

## COMMONWEALTH OF MASSACHUSETTS

## CITY OF CAMBRIDGE

**IN RE: LICENSE COMMISSION GENERAL HEARING**

**LICENSE COMMISSION BOARD MEMBERS:**

Michael Gardner, Commissioner  
Robert Haas, Commissioner  
Gerald R. Reardon, Fire Chief

**STAFF:** Elizabeth Y. Lint, Executive Officer

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

**DATE:** Tuesday, March 15, 2011

**TIME:** 6:00 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, please turn it off.

License Commission General Hearing,  
Tuesday, March 15, 2011. It is 6:15 p.m. We're  
at the Michael J. Lombardi Municipal Building,  
831 Mass. Ave, Basement Conference Room.

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

If anyone is here for the disciplinary  
matter of Massasoit Elks Club, that has been  
continued to April 12.

Okay. And if anyone is here for the  
application of Uno Restaurant, Uno Chicago Grill,  
that has been continued to March 29.

And if anybody is here for the policy  
discussion relating to public health safety and  
welfare of hotel guests, that's been continued to  
April 12 as well.

CHAIRMAN MICHAEL GARDNER: So we have received the minutes for the February 8th and the February 22nd meetings. And I believe all three of us were here for the 8th and two of the three of us were here for the 22nd.

I've had a chance to review the minutes and they seem in order to me.

Are there any additions or corrections to the minutes of February the 8th?

I have a motion to accept the minutes of February 8, 2011.

GERALD REARDON: I make a motion to accept the minutes of February 8, 2001 as written.

ROBERT HAAS: I will second that.

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

GERALD REARDON: Aye.

ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

So, those minutes are approved.

With respect to the minutes of February the 22nd, I saw no additions or corrections that needed to be made.

I believe you and I were here.

ROBERT HAAS: Right.

CHAIRMAN MICHAEL GARDNER: Commissioner along with Deputy Chief Reardon.

Is it the practice of the Commission --

GERALD REARDON: Mahoney.

MR. MAHONEY: I'm Mahoney.

CHAIRMAN MICHAEL GARDNER: Excuse me, you're Reardon, right.

GERALD REARDON: Yes.

CHAIRMAN MICHAEL GARDNER: All right. Is it the practice of the Commission if there's a quorum or majority here?

ROBERT HAAS: I make a motion to accept the minutes for February 22nd.

CHAIRMAN MICHAEL GARDNER: All right.

I'll second that.

All those in favor signify by saying  
"aye."

GERALD REARDON: Aye.

ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

So the minutes from February the 22nd are  
approved.

Are they then posted after approval or  
are they available now?

ELIZABETH LINT: We post them right away,  
and then if there are corrections, we just swap  
them out.

**APPLICATION: AMELIA'S TRATTORIA II, LLC**

ELIZABETH LINT: Application: Amelia's  
Trattoria II, LLC doing business as a Amelia's  
Trattoria, Delio Susi, Jr., manager holder of an  
all alcoholic beverages as a restaurant license  
at 111-113 Harvard Street has applied for a  
change of premises description to include an

outdoor seasonal patio on the public sidewalk for 20 seats with service of food and alcohol and 16 seats on a season outdoor patio on private property with service of food and alcohol.

CHAIRMAN MICHAEL GARDNER: Good evening. Please just have a seat, state your name for the record and tell us your plans.

REBECCA SUSI: Rebecca Susi, and I am here to apply for outside seating, 36 seats in total, for our restaurant, Amelia's Trattoria, at 111-113 Harvard Street, seasonal outside seating.

GERALD REARDON: And you are?

REBECCA SUSI: I'm the owner.

CHAIRMAN MICHAEL GARDNER: Just tell us about the plans.

REBECCA SUSI: Sure. We have 20 seats directly in front of the restaurant outside on the sidewalk that have been designed. I have the drawings here if you wanted to look at them.

And then we also have some additional on

the side of the restaurant. And that's just to make what I think is we have beautiful sidewalk space that would be really great for the neighborhood. Nothing on our block has outside seating. We're planning to put beautiful flower boxes, nice umbrella's, very attractive to the street.

CHAIRMAN MICHAEL GARDNER: What typically does the season mean?

REBECCA SUSI: Hopefully longer, rather than shorter, but probably opening in June, going as far as we can as long as the weather permits, lunch and dinner.

GERALD REARDON: The seasonal seats as the permit says is a specific one listed by us?

ELIZABETH LINT: I believe it's March 1st to November. Yeah, that's a long season.

REBECCA SUSI: Well, great.

CHAIRMAN MICHAEL GARDNER: Would these be additional seats beyond what is in your current

license?

REBECCA SUSI: Yes, it would be, uh-huh.

CHAIRMAN MICHAEL GARDNER: What additional permits do you need?

REBECCA SUSI: I believe we just need a permit to extend what we have now. So, we would want to be serving food and liquor.

CHAIRMAN MICHAEL GARDNER: Do you need any permitting to take the space on the sidewalk?

REBECCA SUSI: No, I don't believe so.

GERALD REARDON: You do.

REBECCA SUSI: I'm sorry. Well, we had it approved by DPW.

CHAIRMAN MICHAEL GARDNER: That's what I was trying to ask you.

REBECCA SUSI: I'm sorry. You have to forgive me, my husband usually handles this.

So, yes, we had it approved by the DPW and then we've had the drawings drawn up by the professional architect, and then we're here at

this hearing and then we go from there.

ELIZABETH LINT: There's another step.

REBECCA SUSI: We sent it to the  
abutters.

ELIZABETH LINT: And City Council.

REBECCA SUSI: Yes.

ELIZABETH LINT: You need City Council  
approval to be on the public sidewalk as well.

REBECCA SUSI: Okay.

ELIZABETH LINT: And we need a copy of  
your DPW permit.

REBECCA SUSI: Okay. I believe that was  
in our file already. It should've been.

We definitely had them come out. Okay.  
I can definitely look into that. I know that  
they came out and said that it was clear.

CHAIRMAN MICHAEL GARDNER: How many seats  
do you have a license for now?

REBECCA SUSI: 40 -- 46. Excuse me. So  
we would want an additional 20 in front and then

16 on the sidewalk.

CHAIRMAN MICHAEL GARDNER: Any other changes, either with respect to the menu or staffing? Just give us a little bit of a sense of how you would absorb this extra volume.

REBECCA SUSI: Sure. We are going to keep our menu the same.

We are anticipating hiring an additional server to handle the flow from outside.

Right now, as it stands, we have one server and one bus person during lunch, but we'd definitely need another one and probably the same for dinner and our menu is going to be the same.

So, just hiring the extra staff and possibly we are talking about hiring someone to host, to have someone seating out there, so we can have a good flow in between the outside and inside.

CHAIRMAN MICHAEL GARDNER: Have you had experience before with outside dining?

REBECCA SUSI: Personally, yes. Not at this restaurant, but, yes, both of us have.

CHAIRMAN MICHAEL GARDNER: Can you just describe that a little bit for us, please?

REBECCA SUSI: Sure. I've worked at many places that have had outside seating. I waited on people outside. I go to eat outside as often as I can.

CHAIRMAN MICHAEL GARDNER: From a management perspective or from running an operation that was really the experience I was asking about.

REBECCA SUSI: Oh sure. Not -- well, this is the only restaurant that I've run and owned, but I feel confident.

I'm very, very versed in how the restaurant runs, and I know that it's going to be a little bit more, but we're fairly confident and I'm willing to put on as much staff as we need to make it run smoothly 'cuz I look at it as a great

benefit for us and the neighborhood. I don't want it to certainly be a hindrance. So if we need to add more people in the kitchen, we'll certainly do that. We're anticipating a good response.

I know in other Kendall Square eateries when the weather gets warm, it's really busy, so we would like some of that clientele to enjoy our food outside.

GERALD REARDON: The private space on the side, the equipment is overhead is what, is that exhaust fans or hoods?

REBECCA SUSI: It is, yes. There's an air conditioner unit as well.

GERALD REARDON: No issue, you know, about water dripping or anything else that those --

REBECCA SUSI: No, we don't. The only issue that we are sort of working with now is sort've trying to maybe buffer some of the noise

and make it look a little bit prettier and we're hoping to put some nice umbrellas.

GERALD REARDON: Now, the item to the right, is that a driveway?

REBECCA SUSI: Yeah. It's sort of like a driveway. We use it now for our parking spot.

GEORGE REARDON: Is that your property as well?

REBECCA SUSI: No, it's the landlord's.

GEORGE REARDON: Okay.

REBECCA SUSI: But the public is in the front and then the private is on the side.

GERALD REARDON: Okay. But you're all set with the landlord as far as the side?

REBECCA SUSI: Oh yeah, he's seen these and he's excited about it, actually. It makes the building look nice.

ROBERT HAAS: The hours of operation for the outside seating?

REBECCA SUSI: We are open right now

Monday through Thursday from 11:00 to 10:00, and then Friday from 11:00 to 11:00 and Saturday we open at 5:00 till 11:00. So I would keep those same hours.

ROBERT HAAS: Current?

REBECCA SUSI: Yes, uh-huh.

ROBERT HAAS: How long have you been in business?

REBECCA SUSI: Ten years, going on 11.

ROBERT HAAS: Okay.

CHAIRMAN MICHAEL GARDNER: All the abutters have been notified?

ELIZABETH LINT: Yep. I do have a letter of support from Councillor Toomey.

He says he continues to be a proponent of outdoor dining, feels it promotes local business and creates a pleasant and safe atmosphere for pedestrians. "The practice has been quite successful in other areas of the City and I hope to see its continued expansion."

CHAIRMAN MICHAEL GARDNER: Any complaints about this establishment in the file?

ELIZABETH LINT: No.

The only issue is that we like to tell applicants that they cannot have alcohol advertising on their umbrellas.

REBECCA SUSI: Right. We were hoping for sample umbrellas.

ELIZABETH LINT: Which is nonalcohol.

REBECCA SUSI: I think so.

CHAIRMAN MICHAEL GARDNER: Before we open it up to comments from the audience, anything else you would like to add or you think it's important for us to know?

REBECCA SUSI: Other than we're really excited, we're looking forward to it and we really -- we're proud of what we do at the restaurant and we're just hoping to do it alfresco.

CHAIRMAN MICHAEL GARDNER: Any other

questions from the Commissioners?

ROBERT HAAS: No questions.

CHAIRMAN MICHAEL GARDNER: Are there any members of the audience who would like to be heard on this matter? Please come forward.

Just have a seat and identify yourself for the record, please.

JEAN LARRAME: My name is Jean Eugene Larrame. J-E-A-N, Eugene, E-U-G-E-N-E, Larrame, L-A-R-R-A-M-E.

The business of raising the price of the meter for the tax ...

CHAIRMAN MICHAEL GARDNER: All right. Okay. I'm sorry. Tonight, at this point, sir -- sorry if I have confused you. We just started talking about the application for outdoor dining at 111 Harvard Street.

JEAN LARRAME: I'm sorry.

REBECCA SUSI: You made me nervous.

CHAIRMAN MICHAEL GARDNER: Any members of

the public that would like to speak about this first item on the agenda about the open air dining at Amelia's?

Okay. Hearing none, pleasure of the Commissioners?

ROBERT HAAS: I make a motion to accept the application predicated upon your DPW permitting being submitted.

REBECCA SUSI: Certainly.

ELIZABETH LINT: And City Council approval.

ROBERT HAAS: And City Council approval.

REBECCA SUSI: I apologize. I thought that was in order. I'll make sure of it.

GERALD REARDON: Seconded.

ELIZABETH LINT: Talk to Chris tomorrow.

CHAIRMAN MICHAEL GARDNER: The motion has been made and seconded to approve the application pending submission of the appropriate DPW permits and also City Council approval.

All those in favor, please signify by saying "aye."

ROBERT HAAS: Aye.

GEORGE REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

The application is approved subject to those conditions.

Best of luck to you.

REBECCA SUSI: Thank you so much.

Thank you.

CHAIRMAN MICHAEL GARDNER: Goodnight.

**APPLICATION: PASSIM FOLK MUSIC AND CULTURAL  
CENTER/VEGGIE PLANET**

ELIZABETH LINT: Application: 47 Palmer, Incorporated doing business as Passim Folk Music and Cultural Center/Veggie Planet, Matthew Smith, manager, holder of a wine and malt beverages as a restaurant license, common victualer license, and entertainment license has applied to change the

operating hours of their common victualer license and entertainment license from 11:00 a.m. to 1:00 a.m. seven days per week to 8:30 a.m. to 1:00 a.m. seven days per week.

CHAIRMAN MICHAEL GARDNER: Please step forward and identify yourself for the record, please.

MATTHEW SMITH: My name's Matthew Smith, I'm the managing director.

CHAIRMAN MICHAEL GARDNER: So tell us about your plans.

MATTHEW SMITH: We wanted to expand our operating hours for the entertainment license to earlier in the morning so we can host kids programming in the morning on the venue.

CHAIRMAN MICHAEL GARDNER: And is that seven days a week is your plan to actually do --

MATTHEW SMITH: Not seven days a week. We'll have the ability to do it and mostly will do it on the weekends.

But in the future, we may look towards a regular, ongoing kids' program in the morning.

CHAIRMAN MICHAEL GARDNER: Would that be just in the summertime or for preschoolers, during the school year or...?

MATTHEW SMITH: Right now we have kids' concerts sometimes on the weekend. We try to do afternoon shows.

What we would like to do is have preschool programs and just regular kids' concerts that obviously are going to happen more in the summertime because the kids are off, but kinda catering the booking schedule to the school schedule.

CHAIRMAN MICHAEL GARDNER: And that includes Sundays, so you'd be programming on Sunday mornings?

MATTHEW SMITH: Uh-huh.

CHAIRMAN MICHAEL GARDNER: What sorts of food would you be serving in the morning?

MATTHEW SMITH: The restaurant does like  
brunch food.

CHAIRMAN MICHAEL GARDNER: And the plan  
would be to have food available as early as 8:30?

MATTHEW SMITH: Yeah, light food  
available.

CHAIRMAN MICHAEL GARDNER: If this were  
approved, would there be, in fact, any  
restriction you might be doing things besides  
kids' programming? I mean, I take it that the  
license -- we don't control the content of the  
entertainment?

ELIZABETH LINT: No, we don't.

MATTHEW SMITH: It would be kids'  
programming. No one else would come out that  
earlier for entertainment.

GEORGE REARDON: Sir, is your alcohol  
still going to be restricted to --

MATTHEW SMITH: To the regular alcohol  
hours. We wouldn't be serving for a.m.

GEORGE REARDON: Okay.

CHAIRMAN MICHAEL GARDNER: And what are those? Is that 11 a.m. or...?

MATTHEW SMITH: I forget exactly what the -- I think it is 11:00 a.m. and beyond.

ELIZABETH LINT: It is.

MATTHEW SMITH: When we do afternoon shows, we don't serve, but we're checking IDs.

CHAIRMAN MICHAEL GARDNER: History of complaints? Any?

ELIZABETH LINT: None.

CHAIRMAN MICHAEL GARDNER: You have been in operation for how long?

MATTHEW SMITH: The club has been around since '58, but the most recent version of it since 1995.

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

MATTHEW SMITH: I've been working there one way or another since 1995.

CHAIRMAN MICHAEL GARDNER: Is this the first effort at the earlier morning operation?

MATTHEW SMITH: Uh-huh. We used to have before we started serving beer and wine, we had had an entertainment license that ran until 4:00 a.m., which we used occasionally, but that got trimmed back, which is fine for us. I don't want to stay up that late. Better getting up in the morning.

CHAIRMAN MICHAEL GARDNER: Any other questions?

GERALD REARDON: Just number of seats?

MATTHEW SMITH: 125.

CHAIRMAN MICHAEL GARDNER: Abutters need to be notified of this sort of thing.

MATTHEW SMITH: They already have been.

(Forwarding paperwork.)

CHAIRMAN MICHAEL GARDNER: Anything else you would like to add before we open it up to comments from the public?

MATTHEW SMITH: No, I don't believe so.

CHAIRMAN MICHAEL GARDNER: Is there anybody here who would like to speak on the issue of extending the hours of Passim as early as 8:30 in the morning seven days a week?

Hearing none --

ROBERT HAAS: I make a motion to accept the application.

GERALD REARDON: Seconded.

CHAIRMAN MICHAEL GARDNER: There's been a motion made and seconded to change the operating hours of the common victualer license and the entertainment license from 11:00 a.m. start to 8:30 a.m., seven days a week, alcohol remaining restricted until the 11:00 a.m. hour.

It's been made and seconded. All those in favor, please signify by saying "aye."

GERALD REARDON: Aye.

ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Those opposed?

The "ayes" have it.

Congratulations. Good luck.

**APPLICATION: KIKA TAPAS**

ELIZABETH LINT: Application: Tapas 350, Incorporated, doing business as Kika Tapas, Fernando Luis Leon, manager, has applied for an all alcoholic beverages as a restaurant license at 350 Third Street. Hours of operation will be 11:00 a.m. to 1:00 a.m. seven days per week with a seating capacity of 126 inside and 44 seasonal patio seats on private property.

CHAIRMAN MICHAEL GARDNER: Good evening.

If you would just state your names and identify yourselves for the record including your roles.

FERNANDO LUIS LEON: Sure.

Fernando Luis Leon, manager of record and co-owner.

CARLOS REVERENDO: Carlos Reverendo,

co-owner.

CHAIRMAN MICHAEL GARDNER: Tell us about your plans and a little bit about your experience.

FERNANDO LUIS LEON: I'll start with the experience. I've owned the Tapas Restaurant on Newbury Street for 115 years, which is a tapas style concept that has 160 seats inside and 44 on the patio.

And then Carlos and I opened Solea Restaurant and Tapas Bar in Waltham in 2001, which went from 176 seats to 276 seats.

So originally it was 176 seats with a cafe that had windows that opened to the street, and then we took over a restaurant that went out of business and added another 100 seats.

And our concept is Spanish tapas, which is Mediterranean cuisine served in little dishes so people can make a meal out of sharing a bunch of different of appetizers. We do have main

courses as well. We serve the whole menu throughout the whole restaurant, whether it's the Cafe, the bar, the lounge, the dining room, everything is available in the whole restaurant.

We have all alcohol beverages licenses in both restaurants.

Between the two restaurants, currently we have 96 employees, and the restaurant that we are looking to open up in Kendall Square would be the same concept tapas, Spanish tapas for main courses with probably anywhere from 30 to 40 employees and 126 seats in the restaurant and 44 outdoor dining.

CHAIRMAN MICHAEL GARDNER: Okay.

GERALD REARDON: Is this new space that you're going into?

FERNANDO LUIS LEON: Correct. It is next to Evo & Czar (*phonetic*) in the Watermark Building.

CHAIRMAN MICHAEL GARDNER: How soon will

you be ready to open if this is approved?

FERNANDO LUIS LEON: Probably August, September. August, September.

CHAIRMAN MICHAEL GARDNER: Are there inspections that have taken place already, or does all this come after this in terms of Inspectional Services?

GERALD REARDON: So you haven't done any build-out as of yet?

FERNANDO LUIS LEON: No.

CHAIRMAN MICHAEL GARDNER: And you are seeking a no-value nontransferable license; is that right?

FERNANDO LUIS LEON: Yes.

CHAIRMAN MICHAEL GARDNER: What is your sense of the competition in the area or the number of restaurants with alcohol licenses that already serve that area?

FERNANDO LUIS LEON: Our sense is there aren't enough because the ones that are there

whenever we go to check out the area are always packed, whether it's lunch or dinner.

So we know that there are several restaurants that are supposed to be opening up there in the near future, but they are sort of spread out all the way from Legal Seafoods and where Amelia's is on that side of Kendall all the way up to the Galleria Mall.

We would be after the Watermark Building on Third Street, which already has two restaurants and has a lot of residential units as well as office space.

CHAIRMAN MICHAEL GARDNER: Any disciplinary history or difficulty in Boston or the other location with the restaurants you operate now?

FERNANDO LUIS LEON: No, none. I included letters of recommendation from both -- actually not from Boston, but from Waltham.

I'll give you a copy of that.

ELIZABETH LINT: I have other letters as well.

CHAIRMAN MICHAEL GARDNER: Questions?

ROBERT HAAS: No questions.

ELIZABETH LINT: I would just put those on the record as well.

CHAIRMAN MICHAEL GARDNER: I'm sorry, your years of experience in Boston is 15?

FERNANDO LUIS LEON: 15. 15 as an owner. Prior to that I managed other restaurants.

CHAIRMAN MICHAEL GARDNER: Okay. Will this be your first experience in Cambridge?

FERNANDO LUIS LEON: Yes. As an owner, yes. My father owns Dali Restaurant in Somerville, so I helped him open that in 1989.

CARLOS REVERENDO: Also, to add, our experience with Solea in Waltham, given the two universities there, Brandeis and Bentley, the police force partnered with this Responsible Retail Forum, they're very strict about parties,

stings, whether it is the police department or this organization -- this study group Responsible Retail Forum from Brandeis University. So we have always come through every year and it happened several times a year. It's not just in September, October. It's like three or four times a year between the two groups. So we have a very good relationship with the City.

ROBERT HAAS: So you'd both be managing the Cambridge site or just you?

FERNANDO LUIS LEON: We would both be involved in the Cambridge site.

ROBERT HAAS: Who is managing the other two sites?

FERNANDO LUIS LEON: We have general managers. So we, as owners are there and we'll work several nights a week in administration, and then we have a general manager in each location, but we are there. We work a fair amount of time in our restaurants.

ELIZABETH LINT: The paperwork is all there and I would put these on the record that we have letters of support from Barbara Broussard, President of the East Cambridge Planning Team, Councillor Toomey, Estella Johnson, the Director of Economic Development Division, and Wayne Brasco from the City of Waltham. I would say I know Mr. Brasco very well. We worked closely with him from time to time.

FERNANDO LUIS LEON: I'd also like to say we spent several years looking for another location. We were trying to find a location in a neighborhood that would work well for our concept.

We are very active in Back Bay with the neighborhood association of Back Bay and what's going on in that part of town and we're also very active in Waltham, so, you know, we've only opened two restaurants over 15 years. We are not the aggressive types that want to open a

restaurant every three years, to have ten restaurants.

So we took our time finding the location that we thought would work well for our concept.

CHAIRMAN MICHAEL GARDNER: Okay. No, you are not applying for an entertainment license at any time, I take it?

FERNANDO LUIS LEON: We don't want to manage that. We make plenty of money on food.

CARLOS REVERENDO: We are a restaurant, not a nightclub.

CHAIRMAN MICHAEL GARDNER: Anything else you would like to add before we open it up to comments from the public?

FERNANDO LUIS LEON: No, I just appreciate your consideration. I think it's a good fit for the neighborhood. There are a few restaurants there, but, like I said, I don't think there are enough restaurants and there needs to be a larger variety of concepts.

CHAIRMAN MICHAEL GARDNER: Are there any members of the audience or the public who would like to be heard on this application for Kika Tapas?

Please come up and have a seat and identify yourself for the record, please.

BARBARA BROUSSARD: Barbara Broussard. I'm President of the East Cambridge Planning Team, and it seems that our members have become foodies, so we are in support. I also brought brochures because last time you asked me something about the East Cambridge Planning Team, and you do have my letter on record.

And we really think it's a great idea that Kendall Square, that area is developing. So we have a place to walk to and eat. Thank you.

CHAIRMAN MICHAEL GARDNER: Not too concerned about the growing numbers of seat serving alcoholic beverages in your neighborhood?

BARBARA BROUSSARD: I wouldn't be the

right person to ask.

I lived in Europe for a long period of time and having a glass of wine with lunch or dinner is regular, but no, I'm not.

And we have had members that have had concerns in the past and they did not raise any at the meeting at which Fuji or Kika came. They're older res -- they worry more about all of these establishments on Cambridge Street.

Thank you.

JESSE BAERKAHN: Jesse Baerkahn, B-A-E-R-K-A-H-N. And I'd just like to state for the record, although we are an interested party here, that we spent a considerable amount of time trying to figure out and work with stakeholders in Kendall Square what would work. We put a lot of effort and time and money into kinda starting to grow a desperately needed retail community, restaurant community in Kendall Square.

The folks who live and work there have

been underserved for a long time. We came to Carlos and Fernando with incredible recommendations from folks throughout the Boston area and Waltham and our guiding principal finding experienced proven operators who've done this before, who can add to the community. So we are very pleased and really excited about this group.

CHAIRMAN MICHAEL GARDNER: You recruited them?

ROBERT HAAS: You solicited them?

JESSE BAERKAHN: Yeah. I think our approach has been is being very active in terms of bringing the folks that we think will add to the community in Kendall Square and these guys are on top of, I think, everybody's list.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Anyone else who would like to be heard on this application?

Please come forward.

CAROL BALLOU: Carol Ballou, Treasurer for the East Cambridge Planning Team, but I came as an individual of 257 Charles Street. And we are very supportive of this, we are trying to humanize Kendall Square slowly but surely, and 20 properties has worked hard to bring in some more stuff that we can use during -- you know, at nighttime. So, it would be very appreciative if we could move this forward. We really are excited to have stuff happening on Third Street and we are totally supportive of it.

Thank you.

CHAIRMAN MICHAEL GARDNER: Anyone else here who would like to be heard on this application?

CHARLIE MARQUARDT: Charlie Marquardt, M-A-R-Q-U-A-R-D-T. Also East Cambridge Planning Team, but I'll speak for myself.

I live right around the corner probably

closest to the Watermark Building, at 10 Rogers Street, and my building is ecstatic about having a new place to go and eat that we can walk down the boardwalk, across the nice water -- broad canal waterway there and stop in and have an outdoor drink and not have to drive home.

Everybody has been driving all the time and it has been really difficult, and I appreciate all the work you guys have been doing to help bring some more liquor licenses and some really good restaurants into the neighborhood because without that ability to serve wine with the tapas, I don't think they will be all that successful, and we really need a great place for our folks who work in the Kendall Square area whether it be in the heart of Kendall Square or over at the police station to have a nice place to go relax after work. So, we support it wholeheartedly.

Thank you.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Any other members of the public who would like to be heard on this application?

(No response.)

Pleasure of the Commissioners?

ROBERT HAAS: Motion to approve.

GERALD REARDON: Second, subject to the necessary inspections and permits for the build-out as required.

ROBERT HAAS: And the 21 proof training.

CHAIRMAN MICHAEL GARDNER: Do you understand Cambridge has its own alcohol training 21 proof? Will you have to go through that and your staff.

The motion has been made and seconded to approve the application for 126 inside and 44 seasonal patio seats for an all alcohol beverage and restaurant license at 350 Third Street.

All those in favor, please signify by

saying "aye."

GERALD REARDON: Aye.

ROBERT HAAS: AYE.

CHAIRMAN MICHAEL GARDNER: None opposed.

So the application's approved subject to your meeting the other conditions.

ELIZABETH LINT: If I may, Mr. Chair?

Just, again, specify there's no value, it's not transferable and is not able to be pledged.

CHAIRMAN MICHAEL GARDNER: I think that was implied from the earlier comments, but we'll make it a specific part of the record as Ms. Lint properly reminds us that these are no value, nontransferable licenses without the capacity to pledge them for any gain.

Okay. So it has been approved. Wish you well.

FERNANDO LUIS LEON: Thank you very much.

**POLICY: TWO PROPOSALS FOR METER RATE INCREASE**

ELIZABETH LINT: Policy Discussion: The Commissioners will discuss two proposals for a meter rate increase for taxicabs.

CHAIRMAN MICHAEL GARDNER: So, please, are there any members of the public who would like to be heard on this matter?

I recognize Mr. Galluccio. Come forward and identify yourself for the record.

ANTHONY GALLUCCIO: Thank you, Mr. Chairman and Honorable Members of the Commission.

I'm Anthony Galluccio, I'm an attorney, but I come here as a friend of the taxi drivers in Cambridge.

They are not a formally organized group as of yet, but they are working very hard to speak in a common voice and they asked me after meeting with them several times on this issue to come forward and speak on behalf of at least those members that are here this evening.

And I know they actually had a petition out there that I was gonna submit this evening, but I think it is a bit unclear, not in terms of what they intended to convey, but maybe what you would interpret, so I'm going to ask them to submit something, if possible, after the meeting, 'cause I think this isn't as clear as I would like it to be.

The preference of -- and let me preface by saying, I know there are a number of issues that the Commission and the Advisory Committee, as well as Mr. Ewing and those that have worked with the industry for years have raised issues that have been around for a long time.

I've made it clear to the drivers that my interest is not only to advocate for a better quality of life and keep them up with issues, like inflation and gas prices, but to improve the industry in general. So I know that there are some issues that we need to continue to work on.

One of the issues is the credit card issue, issues around short fares and making sure consumers have access to sure rides and overall cleanliness, congeniality, the issues that are consistent with this industry.

So I want to make sure that the Commission knows that I'm committed to those issues, and hopefully, we can all work together on all of those.

The drivers that I met with, and again, there's a lengthy petition, so I'm -- in good faith, I believe that the vast majority of drivers are in support of the proposal that would add a five cent increase per eighth of a mile as opposed to an increase at the start of the ride, which is one of the proposals.

The big concern right now is gas prices, and I'll submit one article about gas prices, but I think everybody is pretty well aware that there have been predictions that increases will

continue. Some have -- some have anticipated that prices may get up to \$4 a gallon in the summer. It is not the first time in history gas prices have gone up, certainly, but there has been a steady increase.

This is, also, I believe, the first increase in rates for about five years, so this has been cumulative. I think the drivers were supportive of putting off the last increase due to the economy, and just the general climate of working with the License Commission agreed to step back, but they really are under severe pressure now, and they're asking for that raise to be increased.

I'll just say, as a consumer, I actually prefer their increase. I'm someone that uses cabs for short fares in the city and I think for consumers, I think the other proposal while may be a little better on longer fares, would hit consumers a little harder upfront.

So they are both debatable, I think, for the drivers. The increase that I'm speaking in support of tonight will give them more permanent relief so that they are not -- not that you folks don't like to see the drivers down here frequently, but, so they can go away for a while at least when it comes to the rate issue.

So that's the general gist to convey the support for the increase per eighth of a mile. I think both proposals remove the current exemption for the first eighth of an a mile. Both of them would put that back. That was a concession they made years ago that both proposals would remove. They obviously support that as well.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Being relatively new to this business, I would like just to generally ask you if you have the information or the other Commissioners, my understanding about the history of rate increases

is that I see them, there may have been an increase in 1998 -- we don't actually have the details of that in hand -- it appears as if in 2002 there was a rate increase which, although originally scheduled to happen early in the year, looks like it was moved until later in the year, perhaps as late as October, and then of 2002, and then we see a January 2006 increase to what I understand are the current rates with -- I think that's -- well, some of the rates took effect on March 27, 2006, and then there were some others that may have happened in June of that year.

And that includes, as I understand it a structure of a \$1.95 on the dropping of the meter or the beginning of the ride, and then the first eighth of a mile or perhaps maybe it is for the first two eighths of a mile or the first quarter of a mile the way I read it, it would be covered by the drop and then the 40 cents picked up after a quarter mile.

ELIZABETH LINT: Eighth.

CHAIRMAN MICHAEL GARDNER: After an eighth.

ELIZABETH LINT: An eighth.

CHAIRMAN MICHAEL GARDNER: And your proposal is to leave the drop at \$1.95 and then begin 45 cents for each eighth of a mile with the beginning of the ride.

ANTHONY GALLUCCIO: Right. Our understanding is that both proposals that are being considered would eliminate that first eighth exception. So this would be a five cent increase per eighth. It's now 45 cents. So that's correct. And for what I've -- you know, I'm still getting to know the industry, I thought I was an expert, you never are an expert in this industry, but because of the way the meter works, there isn't a lot -- there isn't a ton of flexibility on how to structure the increase.

My understanding is five percent is the

lowest -- five cents is the lowest increase and the lowest click increase could be at an eighth. So there are some limits on that.

CHAIRMAN MICHAEL GARDNER: I don't know if you have any information about what an average ride for somebody picked up in Cambridge is, or some estimate as to what the impact of this is going to be per trip.

ANTHONY GALLUCCIO: Yeah. The only analogy I'm looking at, Commissioner Reardon, I'm trying to draw an analogy with a residential exemption -- your brother would appreciate this analogy -- to figure out at what point do you -- are you as a consumer a beneficiary or a nonbeneficiary based on these two proposals.

And I think if you look at it about a mile and a half, it starts to break. So if -- this is -- I'm not a mathematician, but before a mile and a half, you win on the proposal, the drivers proposed tonight, if you go further than

that, because it's an accumulative increase, you would start to -- you would not be a beneficiary of our proposal.

So that's about where -- so, it really depends on how you use the industry. If you are a long fare person, you would prefer the alternative; if you are a short fare person that bounces around the city, I think you would agree with their proposal.

You know, I have been active in the industry for so long now, I would like to believe there would be some incentive to increase -- excuse me -- I would like to believe there would be a proposal that would increase the incentive for drivers to pick up short fares. I actually don't believe that that's possible to do with any of the proposals.

So I really am speaking on the merits of the proposals and so are the drivers. That's a mentality that I think we have to continue to

combat where drivers wait for an airport fare or for a long fare. I don't think the alternative proposal is going to get drivers to change that mentality.

So, I won't look at it that way. I think we need to make sure that we convey to drivers through the taxi school and as regularly as we can that the better services provided, the more folks will use cabs and the better the industry is.

So, you know, I would, I guess, refute any consideration of the upfront increases being something that will help incentive around short fares.

CHAIRMAN MICHAEL GARDNER: I just ask the Commissioners, you, Mr. Galluccio, Ms. Lint, I have the understanding of the impact of this change compared to the current fee structure, so setting aside the alternative proposal that's here, that this would add 75 cents to the first

mile of a trip? I'm thinking about that as -- there's 45 minutes that currently isn't paid on the first eighth, and then on the next seven-eighths there is an extra five cents or 35 cents so that this ends up costing the consumer another 75 cents for the first mile; is that everybody's understanding?

ELIZABETH LINT: 80 cents.

CHAIRMAN MICHAEL GARDNER: Well, currently the first eighth is free, right, so that's --

ANTHONY GALLUCCIO: So right now that's 40 cents plus a five.

CHAIRMAN MICHAEL GARDNER: That's a new 40 cents on the --

ELIZABETH LINT: So it's five.

CHAIRMAN MICHAEL GARDNER: Oh, and then a five, right, so 80. Right.

Thank you.

I mean, what's the sense of the industry

with respect to the fairness of that kind of increase for the taxi using public?

ANTHONY GALLUCCIO: I would convey there's a lot of sentiment in the industry that they defer to previous increase, and as we know, I mean, from landscapers to the restaurant industry, I mean, many folks have gotten incremental increases because of utility costs, so they -- I think they're proud that they deferred that earlier raise, but they continue to worry about gas prices and, you know, I would -- so I would say that's their biggest concern both of those two, those two pieces.

There was some discussion about a surcharge for gas, and my response to that was that it's very labor intensive for the License Commission, but it's also -- we've been around long enough to know that there probably wouldn't be a lot of support to that removed down the road. The City Manager has thought me well over

the years that it's tough to take things away.  
So you might as well get credit for it when you  
do it and be realistic about the --

GERALD REARDON: You're not going to make  
an analogy to the toll booths or anything.

ANTHONY GALLUCCIO: I don't want to  
revisit that issue.

GERALD REARDON: When you look at the  
City, I mean, Cambridge is only like the longest  
run is almost like three miles. You're talking a  
mile. It's -- I guess there's two sides of the  
coins, too, for the drivers, that you can do  
three or four short jobs in the time it takes you  
to get to the airport and back, too, I guess, but  
I'm not going to weigh the merits of --

ANTHONY GALLUCCIO: You know, this is  
where I get -- I'll get myself in trouble with  
the drivers. I think it's critical that -- you  
know, the good news is I'm not here as a paid  
counsel. These folks are not paid or elected in

any way, so there's no ownership other than we all want what's best for the industry.

But there's a mentality out there waiting for a long fare, and we all have to do -- these are -- the folks here tonight are seasoned veterans that I think have committed to try to convey. There are a lot of new drivers now because of the economy. Folks jump into this industry when they are out of work.

So what has been conveyed to me is that there's -- this is a time we really need to reach out to some of the new cyclical drivers and convey that there's an industry standard. But that's a problem, the long fare mentality is a problem. I know the guys that really do well are the ones that stay on the road and keep going and just keep picking up and keep moving, but there is a mentality for that quick hit.

Again, I don't think either proposal is gonna impact that mentality.

CHAIRMAN MICHAEL GARDNER: So part of what you're saying it's really up to us as both educators and enforcers on complaints or otherwise to try to persuade the drivers to do the right thing and what their license requirements are set for them.

ANTHONY GALLUCCIO: Yeah, that's true.

I mean, in the old days I thought there was more of an opportunity through the radio services, you know, because there was more control and now a lot more drivers are off the radio.

And because of First Amendment issues, we could never really regulate the radios the way I would have liked to on those fares, you know.

So, it's tough because in some ways you have total control over the number of licenses and the licensing of the drivers, but in terms of the behavior, there isn't as much control.

So that's -- I mean, I think that

something that has to be an ongoing effort. I've talked to them about the credit card issue.

There are lot of drivers that still have a lot of anguish about that. I've told them that that is something that we have to come to grips with, hopefully if the Federal Government creates an exemption under \$10 that will give them some -- that will relieve some of their fares because there's a big transaction hit on those small fares.

ELIZABETH LINT: That's already in effect.

ANTHONY GALLUCCIO: I think that helps. Also, the cost of getting the machine and implementing it is an issue, but that's something that, you know, we want to pledge to continue to work with. That's another one that I think benefits the industry, but we have to work through some issues with the drivers, too.

CHAIRMAN MICHAEL GARDNER: So, in terms

of what understood you to stay about the limitations within the mechanical devices in terms of how frequently they can do a measure and working in five cent increments, seems to me, if I'm right, that the least expensive to the consumer increase would be five cents on seven-eighths of a mile if you left the first eighth of a mile exemption alone and you increased the remainder by five cents an eighth. If you changed anything, the minimum you could change is 35 and your proposal is to change it by 80, which, I think, can be argued still is modest given the limitations with respect to what could possibly be proposed, am I thinking about it right from your point of view?

MR. GALLUCCIO: That's right. You know, everybody is hurting in this economy. So, I don't want to make it sound like the drivers are in any different position, but, you know, as the price of a medallion goes up, the cost of lease

goes up, insurance prices go up, all those services increase so that the driver that's leasing a cab and going out there and trying to hustle gets hit harder and harder.

So those increases have continued to flow. So I think that's why historically there were those consistent increases over time, gas prices notwithstanding.

CHAIRMAN MICHAEL GARDNER: One of the other things that I assume is relevant to look at are what the rates are in surrounding communities. I'm trying to educate myself quick fast way I think I was advised that Boston rates are higher than these, but that our rates are as high or higher than many of the other communities we are contiguous with. I don't know if you have any information about that or...?

ANTHONY GALLUCCIO: Only that Somerville may be slightly lower and Boston may be -- it may be higher, but I don't have any hard numbers on

that.

ELIZABETH LINT: I do. Would you like one.

ANTHONY GALLUCCIO: Sure.

CHAIRMAN MICHAEL GARDNER: Do you have one that I can have?

ELIZABETH LINT: I gave it to you.

CHAIRMAN MICHAEL GARDNER: No, I don't have one.

ANTHONY GALLUCCIO: It looks like Boston is \$2.60. \$2.60 for the first, you know, as you get into the cab, which still would be higher than either of these increases, I believe and I think that's noticeable in Boston.

Waltham and Somerville -- Waltham is \$2 and then they go 50 cents a fifth of the mile.

Is that right, Elizabeth, or is that supposed to be an eighth?

ELIZABETH LINT: I believe they do it by the fifth.

CHAIRMAN MICHAEL GARDNER: It looks like Boston does by sevenths as well.

ANTHONY GALLUCCIO: That would be a great question for weights and measures. I don't know. I guess we could adjust ever meter and go to a different click method as well.

This probably, you know, it really comes down to the cumulative effect anyway, I believe, so...

CHAIRMAN MICHAEL GARDNER: What's your understanding or expectation with respect to if this is approved what happens to the flat rates to the airport?

ANTHONY GALLUCCIO: That's a great question.

ELIZABETH LINT: I can answer that. We would adjust it, we would raise it by the same percentage that the meter rate is increased.

AUDIENCE MEMBER: That's what took place, not to cut the budget, but that's what took place

in that other year that you split the raises.  
That was the case why it went from April or  
whatever it was until later on that year.

CHAIRMAN MICHAEL GARDNER: We have a  
member of the audience, I think, pointing out  
that that was probably what happened in 2006 when  
there were adjustments in March and June.

ANTHONY GALLUCCIO: I don't even have to  
look back to know who that is, Mr. Chairman.

Thank you for that question because as I  
was making the presentation, I would have liked  
to have known that, and I didn't want to exhibit  
my ignorance, so thank you, Elizabeth, for that.

ELIZABETH LINT: There's no reason why it  
couldn't all happen at the same time. We would  
be sending out to print up all the material  
anyway. I just have to bone up on my math. It's  
not very good.

CHAIRMAN MICHAEL GARDNER: I wonder,  
Mr. Galluccio if you have any thoughts about ways

in which by approving this increase the Commission could in any positive or negative ways influence the drivers with respect to the short fare problem, positive and negative incentives.

ANTHONY GALLUCCIO: Well, without making -- again, there's no way to make any of these things conditional.

I mean, I would like to think that both myself and the License Commission and the executive director would be in a position do some preaching to the industry after supporting an increase. An increase is never an easy vote. Gas prices notwithstanding, you know, everybody is hurting, so there's never a ton of sympathy for any kind of an increase in an economy like this.

I mean, I would like to think about maybe -- you know, it would be nice to have some sort of an annual meeting with drivers that folks like you can get up and say, you know, these are

the things we have done to improve your quality of life so that you can provide better service and these are the things we expect from you and I would like to be part of that.

I think we probably missed some opportunities to do that because the folks that participate at the advisory, it's always a narrow group.

And, again, I never seen the industry so isolated. I mean, there was a time when these folks really all kinda -- like 60, 70 percent of them knew each other. It's really not that way right now because there are so many new drivers in and out.

So maybe some kind of an annual meeting that you are required to attend where we could not only have city leaders make the statements, but also have the folks -- some of these folks say, hey, I'm the one sitting through the License Commission meetings, I'm the one going to

meetings with people like myself and elected officials and calling Elizabeth frequently. You need to start doing some things to make the industry look better.

CHAIRMAN MICHAEL GARDNER: It certainly would be good if experienced drivers could speak up to other drivers and say, hey, you can make money on a short fare and this is how to do it.

ANTHONY GALLUCCIO: These folks tell me they try to, as they say, school the young drivers about, you know, what -- how you make money and sort of paying attention. I mean, we've all gotten in cabs where someone is on the Bluetooth, they're not listening to you, and the cab is not as clean as it should be.

I mean, I had a horrible experience in Boston where I left my cell phone and calling Boston Hackney is, I mean, they make the Registry of Motor Vehicles look polite.

So, I think we actually do some things

really well in Cambridge, and given the fact that there's a group of leaders, I think we should try to take advantage of them while they're around, and again, maybe some kind of a mandatory annual meeting with an agenda that says you folks can say these are our priorities, and, you know, we've heard yours and continue to get a presence of those priorities, not to just the folks that attend these meetings, but to the rank-and-file driver.

And to be honest, one of the reasons that -- I mean, I've put a lot of effort into this industry, and these folks came to me initially to really organize a formal association, a union, and I said, "I don't think we need that in Cambridge yet. I mean, the city leaders and License Commission where you've had a good relationship, so I'm not sure that's necessary. And I don't want to be a hired gun because once I'm hired, I have to somehow be

inclined to tell you what you want to hear, as a nonhired gun, I can tell you what you do want to hear and what you don't want to hear.

So, I'm sort of having fun in that role of being somewhat impartial because I'm not retained for financial purposes.

So I would like to work with you to see if we can all improve the industry and maybe through -- my first thought is maybe a mandatory -- if we can require the school, you know, require attendance at an annual meeting where we really make that a serious event and I know there's certainly City Council that take an ongoing interest in the industry that would, I'm sure, be willing to participate and hotel and restaurant owners as well and members of the public.

CHAIRMAN MICHAEL GARDNER: Unless there are other questions for Mr. Galluccio now, what I guess I would like to propose --

GERALD REARDON: I would like to ask him one quick question.

CHAIRMAN MICHAEL GARDNER: Okay. Go ahead.

GEORGE REARDON: Any thoughts why all the drivers collectively if this modest rate will hurt their fares with the use of cabs?

ANTHONY GALLUCCIO: I haven't heard that collectively. One morning I wake up and say the other raise is better for consumers and the other one I come back to that. I think -- I actually think the proposal that hits the consumer hardest is not the ones-- is not the one that they support. It's an upfront hit. I know -- I tend to focus on that meter when I first see it. So that -- there hasn't been a concern about that.

ELIZABETH LINT: If I could add to that as well. In the past, traditionally when the meter rate increased that they voted down as well

the meter rate increase that did go through a few years ago, I did have a lot of input from members of the public.

I haven't heard anything from anybody at this point which tells me that people get it.

CHAIRMAN MICHAEL GARDNER: That was my proposal here is before we hear from anyone else in support of the increase, I would like to find out if there are any members of the audience who would like to speak in opposition to an increase in the rates for taxicabs?

Please stay where you are, Mr. Galluccio.

Hearing none, I would pro --

MICHAEL GERVAIS: I would like to speak.

CHAIRMAN MICHAEL GARDNER: Would you like to speak in favor or against?

MICHAEL GERVAIS: Against.

CHAIRMAN MICHAEL GARDNER: Okay. Well, just hold on one second, if you would.

Before we hear from other members of the

audience who would like to speak in favor of the rate increase, I would like to just ask for a show of hands from the members of the audience if you are in favor of the proposal which keeps the drop rate the same as it is now at a \$1.95 and applies a 45 cent charge to the first eighth of a mile and an additional five cents to each eighth after that.

(Showing of hands.)

CHAIRMAN MICHAEL GARDNER: Thank you.

And any members of the public who in general would prefer the changing the initial drop rate to \$2.50? I'm putting a 40 cent charge on the first eighth and keeping the remainder at 40 cents, which, I think, is the proposal.

Any members of the audience who would support that alternative?

(No hands.)

I think we can see that most of the members of the audience raised their hands with

respect to the first proposal as I described it, and no one raised their hands with respect to the second proposal, which would have increased the drop rate to \$2.50.

Now, if there are members of the audience who would like to be heard in terms of speaking on the rate increase, we ask you to come up, state your name, and ask you to mostly to focus on issues which Mr. Galluccio may not have raised.

MICHAEL GERVAIS: Hello, my name is Michael Gervais, G-E-R-V, as in Victor, A-I-S. I'm a cab driver in the City of Cambridge.

I would like to -- first I would like to thank Mr. Galluccio for coming and supporting and also to speak on this issue.

One thing I wanted to say to the Commissioners, I think it's very good the drivers are organized about this issue, but I wanted to mention something. They began speak about and

the Chairman had brought up, I think if they want to deal with this, as you said, this short fare problem, and to deal with these types of issues, with this increase, whatever you gentlemen had decided or whatever comes to pass, I think that the Commission, because I have seen decisions come and what happens is when an increase comes, all of a sudden, the lease for the cab just automatically goes up.

To break this down very simply, what happens is that a person goes and drives the cab, an increase comes, it comes up, and it's the same for the driver. It's like there was no other -- and each going out and it's the same thing everyday, and that just keeps going around. So he's out there hustling to get that buck to make that lease that's just gone up. He just never sees it. It just keeps going on and on and on.

So, the dirty cab, the short fares, the bad service, all these kinds of things are

interconnected, and when they talk about Mr. Ewing, the school and having to teach all the new drivers and all these other types of things there, I think -- I remember I came with some of the fellas here that are in the room, and we talked with the former Commissioner who was here, and Mr. Haas and the Fire Department Commissioner was here, and we had gotten some issues with the new school, if you remember, and we got some changes there.

We also brought up an issue about over-saturation of the industry and we have an over-saturation of drivers. That's part of the problem.

We don't need over 1,000 drivers to drive cabs that are 70 percent owner-operated. What that boils down is to we got 800 drivers to basically driver 100 cabs. We don't need 800 people to fill 100, 150 jobs. That's what that boils down to, the math.

I wanted to -- I'm sorry to get off point with this, but that's the reality of it all.

The basic point on this is that a shorter fair increase for \$2.50 is not going to keep up with the gas prices that are going up, the maintenance of the cabs, the leases that aren't regulated because they are going up all the time and because of the over-saturation of drivers that I just mentioned, people are going out and it's an owner's market.

So someone is there and they don't want to pay more money, the owner just pays it. So it's sort of a pirate's market out there.

Jobs are hard to come by, as everyone knows, we are in a recession. And when they are talking about someone saying, well, gee, what's the average fare, you go out on the street during the daytime, it's very slow out there. Very slow out there. So it's mostly short jobs. There isn't big long fares all the time or anything

like that. It is pretty slow. And we're not getting a whole heck of lot of long jobs here. It's very, very slow. It's short jobs mostly. We're not getting these big long jobs and things like that. We're in a recession.

CHAIRMAN MICHAEL GARDNER: So do I take it that you're in support of the fare increase as in Mr. Galluccio outlined?

MICHAEL GERVAIS: Yes. History tells us we are not seeing an increase for a long time.

And also, I think that -- I don't hand out compliments too much to the License Commission because on the most part, they usually don't deserve it, but we have gotten basically, I'll say on the record, we don't have a commissioner and I promised I wouldn't mention the loss of Tony Arcos that we need very much. I promised I wouldn't say that.

CHAIRMAN MICHAEL GARDNER: I'm glad you kept your promise.

MICHAEL GERVAIS: We need him very bad. And because they're picking up our fares on Mass Ave at night all the time.

But the License Commission, I think, is doing a bang-up job right now with a skeleton crew that we need -- they -- we have a lot of problems, we need help with regulation and I think -- I wished that Anthony Galluccio could work and be hired as a consultant because he's a great communicator with all the drivers. We love him very much. And this is the best increase for everybody. Thank you.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Are there any other members of the public who would like to be heard or speak about a point that hasn't been discussed so far?

CHARLIE MARQUARDT: I can do it in 30 seconds.

CHAIRMAN MICHAEL GARDNER: Please come up

and restate your name for the record.

CHARLIE MARQARDT: Yes, sir. Charlie Marqardt, M-A-R-Q-A-R-D-T.

I was trying to do some math really quick in my head. Like Anthony, I'm not really good at math. But you look at what's gone through the drivers in the last couple of years being asked about hybrids, being asked to take credit cards, which even when it's \$10, that's hard when someone says I need a credit card for a short haul. I don't know what their rates are, but say 20 cents on the hit plus one-and-a-half, two percent. You're looking at the math of, in my head, is a 3 percent annual increase over the last five years at one time now. They deserve that. They probably deserve more. This is a tough vote for the folks to say to give them more, but it's not too much to ask them to give them a small increase now because it's tough out there.

My brother just put in an ad for a new driver last two months ago on Craig's List, 700 responses in 12 hours. So it's out there. They're all out there. I mean, there's cab people, people owning cabs applying to drive for someone else. That's a really scary thing.

So let's give them some money and find a way that they can put it in the their pocket, not in the owner's pocket.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

(Applause.)

MR. GALLUCCIO: I just neglected -- just some -- nothing you can't find yourself, but just some information on gas increases.

CHAIRMAN MICHAEL GARDNER: All right. Thank you. We'll take that and put it in the record for Mr. Galluccio.

Are there any other members of the public who would like to be heard on this issue?

KRISTIN BANAUKAS (phonetic): Hi. My name is Kristin Banaukas. I am the marketing coordinator at the Cambridge Office for Tourism. I have been attending the taxi subcommittee meetings for over two years. I'm also a member of the Taxi School Board of Directors. So I've been getting more involved in the industry.

I'm just here to offer our office as support for the requested increase. We're really trying to partner with the taxi industry. We are all in this together. This is all interconnected. We're asking them to keep up high levels of customer service for all the tourists that come into our city, and in return they certainly are deserving of an increase with inflation and increase in gas prices. We're all feeling it. They have been reasonable in not asking for that -- that increase two years ago and certainly more than reasonable to ask for it now. I didn't vote before. I didn't really have

a strong preference for either suggestion. I think they are both reasonable. So I would, I guess, defer to the drivers' preference of the first one. We think consumers will understand and we are in support of you.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

(Applause.)

Any other members of the public who would like to be heard on this matter?

I just have an open question with respect to the Board's procedure as to whether or not given how the notice was posted for this issue and the Board's general operations, whether any of the Commissioners feel that it's either prudent or appropriate to vote on this issue this evening as opposed to postponing it until April 7th. There's the practical issue that inspections are starting on April 4th, and in terms of communicating with drivers and getting

rate cards set, the Commission staff, I think, would like as much notice as possible; is that fair?

ELIZABETH LINT: Very fair.

CHAIRMAN MICHAEL GARDNER: So I don't know if Commissioners have a strong feeling about that or if from anybody you think there are any legal impediments to our taking a vote this evening.

ELIZABETH LINT: Absolutely not. Just as you would vote on any other issue before you. We gave notice. It was in the newspaper. It's posted. It's out there.

ROBERT HAAS: Mr. Chair, the thing that strikes me, I was here two years ago when we tried to persuade the taxicab drivers to go for a rate increase and I was sufficiently impressed with the fact how sensitive they were in terms on the impact on the industry. So, I mean, I really deferring to their better judgment and I think

if, in fact, as Mr. Galluccio represents, the majority of the drivers are in favor of the increase. I do think it's long overdue. I think it has been a long, long time, and I do respect the fact that they did, in fact, had an opportunity to have an increase two years ago and declined to take it. So I'm -- I think, not seeing any major opposition to it, I think people do get it. That it's time. So I would be inclined to support the proposal for the first proposal.

GERALD REARDON: I also think it would be prudent to do it tonight because the inspections give everyone the notice. I was here for the last one and the one previous to that, I think, in 2003. I think it's evident to everyone that costs of doing business is going up and that fuel is not going to go down. I think Mr. Galluccio represents it correctly in that surcharges don't seem to do well with riders, I think, and I also

think that the one being purported tonight that has the increase in the drop, I think, has a chilling effect on people using short cabs. I think the proposal that's being put forth in support does a better job not to curtail people for taking a short cab ride because the drop is higher. I think psychologically if you look at marketing, and Sears doesn't sell anything for \$20, it's \$19.99 for a reason, and I think it's a proven reason across the country. And I do understand that they are out there, and it's more difficult to make this, and cabs are a necessary and a vital part of our city to the people who don't have transportation to get around, and I do think that the vast majority of the citizens understand that with their own costs going up that a modest rate increase at this time is appropriate for them.

CHAIRMAN MICHAEL GARDNER: I guess being very new to this and serving in this job in a

temporary fashion, I need to be prudent and cautious and I am -- if I had my druthers, smaller increase, the 35 cents perhaps, and maintaining the exemption on the first eighth of a mile has attraction to me.

But given how long it has been since a rate increase and given the economic realities that the industry faces with respect to gas and maintenance, I am impressed with both essentially the modestness of the request, which I take it, is a recognition of some price sensitivity for consumers in the city, and especially given the length of time since the last increase seems to me that there's certainly sufficient evidence in the record to support the increase as was outlined.

So I would ask the pleasure of the Commissioners.

GERALD REARDON: I make a motion that we take Option 1, as suggested here tonight, which

is a 40 cent per mile increase. It will be done by eliminating the first free one eighth mile and increasing each eighth of a mile by five cents to 45 cents.

ROBERT HAAS: I second that motion.

ELIZABETH LINT: Can I add the flat rate will go up proportionately?

GERALD REARDON: Yes. Let me modify that to indicate that the flat rates would increase proportionately by the increase that's being purported tonight.

CHAIRMAN MICHAEL GARDNER: It's actually an 80 cent increase per mile, not a 40 cent increase per mile.

ELIZABETH LINT: 80 on the first mile.

CHAIRMAN MICHAEL GARDNER: 80 on the first mile, right, and then 40 cents on miles subsequent to that.

Thank you.

(Applause.)

CHAIRMAN MICHAEL GARDNER: We still have  
to vote.

The motion, has it been seconded.

ROBERT HAAS: Seconded.

CHAIRMAN MICHAEL GARDNER: The motion's  
been made and seconded.

All the those in favor signify by saying  
"aye."

Aye.

GERALD REARDON: Aye.

ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Those opposed?  
None.

So the rate increase is approved. There  
was not a motion with respect to an effective  
date. I think we probably should ask Mrs. Lint.

ELIZABETH LINT: I need to know for his  
purposes how long it will take to get everything  
down so that it can be implemented?

(Discussion off the record.)

JAMES CARBONE: I asked him when the meter was going to be sealed. He said he wasn't doing any now, and he said he was waiting on you so he can schedule it.

I asked him personally would it be done before the inspection. He said it depends when he gets the decision from you.

ELIZABETH LINT: So, we can pick a date.

CHAIRMAN MICHAEL GARDNER: All right. Is this typically done on a Sunday?

ELIZABETH LINT: Inspections go for two weeks.

CHAIRMAN MICHAEL GARDNER: I'm sorry. I mea a rate increase.

JAMES CARBONE: The meter will have to be adjusted before he inspects it. And then brought -- but the problem Jimmy said is scheduling because Jimmy only does so many per day. That's why he said when he could start was dependent on -- it would determine --

GERALD REARDON: Some of the cabs that would be inspected in the first week, would have the new rate?

JAMES CARBONE: All the meters would be changed before the inspection.

ELIZABETH LINT: Right. They would have the meters done and then Jimmy would inspect them after.

CHAIRMAN MICHAEL GARDNER: Commissioner Hass has been suggesting May 1st as a date. Certainly the last time this was done, there was a vote on January 26th and the new rates went into effect on March 27 which looks like a two-month lag.

JAMES CARBONE: The problem with that is you have to seal the meters twice.

ELIZABETH LINT: Right. We want to avoid sealing the meters twice. They do it right around now. So during -- just before inspections they can have all their meters adjusted and then

Jimmy can seal them without having to do them twice, because it costs them money if they do it twice.

JAMES CARBONE: It's \$30. If we have all the meters done right before the inspection if everybody does theirs, and the thing starts April 4th, the meters will be taken, but the only ones that won't be sealed are the ones not in the -- it goes for two weeks. It goes from the 4th all the way through.

CHAIRMAN MICHAEL GARDNER: I see. Does it work that once you get your inspection and you get the meter sealed, you start with a new rate.

JAMES CARBONE: Exactly.

CHAIRMAN MICHAEL GARDNER: Some people could start as soon as April 4th, others wouldn't be scheduled in for the inspection and get the meter sealing until as late as April 15.

JAMES CARBONE: The only difference is like when they put a temporary tag on it with the

rate increase on it and then he just has to seal it. It's just like if you repair the meter at some time like now, if it breaks now, you have to go get it fixed before you see him. They feel it's never been approved by the City to put a temporary tag on or repair tag. Anytime it breaks, it has to be resealed a lot of times.

GERALD REARDON: So the same thing I was saying earlier, there will be a staggered where some will be on new and some -- during that inspection period.

ELIZABETH LINT: Well, actually, no, no, it doesn't have to be, because they can go and have their meters changed, they can't be sealed, so the new rate can be set on the meter with just as Mr. Carbone is saying with a repair tag or temporary tag, and then once the inspection is done, then Jimmy seals it.

ROBERT HAAS: So it's possibly then what he could do is they can make it April 4 and then

Benny can just verify the meters have been sealed during the course of inspection, so you can make it effective by April 4th. That would give you time to get your meters adjusted in time for your inspections and you just -- and beginning April 4th, you would have your new rate.

JAMES CARBONE: That's what I'm saying. You can seal them. We can have the thing changed at any time, but we don't want to change it before the inspection starts. April 4th, all of them could be changed, so everybody gets the rate, but the problem is some would have the temporary seals until their date come up to be sealed, and Benny could check each one.

ELIZABETH LINT: And that puts the burden on them to do everything right.

GERALD REARDON: Try coordinating with the inspection so that Benny can just verify the meters have been properly sealed.

JAMES CARBONE: The places, for instance,

that do the repair things, they have to give Benny a number of them anyway, so Benny knows if the thing has been broke. In other words, it has to be sealed right way. I can't keep my meter broke for three weeks. When I go to get a temporary tag, the gentleman that does that notifies Benny that my cab's been in for a repair.

CHAIRMAN MICHAEL GARDNER: Since you have done so much eloquent speaking, sir, the man with "Maine" on your chest, could you identify yourself for the record for our stenographer?

JAMES CARBONE: James Carbone.

GERALD REARDON: Seeing that April 4 is such a great date, my birthday.

ELIZABETH LINT: I was gonna say it must be your birthday.

GEORGE REARDON: We could do it on April 4 then is.

ELIZABETH LINT: We'll do it on April

4th.

CHAIRMAN MICHAEL GARDNER: Was that a motion?

GERALD REARDON: Yes.

CHAIRMAN MICHAEL GARDNER: Is there second for the motion to make the change effective April 4, 2011?

ROBERT HAAS: I second it.

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

GERALD REARDON: Aye.

ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Opposed? The ayes have it. So the rate increase will go into effect on April 4, 2011. Those of you who are here clearly are interested caring members of this community. You've heard both from the License Commission and from Mr. Galluccio the extreme need in the city to make sure that short fares are not denied or discriminated against.

That is, in fact, our residents who want to go someplace else in our community and part of what you as an industry and as valued workers do is serve that community and we would like to impress upon both you, the importance of that and to encourage you, as Mr. Galluccio said to impress upon -- impress that upon your colleagues in the industry.

THE AUDIENCE: Thank you very much.

(Applause.)

ELIZABETH LINT: We have some ratification. The sale of 214 and the financing of 214. 69, 102, 77, 81, 62 and 118. Paperwork is all in order.

ROBERT HAAS: Make a motion to accept.

GERALD REARDON: Seconded.

CHAIRMAN MICHAEL GARDNER: There's been a motion made and seconded to approve the sale transfers and refinancings on the Medallions as listed.

All those in favor signify by saying  
"aye."

GERALD REARDON: Aye.

ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

Opposed? None. So ratifications  
are done.

Any other business that needs to come  
before the Commission this evening?

ROBERT HAAS: No.

CHAIRMAN MICHAEL GARDNER: Motion to  
adjourn is always in order.

GERALD REARDON: Motion to adjourn.

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

GERALD REARDON: Aye.

ROBERT HAAS: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

(Whereupon the hearing was adjourned at  
7:43 p.m.)

## 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 95, 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 20 day of March 2011.

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

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