

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

Michael Gardner, Commissioner
Christopher Burke, Superintendent
Gerald R. Reardon, Fire Chief

STAFF: Elizabeth Y. Lint, Executive Officer

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

DATE: Tuesday, October 4, 2011

TIME: 6:03 p.m.

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P R O C E E D I N G S

ELIZABETH LINT: Before we get started if anyone has a cell phone on, please turn it off. Okay.

License Commission General Hearing
Tuesday, October 4, 2011 at 6:03 at the
Michael J. Lombardi Municipal Building, 831 Mass
Ave, basement conference room.

Before you are the Commissioners:
Chairman Michael Gardner, Chief Gerald Reardon
and Superintendent Chris Burke.

APPLICATION: FLOATING ROCK RESTAURANT, INC.

APPLICATION: Floating Rock Restaurant,
Inc., Jenny Chan Sok, manager, holder of an all
alcoholic beverages as a restaurant license and
entertainment license at 485 Massachusetts Avenue
has applied to amend the closing hour on
Thursdays, Fridays, Saturdays and the night

before a legal holiday from 1:00 a.m. to 2:00
a.m.

MICHAEL GARDNER: Good evening.

JENNY CHAN SOK: Good evening.

NATASHA STICKNEY: Good evening.

MICHAEL GARDNER: I would appreciate it
if you could state and spell your name for the
record and your affiliation with the application.

JENNY CHAN SOK: Jenny Chan Sok, S-O-K,
I'm the manager.

NATASHA STICKNEY: Natasha Stickney,
S-T-I-C-K-N-E-Y, manger.

MICHAEL GARDNER: I think it would be
helpful if you could begin by describing the
facility to us a little bit and the reasons for
your request for the change.

NATASHA STICKNEY: We are a restaurant.
We open at 5:00, seven days a week until 10:00,
serve a full menu and we recently got an
entertainment license and we are providing

entertainment in the form of DJ's from 10:00 to 1:00 right now on Fridays and Saturdays.

MICHAEL GARDNER: How long have you been open?

NATASHA STICKNEY: Since April 15.

MICHAEL GARDNER: And could you describe your menu and also what your business is with respect to serving alcohol?

NATASHA STICKNEY: Sure. Authentic Cambodian cuisine and we have a full bar, full liquor license.

We have a comprehensive wine list with a complement of food. We also have specialty cocktails which our bartenders created to go along with the Cambodian theme.

MICHAEL GARDNER: And what happens with food after 10:00?

NATASHA STICKNEY: We go down to a bar menu, just some small finger foods. More appetizer, tapa kinda style.

JENNY CHAN SOK: We serve food until 2:00 in the morning.

MICHAEL GARDNER: You currently serve until 1:00?

NATASHA STICKNEY: Correct, yes.

JENNY CHAN SOK: Yes.

MICHAEL GARDNER: And any history of complaints?

ELIZABETH LINT: No.

MICHAEL GARDNER: What is the reason after such a short time of operation that you want to move to 2:00?

NATASHA STICKNEY: We would like to offer our patrons, you know, a 2:00 closing. It's more consistent with the rest of the establishments that are providing entertainment in the area.

We have had multiple requests and we have taken the opportunity that we have with the entertainment license and the full bar to really make sure that we could take on the

responsibility of having this type of entertainment to this kind of hours in the night and we are enjoying it. We haven't had any complaints yet. We haven't had any incidents that we couldn't handle, and we have hired additional staff who have more experience than we do, although our experience is growing everyday in that area. So we would like to extend to 2:00 just to be able to have some extra time to offer to our patrons.

MICHAEL GARDNER: How do you handle the 1:00 closing now in terms of last call and when people are out?

NATASHA STICKNEY: We have last call 15 minutes before 1:00, and we stop serving alcohol five minutes before 1:00 and everybody is out by 1:30.

MICHAEL GARDNER: So under these circumstances everybody would be out by 2:30?

NATASHA STICKNEY: Yeah.

MICHAEL GARDNER: So right now --

GERALD REARDON: Your food service goes to a light fare at 10:00?

NATASHA STICKNEY: Yes.

GERALD REARDON: Right now.

NATASHA STICKNEY: About 10:00. We stop seating people around 10:00, but on Fridays and Saturdays we have people coming in late and we still do offer the full menu.

GERALD REARDON: In terms of the crowd, do you believe the crowd -- is it less after 10:00 or is it --

JENNY CHAN SOK: Same amount.

NATASHA STICKNEY: Yeah. Just instead of everybody sitting down having dinner, standing up and enjoying the music, walking back and forth.

GERALD REARDON: Your anticipation would be the same thing, you would still continue to have full service until 10:00 and go to a light fare and then after the closing time will be

2:00?

JENNY CHAN SOK: Yes.

NATASHA STICKNEY: Yes.

GERALD REARDON: What is the occupancy?

How many seats for that.

JENNY CHAN SOK: 116 capacity.

CHRISTOPHER BURKE: You indicated that you hadn't any issues that you couldn't handle. Could you elaborate on that a little bit?

NATASHA STICKNEY: Well, just there's some association with nighttime hours where people are drinking that there could be fights, or even people drinking too much, more than they can handle, anything like that, we haven't had any problems at all like that. And we do have a door staff so we have people checking IDs and we have promoters and we have -- so they are controlling if there's any line -- we haven't had one. And we have security who walks around to check to make sure that there's no trouble inside

the restaurant or outside.

CHRISTOPHER BURKE: Now, is the security staffed by you folks or by the promoters?

NATASHA STICKNEY: By us.

MICHAEL GARDNER: I think you mentioned that you thought it was consistent with the other entertainment in the area. Just sort've describe who else is there and their closings.

NATASHA STICKNEY: Sure, yeah. We have right across from the Middle East. That would be the Middle East Zuzu, Middlesex, Phoenix's Landing, Enormous Room at Central Kitchen.

ELIZABETH LINT: Middlesex is one.

MICHAEL GARDNER: Is it Zuzu?

ELIZABETH LINT: That's connected to the Middle East.

MICHAEL GARDNER: Okay. Anything else you would like to tell us?

NATASHA STICKNEY: No. Not unless you have any other questions.

MICHAEL GARDNER: Any members of the public that would like to be heard on this matter?

(No response.)

ELIZABETH LINT: We have letters in support as well as a letter from Counselor Reeves, the Chamber of Commerce, and Central Square Business Association.

MICHAEL GARDNER: In what appears to be at least form letters of support from a number of the businesses in the area, one of the items is that they are giving their support, the phrase with proper conditions attached to the license. I'm not sure what -- assuming you might have been the writers of the form letter, what proper conditions for the license seem proper to you?

NATASHA STICKNEY: We just wanted to leave it open in case there were any stipulations that you wanted to attach to the 2:00 a.m. that they would also lend their support and they would

trust whatever decision that you would make to do something like that, but not necessary that one was needed.

MICHAEL GARDNER: I ask if any members of the public --

ELIZABETH LINT: Yes.

MICHAEL GARDNER: It's highly unusual for the Commission, I believe, as my historical experience with it has been relatively limited, to move from a 1:00 to 2:00 a.m. license after such a short period of operation -- and I'm sorry, I'm not sure I know the answer to this, no value or value license?

ELIZABETH LINT: No value.

MICHAEL GARDNER: I guess personally I would like to defer any decision on this matter to our decision hearing which is scheduled for the 27th, is that right?

ELIZABETH LINT: Yes.

MICHAEL GARDNER: So unless the other two

Commissioners feel otherwise, I would appreciate a motion to defer action on this until the decision hearing on the 27th.

GERALD REARDON: Motion to defer license to decision hearing on the 27th. Take it under advisement.

MICHAEL GARDNER: Take it under advisement until the 27th, that was the motion you intended to make?

GERALD REARDON: Yes.

MICHAEL GARDNER: Is there a second for that motion?

CHRISTOPHER BURKE: I second that motion.

MICHAEL GARDNER: That meeting is at 10:00 a.m.?

ELIZABETH LINT: 10:00 a.m.

MICHAEL GARDNER: 10 a.m. on October 27. Motion having been made to take the matter under advisement until the decision hearing at 10 a.m. on October 27th, and having been seconded, all

those in favor signify by saying "aye."

GERALD REARDON: Aye.

CHRISTOPHER BURKE: Aye.

MICHAEL GARDNER: Aye.

None opposed?

(No response.)

We'll take the matter up again on
October 27th.

Do you have the abutters' notices, the
affidavit --

ELIZABETH LINT: I have the affidavit.
Apparently they turned in the cards. I don't
have them, but I made a note to check on it.
Chris was out today, so...

**APPLICATION: PRESIDENT & FELLOWS OF HARVARD
COLLEGE D/B/A LOEB DRAMA CENTER**

ELIZABETH LINT: President & Fellows of
Harvard College d/b/a Loeb Drama Center, Robert
Orchard, Manager, holder of an all alcoholic
beverages as a restaurant license at 64 Brattle

Street has applied for a change of manager from Robert Orchard to Diane Borger.

MICHAEL GARDNER: Good evening. Welcome. I just ask you both to please state and spell your name for the record and then just identify your affiliations.

DIANE BORGER: My name is Diane Borger, D-I-A-N-E, B-O-R-G-E-R, the American Repertory Theatre at Harvard University.

TRACY KEENE: Tracy Keene, T-R-A-C-Y K-E-E-N-E, Loeb Theater and facility manager at American Repertory Theatre.

MICHAEL GARDNER: Thank you very much. I would appreciate it if you would sort've of briefly summarize the way in which you use the all alcohol license now and then to talk a little bit about your experience in this area.

DIANE BORGER: My personal experience?

MICHAEL GARDNER: Yes.

DIANE BORGER: The American Repertory

Theater is based in two spaces. The one we are talking about today is the Loeb Drama Center on Brattle Street. It is a theater convention theater that seats about 534 people. It's had a license for longer than Tracy and I know. We have trying to figure it out, but I think about 15 years, and people who are coming to be played and buy a glass of wine or a soft drink and a few biscuits and peanuts and things like that and they can drink before or during the show or during the intermission.

MICHAEL GARDNER: So they can take the stuff in with them to the show?

DIANE BORGER: Yes. And everything is in plastic cups. So no bottles go anywhere. My personal experience in this area is maybe unusual because my husband is English, so I lived in London for a long time, so I have been a licensee at a previous theater I ran for about 12 years. I came back to --

MICHAEL GARDNER: This would be in the United Kingdom?

DIANE BORGER: Yeah, yeah. I came back to the US two years ago to work on an American Repertory Theater production out in Brookline and I held the license there. It was a temporary events license. And it was through Brookline rather than -- because we were doing a show there rather than in Harvard Square. And so I have a long experience doing it as a producer, broke managing director at ART, and I have a long experience in that role but in the UK more than in the United States.

MICHAEL GARDNER: I'm sorry I don't know the terminology particularly, but does that like mean you are responsible for the stage presentation in addition to just --

DIANE BORGER: No. Everything else. There's someone who directs the plays, the artistic director who confusingly is also called

Diane and then I would be responsible for making sure that it all got on the stage and for everything around it.

MICHAEL GARDNER: So you got plenty of responsibilities besides the alcohol service?

DIANE BORGER: Quite a few, yeah, yeah.

MICHAEL GARDNER: And are you in that function now Robert Orchard is gone?

DIANE BORGER: Robert Orchard previously fulfilled that role at ART and he held the license from I'm sure the time it was granted because we think it was about 15 years ago. He left nearly two years ago now. And it was an oversight that when we -- the license came up for renewal this year, it was pointed out to us, and there's been a few changes in the past few months and so the person who was going to take on the license has -- is no longer with the institution, and because I think logically falls to my role as manager director that we apply for a change of

manager for my me.

MICHAEL GARDNER: So how long would you say functionally you have been doing the management?

DIANE BORGER: Two years.

MICHAEL GARDNER: Including the alcohol?

DIANE BORGER: Well, would you --

MICHAEL GARDNER: I thought I understood you to say he left two years as the person and then you realized --

DIANE BORGER: And then I came. No, there was a change in administration and she was in charge of that area and she's left this past summer.

And so I think that we clarified where responsibilities lie.

MICHAEL GARDNER: Have you actually had productions since she left and you have been in charge?

DIANE BORGER: Yes. So we are okay.

Yeah, yeah.

MICHAEL GARDNER: And tell us about any issues or challenges or insights that you think you've obtained in your limited period as essentially the acting manager.

DIANE BORGER: I think that -- I don't think there are many challenges in terms of who comes to the kind of place that we do in the Loeb. People tend to buy just one drink at the most. It is not a rowdy crowd, and they come and they might have a glass, as I say, a beer or a glass of wine and watch the show and go home. It is not a party venue in that sense.

So I have never seen anybody get drunk there.

I don't think there are many -- there certainly haven't been any incidents. And people are TIPS trained. The bar staff is. So they know to card people if you look under 40 and the procedures are correctly followed.

MICHAEL GARDNER: You mentioned beer and wine, but our records show an all alcohol license. Do you serve liquor as well?

DIANE BORGER: We do not routinely sell liquor because, I mean, I think there's -- the odd time we might have a special show cocktail, but we don't routinely sell or use the full liquor license.

MICHAEL GARDNER: Questions?

GERALD REARDON: How many seats?

DIANE BORGER: 534.

GERALD REARDON: Usually get to capacity in some of the shows?

DIANE BORGER: We did for Porgy and Bess. Did we ever before? No. I would like to say to you, yeah, every time, but we are licensed to have 750 people there. So the size of the auditorium is substantially smaller than the number of people that we are legally allowed to have.

GERALD REARDON: More spacious than
Brattle?

DIANE BORGER: Oh yeah, absolutely, yeah.

MICHAEL GARDNER: Anyone else?

CHRISTOPHER BURKE: I don't have any
questions.

MICHAEL GARDNER: CORI all done and
everything?

ELIZABETH LINT: Yep.

MICHAEL GARDNER: Any members of the
public who would like to be heard on this matter?

(No response.)

Seeing none, a motion would be in order.

GERALD REARDON: I make a motion to
approve the transfer from Robert Orchard to Diane
Borger.

MICHAEL GARDNER: Cambridge has its own
special training program apart from TIPS called
21 Proof.

Did I say that right?

ELIZABETH LINT: Yes.

MICHAEL GARDNER: We need you and your staff to attend that.

DIANE BORGER: Happy to.

MICHAEL GARDNER: Motion having been made.

CHRISTOPHER BURKE: I will second that motion.

MICHAEL GARDNER: Made and seconded to approve the transfer of the license from Robert Orchard to Diane Borger subject to appropriate 21 Proof training and any other -- are there any other issues?

ELIZABETH LINT: No.

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

GERALD REARDON: Aye.

CHRISTOPHER BURKE: Aye.

MICHAEL GARDNER: None opposed.

Thank you from coming in and

straightening out the records. I wish you well with the rest of your season.

GERALD REARDON: What is going in next?

DIANE BORGER: Three Pianos, which is -- it's not Porgy and Bess, but I promise you it will be very good.

Thank you.

APPLICATION: LEGAL SEA FOODS, LLC

ELIZABETH LINT: Application: Legal Sea Foods, LLC, Jaclyn Plunkett, manager, holder of an all alcoholic beverages as a restaurant license at 5 Bennett Street has applied for a change of manager from Jaclyn Plunkett to Jennifer Echevarria.

Application: Legal Sea Foods, LLC, Jaclyn Plunkett, Manager, holder of an all alcoholic beverages as a restaurant license at 20 University Road has applied for a change of manager from Jaclyn Plunkett to Jennifer Echevarria.

MICHAEL GARDNER: So we'll consider these two applications together.

ELIZABETH LINT: And they are actually pretty much -- they're side by side.

MICHAEL GARDNER: I wasn't aware they both had different addresses.

So if you could, please state and spell your name for the record and tell us about your plans.

JENNIFER ECHEVARRIA: Jennifer,
J-E-N-N-I-F-E-R, E-C-H-E-V -- as in Victor --
A-R-R-I-A. I am the general manager of the Charles Square Hotel location. I have been there for about nine months now. Jaclyn Plunkett has since left the company about, I would say, the beginning of September, end of August. So we are looking to switch over the licenses into my name.

MICHAEL GARDNER: Could you describe the physical layout in terms of the fact that you have two licenses?

JENNIFER ECHEVARRIA: The main restaurant is located a little behind Charles Square Hotel. There's a terrace area. Then we have our main restaurant. And across the courtyard down a few steps we have our outside terrace bar that's there just during the summer months.

Actually we are getting ready to take it down. The terrace bar is there from April to October or the beginning of November. The license for that area for us goes to November 15, but we tend to take it down a little bit earlier just because of the weather. It is too cold to sit outside.

MICHAEL GARDNER: Is that the 20 University Road?

JENNIFER ECHEVARRIA: 20 University Road would be the restaurant open all year-round.

MICHAEL GARDNER: And could you please describe your experience in this type of work?

JENNIFER ECHEVARRIA: I have been in the

restaurant industry for over 18 years. I have been in management for almost ten years. I have worked in a few different markets, including Los Angeles, Dallas, Atlanta, here in Boston. I have been in Boston three and a half years. Been with Legal Seafoods for about a year and a half.

MICHAEL GARDNER: And you have been functioning as the manager for about nine months?

JENNIFER ECHEVARRIA: I have been manager of Legal Seafoods for a year and a half, and the general management position with this restaurant, Charles Square, I have been there since the end of December of 2010. So almost nine months.

MICHAEL GARDNER: And prior to that, were you the manager of record for any other of their establishments?

JENNIFER ECHEVARRIA: Prior to that I was assistant GM for Legal Seafoods at -- I started at the Prudential Center in Back Bay, and I moved to South Shore Plaza in Braintree and I was

promoted and transferred to Charles Square.

MICHAEL GARDNER: Could you tell us a little about the business in this location, some insights or what makes it special or different?

JENNIFER ECHEVARRIA: Not to be biased, but I love my restaurant. Of all of the Legal Sea Foods, it's a special spot. It's a very intimate location. It is much smaller than many of the others. So we tend to get a lot of locals for the most part, a lot of people sometimes find us on an accident, they don't even know we are there. We are a little tucked away. So the inside restaurant we have a lot of regulars that come in. We try to get to know everybody by name.

And lunchtime is a little more on the softer volume, just due to the fact that we are in an area little off the beaten path in terms of the business clients that come in, but there are some businesses just in the square that will come

down and have lunch with us.

Dinnertime tends to be a lot of families, people have that been dining with us for years and years.

This location has been there for eight or nine years, almost ten. So for the people that live in the condos behind our restaurant know that we are there. And other than that it is just word-of-mouth, we doesn't advertise, so it tends to be -- the higher business falls in the summertime with the summer season and tourism in Harvard Square and it softens up quite a bit in the wintertime mostly just the locals and business clientele and families.

MICHAEL GARDNER: Any particular challenges with the liquor rules or any other difficulties in the operation?

JENNIFER ECHEVARRIA: In terms of serving liquor? No. We're just extra cautious when there are weddings that take place at the hotel

during the summertime because we do have an outside bar. We make sure we are aware if the guests come outside if the wedding is over and still wanting to carry on their celebration, so I mean, I don't think we have, to my knowledge, had too many issues. I don't think we have had complaints. We are aware of when there are things going on in the square. Oktoberfest just happened this past weekend. So it didn't really touch us very much. Everybody was in the street.

I can't say too much with the liquor license that we have had too many concerns with it. I have some very, very responsible bartenders and servers, everybody in our company, including the servers are serve-safe alcohol certified. That's a company standard. We put them through that certification.

MICHAEL GARDNER: Are you responsible for all the restaurant operations?

JENNIFER ECHEVARRIA: For Charles Square,

yes.

MICHAEL GARDNER: 21 Proof training, we have our own 21 Proof training in the city. I don't know if you have gone through that.

NATASHA STICKNEY: I have not, but I heard of it.

MICHAEL GARDNER: That's something you need to do.

NATASHA STICKNEY: Sure.

ELIZABETH LINT: No complaints.

MICHAEL GARDNER: CORI?

ELIZABETH LINT: I need the background check. I don't see it.

MICHAEL GARDNER: So we do a background check on all the applicants, but apparently it is not the file.

Any action we take tonight will be conditional on that coming back without problems.

JENNIFER ECHEVARRIA: We're pretty confident about it, so...

MICHAEL GARDNER: Any questions?

CHRISTOPHER BURKE: No questions.

GERALD REARDON: No questions.

MICHAEL GARDNER: Any members of the public who would like to be heard on this matter?

Seeing none, a motion would be in order.

GERALD REARDON: I make a motion to approve both locations subject to the necessary paperwork and background check coming back.

CHRISTOPHER BURKE: I would second that motion.

MICHAEL GARDNER: Motion having been made and seconded to approve the transfer of the manager's designation to Jennifer Echevarria.

JENNIFER ECHEVARRIA: Pretty close.

MICHAEL GARDNER: I'm sorry. Subject to the 21 Proof training and completion of paperwork on the background check, and seconded, all those in favor signify by saying "aye."

CHRISTOPHER BURKE: Aye.

GERALD REARDON: Aye.

MICHAEL GARDNER: None opposed.

So I wish you well. Thank you for getting the paperwork straightened out.

JENNIFER ECHEVARRIA: Sure.

**APPLICATION: TEREFE JIFARA D/B/A SAINT GEORGE
LIVERY**

ELIZABETH LINT: Application: Terefe Jifara d/b/a Saint George Livery has applied for a livery license at 398 Ringe Avenue, Unit 2.

MICHAEL GARDNER: Again, if you could state and spell your name for the record and then tell us about your plan.

TEREFE JIFARA: My name is Terefe Jifara, T-E-R-E-F-E, J-I-F-A-R-A. And I'm trying to have a delivery business doing business as Saint George Livery. So I'm just trying to get a license.

MICHAEL GARDNER: So tell us about how you envision the business, how you would get

customers, exactly what the work you would do, the vehicle or vehicles you would use, where you would park. Tell us a little about the business plan.

TEREFE JIFARA: I will be planning to transport people, also pickup and deliver packages and I have my own parking space. Owning a condominium in Alewife area. I did a chart for that showing I have a parking space (forwarding paper).

I am planning to purchase a vehicle called Toyota Venza. It's a wagon.

MICHAEL GARDNER: I'm sorry. I'm not sure I exactly understood or know what that is. Could you tell us again?

TEREFE JIFARA: Toyota Venza. It is a wagon, SUV. I'm trying to get that.

MICHAEL GARDNER: So the parking is off street in the condominium?

TEREFE JIFARA: Yes.

MICHAEL GARDNER: Is this a residential parking space?

TEREFE JIFARA: Yes, assigned to me.

MICHAEL GARDNER: Do you have any lease or ownership issues with having a commercial vehicle use that space?

TEREFE JIFARA: No restrictions.

MICHAEL GARDNER: You have checked that out? You are comfortable with that?

TEREFE JIFARA: Right, I have checked with my condo association group.

GERALD REARDON: Do you live at the condos?

TEREFE JIFARA: I do.

MICHAEL GARDNER: And tell us about the steps you have taken with respect to insurance, if any.

TEREFE JIFARA: I'm sorry?

MICHAEL GARDNER: Insurance.

TEREFE JIFARA: I will be having

insurance for that vehicle full coverage.

MICHAEL GARDNER: Tell us about your experience in this kind of business in the past.

TEREFE JIFARA: I have driven a cab in Boston before. That was I believe 1999. I got my license and I did it for a couple years, then I started doing other business so I do have a background of transporting people.

MICHAEL GARDNER: And what is your expectation of hours of operation, other employees, sort of volume of your work?

TEREFE JIFARA: I would be doing full-time. I'm not hiring anybody. I'm going to do it myself.

MICHAEL GARDNER: What do you expect to be your hours of operation then?

TEREFE JIFARA: As needed. I will be on the road as needed for people. People needing transportation any time.

MICHAEL GARDNER: And so how do you get

your customers?

TEREFE JIFARA: Make a business card and distribute to hotels and business places and airport.

MICHAEL GARDNER: What do you understand to be the difference or restrictions, if any, between the kind of business you're trying to operate and what somebody with a Hackney license would be able to do?

TEREFE JIFARA: I believe similar business, kinda of similar business. I will be able to manage this type of business because serving people is a pleasure.

MICHAEL GARDNER: So, Ms. Lint, could you, just for my edification, discuss some of the differences between a Hackney license and the license for a livery service?

ELIZABETH LINT: Actually the liveries have to follow all the Hackney rules and regulations and all of the Hackney drivers are

considered technically livery drivers, so it's an overlap.

MICHAEL GARDNER: How does this relate to the medallion question with Hackneys?

ELIZABETH LINT: Because if you're specifically livery, this type of a vehicle, you don't need to be metered and you are not considered a taxi. He's not using radio services. It's a different business.

MICHAEL GARDNER: So how are you getting the business if you are not using radio dispatch, is this phone appointments or what are we --

TEREFE JIFARA: It could be phone appointments, it could be a standing by the hotel area and communication.

ELIZABETH LINT: Any hotel pickups have to be prearranged, and our current rules say eight hours in advance, so there can be no hanging around at a hotel.

MICHAEL GARDNER: So the way we run the

livery business in the city, you can't go to the hotel and get in line or kinda circle the area and hope to get flagged. It's got to be prearranged appointments and you say it's an eight hour --

ELIZABETH LINT: Right now it is.

MICHAEL GARDNER: And tell me a little bit about how rates are regulated for this.

ELIZABETH LINT: There are no regulated rates.

MICHAEL GARDNER: You set your own price for what you do?

TEREFE JIFARA: Yes.

MICHAEL GARDNER: And what about airport pickup, allowed, not allowed?

ELIZABETH LINT: That would be through Massport.

MICHAEL GARDNER: Okay. So are you intending airport service?

TEREFE JIFARA: I am.

MICHAEL GARDNER: And what is your understanding of what the rules that you have to operate under with respect to picking anybody up at the airport?

TEREFE JIFARA: I think there's a limo pool that every limo driver goes into the pool and stay there. They have to -- they call them from airport unless they are a big company like Commonwealth Limousine or Boston Coach because they have radio and everything. I know other guys who owns license of livery and they go into the pool, I believe, into the livery pool. And they -- I believe they get a call from the airport. I believe.

MICHAEL GARDNER: I don't know the answer to that question. So I was interested in trying to probe how much you understood about the rules you are working under.

Ms. Lint, any comment?

ELIZABETH LINT: I believe they have to

be approached through Massport. It's not just you go into the pool. I think they have their own process.

MICHAEL GARDNER: And is this just pickup or dropoff as well?

ELIZABETH LINT: Just pickup. I think there's something with dropoff as well -- there are certain fees associated with it.

TEREFE JIFARA: Yes, there are fees.

MICHAEL GARDNER: If this is approved, we would be telling you that you're responsible for following all of the rules, both with respect to the procedures the city has, and then anyplace else you might be going, including Massport. And we hold you responsible for knowing what the rules are.

So if this is approved, it's up to you to make sure that you talk to the License Commission staff and anybody else where you might be doing any work to make sure -- other jurisdictions and

places that you're following the rules.

How many livery services approximately do we have licensed now.

ELIZABETH LINT: I couldn't give you a number. I would say less than ten.

MICHAEL GARDNER: Any other questions?

CHRISTOPHER BURKE: Mr. Jifara, what would you anticipate the breakdown between passengers and package deliveries would be? Do you anticipate any percentage of either one or the other.

TEREFE JIFARA: Percentage would be 99 percent passenger. If a business comes across -- an attorney calls me from an office and say "Can you drop off a package for me," that's one percent.

CHRISTOPHER BURKE: Okay.

MICHAEL GARDNER: Anything else you would like to add?

TEREFE JIFARA: No.

MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

(No response.)

Seeing none, I think I would feel most comfortable to defer this decision until the decision hearing on October 27th, and -- I'm sorry. At least that's how I feel myself because I don't feel adequately sufficiently informed to make a judgment tonight. So I would like the opportunity to do a little bit more review. I apologize that I don't feel quite ready. But -- depending how the other Commissioners think about this, either...

CHRISTOPHER BURKE: I think I would agree with your assessment.

GERALD REARDON: I'll make a motion we take this under advisement until the October 27th decision hearing.

CHRISTOPHER BURKE: I'll second that

motion.

MICHAEL GARDNER: So the motion having been made and seconded to take under advisement the application of Mr. Jifara for a livery service until the decision hearing on October 27 at 10:00 a.m., and having been seconded, all those in favor signify by saying "aye."

GERALD REARDON: Aye.

CHRISTOPHER BURKE: Aye.

MICHAEL GARDNER: None opposed.

So we'll take this up then. You're free to come to that meeting, if you like. Generally we don't really ask any more questions, but talk about it among ourselves, but you're welcome to come.

TEREFE JIFARA: Thank you.

MICHAEL GARDNER: We wish you well.

Thank you.

POLICY: PEDICAB OPERATIONS

ELIZABETH LINT: Policy discussion.

Board of License Commissioner will discuss the possibility of Pedicab operations in the city. I don't see the gentleman who was interested in being heard.

MICHAEL GARDNER: Are there any members of the public here who would like to be heard on the issue of the possibility of the operation of a Pedicab function within the city?

(No response.)

Seeing none, this is a matter which was on the agenda for a generalized discussion for this evening, but I think we were hopeful of hearing from persons who have either an interest in this as a business model or persons who might have some concerns about it.

Seeing no members of the public who are prepared to discuss it this evening, I would just ask the pleasure of the other commissioners as to whether the best course of action would be to defer this matter generally or to table it.

GERALD REARDON: I guess without any proactive support for this, it has been tried, I believe in the past, during my tenure, and it wasn't very successful. I'm personally not predisposed to approve it based upon the size of the vehicles, the fact that it's very difficult to park in Cambridge. There's no designated slots that don't affect cabs or loading zones, they're also very slow moving vehicles to get through the city in terms of traffic and the bike lanes get obscured. There's really -- it really doesn't lend itself to this type of transportation and I don't necessarily believe there's a huge public outcry for that type of service.

MICHAEL GARDNER: So what do you think is the most appropriate action for us to take this evening?

I guess I feel -- I mean, I'll look to Ms. Lint and others for guidance, but the way it

was presented, I was assuming as a policy matter, we were not particularly expecting to take a vote this evening.

ELIZABETH LINT: You can. I think that the general issues that had been brought up at a meeting with myself, the traffic and parking director, as well the individual who was making inquiry, was that there would be a policy discussion to see whether or not the city infrastructure could support Pedicabs and whether or not the Board felt whether it could or could not.

MICHAEL GARDNER: Uh-huh. I think what the fire chief's got to say sounds appropriate and correct to me with respect to being such a land poor community with pretty substantial congestion with respect to traffic flows, notwithstanding many, many efforts and much capital improvement attention being put on the maintenance of our byways, I am quite skeptical

that we have got the infrastructure to support a new form of transportation in the city.

And so, I would at least say, I would be skeptical of the wisdom or cost efficiency of trying to reconfigure matters to make sure there was an appropriate infrastructure for such an arrangement.

CHRISTOPHER BURKE: I would certainly concur with those assessments. I think that given my limited knowledge of the size of Pedicabs and knowing the size of our current bike lanes, I think that it would certainly cause an obstruction to the free flow bicycle traffic and may potentially be a safety hazard.

Absent any individual to speak on behalf of the issue from the public, I don't see the point in moving it forward.

GERALD REARDON: Would it be appropriate to vote no action?

ELIZABETH LINT: Uh-huh.

GERALD REARDON: I make a motion that we take no action on the matter. If that sounds appropriate, Mr. Chair?

CHRISTOPHER BURKE: I will second that motion.

MICHAEL GARDNER: Okay. There's a motion made and seconded that we take no action with respect to the possibility of Pedicab operations in the city. I think that the practical impact of that would be that the matter is off the table and could not be raised again except by a subsequent expression of interest and desire for the Commission to take the matter up again, which, I mean, I would not be particularly inclined to do in the near future.

The motion having been made and seconded. All those in favor signify by saying "aye."

CHRISTOPHER BURKE: Aye.

GERALD REARDON: Aye.

MICHAEL GARDNER: Aye.

None opposed.

So we'll set this matter aside not to be revisited except with the agreement approval of the Commission.

APPLICATION: FAMILY BUSINESS ASSOCIATION, INC.

ELIZABETH LINT: Family Business Association, Inc., 101 Huntington Avenue, Suite 500, Boston, Massachusetts 02199 has applied for a charity wine license on November 3, 2011 to be held at the Royal Sonesta at 40 Edwin Land Boulevard.

MICHAEL GARDNER: Good evening. We would also like you to state and spell your name for the record and then just describe your affiliation.

CATHERINE WATSON: My name is Catherine Watson, C-A-T-H-E-R-I-N-E, W-A-T-S-O-N. And I'm a vice president of the Family Business Association.

MICHAEL GARDNER: Could you tell us a

little bit about the Family Business Association?

CATHERINE WATSON: We are a nonprofit who was formed to honor and educate family businesses in Massachusetts about each others successful business practices and help them to grow their businesses here in Massachusetts.

MICHAEL GARDNER: How long have you been in existence?

CATHERINE WATSON: Since 2008.

MICHAEL GARDNER: And have you held any events like this in the past?

CATHERINE WATSON: We held the same event since 2008 each year at the Royal Sonesta.

MICHAEL GARDNER: This is your fourth year?

CATHERINE WATSON: Yes.

MICHAEL GARDNER: Fourth appearance before the Commission?

CATHERINE WATSON: My personal first, but the organization's fourth. Actually, take that

back. I think it's only our second. I think the first two years for some reason we didn't actually -- we weren't required to go through the license process, but this is our second year.

MICHAEL GARDNER: But you have done it four times?

CATHERINE WATSON: Four times.

MICHAEL GARDNER: You have done it three times, this will be four?

CATHERINE WATSON: Yes.

MICHAEL GARDNER: Tell us how it works and how you -- since this is presumably not part of your day or regular job, you control for the kinds of alcohol abuse issues that you could imagine we would be worried about?

CATHERINE WATSON: So what we do is we run a series of educational events throughout the year and this one award program every fall.

In the past, we held in it October. This is first time we have done it in November. This

year it will be November 3rd. So we partner with the Royal Sonesta, we contract with them. We use the hotel for all their services. We, throughout the course of the year, hold an application program where Family Business applies for the award. We have an application deadline of late August. We select our winners. We have 20 finalists that evening. Each finalist receives two complimentary tickets to the event and we have sponsors at the organization. They receive some complimentary tickets to the event. We sell between 100 to 150 tickets to the general public. And we rent some space at the Royal Sonesta and then we have a prereception for finalists where they have a photo shoot. They have a video taken of them. We have a cocktail hour for them that lasts about an hour. And then we have a cocktail reception open for all of the guests, not just the finalists and the winners, and then we serve dinner and present our awards.

And we really rely on the hotel to do all the bartending, the waiting. We have no employees or volunteers who serve any food or alcohol that evening.

MICHAEL GARDNER: So it's the hotel staff which would be responsible for ID checking?

CATHERINE WATSON: Correct.

MICHAEL GARDNER: And you mentioned cocktails. I see this as a charity wine license. I'm not sure I understand it.

CATHERINE WATSON: The reason we're are applying for the license is because Gordon Liquors actually donates wine for us, and it's the wine we pour only during dinner. So we only offer free-of-charge wine during a portion of the dinner part of the evening.

Other than that it's a cash bar setups in the different areas of the hotel we rent.

MICHAEL GARDNER: The cocktails that are served are served under the hotel's license?

CATHERINE WATSON: Correct.

MICHAEL GARDNER: Other questions?

GERALD REARDON: No. I'm familiar with it.

CHRISTOPHER BURKE: Just to be clear, how is the wine -- is the wine left at the table and it's up to the persons at the table to help themselves or how does that work.

CATHERINE WATSON: We actually segregate the wine we receive from Gordon Liquors and the servers during the dinner portion only serve those bottles of wine to the table. They never leave the bottles on the table, they take them back to the wait stands, if you will.

MICHAEL GARDNER: It would be the servers who would be responsible for doing ID checks or age assessments?

CATHERINE WATSON: We actually applied to -- with the permission of the hotel their liquor license temporarily for that evening.

MICHAEL GARDNER: Anything else to help indicate me on this?

ELIZABETH LINT: Actually, the charity wine licenses are very new. And it was just specifically for the donated wines situation just as -- so we're all learning about it.

MICHAEL GARDNER: Okay. New, you mean with respect to AB Central Square Theatre regulations?

ELIZABETH LINT: Yep.

MICHAEL GARDNER: Or state law?

ELIZABETH LINT: AB Central Square Theatre.

GERALD REARDON: It all has to do with the donation of the wine.

MICHAEL GARDNER: I know I dealt with one previously.

Any other questions?

CHRISTOPHER BURKE: No.

MICHAEL GARDNER: Any members of the

public who like to be heard on this matter?

(No response.)

Seeing none, all those in favor of approving the charity wine license for November 3, 2011?

I'll make the motion. I'm sorry.

We approve the charity wine license for November 3, 2011 for the Sonesta for the Family Business Association. That's my motion.

CHRISTOPHER BURKE: I would second that motion.

MICHAEL GARDNER: Motion having been made and seconded to approve the charity wine license for November 3, 2011 for Family Business Association at the Sonesta, all those in favor signify by saying "aye."

GERALD REARDON: Aye.

CHRISTOPHER BURKE: Aye.

MICHAEL GARDNER: None opposed.

We wish you well for your event.

**APPLICATION: WINDRUSH FARM THERAPEUTIC
EQUITATION, INC.**

ELIZABETH LINT: Application Windrush
Therapeutic Equitation, Inc., 30 Brookview Road,
Boxford, Massachusetts 01921 has applied for a
charity wine license on November 12, 2011 to be
held at the Royal Sonesta, 40 Edwin Land
Boulevard.

MICHAEL GARDNER: Good evening. Again,
if you could state and spell your name for the
record and your affiliation with the event.

JENNIFER TARTAGLIA: Jennifer Tartaglia,
T-A-R-T-A-G-L-I-A. I'm marketing director for
Windrush Farm.

MICHAEL GARDNER: Can you tell as a
little bit about Windrush Farm?

JENNIFER TARTAGLIA: Sure. We're a
nonprofit therapeutic horseback riding program
for disabled kids, adults and veterans. We have
been in existence since 1964. And we're up in

Boxford on the North Andover town line.

MICHAEL GARDNER: Did you say 1964?

JENNIFER TARTAGLIA: 1964.

MICHAEL GARDNER: And tell us about the experience of your organization with charity wine events.

JENNIFER TARTAGLIA: This is our second year applying for the license. We have been running this event since 1998. We have had donated alcohol since 1998 from Cappy's and this year I believe that it's coming from Commonwealth Wine.

MICHAEL GARDNER: I believe you were present in the audience when we asked questions of the prior applicant for a license on November 3rd. I wonder if you could just tell us the ways in which what you're proposing to do is the same and different from what you heard in the prior application.

JENNIFER TARTAGLIA: My event, the entire

event is open bar. So there are cocktails and appetizers served, and then we have a sit-down dinner, and during dinner wine is served to the tables, and like the previous person said, the Sonesta does all the serving, none of Windrush volunteers touch the alcohol, and the wine bottles are taken back behind the bar, they're never left on table.

MICHAEL GARDNER: The open bar section of this is done under the Sonesta license?

JENNIFER TARTAGLIA: Yes.

MICHAEL GARDNER: Do you see any issues with that?

ELIZABETH LINT: It's like any event.

MICHAEL GARDNER: Any questions?

GERALD REARDON: No questions.

MICHAEL GARDNER: Since I sort've messed up the last motion, the only one I made tonight, I say a motion is in order.

GERALD REARDON: Motion to approve the

charity wine license for Windrush Farm
Therapeutic on November 12 at the Royal Sonesta
Hotel.

CHRISTOPHER BURKE: I'll second that
motion.

MICHAEL GARDNER: Motion having been made
and seconded to approve the charity wine license
for November 12, 2011 at the Sonesta Hotel for
Windrush Farm Therapeutic Equitation, all those
in favor signifying by saying "aye."

GERALD REARDON: Aye.

CHRISTOPHER BURKE: Aye.

MICHAEL GARDNER: Aye.

None opposed.

Good luck with your event.

JENNIFER TARTAGLIA: Thank you very much.

RATIFICATION: MEDALLION 88

ELIZABETH LINT: One ratification, the
Medallion 88. Paperwork is in order.

MICHAEL GARDNER: Make a motion to

approve -- accept the ratification of the
refinancing of Medallion 88 as acted upon by
Ms. Lint.

GERALD REARDON: Seconded.

MICHAEL GARDNER: Motion having been made
and second, there being no other persons in the
room for public comments, all those in favor
signify by saying "aye."

GERALD REARDON: Aye.

CHRISTOPHER BURKE: Aye.

MICHAEL GARDNER: The ratification that
is you approved is approved.

ELIZABETH LINT: That's all I have.

MICHAEL GARDNER: Motion?

GERALD REARDON: Motion to adjourn.

MICHAEL GARDNER: I don't think anything
else -- well, I do have something. This is a
scheduling issue. I sort've -- because these are
always on the second and fourth Tuesday, I made
some -- I persuaded people in my church to change

a meeting that I've consistently missed on the second Tuesday to move it to the first Tuesday, but it looks like we have gone to first and third Tuesdays.

ELIZABETH LINT: I tried to get him here.

MICHAEL GARDNER: No, I understand why we would might want to get off fourth Tuesdays.

GERALD REARDON: You do?

ELIZABETH LINT: I did some one way and some other another way.

MICHAEL GARDNER: I mean, I looked at what was in my calendar today at work, but then on the online --

ELIZABETH LINT: Did you look at my email?

MICHAEL GARDNER: Yes, I did, but I didn't write it down. It looks like at least one of those dates I'm away.

ELIZABETH LINT: I looked, I don't --

MICHAEL GARDNER: What I meant was, I'm

going from the 29th or 30th of November until the 7th or 8th of December.

ELIZABETH LINT: Gotcha.

MICHAEL GARDNER: I'll be gone the 6th.

GERALD REARDON: I'm gone from the 25th till, I think, the 10th of December.

ELIZABETH LINT: The 6th had to be changed.

MICHAEL GARDNER: Were we planning only one meeting in December?

ELIZABETH LINT: No.

MICHAEL GARDNER: We have one for the 20th as well?

ELIZABETH LINT: Yep. If you want to have one week have one --

GERALD REARDON: Well...

ELIZABETH LINT: Doesn't matter to me. We don't have a whole a lot in December.

GERALD REARDON: That's what I mean.

ELIZABETH LINT: If you want, we can have

it on the 13th.

MICHAEL GARDNER: How about the 15th?

ELIZABETH LINT: Because we typically do them on Tuesdays because of other city boards.

MICHAEL GARDNER: We think Tuesday is it?

ELIZABETH LINT: Tuesdays.

GERALD REARDON: I have to be in Chicago on Wednesday, so I think I have to fly out on the 13th.

ELIZABETH LINT: What if we leave it just on the 20th?

GERALD REARDON: That's fine with me.

ELIZABETH LINT: You don't care?

CHRISTOPHER BURKE: It's okay with me.

ELIZABETH LINT: I'll cancel 12/6.

MICHAEL GARDNER: Then in November it's the 1st and 15th, is that right?

ELIZABETH LINT: Yes.

MICHAEL GARDNER: October the 18th and the 27th and the decision hearing for November,

do you know what that was?

ELIZABETH LINT: Tuesday the 22nd.

Because the Thursday would be turkey time. Can't do that.

MICHAEL GARDNER: I apologize for taking up everybody's time to clarify that.

Motion to adjourn would be in order.

GERALD REARDON: I think I made that.

CHRISTOPHER BURKE: I second that motion.

MICHAEL GARDNER: So approximately 7:03 in the evening of October 4, 2011, all those in favor of adjourning signify by saying "aye."

GERALD REARDON: Aye.

CHRISTOPHER BURKE: Aye.

GERALD REARDON: And we're adjourned at 7:03.

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

I, Jill Kourafas, Certified Shorthand Reporter and Notary Public duly commissioned and qualified in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing record, Pages 1 through 66, is a complete, accurate and true transcription of my stenographic notes taken in the aforementioned matter to the best of my skills and ability.

In Witness Whereof, I have hereunto set my hand and affixed my seal this 11th day of October 2011.

Jill Kourafas
Certified Shorthand Reporter
Notary Public
My Commission Expires:
February 2, 2017

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