right
now.

So you fined him \$300?

OFFICER SZETO: Yes.

MR. SCALI: He appealed?

MR. SASSINE: He appealed before
Elizabeth Lint.

MR. SCALI: And Mrs. Lint, you upheld
the decision?

MS. LINT: I did. In addition to what
Officer Szeto had done, Mr. Sassine also provided
his phone records. Officer Szeto, at the hearing
that I had, had stated that he received the

complaint at 5:00 and that he contacted Mr. Sassine shortly after that. Mr. Sassine's phone records indicate that that's exactly right. So there was about a 20 minute timeframe between when the complaint came in and when Officer Szeto spoke with Mr. Sassine, which really corroborated what his findings were.

MR. SCALI: Why did he provide the phone records to you?

MR. SASSINE: Because he requested them.

OFFICER SZETO: It was during the hearing that we had before Elizabeth. He was telling me that this happened around 4:00 p.m.

MR. SASSINE: At 4:32, I called my brother and asked him where is Stadium Autobody, and I have a record I called my brother for three minutes. Because I'm a new driver, sometime I ask -- like I thought Stadium Autobody is a tow company? I think it's a body shop, and he told me it was on Western Avenue.

MR. SCALI: So you provided the phone

records. We'll get more from you.

Is there anything else you wanted to say?

MS. LINT: The bottom line is that there was absolutely no evidence that he went to Stadium Autobody from the GPS; and that the time that the complaint came in was very consistent with what Officer Szeto determined from his investigation.

MR. SCALI: Questions of Officer Szeto?

MR. HAAS: Officer Szeto, when you spoke to the complainant what did he tell you was the driver's reason for not giving him a ride?

OFFICER SZETO: They said there was no reason. From what I remember, he said "Can you take me to the Marriott?" And if I remember, he said no. There was no reason given.

MR. SASSINE: I said I had a fare.

OFFICER SZETO: That's not what was told to me.

MR. SCALI: This is the customer?

OFFICER SZETO: Yeah.

MR. HAAS: The customer that brought the complaint.

So at that point I guess, the customer then went to the second cab?

OFFICER SZETO: Yes, who was just behind.

MR. BACHIR SASSINE: I sent him to the second cab because I have fare already. I told him to take another cab because I have a fare.

MR. HAAS: No more questions.

MR. TURNER: No questions.

MR. SCALI: Thank you very much, Officer Szeto. Don't go away.

Mr. Sassine, now you have an opportunity to tell us whatever you want us to know.

MR. BACHIR SASSINE: So basically the GPS at Ambassador never acted right. Because sometime he tell us where are you? We tell him where we are, and he say no, you're not there. I have bad connection and I have it proof here in my

phone.

Second, the phone line when he requested, my brother -- I call my brother where Stadium Autobody was, 432, and I stop and he told me Western Avenue. Memorial, Western Avenue, sometime when you go over the bridge, on the water we lose the reception, sometimes it's the cell phone that loses the reception.

MR. SCALI: Let's start from the beginning. You're the first cab in line at the mall?

MR. BACHIRE SASSINE: Galleria Mall, yes.

MR. SCALI: The customer comes up to you and what does he say?

MR. SASSINE: He tell me, do you know where is Stadium Autobody? I say I'll take you there. I say one second, I call my brother.

MR. SCALI: This is the other customer, not the customer that -- this is the first customer?

MR. SASSINE: The first customer.

He put his tools -- he have hand tools, and he use the phone. It was his wife. He said do you know if Stadium Autobody take credit? I said I don't know -- because my car been towed there. He had a Ford 350 but I don't know if a van or a truck, not sure. I think it's a truck because we was talking on our way, and he was -- in the winter I ask how was business. He said he plow in the winter.

MR. SCALI: So you had this whole conversation with this gentleman while he was standing there on the stand?

MR. BACHI SASSINE: Yeah, we was talking. He was upset because his car had been towed from next to the Galleria Mall, Cambridge Parkway. The reason the officer can't get a record is because this is a State road and the State Police towed it.

MR. SCALI: So the guy tells you this, allegedly, and he puts his toolbox in your trunk?

MR. BACHIR SASSINE: Yes.

MR. SCALI: Did anyone see the toolbox?

MR. BACHIR SASSINE: I have the 112 driver, Nicholas Nicholas, who was third guy in the line, and I have a letter from him. I give it to Ms. Lint.

MR. SCALI: You gave a letter to Ms. Lint from who?

MR. BACHI SASSINE: From the Nicholas Nicholas, and I don't know if you guys contact with him.

MR. SCALI: He's another driver?

MR. BACHIR SASSINE: He's another driver who stand on the line.

MR. SCALI: Where did this gentleman go when --

MR. BACHIR SASSINE: To Stadium Autobody. I drop him off over there, I come back to Vassar, I never went to Charles Hotel.

MR. SCALI: I've lost you. He puts it in the trunk and the other customer comes up to the window?

MR. BACHIR SASSINE: Comes up to window.

MR. SCALI: Where was the first guy?
Where did he go?

MR. BACHIR SASSINE: He was on the
phone with his wife.

MR. SCALI: Standing there on the
sidewalk?

MR. BACHIR SASSINE: Outside the cab.

MR. SCALI: How come no one saw him?

MR. BACHIR SASSINE: Guys there,
people there. The guy talk o me and say can you
take me to Galleria? I say I have fare. Take
another cab. In the meantime, same time I call my
brother. I tell him where is Stadium Autobody.
I was talking to my brother, Amir, on the phone.
Sometimes I take directions from him. Because I'm
a new driver I don't know all City names but I know
location, I have GPS.

MR. SCALI: How new are you?

MR. BACHIR SASSINE: Six months.

MR. SCALI: Did you go to the taxi
school?

MR. BACHIR SASSINE: Yes.

MR. SCALI: When did you go to the taxi school?

MR. BACHIR SASSINE: Like seven, eight years ago.

MR. SCALI: So did you leave and come back or something?

MR. SCALI: No. I never drive I drive part-time once a week, once a month.

MR. SCALI: You went to school seven or eight years ago. So why are you saying you're a new driver?

MR. BACHIR SASSINE: I'm a new driver part-time. Right now, I do it because construction is slowing down. Now I have like 30 hours a week. I drive three time a day now, full-time at day. Before I wasn't driving.

MS. LINT: He got his license in 2004?

MR. BACHIR SASSINE: So you got your license in 2004?

MR. BACHIR SASSINE: Yes.

MR. SCALI: And you were driving part-time?

MR. BACHIR SASSINE: Yes, once a week I used to drive.

MR. SCALI: Now you're driving full-time for the last six months?

MR. BACHIR SASSINE: Part-time like four days a week.

MR. SCALI: So the other gentleman comes up to the window, you said you had a fare. What did you tell the customer? How come the customer didn't tell this to Officer Szeto?

MR. BACHIR SASSINE: I don't know what he told him. He have some customer come into us. We told, you take credit card, we say yes. Sometimes I have a No. 10 on the line, I take credit card, people say will you take him? Nobody take credit card and all of them Ambassador. Ambassador request take credit card. Nobody does.

MR. HAAS: How did he pay for the fare?

MR. BACHIR SASSINE: Cash.

MR. HAAS: He gave you cash?

MR. BACHIR SASSINE: Yes. I give him

blank receipt because he asked for it.

MR. SCALI: Do you have your waybill from that day?

MR. BACHIR SASSINE: No.

MR. SCALI: You don't keep a waybill?

MR. BACHIR SASSINE: No. To be honest with you, no.

MR. SCALI: That's a big violation right there. That deserves a \$300 fine right there.

MR. BACHIR SASSINE: Thank you.

MR. SCALI: That deserves a \$300 fine for no waybill.

MS. LINT: Can I add something?

MR. SCALI: Please.

MS. LINT: He just stated he didn't go to the Charles Hotel, but when he was before me he said that at first he went to Stadium Autobody and then he went to the Charles Hotel.

MR. BACHIR SASSINE: No, to Hyatt Regency. I went to the Hyatt and then when Ambassador call me --

MS. LINT: That's not what he told me.

MR. BACHIR SASSINE: -- and then Vassar, because I stop at the Hyatt to enter the bathroom. Then when Officer Benny called me, I was there.

MR. SCALI: So when the customer gets in the car with the toolbox in the back, was he with his wife?

MR. BACHIR SASSINE: No. He was alone.

MR. SCALI: Didn't you just say he was with his wife?

MR. BACHIR SASSINE: He was talking on the phone with his wife.

MR. SCALI: So you get in the cab and where did you go after that?

MR. BACHIR SASSINE: Stadium Autobody. I drop him off, he pick up his car over there.

MR. SCALI: How come Ambassador Brattle has you going to the Charles Hotel?

MR. BACHIR SASSINE: I never been in Charles Hotel. Call Ambassador Brattle if you

want. I never been in Charles Hotel. And when Officer Benny called me, he said where are you? I said I'm on Vassar.

MR. SCALI: Vassar?

MR. BACHIR SASSINE: Vassar Street. When he call me on cell phone he way where are you right now? I say I'm on Vassar Street.

OFFICER SZETO: Yeah, when I was talking to him, yeah.

MR. SCALI: But that was like an hour later; right?

MR. BACHIR SASSINE: It was like 20 minutes later, or 45 minutes later, after I dropped the customer off and whatever it takes in traffic line. I come back to the Hyatt, went to the bathroom, he called me. I have a record also -- you can get it from Ambassador. He got it from Ambassador.

OFFICER SZETO: The GPS does show from Charles, he went to Vassar Street, yes.

MR. SCALI: From the Charles Hotel to Vassar Street?

OFFICER SZETO: To Vassar Street, yes.

MR. BACHIR SASSINE: I don't think in the rush-hour I go from --

OFFICER SZETO: But it worked from that route but not the --

MR. SCALI: Not the route to Stadium Autobody.

OFFICER SZETO: Exactly; that's my point.

MR. SCALI: Mr. Amir Sassine, come up here. Is this your brother?

MR. AMIR SASSINE: Yes, unfortunately. He's my youngest brother. Good evening, Chairman.

MR. SCALI: Has he been driving for you for the last six months?

MR. AMIR SASSINE: Maybe a little bit more than that, up and down. He start part-time. He took his license but he didn't drive, you know.

MR. SCALI: You're a reasonable guy. We've known you for many many years.

MR. AMIR SASSINE: Thank you. I appreciate that. And he is, but every person deals

different with situations.

I'm here to testify in support of his opinion, number one. Number two, also about many things maybe this Board doesn't know about the GPS system that probably we work with it. Because I don't know how the GPS of the police force, how accurate it is, or the fire department is.

This particular cab, or any other cabs that we have, this system is really like -- you are welcome to ride with me and we will go to the Somerville to the intersection of Washington and McGrath Highway, and I will book myself in and the computer will have me at the Galleria zone.

MR. SCALI: So you're saying the GPS system is not accurate; it doesn't keep accurate record of where you actually are?

MR. AMIR SASSINE: I don't know what they have there in their office. I really don't know. I know my end. I will book myself in and I'm in Somerville at the intersection of Washington and McGrath Highway, and the GPS will take me that I am at the Galleria. Or some other places -- if I

am by 33 Mass. Avenue coming on Mass. Ave. Bridge, the GPS will put me I am in Boston in Zone 106.

And even inside at the front door of the Royal Sonesta Hotel, sometimes you're No. 2, you wait in line. You're coming back by the door and pop, it puts you outside the zone. Or, maybe the intersection of Mass. Ave. and Trowbridge, you know, by Putnam Ave., and the computer will keep me I am at Kendall.

MR. TURNER: So the point you are making is that if he were at Stadium Autobody, the GPS might be saying he was actually at Vassar Street?

MR. AMIR SASSINE: Yes. Or this side of the river, so I really we don't take it as -- you are welcome to ride with my cab, or any other cabs, and we will show it to you. I don't know what Ambassador does in their office. I really have no idea.

MR. SCALI: Let's assume that the GPS system was not accurate. How come the customer told Officer Szeto that he didn't see anybody?

MR. AMIR SASSINE: Probably he wasn't looking, probably he didn't see, probably the gentleman was on the phone as my brother stated. He left his stuff and he was taken.

MR. SCALI: And the driver didn't see anybody get in the cab either.

MR. AMIR SASSINE: Mr. Scali, I don't know what this driver said but probably if the job was to the airport, probably this officer never heard any phone from any customer or any driver or anything. Probably he didn't like the job, that's all; right, and he's going to blame it on somebody.

Many drivers for one reason or another, maybe -- they can claim whatever they want. Besides the 145 driver, this guy is -- if we talking about the same guy, the night driver who's after 4:00, this guy is zero credit I'll give him. The guy was flying on Western Ave., he's always under the influence. He hit the property, the house on -- he was on TV.

MR. SCALI: Who is this?

MR. AMIR SASSINE: I don't know.

The guy -- he totaled the car. The 145 was totaled about a week ago.

MR. SCALI: Is he the one that was in the second cab?

MR. AMIR SASSINE: Yes.

MR. SCALI: The guy behind you?

MR. BACHIR SASSINE: Yes.

MR. AMIR SASSINE: On Western Ave., the speed limit is 25. The guy totaled the car. He hit the house there at the intersection.

MR. SCALI: We can't prove that.

MR. AMIR SASSINE: I know, I know. But as I see this story, my brother said the other driver say something and he's not here to testify also. I don't know who filed the complaint, the passenger or the driver.

MS. LINT: The passenger.

OFFICER SZETO: The passenger called while he --

MR. AMIR SASSINE: While he's in the cab. So the driver told him to call because he didn't like the destination. If it was Logan, then

nobody will hear about anything else.

MR. SCALI: The truth of the matter is you know that your brother should have said, if he had a fare, he should have explained to the passenger very clearly, I have another passenger. This gentleman just got in. I'm sorry ma'am or sir. Please take the next cab. I'm waiting for my passenger. Obviously he didn't do that because the passenger was upset enough to call our office.

MR. AMIR SASSINE: Maybe he did not explain to him. Besides, let's also -- if this is the case, okay, he miscommunicated or he didn't represent himself well, that's true, but there's no harm to the public. The passenger took a fare. He didn't tell him I'm not taking you because you're not going far, he told him I have a fare. I'm mean, it's one of those things.

I've been training him more and more about how to communicate. I can tell you 100 stories about how the passengers say something to me or claim something and it's not the case.

MR. SCALI: You and I both know --

you've been around a long time, Mr. Sassine. You drive one of our handicapped vans.

MR. AMIR SASSINE: I have the hybrids. I have three hybrids.

MR. SCALI: So you know that customer service is number one. The main problem that Officer Szeto had with this was because this customer felt they were being refused because it was a short fare. and that's what we're trying to prevent is people being refused.

MR. AMIR SASSINE: Let me remind this Board also that people from this office, from the Inspection Service, they came out and road with him, and there's no complaint directly. And that's what happened.

MR. SCALI: Do we have questions, Commissioners?

MR. HAAS: No.

MR. TURNER: No.

This is technically a first offense; am I right, Officer Szeto?

OFFICER SZETO: Yes, that I've gotten

on him for a short fare refusal.

MR. SCALI: Is there anything else you want us to know?

MR. AMIR SASSINE: That's it.

MR. SCALI: So you're vouching for this guy? You're vouching for him and you're telling us he's good driver?

MR. AMIR SASSINE: He's a good guy. He could be a better driver with training. I guarantee he will be a good driver. I have seen a lot of stuff out there. I never report a driver that he did that. I always teach all the new drivers how to do well, how to behave, and explain stuff to them. I don't know the reason.

MR. BACHIR SASSINE: This is connection for the radio system in the car. When we lose the reception, we lose the reception.

MR. SCALI: I wish I knew more about the technicalities of your --

MR. BACHIR SASSINE: I take a picture and I show it to you, if you want to read it.

MR. AMIR SASSINE: So that's what I'm

trying to say. I'm saying that's the situation: one driver saying something, my brother is saying something else. There's no harm to the customer on the back. He took another cab.

When we get to the cab stand let's say, and it's raining and showing and we have a short fare coming, I'll take the short fare and take the next one in line. We love shorter jobs especially. You know, we double up. So that's the situation.

MR. SCALI: You have great customer service. I know you do because I know you've been around for a while, but I want to make sure your brother has just as good customer service.

MR. AMIR SASSINE: I'm teaching him and all my other drivers, too. I tell them any problems to call. I tell them that there are other issues involved. There's no proof really that my brother's story is not true. Probably he didn't tell the customer; that's fine. I don't know why the other driver, the 145, made him really call. If my customer in my cab say the first guy not

taking me, I say I really don't know the reason. I'll take you. Let's go.

Or, Officer Szeto would know, he came to me once maybe five or six years ago, he may not remember, one driver at the Marriott that didn't take the fare. The Marriott doorman came and they called this office, and Officer Szeto came to the cab stand. I told him I'll take him but I'm not going to take the customer unless the first cab leaves. He would leave empty and then I'll take the customer. I don't care if it's the Galleria, I'll take him. And this is what happened.

So even shorter jobs, I mean I could have done like many other drivers. They see somebody coming -- I've seen it every day. There is a lady that goes to North Station from the Residence Inn. Many drivers, she walks up to them and they leave empty. I never called anybody on this. I've seen it 100 times. I'll take the lady to North Station.

MR. SCALI: I'm not worried about you because I know how you operate. I've seen you

operate. I'm worried about him at this point in time. He's a new driver, kind of, but not really because he's been around for five or six years. So he's not really new.

MR. AMIR SASSINE: But he wasn't driving full-time. We teach him the right way. He has no prior complaints, as you know. He has some personal issues and other things but that's another issue. So it's a story about he said, the other driver said. I respect what the decision is, and even if I don't agree with it. If you really want to ask me how we deal with those situations, I would love to see the officers on the cab stands so many of those drivers -- you know -- will be --

MR. SCALI: They can't be there 24 hours a day.

MR. AMIR SASSINE: I'm not saying he's not doing his job. I'm just saying I would love to see more officers there in the rush hour so those bad drivers who have been like 15, 20 years, they would straighten out pretty well. That's the situation. This guy says -- there's no harm to

that passenger. He took a cab right away.

MR. SCALI: If the customer is somehow insulted in some way, that's an issue. If they feel offended or they feel they were not given the right information, that's an issue.

MR. AMIR SASSINE: We get insulted once a week and we have no place to -- it's a one-way street. We have no -

MR. BACHIR SASSINE: Some people never pay us, people spit in my face.

MR. SCALI: Customer is number one.

MR. AMIR SASSINE: This is what we're trying to do. He takes credit card.

MR. SCALI: Your take credit cards?

MR. BACHIR SASSINE: Yeah, five dollars sometimes. And office Ambassador yell at me why I'm taking \$5.00 credit card. We have an issue with him for a \$15.00 credit card. Do you remember this story? A lady called. I tell her --

MR. SCALI: All right.

MR. AMIR SASSINE: I don't know your job. Maybe you can put him on probation.

MR. SCALI: We vote. So we'll discuss it and decide.

MR. HAAS: Why didn't your brother keep a record of his fares?

MR. AMIR SASSINE: Honestly nobody in this industry that I know does keep records. I'll swear on the Bible right in front of you that I haven't seen any person.

MR. SCALI: There are plenty of people with waybills.

MR. AMIR SASSINE: That's not the accurate waybill, Mr. Scali. They have it once a week. It's right there.

MR. SCALI: The waybill protects you as well as the customer. You can prove then where you were. You keep an accurate record.

MR. AMIR SASSINE: Now, with the GPS they can know what time they turn on the meter, turn off the meter, but they may not -

MS. LINT: But that doesn't work.

MR. SCALI: It's not accurate, you told me.

MR. AMIR SASSINE: It may show the time but still nobody using it because really it's useless for us.

MR. SCALI: I would have been perfectly useful tonight for you, very useful.

MR. AMIR SASSINE: No, because the driver can make whatever he wants on it. If those are rules, maybe we need a meeting to be updated.

MR. SCALI: Any questions?

MR. HAAS: No.

MR. TURNER: No.

MR. SCALI: We get the idea.

Pleasure of the Commissioners?

MR. HAAS: Take it under advisement.

MR. SCALI: Motion to take the matter under advisement. Moved.

MR. HAAS: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: We vote next Wednesday, the 16th.

MR. BACHIR SASSINE: Next Wednesday,
what happens?

MR. SCALI: We vote on the 16th of
December.

MR. SCALI: Ma'am, are you here for something?

MS. ARRUDDA: I'm here for my hearing, but I don't know if I'm in the right place for Stefani Pizzeria.

MS. LINT: You should have been here at 6:00.

MS. ARRUDDA: At 6:00, I was stuck in traffic coming from Topsfield. And I went to the big building and I was all over the place in the big building.

MR. SCALI: You didn't know where to go?

MS. ARRUDDA: No, I didn't. They told me in that building.

MR. SCALI: Are you here by yourself? Is anybody else coming with you?

MS. ARRUDDA: No, just me.

MR. SCALI: Why don't you come forward. We're going back to Page 2, first item. Dalu Arruda, d/b/a Stefani Pizzeria, 263 Brookline Street.

MS. LINT: I don't have a butter notification.

MR. SCALI: Did you notify a butters?

MS. ARRUDA: I did. I sent five.

MS. LINT: Do you have the receipts and the affidavit?

MS. ARRUDA: No. I wasn't prepared. I didn't know if I had to bring it either. But I did notify them. One from Dedham, one from Inman Square, and three others I think.

MR. SCALI: Are you Ms. Arruda?

MS. ARRUDA: Yes, I am.

MR. SCALI: Deputy Chief?

MR. TURNER: Stephani's has been there for hundreds of years.

MS. ARRUDA: For 30 years.

MR. TURNER: I'm just curious; what's the reason for this?

MS. LINT: New owner.

MR. SCALI: When did you take over?

MS. ARRUDA: On August 1.

MR. SCALI: You haven't applied for a

license since then?

MS. ARRUDA: I did not, but I brought a paper to the town allowing - the old owner allowing me to do business under his name until the sale went through and that, so they have that on file here.

MR. SCALI: You did the right thing.

MS. ARRUDA: I've been in Cambridge for a long time.

MR. SCALI: Are you changing things in any way?

MS. ARRUDA: No.

MR. SCALI: Same capacity.

MS. ARRUDA: Same capacity. I put 14 seats, from 18 to 14.

MR. SCALI: So you want to go down in seats.

MS. ARRUDA: Down, because we want to do more take-out because it's too small to have a lot of seats in there. And then I want to change my hours of operation.

MR. SCALI: Do you serve pizza at 6:00

a.m.?

MS. ARRUDA: We were going to do breakfast. The 6:00 a.m. I'm not concerned. I don't want it as much but I want the late delivery.

MR. SCALI: What time do you open?

MS. ARRUDA: 11:00.

MR. SCALI: So you do a lunch business.

MS. ARRUDA: We do lunch business.

MR. SCALI: Do you need the 6:00 a.m. now? Is that something you are going to do? If you are, tell me yes; if you're not, that's all right.

MS. LINT: I wanted to apply for inches. If you allow me to I have to?

MS. ARRUDA: I wanted to apply for it and just leave it. If you allow me to, I have to?

MR. SCALI: You'd have to do it, yes.

MS. ARRUDA: How about the late Delivery?

MR. SCALI: Let's decide on the morning hours first. What is it you are really

going to do?

MS. ARRUDA: I guess I would, yes.
Because we're there and then the shift is rolling.

MR. SCALI: So 6:00 a.m., you're going to do breakfast?

MS. ARRUDA: Right, so do coffee, pastries, but not a full cooked breakfast. Coffee, pastries, that sort of thing, take out.

MR. SCALI: You want to be open until 4:00 a.m. to do deliveries?

MS. ARRUDA: To do deliveries. I actually don't want people sitting there and eating, just pick ups and deliveries for that late at night.

MR. SCALI: What time will people be eating in?

MS. ARRUDA: Until 10:45; that will be the latest.

MR. SCALI: So you're going to close the seats off at 10:45, so the hours say 11:00.

MS. ARRUDA: Uh-huh. And hardly anybody is sitting there because we changed the

seating for more pick up and deliveries.

MR. SCALI: What does Stefani's do right now? What time is the closing hour?

MS. ARRUDA: 11:00.

MR. SCALI: So they close at 11:00 Now.

MS. ARRUDA: We're open 11:00 to 11:00.

MR. HAAS: What is this 6:00 to 4:00?

MR. SCALI: That's what she wants to do. They're open 11:00 to 11:00 but she wants 6:00 a.m. to 4:00 a.m.

MS. ARRUDA: Between 12:00 and 4:00, there's delivery in those hours. There's only two places that deliver late hours in Cambridge, and those hours would be very important for me, especially given the fact that the street has been closed for two months. No one can get in and out because of the construction, so we haven't really been able to do any day business right now.

MR. SCALI: Is this your first venture?

MS. ARRUDA: No. I've been in the business. I was at 918 Cambridge Street before. I was on Burkland Street before. I've been in Cambridge for a long time.

MR. SCALI: What places did you have before?

MS. ARRUDA: I had the old Savenor's Market. When they burned down, I was there. And then I was at the Kendall Café for a while. Then I had this small place on 918 Cambridge Street, and then back to Stephani's. Then I went to Stoneham, which I didn't like.

MR. SCALI: Stoneham Center?

MS. ARRUDA: Yes.

MR. SCALI: Did you do pizza there, too?

MS. ARRUDA: No pizzas there.

MR. SCALI: What did you do there?

MS. ARRUDA: Takeout sandwiches, deliveries. We just didn't do pizzas.

MR. SCALI: This is kind of a tough neighborhood, you know, because you're attached to

someone's residence right there.

MS. ARRUDA: Yeah, but the house over there is actually dangerous I feel. That house is dangerous right now. It is so old that I'm concerned it's going to catch Stefani's on fire because the building is falling apart.

MR. SCALI: Someone lives there?

MS. ARRUDA: There's an old guy that lives there. We actually saw sparkles up the top and we were concerned. The house is very old, very very old. It's falling apart.

MR. SCALI: That's not good for you. Right, Deputy Chief?

MR. TURNER: Yeah.

MS. ARRUDA: It seems like the house is abandoned but we actually saw an old gentleman going in and out.

MS. LINT: I do have an objection from an abutter which I forwarded to you.

MR. SCALI: Which is the abutter next door.

MS. LINT: 267, 269, and 271 Brookline

Street. They don't have a problem with the business being there but they think the hours should more appropriately be 10:00 a.m. to 11:00 p.m. There are tenants in the building who would be disturbed by noise, excess parking, and trash, which have been issues in the past at that location.

MS. ARRUDA: That I don't know because I'm new there, so I don't know what's been doing in the past. I know there's issues. I know at least next door to us, to the left, there's a Chinese guy who manages the property there and runs the little store on the corner. I know no matter what we do is an issue with him. I actually had to call the police a couple of times over there to help solve the issues with him.

MR. SCALI: To go from 11:00 p.m., which is when they're closing now, to 4:00 a.m. is a huge jump to the neighbors. It's a huge change. We don't really have any places that are open until 4:00 a.m. I think we have maybe the pancake house and -

MS. LINT: The Pizza Ring.

MS. ARRUDA: Chicago Pizzeria.

MR. SCALI: Chicago Pizza isn't open until 4:00, are they?

MS. ARRUDA: They're not?

MR. SCALI: Hi-Fi is open until 3:00. I have mixed feelings about a 4:00 a.m. in that particular neighborhood because it's so residential, and if you're only doing deliveries, it means the cars leaving - is the parking lot right next door? Do you have all the spaces there? How many spaces do you have?

MS. ARRUDA: No. I used to rent there. I don't rent any more. The guy is very difficult to deal with.

MR. SCALI: Where are you going to park your delivery car?

MS. ARRUDA: We usually park on the street; that's what we've been doing. I can go back to renting this space. I had so many issues with him, always so many issues with the parking over there. And if there's a new delivery that

has a different car, or if we drive a different car that day and put it there, it becomes a big issue. He doesn't speak English and it becomes chaos, and I didn't want to deal with it.

MR. SCALI: Who owns those spaces?

MS. ARRUDA: I'm not really sure but I believe it's a woman from Newton who is actually one of the abutters I sent.

MR. SCALI: I thought that there was a space that was yours at one point in time.

MS. ARRUDA: There was.

MR. SCALI: Questions?

MR. HAAS: I would agree with the Chairman that I really have some concerns about being open that late in the evening given the composition of that neighborhood and the close proximity of the housing and things like that.

MS. ARRUDA: Which houses? It doesn't seem like there are a lot of neighbors that live there.

MR. SCALI: It's very residential.

MS. ARRUDA: There's a laundromat,

and then there's the store. There's that old house that no one lives.

MR. SCALI: Would you be willing to try an hour that's earlier to see how that goes?

MS. ARRUDA: Sure.

MR. SCALI: Because I don't think 4:00 a.m. is going to be a really good thing for that neighborhood.

MS. ARRUDA: We can try earlier.

MR. SCALI: Maybe a 12:00 or a 1:00, Commissioners. I'm not sure.

MS. ARRUDA: Would you extend it until 2:00, maybe? Because the clubs are still open until 2:00 so there's a lot of walking and a lot of things going on, on that street.

MR. SCALI: The thing is that the clubs close at 2:00, which means people come down the street from 2:00 to 2:30, so if you're at 2:00, you're going to miss that crowd.

MS. LINT: That's what this abutter is most concerned about. They don't think it's appropriate with residents there, to be open at

that hour.

MR. TURNER: I thought we were closing at 11:00 to the public and then just doing delivery until 2:00.

MS. LINT: Pickup and delivery.

MR. SCALI: So people coming in and out.

MS. ARRUDA: I can just do deliveries. I don't care about even the pick up. I would just do the deliveries.

MR. SCALI: We need some time to think about it. We vote on the 16th.

MS. LINT: And we need the abutter notifications.

MR. SCALI: Make sure you did the abutter notifications. So let's take the matter under advisement, Commissioners. I'll make a motion.

MR. HAAS: Motion.

MR. SCALI: Moved, seconded. All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: We took it under advisement. We need your abutter notifications first. If you did not notify abutters, we have to start all over again.

MS. ARRUDA: I did. I did them actually - there's no more here. I actually think they might be in my car, the folder. I did notify them. I have no reason to say that I did when I didn't.

MR. SCALI: If you know you did it then that's good.

MS. ARRUDA: I went to the office next door and picked up all the information. I did send them not on the -- I know it came on Thursday I think here. I did send on Wednesday, the following Wednesday, so I was late sending it in.

MS. LINT: That's not the timeframe that you're supposed to send them.

MR. SCALI: You sent it last Wednesday?

MS. ARRUDA: Last Wednesday.

MR. SCALI: You're not going to make the timeframe on the notifications. You have to notify them within seven to ten days before the hearing. So if you notified them Wednesday, they probably got it the soonest, Thursday, Friday, Monday, Tuesday.

MS. ARRUDA: I brought in the application on the 18th, and I waited for the ad, which was on Thanksgiving Day. I was out of town on Friday, Saturday, Sunday, Monday, and when I came in, I think I picked them up on Tuesday, and I mailed them Wednesday morning.

MR. SCALI: Let's check on that when you bring it in. We'll check on the date. Mrs. Lint will look at the dates on your slips.

MS. ARRUDA: What do I do next?

MR. SCALI: To bring in the abutter notifications. We vote December 16, close to 11:00 a.m. right here in this room. You're welcome to be here. If you want to be here, you can be here. I think you might want to consider, think about your closing time being earlier than 4:00 a.m., and

think about what you really want to do. You can talk to Mrs. Lint about that and present that to us on the 16th.

MS. ARRUDA: Thank you.

MR. SCALI: Thank you.

MR. SCALI: Anything else before us,
Mrs. Lint.

MS. LINT: Ratifications: Medallions
73, 75, 5, 9, 65, 103, 175, 87, 191, 209, 12, 30,
93, 162, 118, 21, 58, and 243.

MR. SCALI: These are all refinances?

MS. LINT: Yes.

MR. SCALI: Is everything in order?

MS. LINT: Yes.

MR. SCALI: Motion to accept.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: Moved, seconded. All in
favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: Aye.

MR. SCALI: Just on the record again, I gave to you all a copy of the final draft. It's not really a final draft, it's a draft of a draft, of the curriculum for the school. We're meeting tomorrow morning at 10:00 a.m. to go over the final draft, and then our hearing is the 16th. So if you want to look at it and make comments for the 16th, you can do that by reading it, and looking at it, and making any suggestions.

I know that Mr. Ewing has talked to the Commissioner about a change of location. We went down and looked at the room. He was very happy with that suggestion, Commissioner, and I think the Board will be too.

MR. HAAS: He didn't like my other suggestion though.

MR. SCALI: What suggestion was that?

MR. HAAS: Extending the classes.

MR. SCALI: He didn't like that suggestion?

MR. HAAS: No.

MR. SCALI: Well, it's not up to him.

MR. HAAS: I'm just telling you.

MR. SCALI: It's up to us and the Board. So I guess the plan is to look at this curriculum tomorrow, come up with some final comments, and then hear the public on the 16th, come up with another draft, if that's the case.

Mr. Ewing suggested that perhaps that maybe -- I think you had suggested to him the perhaps January is not a good date, maybe February. I think there are a number of issues that still have to be decided: the length of the school, adding some subject matters in there that may or may not be on the table right now.

Then the issue of the makeup of the school board is still controversial in terms of some people not getting on the board that wanted to get on the school board at our last meeting in November. So I'm sure that will come up in our hearing discussions. The Board is talking about extending the Board to 11 or 12 or 13 people, if necessary, if that's the case.

These are the final toolkits from the

State. They're being studied by the five communities. Supposedly they're top-secret and no one is supposed to disseminate them but you all get to look at them. They will be coming out in the spring and we have to get them to all of our licensees.

MR. HAAS: Would this come out around the time we'd have the -- they wouldn't be going to any kind of annual meeting, would they?

MR. SCALI: This will come out in the spring. Our annual meeting usually is in October or November.

MR. HAAS: Mandatory meetings.

MR. SCALI: We could do it any time we want to. There will be a whole program and announcement before it goes statewide.

MR. HAAS: It would make sense that once they make the announcement to have it on the heels of the meeting and then make sure they understand what all the --

MR. SCALI: What it's all about. It's a big undertaking.

MR. HAAS: What have you been doing?

MR. SCALI: We only do it once a year.
I wouldn't want to do it twice a year.

MR. HAAS: Instead of the fall session, maybe we could consider doing a late spring session.

MR. SCALI: That is certainly possible.

MR. HAAS: And then do the taxicab thing in the fall.

MR. SCALI: I guess the Commissioner wants us to do an owner meeting, which that's probably a great suggestion for our meeting on the 16th, and I'm sure that could be brought up as well.

MR. SCALI: Anything else?

MS. LINT: Nothing else.

MR. SCALI: Motion to adjourn.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

(Whereupon, the proceeding was
concluded at 8:00 p.m.)

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS
BRISTOL COUNTY, SS

I, Anne Ouellette, a Professional Court Reporter, the undersigned Notary Public certify that:

I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of these matters.

I further certify that the proceedings hereinbefore set forth is a true and accurate transcription of my record to the best of my knowledge, skill and ability.

In Witness Whereof, I have hereunto set my hand this 14th day of December, 2009.

Anne Ouellette
Notary Public
My Commission Expires:
March 16, 2012

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