

COMMONWEALTH OF MASSACHUSETTS  
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

Michael Gardner, Chairman  
Robert C. Haas, Police Commissioner  
Gerard Mahoney, Assistant Fire Chief

STAFF:

Elizabeth Lint, Executive Officer

-- Held At --

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

Tuesday, January 24, 2012

6:10 p.m.

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I N D E X	PAGE
Application: Moksa, LLC	4
Application: Whole Foods Market Group	8
Application: Science Partners, Inc.	11
Review: Westport Rivers, Zoll Brothers Private Cellars, Still River Winery, Inc., Coastal Vineyards, Turtle Crekk Winery	13
Application: Clover Fast Food, Inc.	32
Disciplinary: Unusual Suspects, LLC	47
Policy: Board of License Commissioners	54
Ratifications: 128, 22, 149, 218, 148, 147, 50, 17	70

PROCEEDINGS

ELIZABETH LINT: We are about to get started. If anyone has a cell phone on, we would appreciate it if you would turn it off.

The Chairman will be here shortly, he's running a little late coming from another meeting.

This is the License Commission General Hearing on Tuesday, January 24, 2012, at 6:10 p.m. We are in the Michael J. Lombardi Municipal Building, 831 Mass. Avenue Basement Conference Room.

Before you are the Commissioners, Commissioner Robert Haas and Assistant Chief Gerard Mahoney.

The first matter is Application, Moksa, LLC, Taslim Chowdhury, Manager, holder of an all alcoholic beverages as a restaurant license at 450 Massachusetts Avenue has applied for a change of hours to open seven days per week at 10:00 a.m. The closing hour on Sunday will be

1:00 a.m., unless the following Monday is a legal holiday. They are currently licensed to open at 11:00 a.m. Monday through Saturday and closed on Sundays.

SEAN HOPE: Good evening. For the record, my name is Sean Hope, H-O-P-E, Hope Legal Offices in Cambridge.

Good evening, Commissioners.

We are here tonight for an application to change the hours. This is a restaurant that is scheduled to be open at the middle to the end of February. So we've applied for an alcohol transfer and a CV.

And at that time we were given the operating hours from 11:00 a.m. to 1:00 a.m. There was a scribner's error in the posting, and so we did not include Sunday as part of our opening hours. So we wanted to correct that tonight by being able to be open on Sundays and also to serve alcohol.

In addition, we would like to change

our hours to start at 10:00 a.m. We are interested in doing a brunch menu. And so instead of 11:00 a.m., the 10:00 a.m. would allow us to be open -- specifically on Sundays -- to open at 10:00 a.m. we would require an additional vote.

They had recently changed the state law to allow to serve alcohol on Sundays, so we would want a special vote to allow for serving alcohol at 10:00 a.m. on Sundays.

And aside from mimosas, there is also a special --

SOLOMON CHOWDHURY: We wanted also to do a dim sum brunch. We are the only one in Cambridge.

ROBERT HAAS: I don't know if you're the only ones doing it, though.

SOLOMON CHOWDHURY: I'm not sure.

ATTORNEY SEAN HOPE: So those are the change of hours we are proposing. So we wanted to get a special vote for that because I know

that that's a requirement as well for the Sunday serving hours to be able to serve alcohol at 10:00 a.m.

ROBERT HAAS: So just explain about the error again. I'm not clear about what the error was.

ATTORNEY SEAN HOPE: When we were doing the license transfer, I believe there was a question of the total seating occupancy with the zoning. And so somewhere through the application to -- the actual advertising in the paper, Sunday was left off. But, obviously, we always included it to be open seven days a week.

And so when it wasn't posted, we noticed that because it took time for the license to be transferred as well as the construction, we waited until we were -- until, actually, the license was transferred and ready to go. And so now we are here wanting to make that change before we are scheduled to be opened later in February.

ROBERT HAAS: So how far along are you on the preparations for opening? I know you said the end of February, but is it pretty much all finished or --

SOLOMON CHOWDHURY: It's pretty much finished. We are getting all our final inspections done this week and next week. So we'll need another one week of just getting everything done and then we should be able to open in two to three weeks.

ROBERT HAAS: Chief?

GERARD MAHONEY: It looks fine to me. I'll make a motion that the license be granted as applied for in the application.

ROBERT HAAS: I'll second the motion. All those in favor, signify by saying "aye."

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye.

ATTORNEY SEAN HOPE: Do we need a second vote specifically for the 10:00 a.m. on

Sundays?

ELIZABETH LINT: No, because the motion was "as applied for."

ROBERT HAAS: Good luck.

SOLOMON CHOWDHURY: Thank you.

\* \* \* \*

ELIZABETH LINT: Application. Whole Foods Market Group, Incorporated, doing business as Whole Foods Market Cafe, Barry Shaievitz, Manager, has applied for a common victualer license to be exercised at 125 Cambridgepark Drive. Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises with a seating capacity of 21 and an occupancy of 140. The hours of operation will be 7:00 a.m. to 5:00 p.m. Monday through Friday.

ROBERT HAAS: Good evening.

Could you just go through what you are applying for, and the rationale behind it, the reasoning behind it.

DANIEL SEAMENS: My name is Dan Seamens, Whole Foods Market. I'm the project manager. The office park cafeteria was run by Sudeko and their lease expired, and they stopped service January 1st. And the landlord asked us if we would be interested in taking over the cafeteria, and we said, "why not."

GERARD MAHONEY: Is it open to the public or is it strictly limited to employees within the building?

DANIEL SEAMENS: It's limited to employees within the building, and if guests come and they bring in people --

GERARD MAHONEY: They can bring in people?

DANIEL SEAMENS: Yes.

ROBERT HAAS: And do you have other kinds of operations like this in other places where you are running a cafeteria for --

DANIEL SEAMENS: Well, we have three stores in Cambridge and they all have like a

full service --

ROBERT HAAS: But they are inside the store?

DANIEL SEAMENS: Yes.

ROBERT HAAS: So this would be external to the store, your cafeteria operations, or is still within the store?

DANIEL SEAMENS: No, it's external to the store at the 125/150 Cambridgepark office building.

GERARD MAHONEY: I'll make a motion that the license be granted as applied for.

ROBERT HAAS: Seconded. All those in favor --

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye.

DANIEL SEAMENS: I have a request I'd like to clarify. The tenants haven't been fed since the first of the year and they are getting very anxious. So if we --

GERARD MAHONEY: Long time to go

without food.

DANIEL SEAMENS: If we can get all of our sign-offs done by the Board of Health for the building, we'd like to be able to open as soon as we can.

ELIZABETH LINT: That's very possible. As soon as you bring the sign-offs to the office, we'll get you set up.

DANIEL SEAMENS: Thank you very much. And the tenants thank you.

\* \* \* \*

ELIZABETH LINT: Application. Science Partners, Incorporated, doing business as Jeremiah Bernstein, Manager, holder of an all alcoholic beverages as a restaurant license at 315 Massachusetts Avenue has APPLIED for a change of manager from Jeremiah Bernstein to Chris Lutes.

ROBERT HAAS: Good evening.

CHRIS LUTES: Good evening. I'm Chris Lutes.

ROBERT HAAS: What happened to Jeremiah Bernstein?

CHRIS LUTES: Jeremiah Bernstein worked for us for four-and-a-half or five years and then he took his career elsewhere.

ROBERT HAAS: But he was not a partner of yours, was he?

CHRIS LUTES: He was not. He had been a long-time employee and had worked for us for years. And when we -- he was promoted to manager at Middlesex, a fabulous job; and, honestly, just had had enough of the restaurant business after that eight or nine years. He was married and was moving on.

ROBERT HAAS: So is this a temporary transfer? Did you find another manager or --

CHRIS LUTES: No. I'm currently the manager of record at Miracle Science next door, and it sort of just made sense because I'm there all the time at the same location and I'm not going anywhere. So you might be seeing me back

here again.

ROBERT HAAS: And so what we didn't do in the first two and I think we should do it at this point in time, is to offer it out for any public comment.

Is there anybody wishing to speak on this application?

Seeing none. I have no other questions.

GERARD MAHONEY: I make a motion that the change of manager be granted as applied for.

ROBERT HAAS: Seconded.

All those in favor?

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye. Thank you.

CHRIS LUTES: Thank you very much.

\* \* \* \*

ELIZABETH LINT: I think we can take all the winery Reviews together. So it would be the Review of Westport Rivers. I had an e-mail from Rob Russell that he was unable to be here

tonight. And Zoll Brothers Private Cellars, Still River Winery, and David Neilson, Coastal Vineyards, holders of a Farmers Winery license for Charles Square Farmers Market and Central Square Farmers Market, and Turtle Creek.

GERARD MAHONEY: For the record, would you state your name and which organization you are here for.

FRANK ZOLL: My name is Frank Zoll, and I'm with Zoll Brother Private Cellars.

MARGO HOLTZMAN: Margo Holtzman, Still River Winery.

KIPTON KUMLER: Kipton Kumler, Turtle Creek Winery.

ROBERT HAAS: I think the thinking on our part was that this was a new venture for us in Cambridge. Some of you had experience before in other jurisdictions, but we wanted to get some feedback as to how things went, any issues that you came across while you were running your operations during this last season, and any

changes you anticipate making for the next season based on your experience of last season.

KIPTON KUMLER: Maybe I could start with the broad picture. I am also chairman of the Mass. Farm Winery Association. And this was, as you suggested, the first year of the experience.

I don't have precise numbers, but I believe there were over 50 markets in different jurisdictions in the Commonwealth and well over 500 market days. I know of no problems at all. Some markets were very attractive and others were not. So it is what you would expect.

ROBERT HAAS: So with your experience within Cambridge, did you find some sites more successful than others?

KIPTON KUMLER: We were in Charles Square and at Kendall Square. And Charles Square didn't have a critical mass from my point of view. So we didn't fulfill the whole term of the season; we pulled out.

Kendall Square had was a better market for us, but the hours that were dictated were so long that my selling expenses basically negated any gross margin.

ROBERT HAAS: So based on that, are you planning on just opening in Kendall Square next year?

KIPTON KUMLER: No, sir. At the moment, I'm not planning on applying for a license in Cambridge.

ROBERT HAAS: Not at all?

KIPTON KUMLER: No.

ROBERT HAAS: Sorry to hear you say that.

MARGO HOLTZMAN: We were just in Charles Square and we did both the Friday and the Sunday markets, and we are planning on coming back again.

ROBERT HAAS: So was your experience different than what this gentleman encountered for it?

MARGO HOLTZMAN: I think so. We have very different wines. We only have one type of wine, it's a dessert wine. And I also have been a teacher in Cambridge for 33 years and I know a lot of people in the area, so it was a fun time for me as well, so we will be coming back.

ROBERT HAAS: And the hours were okay as far as they were established for you?

MARGO HOLTZMAN: Friday was awfully long; it was noon until six.

ROBERT HAAS: So would you be looking to modify your hours?

MARGO HOLTZMAN: I wouldn't do that to the market management.

ROBERT HAAS: So you have to run it concurrent with the market management?

MARGO HOLTZMAN: Yes.

ROBERT HAAS: So you have no choice except to --

MARGO HOLTZMAN: Correct.

ROBERT HAAS: Okay.

FRANK ZOLL: In my are experience, you know, I did just Sunday at the Charles Square Market. And while I thought it was a good opportunity to get exposure, I found it to be a challenging site, specifically because you're right in front of the hotel, there is a lot of tourists. You would think that that might be a good thing but, generally speaking, with alcohol it doesn't travel on a plane well, and people generally don't want to take it with them.

You know, as far as carding people and everything in that respect, that was fine.

There were some instances where I felt I didn't have to offer samples to some people. And I did notice some people -- I don't know what the polite term is for them -- they were homeless.

So, you know, we have the right to refuse anyone at any time and for any reason, so there were times when people would continually keep coming back and you'd see the same faces

every week and they were not buying anything; which, I guess, comes with the territory. You know, you're at a market and people expect some samples, but we never had any issues.

I do recall the police had to come there once, but it wasn't any alcohol-related issue, it was a homeless person and some samples and other food products.

I don't know if I would come back. And I think it was only because of the kind of -- sort of the transient nature of the population there. I prefer to do markets where it's more community-based; where you are seeing more, you know, regulars that want to continue to keep supporting you. But at this point, I'm sort of undecided.

ROBERT HAAS: Are there other sites in Cambridge that you would be interested in where they are running these farmers markets?

FRANK ZOLL: I'm not aware of all the markets that are there.

ROBERT HAAS: I think we only have a handful, right? There is only three or four there at the most.

FRANK ZOLL: But I would say the more --

ELIZABETH LINT: So there is Kendall Square, Central Square, and Charles.

ROBERT HAAS: Right. And we never opened the one by the school, right?

ELIZABETH LINT: No.

GERARD MAHONEY: There is one at Harvard by the Science Center by --

ELIZABETH LINT: No alcohol there.

FRANK ZOLL: Potentially, I would consider it, you know, because I would want to find a more community-based market rather than the sort of transient market.

But overall, I mean, it was good for exposure. And since I do the market in Somerville, I did see some familiar faces kind of crossing over the line. I know it's a very

distinct line between Somerville and Cambridge, but -- again, I thought it was positive. And after being in Somerville just last week and I did see some Cambridge faces, so it's important to just kind of be in there.

GERARD MAHONEY: Where do they go --

FRANK ZOLL: It's at the Armory on Highland Avenue on Saturdays, indoors, from 9:30 to the 2:30. They actually are doing a -- I call it an extended winter market, it's from November to May.

And I know that there is a winter market in Cambridge that's going on right now, I believe it's at the Children's Center, if I'm not mistaken.

MARGO HOLTZMAN: Calendar Street. But no alcohol there.

GERARD MAHONEY: Oh, Calendar Street.

FRANK ZOLL: But, you know, the winter markets are good opportunities, but they have their ups and downs and their peaks and valleys

in the seasons as well.

(Chairman Michael Gardner is now present in the Hearing conference room.)

ROBERT HAAS: Okay. And so just to summarize for the Chairman, three of the four operations that operate at the Farmers Market with the wine license that we had issued last season, were kind of reporting back on their experience. And I guess, for the most part, or at least in two cases, there is some hesitation on whether or not they'll be coming back because the business wasn't generated that they thought was going to be generated.

But you're going to come back right, though, right?

MARGO HOLTZMAN: Yes.

ROBERT HAAS: The one applicant basically has been a long-time resident of Cambridge --

MARGO HOLTZMAN: Well, not a resident, an employee.

ROBERT HAAS: -- who's been teaching in the schools for 33 years and plans on coming back and has, I guess, an established customer base.

MARGO HOLTZMAN: I have a great time seeing all the old-time people I know.

ROBERT HAAS: So that's kind of where we are in the discussions.

FRANK ZOLL: And I'll just point out one more thing. With the transfer market, there was an issue with the market manager. There was a division of the market. It was a larger market and then it became a smaller market. And I think that may actually have something to do my reasons for potentially not going back to that site; I think it was just maybe the way it was managed.

ROBERT HAAS: So you've decided that you are not going to come back next season?

KIPTON KUMLER: That's my present thinking. You know, we have limited resources

and we are trying to identify the markets that are the easiest to apply for and have the most volume.

(Pause.)

MICHAEL GARDNER: Okay. I apologize for being late. I'm Michael Gardner. I was at a meeting of the School Committee actually, so I got here as soon as I could.

For those of you -- if this has been asked, I apologize -- for those of you who are thinking about not coming back, is there anything in particular about your Cambridge experience either with respect to relations with License Commission or is there anything in particular about the experience that we should know about? Because it certainly sounds like there would be volume in Cambridge.

KIPTON KUMLER: It may be the lack of maturity of the markets, you know, which could change. And I think we all recognize that last year was the first year that everybody was doing

a lot of extra things for the first time.

We certainly had a lot of support from people at the staff level, so I don't think there are any issues there. I mean, everybody on this side would like to see that whole application process simplified.

And one of the things we were considering is whether that after some experience of, say, a year or two, you could have a category of, say, being a preferred vendor, where your record is unblemished and the process could be simplified.

ELIZABETH LINT: If I could, I would say that it's not the local boards that are doing that; it comes from the ABCC and that it's their application process and their requirements, and it's also at the state level. So it's a lot of hoops to go through.

KIPTON KUMLER: This is a digression, and I am very confident you don't want to take the time to go there, but the legislation was

drafted because we had a direct hand in it to clearly focus on the local jurisdictions and make sure that you are the arbiter of whether this made sense for your community or not. The ABCC explicitly has nothing to do with this.

ELIZABETH LINT: Oh, you know what, you're absolutely right. But it was the state, the agriculture --

KIPTON KUMLER: Oh, the Mass. Department of Agriculture --

ELIZABETH LINT: Yes. So it had to go through all of those hoops and then come to the local board. And the ABCC had actually promulgated an application form to make it easier.

MICHAEL GARDNER: And, hopefully, since all of us who are dealing with a brand new thing and had some worries about a brand new thing, perhaps the experience to date will make it more streamlined in the future.

Does anybody have any war stories or

horrific experiences in terms of over-serving or anything --

KIPTON KUMLER: One of the people over here had a woman who was sampling, walk through a stack of glasses that were about five feet high. I think it didn't stop her, I mean, she didn't slow down.

FRANK ZOLL: I'll say with respect to all the markets that I've done this year, the markets that have been the best organized have been some of the markets that have been run either directly by the town or municipality or a division within the town.

The Natick Farmers Market has been a very good market for me, and that's run by the Natick Center Associates; and I guess that is sort of a division of the town more or less.

And because the Charles Square Market is kind of run a little bit more privately, maybe they are not getting as much marketing support, maybe they don't have, I guess, you

know, as good a leg to stand on.

And, you know, in Quincy it was the same, it was kind of run by the town, they had a good amount of support among the town of sites and really marketing for the markets.

And I think that's what you're going to find; that the more successful markets are being supported because they are going to be run -- I would say -- maybe not more efficiently, but more organized. And I think that's going to affect the outcome of who you're going to be able to bring to Cambridge as far as, you know, wineries and at which markets. Because I know there is all different organizations that run these markets. That's just my own personal opinion to you.

KIPTON KUMLER: People who came to the markets, I think really enjoyed this added element. And I can't prove it, but I think it built some traffic for the markets. It was a good thing for the markets, and I think most

people would say it was a good thing for the community.

MARGO HOLTZMAN: And I'd like to say thank you. I think that none of us had heard from any other city or town asking for feedback on how the market went. And that's really nice of you to care.

MICHAEL GARDNER: Do any of you have anything else that you'd like to share now? I'll open it up to public comments. Are there any members of the public who would like to be heard on this matter?

If you would, please come forward and state your name and spell it for the record.

ALEX ATTIA: Alex Attia, A-T-T-I-A, general manager of the Charles Hotel. We've enjoyed having you all in the Square. But I have to say that it created some issues for us, and maybe we can think about how this could be controlled.

Some people bought wines and came back

to the restaurant and actually tried to open it there. So I think it happened twice. You know, not every day.

And then there is the concern also, if you drink that wine and then you get hurt on the property; and so, certainly, we are concerned about that. So those are the comments that I have. Thank you.

MICHAEL GARDNER: Thank you.

Any other members of the public who would like to be heard on this? Seeing none.

Any other questions or concerns?

GERARD MAHONEY: No other questions.

ROBERT HAAS: No.

MICHAEL GARDNER: So I think a motion to place this on file, that would be the appropriate thing. And then do we have to do a whole new application process in the spring?

ELIZABETH LINT: I will look into that.

ROBERT HAAS: The only thing I'd ask, because I know we have one or two others that

weren't able to make it, I'm just curious on whether or not they planned on coming back?

ELIZABETH LINT: One of them e-mailed me that they were unable to come in, and I e-mailed them back asking for feedback.

ROBERT HAAS: And did you get any?

ELIZABETH LINT: Not yet.

MICHAEL GARDNER: And we'll have the opportunity, if they re-apply, we'll certainly get a change chance to talk to them before we approve an extension.

So I'll make the motion that we place this matter on file.

GERARD MAHONEY: Second it.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor signify by saying "aye."

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye.

MICHAEL GARDNER: None opposed.

So we thank you for your interest in

Cambridge and your willingness to invest whatever capital and time you put into it. I hope that in the end the Cambridge experience is one you regard as both positive for you and for the companies. Thank you.

KIPTON KUMLER: Thank you.

FRANK ZOLL: Thank you.

\* \* \* \*

ELIZABETH LINT: Application. Clover Fast Food, Incorporated. Ayr Muir, Manager, holder of a common victualer license at 302 Elm Street has applied for a new malt beverages as a restaurant license at said address. Hours and capacity will be the same as what is currently licensed under their common victualer license.

MICHAEL GARDNER: Good evening. If you could please just state and spell your names for the record.

AYR MUIR: My name is Ayr Muir. My first name is Ayr, A-Y-R, last name is Muir, M-U-I-R.

JOHN LEE: My name is John Lee, first name is J-O-H-N, last name is L-E-E.

MICHAEL GARDNER: So it would be helpful if you could give us a sort of summary of the Clover Fast Food on Elm Street to date, and sort of what changes you are requesting and why.

AYR MUIR: First, thank you for your patience. I'm sorry, at the last meeting we made a mistake and missed it.

We have operated a restaurant in Harvard Square for a little over a year now, and then we opened the restaurant on Cambridge Street that we are talking about here a couple months ago, the end of October.

It's the same menu that we use at our restaurant in Harvard Square. We do breakfast, lunch, and dinner, seven days a week, and it's quick serve and the prices are fairly affordable. But we make all the food -- except for the mayonnaise and ketchup and barbecue

sauce -- from scratch in-house every day.

And this location has a very large kitchen which helps us support the restaurant operations and the lounge, and allows the customers to see all that preparation going on while they are eating their food.

And what we are looking to do here is introduce beer to the restaurant in the same way we have done at Harvard Square. We've been working with regional brewers doing one beer offered at a time for one to two months, and then switching to another.

The focus is on the culinary aspect, we are not a bar, and I think the customers get that. We have a limit number of two drinks per person and we've never had any issues with drunkenness.

At this point, in Harvard Square, we've never had any issues. We actually have some experience and a track record. And we'd be doing the same type of a program at this

location.

We've been working with brewers to enable them to experiment with things they wouldn't have otherwise been able to do. So we'll tell them ahead of time to commit to a certain number of barrels, and they'll go ahead and make a beer they haven't made before.

We're running one right now in Harvard Square. It's made with Massachusetts grown malt and also Massachusetts grown hops; so the beer has 100 percent Massachusetts ingredients, which is the first time in maybe 80 or 100 years -- literally, it hasn't been done for that long -- and the brewer wouldn't have been able to take that risk if we hadn't committed to what we did. So it's been really exciting that way and we want to extend the program.

MICHAEL GARDNER: And did you start in Harvard Square without the license and then went to the malt subsequently?

AYR MUIR: We did, yes.

MICHAEL GARDNER: And how much time have you been operating with a malt license now?

AYR MUIR: I believe we got it in May, it might have been the end of April of 2011, so it's been a little over six months.

MICHAEL GARDNER: And is there anything more you'd like to share with us about that experience?

AYR MUIR: You know, with a "knock on the table," so far it's been very smooth. We haven't had any issues with any customers. You know, we have a two drink limit so that helps there, but we haven't had anybody trying to skirt it.

And we went through the training program with the employees. And we check everybody's ID and who orders beer, and it's been a very smooth process so far. We haven't had any issues or complaints from neighbors or -- I haven't had any issues from any of my employees having issues with the customers.

It's been very smooth so far.

MICHAEL GARDNER: Any complaints?

ELIZABETH LINT: None.

ROBERT HAAS: So you were here just a few months ago for this application, am I right?

AYR MUIR: That's right.

MICHAEL GARDNER: So I'm curious as to why you didn't include that in your original application if you already had an operation serving alcohol before?

AYR MUIR: We thought it might be something nice to add on, but we didn't know when we would want to add it. And the location has been surprisingly successful for us.

We were estimating that we might have 100 customers a day by the end of our first year, and we were out of the gate with 200 or 300 customers a day.

So it's been a lot better uptake from the neighborhood than we expected, and people have been really friendly and happy to have us

there. And so we thought we should work at this sooner rather than later.

GERARD MAHONEY: Have you had many people that were either familiar with your Harvard Square location and came to Cambridge and Elm or vice versa?

AYR MUIR: Yeah, we are getting a little bit of that. Sometimes people will work at one place and live at another, and so we'll see them on the weekend at one place and during the week day at the other; so, yeah, there's been a little of that cross-talk.

We don't do any promotion or advertising, so it's all word-of-mouth. Even at this location, we just unlocked the door one day and that was how we opened. So it's just people telling other people they know about it.

MICHAEL GARDNER: And do I understand it right that for a month or two you serve just one brand of beer?

AYR MUIR: That's right. What we do is

we just have one offering. I mean, we are really trying to bring attention to that brewer and what they're trying to do with that beer. I think the shortest one we've had was five weeks at this point. And this is talking about Harvard Square. And the longest one we've had would be just over two months. So we try to keep it between a one- and two-month range.

MICHAEL GARDNER: And what does it mean to serve two drinks, how many ounces would that mean for you?

AYR MUIR: We use a 14-ounce cup. So, I mean, it's a little less than that, because you don't quite fill it to the brim.

MICHAEL GARDNER: And I'll ask you if you happen to know from a marketing perspective -- or any of my fellow commissioners along with Ms. Lint -- do we know of any other establishments in Cambridge who run on the model of a single alcohol offering?

ELIZABETH LINT: Not that I know of.

ROBERT HAAS: I know we have other restaurants that do try to cater to local brewers, but they offer a wider variety.

MICHAEL GARDNER: And is this a common approach or something you are doing --

AYR MUIR: Not much that we do is very common. But really the motivation for us is to bring a lot of attention to that brewer. So that when we launch a new beer, we'll invite the brewer in and they'll -- anybody that buys beer that evening, it will be poured by the brewer and you'll get a chance to talk to them. And we write things on our website and we post things in the store, informational things about that brewer.

And we train our sales staff, when they are taking orders, they can explain what that beer is and how it's made. So it's largely to focus on the educational piece of it.

Like I said, we are not a bar, so it's only a small piece of what we do. And if we did

a lot of beers, I don't think we would really be able to really go deep with it.

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

(Discussion between the Commissioners)

AYR MUIR: I also have petitions here. We collected some signatures from the folks who are interested.

MICHAEL GARDNER: Okay. So this, Ms. Lint, would be a no-value, no-transfer license?

ELIZABETH LINT: Yes.

MICHAEL GARDNER: And the requirements, and this is a CAP area?

ELIZABETH LINT: I believe so, yes.

MICHAEL GARDNER: So the requirements for the CAP are?

ELIZABETH LINT: That there is a need for another license in the area, that there is no harm to the area, and there is overwhelming

neighborhood support.

MICHAEL GARDNER: And do we have some letters of support in the file on this matter?

ELIZABETH LINT: I don't think so.

AYR MUIR: I think you have two.

ELIZABETH LINT: Wait a minute. There are two, yes. These are from the East Cambridge Business Association and Councillor Toomey.

MICHAEL GARDNER: And I believe one of the letters of support made their support conditional. If you have that in there, Ms. Lint?

ELIZABETH LINT: The East Cambridge Planning Team says that "The addition of Clover Fast Food has added vitality to the neighborhood and revived what had previously been a dark corner since the closing of Cafe Casale.

"They believe the request for a malt beverage license is a reasonable one. It provides more options to customers. In discussions with neighbors in the

Wellington/Harrington neighborhood, and through their own observations and interactions, we have done "fast food" management poised to be both an upstanding establishment as well as a welcome addition to the neighborhood.

"They support granting of a license with the following considerations: That the license be an adjunct to its primary business of providing great food to its customers and not of its primary offering, so that it does not become a bar; that they agree not to sell to underage or intoxicated persons; and that they continue to work with the neighborhood to ensure that their continued growth and success does not create undue hardship on their neighbors."

MICHAEL GARDNER: You are aware of that letter?

AYR MUIR: I hadn't read it. I knew that there was a letter being sent, but I didn't know the conditions.

MICHAEL GARDNER: Did you hear them

now?

AYR MUIR: I did. We don't have any issues with that letter.

MICHAEL GARDNER: And these petitions were by customers at both locations or --

AYR MUIR: Yes. We put them out for a day or two and collected interested signatures.

MICHAEL GARDNER: Is there anything else you'd like to add?

ELIZABETH LINT: I think that's it.

ROBERT HAAS: Did you collect the signatures at your Harvard Square --

AYR MUIR: Yes. We had clipboards with them out for -- I think we did it for two days.

ROBERT HAAS: So nothing in the immediate area, though?

AYR MUIR: We did it at both locations, both spots.

ROBERT HAAS: Okay.

MICHAEL GARDNER: And what are your hours of operation?

AYR MUIR: 6:00 a.m. to 11:00. But we don't usually open by 6:00 a.m. But the CVS is open to 11:00. We've had trouble getting it open -- by public transportation, getting it open by 6:00.

MICHAEL GARDNER: To 11:00?

AYR MUIR: Yes.

ROBERT HAAS: So you need to modify your hours then?

AYR MUIR: I'd like to keep trying. The MBTA doesn't start operating early enough. We've been having difficulty getting it open consistently by 6:00, but I'd like to keep trying.

ROBERT HAAS: The problem is, if you advertise at certain hours, you are required to operate at those hours. So I'm saying that you might want to look at modifying your hours of operation, and then if it looks like things will change, you can always come back in.

Right now, you are technically in

violation by not opening in the hours that you have advertised or that you've been granted. So I believe you do want to modify your hours.

AYR MUIR: Okay.

ROBERT HAAS: So what would your hours be?

AYR MUIR: 7:00 to start.

MICHAEL GARDNER: And you have no current plans to try to move beyond 11:00 p.m.?

AYR MUIR: No, not right now. It might be something we'd consider in the future, but not right now we don't.

MICHAEL GARDNER: Pleasure of the Commissioners?

GERARD MAHONEY: Make a motion that the license be issued as applied for with the change of hours.

ROBERT HAAS: Seconded.

MICHAEL GARDNER: And this would be subject to the 21 training requirement for all staff, you understand that requirement --

AYR MUIR: Yes.

MICHAEL GARDNER: -- and whatever other conditions? Ms. Lint will go over that.^ and this would be a no-value, no-transfer license?

ELIZABETH LINT: Correct.

MICHAEL GARDNER: Motion having been made and seconded, all those in favor, please signature by saying "aye."

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye.

MICHAEL GARDNER: None opposed.

I wish you well with this concept.

AYR MUIR: Thank you very much.

\* \* \* \*

ELIZABETH LINT: Disciplinary matter. Unusual Suspects, LLC, doing business as Think Tank, Vincent Conte, Manager, holder of an all alcoholic beverages as a restaurant license and entertainment license at One Kendall Square, Building 300, for failure to reimburse the city for two checks that were passed in December for

your common victualer and entertainment license renewals that did not clear.

MICHAEL GARDNER: Sir, if you could please state and spell your name for the record.

MITCHELL MUROFF: My name is Mitchell Muroff, M-U-R-O-F-F, and I'm the manager of the Unusual Suspects, LLC.

MICHAEL GARDNER: And you are the manager of record then for us?

MITCHELL MUROFF: Yes, I am the manager of (inaudible).

MICHAEL GARDNER: If you could just repeat what you said.

MITCHELL MUROFF: I am the manager of the company.

MICHAEL GARDNER: But not this facility?

MITCHELL MUROFF: That's correct.

MICHAEL GARDNER: So tell us what the status is now?

MITCHELL MUROFF: Paying, the check was

written, it should have cleared. I don't know why it didn't. And we paid it.

MICHAEL GARDNER: So there was a \$25 per check return check fee. Has that been paid as well?

MITCHELL MUROFF: Yes, it has.

MICHAEL GARDNER: Ms. Lint --

ELIZABETH LINT: I spoke with Mrs. Watson about this matter. On January 18th a letter was hand-delivered to the establishment by an Investigator Headly, and it gave a date of January 24th for them to come in if things hadn't been paid.

And at that point, we didn't hear from anybody. Calls were made. And then Mrs. Watson tells me that she had a conversation with Mr. Muroff and he says he doesn't know why the checks didn't clear. And he says, "I don't know why the city just didn't redeposit them." And that's obviously not what we do.

So from here on, any checks or any fees

that come due would have to either be by cash or certified check.

MICHAEL GARDNER: So do we know if we are in physical receipt of a non-certified check to pay both the fees and the return check charge?

ELIZABETH LINT: I don't know if that was --

MITCHELL MUROFF: A certified check.

MICHAEL GARDNER: So from your point of view, you gave a certified check or checks to whom?

MITCHELL MUROFF: To Stacy Cooper in the treasury department.

MICHAEL GARDNER: At City Hall?

MITCHELL MUROFF: At City Hall. Which was what the letter directed to be done.

Just for the record, I never received a call either on my cell phone or in the restaurant. And as soon as -- the minute I knew that the check hadn't cleared is when I went

down and paid it.

If, in fact, the letter was sent on the 18th, it wasn't there until the notice was hand-delivered to the restaurant. So I was unaware of the fact that it wasn't paid until the date that it was personally served at the restaurant. And if I was there, I paid it the next day.

ELIZABETH LINT: Mrs. Watson sent a letter out on January 10th to the restaurant saying that the deadline to pay was January 17th, so that's when --

MICHAEL GARDNER: So the letter of January 10th, are you saying you didn't get that letter?

MITCHELL MUROFF: I didn't get it until after the 18th.

MICHAEL GARDNER: The letter of January 10th?

MITCHELL MUROFF: I just received it on or about the same day.

MICHAEL GARDNER: So you understand our concerns about wanting cash or a certified check in the future?

MITCHELL MUROFF: Do I understand it? Yes, sure.

MICHAEL GARDNER: Well, that was the question.

Any questions or concerns by either Commissioner?

None.

Well, I'm sorry you've had this much trouble with us over this. But, you know, we process a lot of paperwork, we process a lot of checks, and return checks for anybody are a major inconvenience, and I'm glad that we appear to have things in order.

So motion to place this on file I think would be in order.

GERARD MAHONEY: So moved.

ROBERT HAAS: With the stipulation that any future payments will be made by certified

check?

MICHAEL GARDNER: Or cash. Is that an okay amendment to you?

GERARD MAHONEY: Absolutely.

MICHAEL GARDNER: The motion having been made and seconded.

And before I call for a vote, are there any members of the public who would like to be heard on this matter?

Seeing none.

Motion having been made and seconded to place this matter on file with the stipulation that future payments be paid by certified check or cash, all those in favor signify by saying "aye."

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye.

MICHAEL GARDNER: All aye, none opposed, so motion carries.

And we wish you well with the establishment, sir, and keeping all of this in

order.

\* \* \* \*

ELIZABETH LINT: Policy matter. The Board of License Commissioners will discuss directing staff to look into drafting minimum standards for training and monitoring before determining if there is a need to promulgate regulations regarding absolute prohibition against outsourcing housekeeping services.

MICHAEL GARDNER: So how have we handled policy discussions in the past?

ELIZABETH LINT: In terms of?

MICHAEL GARDNER: Public comment or discussion -- however we want?

ELIZABETH LINT: However you want.

MICHAEL GARDNER: This matter being on the agenda, are there any persons here who would like to be heard on this matter before we have a general conversation?

AUDIENCE MEMBER: I would.

MICHAEL GARDNER: Can you come forward

and state and spell your name for the record.

RICHARD CARBONE: Richard Carbone.  
C-A-R-B-O-N-E. I'm the owner of Legion  
Hospitality which manages the Inn at Harvard and  
the Harvard Square Hotel. I'm also currently  
the president of the Cambridge Hotel  
Association.

We are represented here tonight with  
all the major hotels in the city, along with  
other business leaders, regarding this matter.  
We've been on record for several years about our  
opposition to further regulations. With all due  
respect to the Commission, in terms of the  
regulations that are in place, we have followed  
them to the letter, with no evidence of  
problems.

I myself have been a general manager in  
the city for 21 years in Harvard Square with two  
hotels. In all the records and testimony that  
has taken place over the past two years, no  
evidence has been brought forth regarding public

safety or any evidence of issues with hotel guests regarding cleanliness of rooms or public safety of our guests. We serve thousands of guests a week in our hotels.

Every major hotel is represented here tonight in support of this: That this regulation is unnecessary, it's been unnecessary, we've been opposed to it from the beginning, irregardless of what's been discussed.

We have hired a lawyer to give you a letter telling you, once again, of our unhappiness with this policy order decision; and with all due respect, we don't believe it's necessary.

We run great hotels. It is detrimental to our business to have these kinds of regulations in place; it gives off the impression that we have problems in our hotels regarding public safety and cleanliness and inspections and key regulations of who goes into

our guest rooms. Because we have shown through evidence that we have strong, strong security and regulations and rules and safety procedures in place with our staff and how we train them.

And I think I should open it up to my colleagues to add to that if you'd like to hear their comments.

ROBERT HAAS: I'd just ask Ms. Lint to read the policy matter one more time. Because I'd like you to comment, not to the regulation itself, but what the Commission is considering.

ELIZABETH LINT: Looking into drafting the minimum standards for training and monitoring.

ROBERT HAAS: I'd be curious as to your comments on that.

RICHARD CARBONE: We have all the major corporations in this room. The Hyatt, Marriott, Interstate, Starwood, and private businesses that we run ourselves. We already have minimum standards in place with no problems, with no

evidence of problems.

Why do we need the License Commission to give us minimum standards when we've got them in place already and we have no problems with the standards that we have in place?

There is no evidence of a problem. And we've got standards that we can give to you, we are happy to give to you, from each hotel of how we train our housekeepers, who supervises them, who enters the room at any given moment on a 24-hour basis, and there is no public safety problems on record for the City of Cambridge.

So minimum standards that you can provide us, when we are the experts, the professionals in this field doing this every single day, from a common sense perspective, it's not appropriate.

MICHAEL GARDNER: You may recall, Mr. Carbone, that -- well, first, how many hotels does the organization represent?

RICHARD CARBONE: It's 16, 17.

WOMAN AUDIENCE MEMBER: It's 19.

MICHAEL GARDNER: Well, I think that we would be happy, as I believe we indicated in our November 28th response to your early November letter, that we would be happy to take and receive any information regarding the minimum standards and procedures that your members follow as part of our consideration of regulations here.

You may recall that in the spring of 2011, we sent letters, as I understand it, to all the hotels that were licensed in the city as part of our fact-gathering for our process and asked a number of questions all relating to these issues.

We got responses from perhaps eight or nine, is what I recall, which we were very appreciative of, but I would say we were also disappointed, that when sent specific letters to the institutions, we got as low a response as apparently less than 50 percent back. But that

doesn't mean we wouldn't take with great appreciation any additional information about your current procedures and minimum standards that you could supply.

And I will tell you on a personal level, that as part of our investigation into this matter over the summer, the spring and summer of 2011, I had some conversations with the Public Health Commission and they sent a letter and in which I think you are familiar with, since your letter to us in November cited it quite prominently.

But my sense from the Public Health Commission was that they would sort of welcome the opportunity for additional dialogue with the industry; which, by saying that, I'm not at all intimating or saying that there has been insufficient collaboration or cooperation, but I did get the definite idea from the Public Health Commission people that they stood interested and ready to provide whatever additional health

expertise they might have in these areas.

And so I think that as part of the spirit with which the vote on regulations for the health and safety standards occurred, the context in which it occurred in the September 27th hearing, we are not interested in having a confrontational and adversarial relationship with you or the city, but we've taken a vote to promulgate regulations in two areas.

And I think that the next steps for us in that regard are to begin the drafting of regulations; which, although I understand your concerns about whatever signal you might think that sends to the traveling public, from our point of view, it's a matter of trying to fulfill our responsibilities in a sensible and responsible way.

And if you have participated or been at any of our hearings, most of which are about restaurants and alcohol, we are not shy about asking questions and wanting information from

the license holders who have the privilege of holding a license from the city and serving the public or the population for which the purpose of the license is held.

And certainly don't, by asking the questions or seeking information and on occasion conditioning our approvals on certain things as we have witnessed this evening, from our point of view, implies no criticism or deficit or deficiency, particularly with respect to the license holder, but has to do with meeting our responsibilities.

Any other questions or comments to Mr. Carbone?

ROBERT HAAS: None.

GERARD MAHONEY: No.

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

If you could, please come up and state and spell your name for the record.

TERRENCE SMITH: My name is Terrence Smith, T-E-R-R-E-N-C-E, S-M-I-T-H. I'm the Director of Government Affairs with the Cambridge Chamber of Commerce.

I've been working with the hotel industry on this issue for the last several years. I'm speaking only on one aspect of this, of this discussion.

When the License Commission held its hearing in April of last year, and the -- although the Commission asked for additional information from the hotels, and the members of the hotels asked me what the next steps would be, and my response was, Well, they'll gather some information and then they'll give the industry a chance to have a conversation once they have that information. And I appreciate this hearing opening that dialogue.

My concern is, in representing 1500 businesses in the city, is that I believe that that conversation should have preceded the

September vote. And we now have created a situation that is, by nature, confrontational, when there is a motion to act, and now asking for information.

So my recommendation, if it is possible, would be to rescind that motion, open a dialogue with the industry and the Department of Public Health, and do additional information-gathering before moving forward.

At the hearing last year, there was evidence provided that there had been no issues around cleanliness of rooms and housekeeping in Cambridge. I'm familiar with what the records are because I did my own search of the records. There were a couple of incidents in other parts of the country.

But in all of those cases, as I recall, they were more related to things that are regulated at the federal level under OSHA requirements and similar requirements rather than local licensing.

The one concern that -- and I apologize to the industry for this -- one of the last persons who gave testimony at the hearing last spring suggested a broader interpretation of the License Commission's regulatory authority than I had ever heard.

I'm not an attorney. I'm a city planner by training, but I am fairly familiar with regulations. And I believe that that suggestion was broader than the city and the License Commission would appreciate.

As I recall, it was: If the License Commission thinks that there could ever be a problem doing anything, then they have a right to regulate it.

Well, anybody can bring a concern about anything to the License Commission, and I don't believe you have the staff or the time to regulate every facet of people's lives.

So my request, and I know that the hotel industry will work with you either way,

but my request would be to rescind the order passed, through the motion passed in September, if that's possible; and then let's move forward collaboratively and gather information and see if there is actually something here that needs to expand the authority that the License Commission already has over this industry. Thank you.

MICHAEL GARDNER: Any questions?

ROBERT HAAS: No questions.

MICHAEL GARDNER: Are there any other members of the public who would like to be heard? No.

What is our hearing schedule for the rest of January and February?

ELIZABETH LINT: February 7, February 21 --

MICHAEL GARDNER: Do we have a Decision Hearing scheduled?

ELIZABETH LINT: It's February 2nd.

MICHAEL GARDNER: Given the fact that,

with all due respect to Deputy Chief Mahoney, that Commissioner Fire Chief Reardon, who heard all of the testimony and who was responsible for the voting on this matter last September, he was unexpectedly unavailable this evening, I would actually prefer to place this matter either on file or on the table until we can have a meeting in which he is here.

Do you have a sense of that, if that's an approach you are comfortable with?

ROBERT HAAS: I am.

(Conversation between Commissioners.)

MICHAEL GARDNER: So is the proper motion to table it or --

ELIZABETH LINT: Just to continue it.

MICHAEL GARDNER: Well, I would appreciate a motion to continue this matter generally until we can bring it up again with all three of the regular commissioners here, if that's all right with you.

GERARD MAHONEY: So moved.

ROBERT HAAS: I'll second that motion.

MICHAEL GARDNER: My guess is that that motion is going to pass. But I would encourage any of the members of the public who are here this evening and who have a professional or personal interest in this matter, the industry itself, owners and operators of hotels licensed in the city, any additional information you can provide to us that you think would be helpful in guiding us in this matter, which includes the description of what Mr. Carbone says that we have minimum standards; essentially, he said, "We don't need you because we've got what we've got."

Well, you can share with us what you've got. And we can in collaboration with perhaps public health or others, evaluate that and decide. It isn't a matter of necessarily just trust you, also it doesn't mean that we don't trust you.

But if the hotel industry would be

forthcoming with more information, including, as I recall the discussion here, issues about control of access to rooms and retrospective review of that control to be able to, in fact, know who is getting into what rooms and when, as an example of the kinds of public safety and public health issues that were, if you reviewed the minutes of our September 27th meeting, concerns expressed by some of the members of the Commission, all of that kind of information; infestation control, blood borne pathogen control, needles, you know, all of the things that can happen in complicated urban life, the extent to which you can be forthcoming and sharing with us, I think in the end it would be helpful to us and would most likely create, ultimately, a better product, whatever form that may take.

So after that speech, is there any other discussion before the vote?

ROBERT HAAS: No discussion.

MICHAEL GARDNER: All those in favor of continuing the matter, signify by saying "aye."

ROBERT HAAS: Aye.

GERARD MAHONEY: Aye.

MICHAEL GARDNER: So the matter is continued generally for further scheduling.

\* \* \* \*

ELIZABETH LINT: Okay.

MICHAEL GARDNER: We have some ratifications or other business?

ELIZABETH LINT: Just ratifications.

MICHAEL GARDNER: Do we have any minutes that we need to approve?

ELIZABETH LINT: I don't think so.

MICHAEL GARDNER: Well, why don't we take up the ratification issues.

ELIZABETH LINT: Numbers 128, 22, 149, 218, 148, 147, 50, and 17.

GERARD MAHONEY: Motion to accept.

MICHAEL GARDNER: Before we act on these, could I just get another primer on it.

So if it's a refinancing, somebody holds the medallion, they're trying to refinance --

ELIZABETH LINT: They refinance --

MICHAEL GARDNER: -- of the medallion or of the business? Could it be both?

ELIZABETH LINT: Could be both. Every time the rates go down, they refinance. So some of them do it constantly. And the rates have been going down.

MICHAEL GARDNER: You are talking about for a commercial loan against some secured property?

ELIZABETH LINT: Mm-hmm, yes. And if one was a stock transfer and then it was a refinance.

MICHAEL GARDNER: And the stock transfer is actually a sale?

ELIZABETH LINT: Yes.

ROBERT HAAS: So we normally ask the question if all the paperwork is in order before

we make a motion, so I'll ask you that question now?

ELIZABETH LINT: It's all in order.

ROBERT HAAS: Motion to accept.

MICHAEL GARDNER: We normally don't ask for public comment on these?

ELIZABETH LINT: No. Because they are already done.

MICHAEL GARDNER: So motion having been made and seconded to accept the actions of the Executive Director on these ratifications and transfers, All those in favor, signify by saying "aye."

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye.

MICHAEL GARDNER: None opposed. So it's accepted.

Do we have Commissioner Haas and I here for January 3rd?

ELIZABETH LINT: Yes, you do.

MICHAEL GARDNER: Are you prepared to

vote?

ROBERT HAAS: Make a motion to approve the minutes from January 3rd.

MICHAEL GARDNER: I'll second that motion to approve the minutes of January 3rd. So a vote of those who were present as I understand it were Commissioner Haas and I?

ELIZABETH LINT: Correct.

MICHAEL GARDNER: So all those in favor signature my by saying "aye." Aye.

ROBERT HAAS: Aye.

MICHAEL GARDNER: And so the motion continues, two to nothing.

And I'd like to thank Commissioner Chief Mahoney for his participation tonight and also congratulations on his new position in the department.

ROBERT HAAS: And I'd like to thank Chief Mahoney because it's his birthday tonight, and being willing to come in at the last minute.

MICHAEL GARDNER: Motion to adjourn is

always in order.

GERARD MAHONEY: I second that motion.

MICHAEL GARDNER: Motion made to adjourn approximately at 7:20 in the evening. All those in favor please signify by saying "aye."

GERARD MAHONEY: Aye.

ROBERT HAAS: Aye.

MICHAEL GARDNER: None opposed. So we are adjourned. Thank you very much.

(Whereupon, the Hearing was adjourned at 7:20 p.m.)

## C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, SS.

I, Evelyn M. Slicius, a Certified Shorthand Reporter and Registered Professional Reporter, the undersigned Notary Public, certify that:

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

I further certify that the testimony hereinbefore set forth is a true and accurate transcription of my stenographic notes to the best of my knowledge, skills and ability.

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

Evelyn M. Slicius  
Notary Public  
Certified Shorthand Reporter  
License No. 127193  
My Commission Expires:  
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<u>Page</u>	<u>Line</u>	<u>Change/Correction</u>	<u>Reason</u>
_____	_____	_____	_____
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Deponent's Signature



**business** [10] - 8:8, 11:13, 12:13, 22:12, 43:8, 47:16, 55:10, 56:17, 70:10, 71:6  
**businesses** [2] - 57:19, 63:20  
**buying** [1] - 19:1  
**buys** [1] - 40:10  
**BY** [1] - 75:20

**C**

**C-A-R-B-O-N-E** [1] - 55:3  
**Cafe** [2] - 8:9, 42:17  
**cafeteria** [4] - 9:3, 9:7, 9:19, 10:6  
**calendar** [1] - 21:16  
**Calendar** [1] - 21:18  
**CAMBRIDGE** [1] - 1:2  
**Cambridge** [27] - 1:13, 4:7, 5:15, 9:21, 14:17, 15:15, 16:10, 17:4, 19:18, 21:1, 21:4, 21:13, 22:19, 24:12, 24:17, 28:12, 32:1, 32:3, 33:13, 38:5, 39:19, 42:7, 42:13, 55:6, 58:12, 63:4, 64:13  
**Cambridgepark** [2] - 8:11, 10:9  
**CAP** [2] - 41:15, 41:18  
**capacity** [2] - 8:15, 32:14  
**capital** [1] - 32:2  
**CAPTURING** [1] - 1:19  
**CARBONE** [3] - 55:2, 57:17, 58:21  
**Carbone** [4] - 55:2, 58:19, 62:14, 68:11  
**carding** [1] - 18:11  
**care** [1] - 29:7  
**career** [1] - 12:5  
**carefully** [1] - 76:3  
**carries** [1] - 53:19  
**Casale** [1] - 42:17  
**cases** [2] - 22:10, 64:17  
**cash** [4] - 50:1, 52:2, 53:2, 53:14  
**category** [1] - 25:10  
**cater** [1] - 40:2  
**cell** [2] - 3:3, 50:19  
**Cellars** [3] - 2:6, 14:1, 14:10  
**Center** [3] - 20:12, 21:14, 27:16  
**Central** [2] - 14:4, 20:7  
**certainly** [5] - 24:16, 25:2, 30:6, 31:9, 62:5  
**CERTIFICATION** [1] - 75:19  
**certified** [7] - 50:2, 50:4, 50:9, 50:11,

52:2, 52:21, 53:13  
**Certified** [2] - 75:4, 75:16  
**certify** [2] - 75:5, 75:9  
**CERTIFYING** [1] - 75:21  
**Chairman** [4] - 1:5, 3:5, 22:2, 22:5  
**chairman** [1] - 15:4  
**challenging** [1] - 18:5  
**Chamber** [1] - 63:4  
**chance** [3] - 31:10, 40:12, 63:16  
**change** [12] - 3:20, 4:10, 4:21, 5:20, 6:20, 11:17, 13:11, 24:20, 31:10, 45:20, 46:16, 76:6  
**Change/Correction** [1] - 76:11  
**changed** [1] - 5:7  
**changes** [3] - 15:1, 33:6, 76:4  
**changes/corrections** [2] - 76:6, 76:9  
**charge** [1] - 50:6  
**Charles** [8] - 14:4, 15:17, 15:18, 16:16, 18:2, 20:7, 27:18, 29:16  
**check** [13] - 36:16, 48:21, 49:4, 50:2, 50:4, 50:5, 50:9, 50:11, 50:21, 52:2, 53:1, 53:13  
**checks** [6] - 47:21, 49:18, 49:21, 50:11, 52:14  
**Chief** [7] - 1:6, 3:14, 7:11, 67:1, 67:2, 73:15, 73:19  
**Children's** [1] - 21:14  
**choice** [1] - 17:18  
**CHOWDHURY** [4] - 5:13, 5:18, 7:5, 8:5  
**Chowdhury** [1] - 3:17  
**Chris** [2] - 11:18, 11:20  
**CHRIS** [5] - 11:20, 12:3, 12:8, 12:17, 13:16  
**cited** [1] - 60:11  
**CITY** [1] - 1:2  
**city** [12] - 29:5, 47:20, 49:19, 55:9, 55:18, 59:12, 61:8, 62:2, 63:20, 65:7, 65:10, 68:8  
**City** [3] - 50:15, 50:16, 58:12  
**clarify** [1] - 10:18  
**cleanliness** [3] - 56:2, 56:20, 64:12  
**clear** [3] - 6:5, 48:2, 49:18  
**cleared** [2] - 49:1, 50:21

**clearly** [1] - 26:2  
**clipboards** [1] - 44:13  
**closed** [1] - 4:4  
**closing** [2] - 3:21, 42:17  
**Clover** [4] - 2:8, 32:9, 33:5, 42:14  
**Coastal** [2] - 2:6, 14:2  
**collaboration** [2] - 60:18, 68:16  
**collaboratively** [1] - 66:4  
**colleagues** [1] - 57:6  
**collect** [1] - 44:11  
**collected** [2] - 41:8, 44:7  
**comfortable** [1] - 67:10  
**comment** [4] - 13:5, 54:13, 57:10, 72:6  
**comments** [5] - 29:10, 30:7, 57:7, 57:16, 62:13  
**Commerce** [1] - 63:4  
**commercial** [1] - 71:12  
**COMMISSION** [1] - 1:4  
**Commission's** [1] - 65:5  
**Commissioner** [7] - 1:6, 3:14, 52:9, 67:2, 72:18, 73:7, 73:14  
**commissioners** [2] - 39:17, 67:19  
**Commissioners** [7] - 2:10, 3:13, 4:8, 41:6, 46:14, 54:4, 67:12  
**commit** [1] - 35:5  
**committed** [1] - 35:15  
**Committee** [1] - 24:7  
**common** [7] - 8:10, 32:11, 32:15, 40:4, 40:7, 48:1, 58:16  
**COMMONWEALTH** [2] - 1:1, 75:2  
**Commonwealth** [1] - 15:10  
**community** [4] - 19:13, 20:16, 26:4, 29:2  
**community-based** [2] - 19:13, 20:16  
**companies** [1] - 32:5  
**complaints** [2] - 36:19, 37:2  
**completing** [1] - 76:8  
**complicated** [1] - 69:13  
**concept** [1] - 47:12  
**concern** [4] - 30:4, 63:19, 65:1, 65:16  
**concerned** [1] - 30:6  
**concerns** [5] - 30:12, 52:2, 52:8, 61:13, 69:9  
**conclusion** [1] - 76:9

**concurrent** [1] - 17:16  
**conditional** [1] - 42:11  
**conditioning** [1] - 62:7  
**conditions** [2] - 43:20, 47:3  
**Conference** [2] - 1:13, 3:12  
**conference** [1] - 22:3  
**confident** [1] - 25:20  
**confrontational** [2] - 61:7, 64:2  
**congratulations** [1] - 73:16  
**consider** [2] - 20:15, 46:11  
**consideration** [1] - 59:8  
**considerations** [1] - 43:7  
**considering** [2] - 25:8, 57:11  
**consistently** [1] - 45:13  
**constantly** [1] - 71:9  
**construction** [1] - 6:17  
**consumed** [1] - 8:14  
**Conte** [1] - 47:17  
**context** [1] - 61:5  
**continually** [1] - 18:20  
**continued** [2] - 43:14, 70:6  
**continues** [1] - 73:13  
**continuing** [1] - 70:2  
**CONTROL** [1] - 75:20  
**control** [4] - 69:3, 69:4, 69:11, 69:12  
**controlled** [1] - 29:20  
**Conversation** [1] - 67:12  
**conversation** [4] - 49:16, 54:19, 63:16, 63:21  
**conversations** [1] - 60:8  
**Cooper** [1] - 50:13  
**cooperation** [1] - 60:18  
**corporations** [1] - 57:18  
**correction** [1] - 76:6  
**corrections** [1] - 76:4  
**Councillor** [1] - 42:8  
**country** [1] - 64:16  
**couple** [2] - 33:14, 64:15  
**create** [2] - 43:15, 69:16  
**created** [2] - 29:18, 64:1  
**Creek** [2] - 14:5, 14:14  
**Crekk** [1] - 2:7  
**critical** [1] - 15:19  
**criticism** [1] - 62:9  
**cross** [1] - 38:12  
**cross-talk** [1] - 38:12

**crossing** [1] - 20:21  
**culinary** [1] - 34:13  
**cup** [1] - 39:12  
**curious** [3] - 31:1, 37:7, 57:15  
**current** [2] - 46:9, 60:3  
**customer** [1] - 23:3  
**customers** [9] - 34:5, 34:14, 36:11, 36:21, 37:16, 37:18, 42:20, 43:9, 44:5  
**CV** [1] - 4:13  
**CVS** [1] - 45:2

**D**

**Dan** [1] - 9:1  
**DANIEL** [9] - 9:1, 9:11, 9:16, 9:20, 10:4, 10:8, 10:17, 11:2, 11:9  
**dark** [1] - 42:16  
**date** [4] - 26:19, 33:5, 49:11, 51:6  
**Date** [1] - 76:21  
**David** [1] - 14:2  
**days** [5] - 3:20, 6:13, 15:11, 33:18, 44:14  
**deadline** [1] - 51:11  
**dealing** [1] - 26:17  
**December** [1] - 47:21  
**decide** [1] - 68:18  
**decided** [1] - 23:18  
**decision** [1] - 56:13  
**Decision** [1] - 66:18  
**deep** [1] - 41:2  
**deficiency** [1] - 62:10  
**deficit** [1] - 62:9  
**definite** [1] - 60:19  
**delivered** [2] - 49:10, 51:4  
**Department** [2] - 26:10, 64:7  
**department** [2] - 50:14, 73:17  
**Deponent's** [1] - 76:21  
**deposition** [3] - 76:3, 76:3, 76:5  
**depositions** [1] - 76:2  
**Deputy** [1] - 67:1  
**description** [1] - 68:11  
**desired** [1] - 76:7  
**dessert** [1] - 17:3  
**determining** [1] - 54:7  
**detrimental** [1] - 56:16  
**dialogue** [3] - 60:15, 63:18, 64:7  
**dictated** [1] - 16:2  
**difficulty** [1] - 45:12  
**digression** [1] - 25:19  
**dim** [1] - 5:14  
**dinner** [1] - 33:18  
**direct** [1] - 26:1  
**DIRECT** [1] - 75:20  
**directed** [1] - 50:17  
**directing** [1] - 54:5

<p><b>DIRECTION</b> [1] - 75:21  <b>directly</b> [1] - 27:12  <b>Director</b> [2] - 63:3, 72:11  <b>disappointed</b> [1] - 59:19  <b>Disciplinary</b> [1] - 2:9  <b>disciplinary</b> [1] - 47:15  <b>discuss</b> [1] - 54:4  <b>discussed</b> [1] - 56:10  <b>discussion</b> [6] - 41:6, 54:14, 63:8, 69:2, 69:20, 69:21  <b>discussions</b> [3] - 23:8, 42:21, 54:11  <b>distinct</b> [1] - 21:1  <b>division</b> [3] - 23:12, 27:13, 27:17  <b>DO</b> [1] - 76:7  <b>DOES</b> [1] - 75:20  <b>door</b> [2] - 12:18, 38:15  <b>downs</b> [1] - 21:21  <b>drafted</b> [1] - 26:1  <b>drafting</b> [3] - 54:5, 57:12, 61:11  <b>drink</b> [2] - 30:5, 36:12  <b>drinks</b> [2] - 34:15, 39:10  <b>Drive</b> [1] - 8:12  <b>drunkenness</b> [1] - 34:17  <b>due</b> [4] - 50:1, 55:12, 56:14, 67:1  <b>during</b> [2] - 14:21, 38:10</p>	<p>54:12, 54:15, 57:12, 66:16, 66:20, 67:15, 70:8, 70:11, 70:14, 70:17, 71:4, 71:7, 71:14, 71:19, 72:3, 72:7, 72:20, 73:8  <b>Elizabeth</b> [1] - 1:9  <b>Elm</b> [3] - 32:11, 33:5, 38:6  <b>elsewhere</b> [1] - 12:5  <b>employee</b> [2] - 12:9, 22:21  <b>employees</b> [4] - 9:9, 9:12, 36:16, 36:21  <b>enable</b> [1] - 35:3  <b>encountered</b> [1] - 16:20  <b>encourage</b> [1] - 68:3  <b>end</b> [7] - 4:11, 7:3, 32:3, 33:15, 36:4, 37:16, 69:15  <b>enjoyed</b> [2] - 28:18, 29:17  <b>ensure</b> [1] - 43:13  <b>enters</b> [1] - 58:10  <b>entertainment</b> [2] - 47:19, 48:1  <b>entitled</b> [1] - 76:3  <b>errata</b> [1] - 76:4  <b>error</b> [3] - 4:16, 6:5  <b>essentially</b> [1] - 68:12  <b>established</b> [2] - 17:8, 23:3  <b>establishment</b> [3] - 43:4, 49:10, 53:21  <b>establishments</b> [1] - 39:19  <b>estimating</b> [1] - 37:15  <b>evaluate</b> [1] - 68:17  <b>Evelyn</b> [2] - 75:4, 75:15  <b>evidence</b> [7] - 55:15, 55:21, 56:1, 57:2, 58:1, 58:6, 64:11  <b>example</b> [1] - 69:6  <b>except</b> [2] - 17:19, 33:20  <b>exciting</b> [1] - 35:16  <b>Executive</b> [2] - 1:9, 72:11  <b>exercised</b> [1] - 8:11  <b>expand</b> [1] - 66:6  <b>expect</b> [2] - 15:13, 19:3  <b>expected</b> [1] - 37:20  <b>expenses</b> [1] - 16:3  <b>experiences</b> [1] - 27:1  <b>experiment</b> [1] - 35:3  <b>expertise</b> [1] - 61:1  <b>experts</b> [1] - 58:14  <b>expired</b> [1] - 9:4  <b>Expires</b> [1] - 75:17  <b>explain</b> [2] - 6:4, 40:17  <b>explicitly</b> [1] - 26:5  <b>exposure</b> [2] - 18:4, 20:19</p>	<p><b>expressed</b> [1] - 69:9  <b>extend</b> [1] - 35:17  <b>extended</b> [1] - 21:10  <b>extension</b> [1] - 31:11  <b>extent</b> [1] - 69:14  <b>external</b> [2] - 10:5, 10:8  <b>extra</b> [1] - 25:1</p>	<p><b>followed</b> [1] - 55:14  <b>following</b> [2] - 4:1, 43:7  <b>Foods</b> [4] - 2:3, 8:8, 8:9, 9:2  <b>FOREGOING</b> [1] - 75:19  <b>form</b> [3] - 26:14, 69:17, 76:4  <b>forth</b> [2] - 55:21, 75:10  <b>forthcoming</b> [2] - 69:1, 69:14  <b>forward</b> [4] - 29:13, 54:21, 64:9, 66:3  <b>four</b> [3] - 12:4, 20:2, 22:5  <b>four-and-a-half</b> [1] - 12:4  <b>FRANK</b> [10] - 14:9, 18:1, 19:20, 20:4, 20:14, 21:7, 21:19, 23:9, 27:8, 32:7  <b>Frank</b> [1] - 14:9  <b>Friday</b> [3] - 8:17, 16:16, 17:9  <b>friendly</b> [1] - 37:21  <b>front</b> [1] - 18:6  <b>fulfill</b> [2] - 15:20, 61:16  <b>fun</b> [1] - 17:5  <b>future</b> [5] - 26:20, 46:11, 52:3, 52:21, 53:13</p>	<p><b>gate</b> [1] - 37:17  <b>gather</b> [2] - 63:14, 66:4  <b>gathering</b> [2] - 59:13, 64:9  <b>general</b> [3] - 29:16, 54:19, 55:17  <b>GENERAL</b> [1] - 1:4  <b>General</b> [1] - 3:8  <b>generally</b> [4] - 18:8, 18:10, 67:18, 70:6  <b>generated</b> [2] - 22:12, 22:13  <b>gentleman</b> [1] - 16:20  <b>GERARD</b> [28] - 7:12, 7:18, 9:8, 9:14, 10:11, 10:15, 10:21, 13:10, 13:14, 14:6, 20:11, 21:6, 30:13, 31:14, 31:18, 38:3, 46:15, 47:9, 52:19, 53:4, 53:16, 62:16, 67:21, 70:4, 70:19, 72:14, 74:2, 74:7  <b>given</b> [3] - 4:14, 58:10, 66:21  <b>glad</b> [1] - 52:15  <b>glasses</b> [1] - 27:5  <b>governing</b> [1] - 76:2  <b>Government</b> [1] - 63:3  <b>granting</b> [1] - 43:6  <b>great</b> [4] - 23:5, 43:9, 56:16, 60:1  <b>gross</b> [1] - 16:4  <b>Group</b> [2] - 2:3, 8:8  <b>grown</b> [2] - 35:9, 35:10  <b>growth</b> [1] - 43:14  <b>guest</b> [1] - 57:1  <b>guests</b> [4] - 9:12, 56:2, 56:3, 56:4  <b>guiding</b> [1] - 68:10</p>
<b>E</b>			<b>G</b>	
<p><b>e-mail</b> [1] - 13:20  <b>e-mailed</b> [2] - 31:3, 31:5  <b>early</b> [2] - 45:11, 59:4  <b>easier</b> [1] - 26:15  <b>easiest</b> [1] - 24:2  <b>East</b> [2] - 42:7, 42:13  <b>eating</b> [1] - 34:6  <b>educational</b> [1] - 40:19  <b>efficiently</b> [1] - 28:9  <b>eight</b> [2] - 12:13, 59:16  <b>element</b> [1] - 28:19  <b>eLIZABETH</b> [2] - 39:21, 44:10  <b>ELIZABETH</b> [47] - 3:2, 8:2, 8:7, 11:6, 11:12, 13:18, 20:6, 20:10, 20:13, 25:13, 26:6, 26:11, 30:19, 31:3, 31:7, 32:9, 37:3, 41:13, 41:16, 41:19, 42:4, 42:6, 42:13, 47:5, 47:15, 49:8, 50:7, 51:9, 54:3,</p>		<p><b>F</b></p> <p><b>fabulous</b> [1] - 12:11  <b>faces</b> [3] - 18:21, 20:20, 21:4  <b>facet</b> [1] - 65:19  <b>facility</b> [1] - 48:17  <b>FACSIMILE</b> [1] - 1:20  <b>fact-gathering</b> [1] - 59:13  <b>failure</b> [1] - 47:20  <b>fairly</b> [2] - 33:19, 65:8  <b>familiar</b> [5] - 20:20, 38:4, 60:10, 64:13, 65:8  <b>far</b> [7] - 7:1, 17:8, 18:11, 28:12, 36:10, 36:18, 37:1  <b>farm</b> [1] - 15:5  <b>farmers</b> [1] - 19:19  <b>Farmers</b> [5] - 14:3, 14:4, 14:5, 22:6, 27:14  <b>Fast</b> [4] - 2:8, 32:10, 33:5, 42:15  <b>fast</b> [1] - 43:3  <b>favor</b> [10] - 7:16, 10:14, 13:13, 31:16, 47:7, 53:14, 70:1, 72:12, 73:9, 74:5  <b>February</b> [7] - 4:12, 6:21, 7:3, 66:15, 66:16, 66:20  <b>fed</b> [1] - 10:18  <b>federal</b> [1] - 64:19  <b>fee</b> [1] - 49:4  <b>feedback</b> [3] - 14:19, 29:5, 31:5  <b>fees</b> [2] - 49:21, 50:5  <b>feet</b> [1] - 27:5  <b>fellow</b> [1] - 39:17  <b>few</b> [1] - 37:5  <b>field</b> [1] - 58:15  <b>file</b> [6] - 30:16, 31:13, 42:3, 52:17, 53:12, 67:7  <b>fill</b> [1] - 39:14  <b>final</b> [1] - 7:6  <b>fine</b> [2] - 7:12, 18:12  <b>finished</b> [2] - 7:4, 7:6  <b>Fire</b> [2] - 1:6, 67:2  <b>five</b> [3] - 12:4, 27:5, 39:4  <b>focus</b> [3] - 26:2, 34:13, 40:19  <b>folks</b> [1] - 41:8  <b>follow</b> [1] - 59:8</p>	<p><b>GARDNER</b> [87] - 24:5, 26:16, 29:8, 30:9, 30:15, 31:8, 31:15, 31:20, 32:16, 33:3, 35:18, 36:1, 36:6, 37:2, 37:7, 38:18, 39:9, 39:15, 40:4, 41:3, 41:10, 41:14, 41:17, 42:2, 42:9, 43:16, 43:21, 44:4, 44:8, 44:20, 45:6, 46:8, 46:13, 46:19, 47:2, 47:6, 47:11, 48:3, 48:8, 48:12, 48:16, 48:19, 49:3, 49:7, 50:3, 50:10, 50:15, 51:13, 51:18, 52:1, 52:6, 53:2, 53:5, 53:18, 54:10, 54:13, 54:16, 54:21, 58:18, 59:2, 62:17, 66:9, 66:11, 66:18, 66:21, 67:13, 67:16, 68:2, 70:1, 70:5, 70:9, 70:12, 70:15, 70:20, 71:5, 71:11, 71:17, 72:5, 72:9, 72:16, 72:21, 73:4, 73:9, 73:12, 73:21, 74:3, 74:9</p>	
<b>E</b>			<b>G</b>	<b>H</b>
				<p><b>HAAS</b> [70] - 5:16, 6:4, 7:1, 7:11, 7:15, 7:19, 8:4, 8:18, 9:17, 10:2, 10:5, 10:13, 10:16, 11:19, 12:1, 12:6, 12:15, 13:2, 13:12, 13:15, 14:15, 15:14, 16:5, 16:11, 16:13, 16:19, 17:7, 17:11, 17:15, 17:18, 17:21, 19:17, 20:1, 20:8, 22:4, 22:17, 23:1, 23:7, 23:18, 30:14, 30:20, 31:6, 31:19, 37:4, 40:1, 44:11, 44:15, 44:19, 45:8, 45:15, 46:5, 46:18, 47:10, 52:20, 53:17, 57:8, 57:15, 62:15, 66:10, 67:11, 68:1, 69:21, 70:3, 71:20,</p>

<p>72:4, 72:15, 73:2, 73:11, 73:18, 74:8  <b>half</b> [1] - 12:4  <b>Hall</b> [2] - 50:15, 50:16  <b>hand</b> [4] - 26:1, 49:10, 51:4, 75:12  <b>hand-delivered</b> [2] - 49:10, 51:4  <b>handful</b> [1] - 20:2  <b>handled</b> [1] - 54:11  <b>happy</b> [4] - 37:21, 58:8, 59:3, 59:5  <b>hardship</b> [1] - 43:15  <b>harm</b> [1] - 41:21  <b>Harvard</b> [13] - 20:12, 33:12, 33:17, 34:9, 34:18, 35:8, 35:19, 38:5, 39:6, 44:12, 55:4, 55:5, 55:18  <b>Headly</b> [1] - 49:11  <b>Health</b> [5] - 11:3, 60:9, 60:13, 60:19, 64:8  <b>health</b> [4] - 60:21, 61:4, 68:17, 69:7  <b>hear</b> [4] - 16:13, 43:21, 49:14, 57:6  <b>Hearing</b> [4] - 3:9, 22:3, 66:19, 74:12  <b>hearing</b> [6] - 61:6, 63:10, 63:18, 64:10, 65:3, 66:14  <b>HEARINGS</b> [1] - 1:4  <b>hearings</b> [1] - 61:19  <b>Held</b> [1] - 1:10  <b>held</b> [2] - 62:4, 63:9  <b>helpful</b> [3] - 33:4, 68:9, 69:16  <b>helps</b> [2] - 34:3, 36:12  <b>hereinbefore</b> [1] - 75:10  <b>hereunto</b> [1] - 75:12  <b>hesitation</b> [1] - 22:10  <b>Highland</b> [1] - 21:8  <b>hired</b> [1] - 56:11  <b>hmm</b> [1] - 71:14  <b>holder</b> [5] - 3:17, 11:14, 32:11, 47:17, 62:11  <b>holders</b> [2] - 14:3, 62:1  <b>holding</b> [1] - 62:2  <b>holds</b> [1] - 71:2  <b>holiday</b> [1] - 4:2  <b>HOLTZMAN</b> [12] - 14:11, 16:15, 17:1, 17:9, 17:13, 17:17, 17:20, 21:16, 22:16, 22:20, 23:5, 29:3  <b>Holtzman</b> [1] - 14:11  <b>homeless</b> [2] - 18:17, 19:7  <b>honestly</b> [1] - 12:12  <b>hoops</b> [2] - 25:18, 26:12  <b>hope</b> [1] - 32:3  <b>HOPE</b> [5] - 4:5, 4:6, 5:19, 6:7, 7:20</p>	<p><b>Hope</b> [2] - 4:6  <b>hopefully</b> [1] - 26:16  <b>hops</b> [1] - 35:10  <b>horrific</b> [1] - 27:1  <b>Hospitality</b> [1] - 55:4  <b>Hotel</b> [3] - 29:16, 55:5, 55:6  <b>hotel</b> [7] - 18:6, 56:1, 56:5, 58:8, 63:5, 65:21, 68:21  <b>hotels</b> [10] - 55:9, 55:19, 56:4, 56:16, 56:19, 58:20, 59:12, 63:12, 63:13, 68:7  <b>hour</b> [1] - 3:21  <b>housekeepers</b> [1] - 58:9  <b>housekeeping</b> [2] - 54:9, 64:12  <b>Hyatt</b> [1] - 57:18</p>	<p>56:21  <b>instances</b> [1] - 18:13  <b>instead</b> [1] - 5:3  <b>institutions</b> [1] - 59:20  <b>instructions</b> [1] - 76:10  <b>insufficient</b> [1] - 60:18  <b>interactions</b> [1] - 43:2  <b>interested</b> [8] - 5:2, 9:6, 19:18, 41:9, 44:7, 60:20, 61:6, 75:8  <b>interpretation</b> [1] - 65:4  <b>Interstate</b> [1] - 57:19  <b>intimating</b> [1] - 60:17  <b>intoxicated</b> [1] - 43:12  <b>introduce</b> [1] - 34:8  <b>invest</b> [1] - 32:1  <b>investigation</b> [1] - 60:6  <b>Investigator</b> [1] - 49:11  <b>invite</b> [1] - 40:9  <b>irregardless</b> [1] - 56:9  <b>issued</b> [2] - 22:7, 46:16  <b>issues</b> [17] - 14:19, 19:4, 25:4, 29:18, 34:16, 34:19, 36:11, 36:19, 36:20, 36:21, 44:3, 56:1, 59:15, 64:11, 69:2, 69:7, 70:16  <b>itself</b> [2] - 57:11, 68:7</p>	<p>15:3, 15:17, 16:8, 16:12, 23:20, 24:18, 25:19, 26:9, 27:3, 28:17, 32:6  <b>Kipton</b> [1] - 14:13  <b>kitchen</b> [1] - 34:3  <b>knock</b> [1] - 36:9  <b>knowledge</b> [1] - 75:11  <b>KUMLER</b> [12] - 14:13, 15:3, 15:17, 16:8, 16:12, 23:20, 24:18, 25:19, 26:9, 27:3, 28:17, 32:6  <b>Kumler</b> [1] - 14:13</p>	<p>70:11, 70:14, 70:17, 71:4, 71:7, 71:14, 71:19, 72:3, 72:7, 72:20, 73:8  <b>literally</b> [1] - 35:13  <b>live</b> [1] - 38:9  <b>lives</b> [1] - 65:19  <b>LLC</b> [4] - 2:9, 3:17, 47:16, 48:7  <b>LLLL</b> [1] - 2:2  <b>loan</b> [1] - 71:12  <b>local</b> [5] - 25:14, 26:2, 26:13, 40:2, 64:21  <b>location</b> [6] - 12:20, 34:2, 35:1, 37:13, 38:5, 38:15  <b>locations</b> [2] - 44:5, 44:17  <b>Lombardi</b> [2] - 1:12, 3:10  <b>long-time</b> [2] - 12:9, 22:18  <b>longest</b> [1] - 39:6  <b>looking</b> [3] - 17:11, 34:7, 57:12  <b>looks</b> [2] - 7:12, 45:19  <b>lounge</b> [1] - 34:4  <b>low</b> [1] - 59:20  <b>luck</b> [1] - 8:4  <b>Lukes</b> [1] - 11:21  <b>lunch</b> [1] - 33:18  <b>Lutes</b> [1] - 11:18  <b>LUTES</b> [5] - 11:20, 12:3, 12:8, 12:17, 13:16</p>
<p><b>I</b></p>	<p><b>ID</b> [1] - 36:17  <b>idea</b> [1] - 60:19  <b>identify</b> [2] - 24:1, 76:6  <b>immediate</b> [1] - 44:16  <b>implies</b> [1] - 62:9  <b>important</b> [1] - 21:4  <b>impression</b> [1] - 56:19  <b>IN</b> [2] - 1:4, 75:12  <b>in-house</b> [1] - 34:1  <b>inaudible</b> [1] - 48:11  <b>INC</b> [1] - 1:19  <b>Inc</b> [3] - 2:4, 2:6, 2:8  <b>incidents</b> [1] - 64:15  <b>include</b> [2] - 4:17, 37:8  <b>included</b> [1] - 6:13  <b>includes</b> [1] - 68:10  <b>inconvenience</b> [1] - 52:15  <b>Incorporated</b> [3] - 8:8, 11:13, 32:10  <b>indicated</b> [1] - 59:3  <b>indoors</b> [1] - 21:8  <b>industry</b> [9] - 60:16, 63:6, 63:16, 64:7, 65:2, 65:21, 66:7, 68:6, 68:21  <b>infestation</b> [1] - 69:11  <b>information</b> [13] - 59:6, 60:2, 61:21, 62:6, 63:12, 63:15, 63:17, 64:4, 64:9, 66:4, 68:8, 69:1, 69:10  <b>information-gathering</b> [1] - 64:9  <b>informational</b> [1] - 40:14  <b>ingredients</b> [1] - 35:11  <b>Inn</b> [1] - 55:4  <b>inside</b> [1] - 10:2  <b>inspections</b> [2] - 7:7,</p>	<p><b>J</b></p>	<p><b>L</b></p>	<p><b>M</b></p>
<p><b>health</b> [4] - 60:21, 61:4, 68:17, 69:7  <b>hear</b> [4] - 16:13, 43:21, 49:14, 57:6  <b>Hearing</b> [4] - 3:9, 22:3, 66:19, 74:12  <b>hearing</b> [6] - 61:6, 63:10, 63:18, 64:10, 65:3, 66:14  <b>HEARINGS</b> [1] - 1:4  <b>hearings</b> [1] - 61:19  <b>Held</b> [1] - 1:10  <b>held</b> [2] - 62:4, 63:9  <b>helpful</b> [3] - 33:4, 68:9, 69:16  <b>helps</b> [2] - 34:3, 36:12  <b>hereinbefore</b> [1] - 75:10  <b>hereunto</b> [1] - 75:12  <b>hesitation</b> [1] - 22:10  <b>Highland</b> [1] - 21:8  <b>hired</b> [1] - 56:11  <b>hmm</b> [1] - 71:14  <b>holder</b> [5] - 3:17, 11:14, 32:11, 47:17, 62:11  <b>holders</b> [2] - 14:3, 62:1  <b>holding</b> [1] - 62:2  <b>holds</b> [1] - 71:2  <b>holiday</b> [1] - 4:2  <b>HOLTZMAN</b> [12] - 14:11, 16:15, 17:1, 17:9, 17:13, 17:17, 17:20, 21:16, 22:16, 22:20, 23:5, 29:3  <b>Holtzman</b> [1] - 14:11  <b>homeless</b> [2] - 18:17, 19:7  <b>honestly</b> [1] - 12:12  <b>hoops</b> [2] - 25:18, 26:12  <b>hope</b> [1] - 32:3  <b>HOPE</b> [5] - 4:5, 4:6, 5:19, 6:7, 7:20</p>	<p><b>ID</b> [1] - 36:17  <b>idea</b> [1] - 60:19  <b>identify</b> [2] - 24:1, 76:6  <b>immediate</b> [1] - 44:16  <b>implies</b> [1] - 62:9  <b>important</b> [1] - 21:4  <b>impression</b> [1] - 56:19  <b>IN</b> [2] - 1:4, 75:12  <b>in-house</b> [1] - 34:1  <b>inaudible</b> [1] - 48:11  <b>INC</b> [1] - 1:19  <b>Inc</b> [3] - 2:4, 2:6, 2:8  <b>incidents</b> [1] - 64:15  <b>include</b> [2] - 4:17, 37:8  <b>included</b> [1] - 6:13  <b>includes</b> [1] - 68:10  <b>inconvenience</b> [1] - 52:15  <b>Incorporated</b> [3] - 8:8, 11:13, 32:10  <b>indicated</b> [1] - 59:3  <b>indoors</b> [1] - 21:8  <b>industry</b> [9] - 60:16, 63:6, 63:16, 64:7, 65:2, 65:21, 66:7, 68:6, 68:21  <b>infestation</b> [1] - 69:11  <b>information</b> [13] - 59:6, 60:2, 61:21, 62:6, 63:12, 63:15, 63:17, 64:4, 64:9, 66:4, 68:8, 69:1, 69:10  <b>information-gathering</b> [1] - 64:9  <b>informational</b> [1] - 40:14  <b>ingredients</b> [1] - 35:11  <b>Inn</b> [1] - 55:4  <b>inside</b> [1] - 10:2  <b>inspections</b> [2] - 7:7,</p>	<p><b>January</b> [14] - 1:15, 3:9, 9:5, 49:9, 49:12, 51:10, 51:11, 51:14, 51:18, 66:15, 72:19, 73:3, 73:5, 75:12  <b>Jeremiah</b> [3] - 11:14, 11:17, 12:1  <b>jeremiah</b> [1] - 12:3  <b>JOHN</b> [2] - 33:1, 33:2  <b>John</b> [1] - 33:1  <b>jurisdictions</b> [3] - 14:18, 15:10, 26:2</p> <p><b>K</b></p> <p><b>keep</b> [5] - 18:21, 19:14, 39:8, 45:10, 45:13  <b>keeping</b> [1] - 53:21  <b>Kendall</b> [5] - 15:18, 16:1, 16:6, 20:6, 47:19  <b>ketchup</b> [1] - 33:21  <b>key</b> [1] - 56:21  <b>kinds</b> [3] - 9:18, 56:17, 69:6  <b>KIPTON</b> [12] - 14:13,</p>	<p><b>Legion</b> [1] - 55:3  <b>legislation</b> [1] - 25:21  <b>less</b> [3] - 27:17, 39:13, 59:21  <b>letters</b> [4] - 42:3, 42:10, 59:11, 59:19  <b>LICENSE</b> [1] - 1:4  <b>licensed</b> [4] - 4:2, 32:15, 59:12, 68:7  <b>licensing</b> [1] - 64:21  <b>life</b> [1] - 69:13  <b>likely</b> [1] - 69:16  <b>limit</b> [2] - 34:15, 36:12  <b>limited</b> [3] - 9:9, 9:11, 23:21  <b>Line</b> [1] - 76:11  <b>line</b> [3] - 20:21, 21:1, 76:6  <b>LINT</b> [49] - 3:2, 8:2, 8:7, 11:6, 11:12, 13:18, 20:6, 20:10, 20:13, 25:13, 26:6, 26:11, 30:19, 31:3, 31:7, 32:9, 37:3, 39:21, 41:13, 41:16, 41:19, 42:4, 42:6, 42:13, 44:10, 47:5, 47:15, 49:8, 50:7, 51:9, 54:3, 54:12, 54:15, 57:12, 66:16, 66:20, 67:15, 70:8,</p>	<p><b>M-U-I-R</b> [1] - 32:21  <b>mail</b> [1] - 13:20  <b>mailed</b> [2] - 31:3, 31:5  <b>major</b> [4] - 52:15, 55:9, 56:5, 57:17  <b>malt</b> [5] - 32:12, 35:9, 35:20, 36:2, 42:18  <b>managed</b> [1] - 23:17  <b>management</b> [3] - 17:14, 17:16, 43:3  <b>manages</b> [1] - 55:4  <b>margin</b> [1] - 16:4  <b>MARGO</b> [12] - 14:11, 16:15, 17:1, 17:9, 17:13, 17:17, 17:20, 21:16, 22:16, 22:20, 23:5, 29:3  <b>Margo</b> [1] - 14:11  <b>MARK</b> [1] - 76:7  <b>Market</b> [10] - 2:3, 8:8, 8:9, 9:2, 14:4, 14:5, 18:3, 22:6, 27:14, 27:18  <b>market</b> [17] - 15:11, 16:1, 17:14, 17:16, 19:3, 20:16, 20:17, 20:19, 21:10, 21:13, 23:10, 23:11, 23:12,</p>

23:13, 27:15, 29:6  
**marketing** [3] - 27:20, 28:5, 39:16  
**markets** [19] - 15:9, 15:12, 16:17, 19:12, 19:19, 19:21, 21:20, 24:1, 24:19, 27:9, 27:10, 27:11, 28:5, 28:7, 28:13, 28:15, 28:18, 28:20, 28:21  
**marriage** [1] - 75:7  
**married** [1] - 12:14  
**Marriott** [1] - 57:18  
**mass** [1] - 15:19  
**Mass** [3] - 3:11, 15:5, 26:9  
**MASSACHUSETTS** [2] - 1:1, 75:2  
**Massachusetts** [7] - 1:12, 1:13, 3:19, 11:16, 35:9, 35:10, 35:11  
**matter** [26] - 3:16, 29:12, 31:13, 41:5, 42:3, 47:15, 49:9, 53:9, 53:12, 54:3, 54:16, 54:18, 55:10, 57:9, 60:7, 61:15, 67:4, 67:6, 67:17, 68:6, 68:10, 68:18, 70:2, 70:5, 75:7, 75:8  
**maturity** [1] - 24:19  
**mayonnaise** [1] - 33:21  
**MBTA** [1] - 45:11  
**MEANS** [1] - 75:20  
**medallion** [2] - 71:2, 71:5  
**meeting** [6] - 3:7, 24:7, 33:9, 62:11, 67:7, 69:8  
**MEMBER** [2] - 54:20, 59:1  
**members** [10] - 29:11, 30:10, 41:3, 53:8, 59:7, 62:18, 63:12, 66:12, 68:4, 69:9  
**menu** [2] - 5:2, 33:16  
**Michael** [5] - 1:5, 1:12, 3:10, 22:2, 24:6  
**middle** [1] - 4:11  
**Middlesex** [1] - 12:11  
**mimosas** [1] - 5:11  
**minimum** [8] - 54:5, 57:13, 57:20, 58:3, 58:13, 59:6, 60:3, 68:12  
**minute** [3] - 42:6, 50:20, 73:20  
**minutes** [4] - 69:8, 70:13, 73:3, 73:5  
**Miracle** [1] - 12:18  
**missed** [1] - 33:10  
**mistake** [1] - 33:10  
**mistaken** [1] - 21:15  
**MITCHELL** [12] - 48:5,

48:10, 48:14, 48:18, 48:21, 49:6, 50:9, 50:13, 50:16, 51:16, 51:20, 52:4  
**Mitchell** [1] - 48:5  
**model** [1] - 39:19  
**modify** [3] - 17:12, 45:8, 46:3  
**modifying** [1] - 45:18  
**Moksa** [2] - 2:2, 3:16  
**moment** [2] - 16:9, 58:10  
**Monday** [3] - 4:1, 4:3, 8:17  
**monitoring** [2] - 54:6, 57:14  
**month** [2] - 38:19, 39:8  
**months** [5] - 33:15, 34:11, 36:5, 37:5, 39:7  
**most** [6] - 20:3, 22:9, 24:2, 28:21, 61:19, 69:16  
**motivation** [1] - 40:7  
**mouth** [1] - 38:14  
**move** [2] - 46:9, 66:3  
**moving** [2] - 12:14, 64:9  
**Muir** [3] - 32:10, 32:19, 32:20  
**MUIR** [26] - 32:19, 33:8, 35:21, 36:3, 36:9, 37:6, 37:11, 38:7, 38:21, 39:12, 40:6, 41:7, 42:5, 43:18, 44:2, 44:6, 44:13, 44:17, 45:1, 45:7, 45:10, 46:4, 46:7, 46:10, 47:1, 47:13  
**Municipal** [2] - 1:12, 3:11  
**municipality** [1] - 27:12  
**MUROFF** [13] - 48:5, 48:6, 48:10, 48:14, 48:18, 48:21, 49:6, 50:9, 50:13, 50:16, 51:16, 51:20, 52:4  
**Muroff** [2] - 48:6, 49:17

**N**

**names** [1] - 32:17  
**Natick** [2] - 27:14, 27:16  
**nature** [2] - 19:11, 64:2  
**necessarily** [1] - 68:18  
**necessary** [2] - 56:15, 76:5  
**need** [8] - 7:8, 7:20, 41:19, 45:8, 54:7,

58:2, 68:13, 70:13  
**needles** [1] - 69:12  
**needs** [1] - 66:5  
**negated** [1] - 16:3  
**neighborhood** [6] - 37:20, 42:1, 42:15, 43:1, 43:5, 43:13  
**neighbors** [3] - 36:19, 42:21, 43:15  
**Neilson** [1] - 14:2  
**next** [8] - 7:7, 12:18, 15:1, 16:6, 23:19, 51:8, 61:10, 63:13  
**nice** [2] - 29:6, 37:12  
**nine** [2] - 12:13, 59:17  
**no-transfer** [2] - 41:11, 47:4  
**no-value** [2] - 41:11, 47:4  
**non** [2] - 8:13, 50:4  
**non-alcoholic** [1] - 8:13  
**non-certified** [1] - 50:4  
**none** [12] - 13:8, 29:4, 30:11, 31:20, 37:3, 47:11, 52:10, 53:10, 53:18, 62:15, 72:16, 74:9  
**noon** [1] - 17:10  
**normally** [2] - 71:20, 72:5  
**NOT** [2] - 75:20, 76:7  
**Notary** [2] - 75:5, 75:15  
**notes** [1] - 75:10  
**notice** [2] - 18:15, 51:3  
**noticed** [1] - 6:15  
**November** [4] - 21:11, 59:4, 60:11  
**number** [4] - 34:15, 35:6, 59:14, 76:6  
**numbers** [1] - 15:8  
**Numbers** [1] - 70:17

**O**

**observations** [1] - 43:2  
**obviously** [2] - 6:12, 49:20  
**occasion** [1] - 62:6  
**occupancy** [2] - 6:9, 8:15  
**occurred** [2] - 61:4, 61:5  
**October** [1] - 33:15  
**OF** [6] - 1:1, 1:2, 75:2, 75:19, 75:20, 75:21  
**offer** [3] - 13:4, 18:14, 40:3  
**offered** [1] - 34:11  
**offering** [3] - 39:1, 39:20, 43:10  
**office** [3] - 9:3, 10:9,

11:8  
**Officer** [1] - 1:9  
**Offices** [1] - 4:7  
**OFFICIAL** [1] - 11:19  
**offs** [2] - 11:3, 11:7  
**old** [1] - 23:6  
**old-time** [1] - 23:6  
**once** [3] - 19:6, 56:12, 63:16  
**ones** [1] - 5:17  
**open** [19] - 3:20, 4:3, 4:11, 4:19, 5:4, 5:5, 6:13, 7:10, 9:8, 11:4, 29:10, 30:1, 45:2, 45:3, 45:4, 45:5, 45:12, 57:5, 64:6  
**opened** [4] - 6:20, 20:9, 33:13, 38:16  
**opening** [5] - 4:18, 7:2, 16:6, 46:1, 63:18  
**operate** [2] - 22:6, 45:17  
**operated** [1] - 33:11  
**operating** [3] - 4:15, 36:2, 45:11  
**operations** [5] - 9:18, 10:6, 14:21, 22:6, 34:4  
**operators** [1] - 68:7  
**opinion** [1] - 28:16  
**opportunities** [1] - 21:20  
**opportunity** [3] - 18:4, 31:9, 60:15  
**opposed** [6] - 31:20, 47:11, 53:19, 56:8, 72:16, 74:9  
**opposition** [1] - 55:12  
**options** [1] - 42:20  
**order** [8] - 52:16, 52:18, 54:1, 56:13, 66:1, 71:21, 72:3, 74:1  
**orders** [2] - 36:17, 40:17  
**organization** [2] - 14:7, 58:20  
**organizations** [1] - 28:14  
**organized** [2] - 27:10, 28:10  
**original** [1] - 37:8  
**OSHA** [1] - 64:19  
**otherwise** [1] - 35:4  
**ounces** [1] - 39:10  
**ourselves** [1] - 57:20  
**outcome** [2] - 28:11, 75:8  
**outsourcing** [1] - 54:9  
**over-serving** [1] - 27:1  
**overall** [1] - 20:18  
**overwhelming** [1] - 41:21  
**own** [3] - 28:15, 43:2, 64:14  
**owner** [1] - 55:3

**owners** [1] - 68:7  
**P**  
**p.m** [5] - 1:16, 3:10, 8:17, 46:9, 74:13  
**PAGE** [1] - 2:1  
**paid** [7] - 49:2, 49:4, 49:13, 51:1, 51:5, 51:7, 53:13  
**paper** [1] - 6:12  
**paperwork** [2] - 52:13, 71:21  
**park** [1] - 9:3  
**participated** [1] - 61:18  
**participation** [1] - 73:15  
**particular** [2] - 24:12, 24:15  
**particularly** [1] - 62:10  
**parties** [1] - 75:7  
**partner** [1] - 12:6  
**Partners** [2] - 2:4, 11:13  
**parts** [1] - 64:15  
**pass** [1] - 68:3  
**passed** [3] - 47:21, 66:2  
**past** [2] - 54:11, 55:20  
**pathogen** [1] - 69:11  
**patience** [1] - 33:9  
**Pause** [1] - 24:4  
**pay** [2] - 50:5, 51:11  
**paying** [1] - 48:21  
**payments** [2] - 52:21, 53:13  
**peaks** [1] - 21:21  
**people's** [1] - 65:19  
**per** [3] - 3:20, 34:15, 49:4  
**percent** [2] - 35:11, 59:21  
**perhaps** [3] - 26:19, 59:16, 68:16  
**person** [2] - 19:7, 34:16  
**personal** [3] - 28:15, 60:5, 68:6  
**personally** [1] - 51:6  
**persons** [3] - 43:12, 54:17, 65:3  
**perspective** [2] - 39:17, 58:16  
**petitions** [2] - 41:7, 44:4  
**phone** [2] - 3:3, 50:19  
**picture** [1] - 15:4  
**piece** [2] - 40:19, 40:21  
**places** [1] - 9:18  
**plane** [1] - 18:9  
**planned** [1] - 31:2  
**planner** [1] - 65:8  
**Planning** [1] - 42:14  
**planning** [3] - 16:6,

<p>16:9, 16:17  <b>plans</b> [2] - 23:2, 46:9  <b>PLEASE</b> [1] - 76:7  <b>pleasure</b> [1] - 46:13  <b>poised</b> [1] - 43:3  <b>policy</b> [4] - 54:3, 54:11, 56:13, 57:9  <b>Policy</b> [1] - 2:10  <b>polite</b> [1] - 18:16  <b>population</b> [2] - 19:11, 62:3  <b>position</b> [1] - 73:16  <b>positive</b> [2] - 21:2, 32:4  <b>possible</b> [3] - 11:6, 64:6, 66:3  <b>post</b> [1] - 40:13  <b>posted</b> [1] - 6:14  <b>posting</b> [1] - 4:16  <b>potentially</b> [2] - 20:14, 23:15  <b>poured</b> [1] - 40:11  <b>preceded</b> [1] - 63:21  <b>precise</b> [1] - 15:8  <b>prefer</b> [2] - 19:12, 67:6  <b>preferred</b> [1] - 25:10  <b>premises</b> [1] - 8:14  <b>preparation</b> [1] - 34:5  <b>preparations</b> [1] - 7:2  <b>prepared</b> [1] - 72:21  <b>present</b> [3] - 22:3, 23:20, 73:6  <b>president</b> [1] - 55:6  <b>pretty</b> [2] - 7:3, 7:5  <b>previously</b> [1] - 42:16  <b>prices</b> [1] - 33:19  <b>primary</b> [2] - 43:8, 43:10  <b>primmer</b> [1] - 70:21  <b>private</b> [1] - 57:19  <b>Private</b> [3] - 2:6, 14:1, 14:10  <b>privately</b> [1] - 27:19  <b>privilege</b> [1] - 62:1  <b>problems</b> [7] - 15:11, 55:16, 56:19, 57:21, 58:1, 58:4, 58:12  <b>procedure</b> [2] - 76:2, 76:8  <b>procedures</b> [3] - 57:3, 59:7, 60:3  <b>PROCEEDINGS</b> [1] - 3:1  <b>process</b> [8] - 25:6, 25:12, 25:16, 30:18, 36:18, 52:13, 59:13  <b>product</b> [1] - 69:17  <b>products</b> [1] - 19:8  <b>professional</b> [1] - 68:5  <b>Professional</b> [1] - 75:5  <b>professionals</b> [1] - 58:15  <b>prohibition</b> [1] - 54:8  <b>project</b> [1] - 9:2  <b>prominently</b> [1] -</p>	<p>60:12  <b>promoted</b> [1] - 12:10  <b>promotion</b> [1] - 38:13  <b>promulgate</b> [2] - 54:7, 61:9  <b>promulgated</b> [1] - 26:14  <b>proper</b> [1] - 67:13  <b>proposing</b> [1] - 5:20  <b>prove</b> [1] - 28:19  <b>provide</b> [3] - 58:14, 60:21, 68:9  <b>provided</b> [1] - 64:11  <b>provides</b> [1] - 42:20  <b>providing</b> [1] - 43:9  <b>pulled</b> [1] - 15:21  <b>purpose</b> [1] - 62:3</p> <p style="text-align: center;"><b>Q</b></p> <p><b>quick</b> [1] - 33:19  <b>Quincy</b> [1] - 28:2  <b>quite</b> [2] - 39:14, 60:12</p> <p style="text-align: center;"><b>R</b></p> <p><b>range</b> [1] - 39:8  <b>rates</b> [2] - 71:8, 71:9  <b>rather</b> [3] - 20:16, 38:2, 64:20  <b>ratiification</b> [1] - 70:16  <b>Ratifications</b> [1] - 2:11  <b>ratiifications</b> [3] - 70:10, 70:11, 72:11  <b>rationale</b> [1] - 8:20  <b>RE</b> [1] - 1:4  <b>re</b> [1] - 31:9  <b>re-apply</b> [1] - 31:9  <b>read</b> [4] - 43:18, 57:9, 76:3, 76:3  <b>ready</b> [2] - 6:18, 60:21  <b>Reardon</b> [1] - 67:2  <b>reason</b> [2] - 18:19, 76:7  <b>Reason</b> [1] - 76:11  <b>reasonable</b> [1] - 42:19  <b>reasoning</b> [1] - 8:21  <b>reasons</b> [1] - 23:15  <b>receipt</b> [1] - 50:4  <b>receive</b> [1] - 59:6  <b>received</b> [2] - 50:18, 51:20  <b>recently</b> [1] - 5:7  <b>recognize</b> [1] - 24:20  <b>recommendation</b> [1] - 64:5  <b>RECORD</b> [1] - 1:19  <b>records</b> [3] - 55:19, 64:13, 64:14  <b>redeposit</b> [1] - 49:19  <b>refinance</b> [4] - 71:3, 71:4, 71:8, 71:16  <b>refinancing</b> [1] - 71:1</p>	<p><b>refuse</b> [1] - 18:19  <b>regard</b> [2] - 32:4, 61:11  <b>regarding</b> [6] - 54:8, 55:10, 55:21, 56:2, 56:20, 59:6  <b>regional</b> [1] - 34:10  <b>Registered</b> [1] - 75:5  <b>regular</b> [1] - 67:19  <b>regulars</b> [1] - 19:14  <b>regulate</b> [2] - 65:15, 65:19  <b>regulated</b> [1] - 64:19  <b>regulation</b> [2] - 56:7, 57:10  <b>regulations</b> [11] - 54:8, 55:12, 55:14, 56:18, 56:21, 57:3, 59:9, 61:3, 61:9, 61:12, 65:9  <b>regulatory</b> [1] - 65:5  <b>reimburse</b> [1] - 47:20  <b>related</b> [3] - 19:6, 64:18, 75:7  <b>relating</b> [1] - 59:14  <b>relations</b> [1] - 24:13  <b>relationship</b> [1] - 61:7  <b>renewals</b> [1] - 48:2  <b>repeat</b> [1] - 48:13  <b>REPORTER</b> [1] - 75:21  <b>Reporter</b> [3] - 75:5, 75:5, 75:16  <b>REPORTERS</b> [1] - 1:19  <b>reporting</b> [1] - 22:8  <b>represent</b> [1] - 58:20  <b>represented</b> [2] - 55:8, 56:5  <b>representing</b> [1] - 63:19  <b>REPRODUCTION</b> [1] - 75:20  <b>request</b> [4] - 10:17, 42:18, 65:20, 66:1  <b>requesting</b> [1] - 33:6  <b>require</b> [1] - 5:5  <b>required</b> [1] - 45:16  <b>requirement</b> [3] - 6:1, 46:20, 46:21  <b>requirements</b> [5] - 25:17, 41:14, 41:17, 64:20  <b>rescind</b> [2] - 64:6, 66:1  <b>resident</b> [2] - 22:18, 22:20  <b>resources</b> [1] - 23:21  <b>response</b> [3] - 59:4, 59:20, 63:14  <b>responses</b> [1] - 59:16  <b>responsibilities</b> [2] - 61:16, 62:12  <b>responsible</b> [2] - 61:17, 67:3  <b>rest</b> [1] - 66:15  <b>restaurants</b> [2] - 40:2,</p>	<p>61:20  <b>retrospective</b> [1] - 69:3  <b>return</b> [4] - 49:4, 50:5, 52:14, 76:9  <b>Review</b> [2] - 2:5, 13:20  <b>review</b> [1] - 69:4  <b>reviewed</b> [1] - 69:7  <b>Reviews</b> [1] - 13:19  <b>revived</b> [1] - 42:16  <b>RICHARD</b> [2] - 57:17, 58:21  <b>riCHARD</b> [1] - 55:2  <b>Richard</b> [1] - 55:2  <b>risk</b> [1] - 35:15  <b>River</b> [3] - 2:6, 14:2, 14:12  <b>Rivers</b> [2] - 2:5, 13:20  <b>Rob</b> [1] - 13:21  <b>roBERT</b> [1] - 16:13  <b>Robert</b> [2] - 1:6, 3:14  <b>ROBERT</b> [69] - 5:16, 6:4, 7:1, 7:11, 7:15, 7:19, 8:4, 8:18, 9:17, 10:2, 10:5, 10:13, 10:16, 11:19, 12:1, 12:6, 12:15, 13:2, 13:12, 13:15, 14:15, 15:14, 16:5, 16:11, 16:19, 17:7, 17:11, 17:15, 17:18, 17:21, 19:17, 20:1, 20:8, 22:4, 22:17, 23:1, 23:7, 23:18, 30:14, 30:20, 31:6, 31:19, 37:4, 40:1, 44:11, 44:15, 44:19, 45:8, 45:15, 46:5, 46:18, 47:10, 52:20, 53:17, 57:8, 57:15, 62:15, 66:10, 67:11, 68:1, 69:21, 70:3, 71:20, 72:4, 72:15, 73:2, 73:11, 73:18, 74:8  <b>room</b> [3] - 22:3, 57:18, 58:10  <b>Room</b> [2] - 1:13, 3:12  <b>rooms</b> [5] - 56:2, 57:1, 64:12, 69:3, 69:5  <b>rules</b> [2] - 57:3, 76:2  <b>run</b> [11] - 9:3, 17:15, 27:11, 27:15, 27:19, 28:3, 28:8, 28:14, 39:19, 56:16, 57:20  <b>running</b> [5] - 3:6, 9:19, 14:20, 19:19, 35:8  <b>Russell</b> [1] - 13:21</p> <p style="text-align: center;"><b>S</b></p> <p><b>S-M-I-T-H</b> [1] - 63:2  <b>safety</b> [7] - 56:1, 56:3, 56:20, 57:3, 58:11, 61:4, 69:6  <b>sale</b> [1] - 71:18  <b>sales</b> [1] - 40:16</p>	<p><b>SAME</b> [1] - 75:20  <b>samples</b> [3] - 18:14, 19:4, 19:7  <b>sampling</b> [1] - 27:4  <b>Saturday</b> [1] - 4:3  <b>Saturdays</b> [1] - 21:8  <b>sauce</b> [1] - 34:1  <b>schedule</b> [1] - 66:14  <b>scheduled</b> [3] - 4:11, 6:20, 66:19  <b>scheduling</b> [1] - 70:6  <b>schools</b> [1] - 23:2  <b>Science</b> [3] - 2:4, 12:18, 20:12  <b>science</b> [1] - 11:12  <b>scratch</b> [1] - 34:1  <b>scribner's</b> [1] - 4:16  <b>SEAMENS</b> [9] - 9:1, 9:11, 9:16, 9:20, 10:4, 10:8, 10:17, 11:2, 11:9  <b>Seamens</b> [1] - 9:2  <b>SEAN</b> [4] - 4:5, 5:19, 6:7, 7:20  <b>Sean</b> [1] - 4:6  <b>search</b> [1] - 64:14  <b>season</b> [6] - 14:21, 15:2, 15:21, 22:8, 23:19  <b>seasons</b> [1] - 22:1  <b>seating</b> [2] - 6:9, 8:15  <b>second</b> [6] - 7:15, 7:21, 31:14, 68:1, 73:4, 74:2  <b>secured</b> [1] - 71:12  <b>security</b> [1] - 57:2  <b>seeing</b> [6] - 12:21, 13:8, 19:13, 23:6, 30:11, 53:10  <b>seeking</b> [1] - 62:6  <b>sell</b> [1] - 43:11  <b>selling</b> [1] - 16:3  <b>sends</b> [1] - 61:14  <b>sense</b> [5] - 12:19, 26:4, 58:16, 60:13, 67:9  <b>sensible</b> [1] - 61:16  <b>sent</b> [6] - 43:19, 51:2, 51:9, 59:11, 59:19, 60:9  <b>September</b> [5] - 61:5, 64:1, 66:2, 67:4, 69:8  <b>serve</b> [7] - 4:20, 5:8, 6:2, 33:19, 38:19, 39:10, 56:3  <b>served</b> [2] - 8:14, 51:6  <b>service</b> [2] - 9:5, 10:1  <b>services</b> [1] - 54:9  <b>servicing</b> [5] - 5:9, 6:2, 27:1, 37:10, 62:2  <b>set</b> [3] - 11:8, 75:10, 75:12  <b>seven</b> [3] - 3:20, 6:13, 33:18  <b>Shaievitz</b> [1] - 8:9</p>
--	--	---	--	---

<p><b>share</b> [3] - 29:9, 36:7, 68:15  <b>sharing</b> [1] - 69:15  <b>sheet</b> [1] - 76:4  <b>sheets</b> [1] - 76:5  <b>shortest</b> [1] - 39:4  <b>Shorthand</b> [2] - 75:5, 75:16  <b>shortly</b> [1] - 3:5  <b>shown</b> [1] - 57:1  <b>shy</b> [1] - 61:20  <b>sign</b> [3] - 11:3, 11:7, 76:8  <b>sign-offs</b> [2] - 11:3, 11:7  <b>signal</b> [1] - 61:13  <b>Signature</b> [1] - 76:21  <b>signature</b> [2] - 47:8, 73:10  <b>signatures</b> [3] - 41:8, 44:7, 44:12  <b>signify</b> [6] - 7:16, 31:16, 53:14, 70:2, 72:12, 74:5  <b>similar</b> [1] - 64:20  <b>simplified</b> [2] - 25:6, 25:12  <b>single</b> [2] - 39:20, 58:16  <b>site</b> [2] - 18:5, 23:16  <b>sites</b> [3] - 15:15, 19:17, 28:4  <b>six</b> [2] - 17:10, 36:5  <b>skills</b> [1] - 75:11  <b>skirt</b> [1] - 36:14  <b>Slicius</b> [2] - 75:4, 75:15  <b>slow</b> [1] - 27:7  <b>small</b> [1] - 40:21  <b>smaller</b> [1] - 23:13  <b>SMITH</b> [1] - 63:1  <b>Smith</b> [1] - 63:2  <b>smooth</b> [3] - 36:10, 36:18, 37:1  <b>sol</b> [1] - 8:13  <b>SOLOMON</b> [4] - 5:13, 5:18, 7:5, 8:5  <b>Somerville</b> [3] - 20:20, 21:1, 21:3  <b>sometimes</b> [1] - 38:8  <b>somewhere</b> [1] - 6:10  <b>soon</b> [4] - 11:5, 11:7, 24:8, 50:20  <b>sooner</b> [1] - 38:2  <b>sorry</b> [3] - 16:13, 33:9, 52:11  <b>sounds</b> [1] - 24:16  <b>speaking</b> [2] - 18:8, 63:7  <b>special</b> [3] - 5:9, 5:12, 5:21  <b>specific</b> [1] - 59:19  <b>specifically</b> [3] - 5:4, 7:21, 18:5  <b>speech</b> [1] - 69:19  <b>spell</b> [5] - 29:14,</p>	<p>32:17, 48:4, 55:1, 62:21  <b>spirit</b> [1] - 61:3  <b>spots</b> [1] - 44:18  <b>spring</b> [4] - 30:18, 59:10, 60:7, 65:4  <b>SS</b> [1] - 75:2  <b>stack</b> [1] - 27:5  <b>Stacy</b> [1] - 50:13  <b>staff</b> [6] - 25:3, 40:16, 46:21, 54:5, 57:4, 65:18  <b>STAFF</b> [1] - 1:8  <b>stand</b> [1] - 28:1  <b>standards</b> [11] - 54:6, 57:13, 57:21, 58:3, 58:5, 58:7, 58:13, 59:7, 60:3, 61:4, 68:12  <b>start</b> [5] - 5:1, 15:3, 35:18, 45:11, 46:7  <b>started</b> [1] - 3:3  <b>Starwood</b> [1] - 57:19  <b>state</b> [10] - 5:7, 14:7, 25:17, 26:7, 29:14, 32:17, 48:4, 55:1, 62:20, 76:7  <b>status</b> [1] - 48:20  <b>stenographic</b> [1] - 75:10  <b>steps</b> [2] - 61:10, 63:13  <b>stipulation</b> [2] - 52:20, 53:12  <b>stock</b> [2] - 71:15, 71:17  <b>stood</b> [1] - 60:20  <b>stop</b> [1] - 27:6  <b>stopped</b> [1] - 9:4  <b>store</b> [5] - 10:3, 10:6, 10:7, 10:9, 40:14  <b>stores</b> [1] - 9:21  <b>stories</b> [1] - 26:21  <b>streamlined</b> [1] - 26:20  <b>strictly</b> [1] - 9:9  <b>strong</b> [2] - 57:2  <b>subject</b> [1] - 46:20  <b>subsequently</b> [1] - 35:20  <b>substance</b> [1] - 76:4  <b>success</b> [1] - 43:14  <b>successful</b> [3] - 15:16, 28:7, 37:14  <b>Sudeko</b> [1] - 9:4  <b>SUFFOLK</b> [1] - 75:2  <b>suggested</b> [2] - 15:6, 65:4  <b>suggestion</b> [1] - 65:10  <b>sum</b> [1] - 5:14  <b>summarize</b> [1] - 22:5  <b>summary</b> [1] - 33:4  <b>summer</b> [2] - 60:7, 60:8  <b>Sunday</b> [6] - 3:21, 4:17, 6:1, 6:12, 16:17, 18:2</p>	<p><b>Sundays</b> [6] - 4:4, 4:19, 5:4, 5:8, 5:10, 8:1  <b>supervises</b> [1] - 58:9  <b>supply</b> [1] - 60:4  <b>supported</b> [1] - 28:8  <b>supporting</b> [1] - 19:15  <b>surprisingly</b> [1] - 37:14  <b>Suspects</b> [3] - 2:9, 47:16, 48:7  <b>switching</b> [1] - 34:12</p>	<p style="text-align: center;"><b>T</b></p>	<p><b>table</b> [3] - 36:10, 67:7, 67:14  <b>Tank</b> [1] - 47:17  <b>Taslim</b> [1] - 3:17  <b>teacher</b> [1] - 17:4  <b>teaching</b> [1] - 23:1  <b>Team</b> [1] - 42:14  <b>technically</b> [1] - 45:21  <b>temporary</b> [1] - 12:15  <b>tenants</b> [2] - 10:18, 11:10  <b>term</b> [2] - 15:20, 18:16  <b>TERRENCE</b> [1] - 63:1  <b>Terrence</b> [1] - 63:1  <b>TERRENCE</b> [1] - 63:2  <b>territory</b> [1] - 19:2  <b>testimony</b> [4] - 55:19, 65:3, 67:3, 75:9  <b>THE</b> [6] - 1:19, 75:19, 75:20, 75:20, 75:21, 76:7  <b>therefore</b> [1] - 76:7  <b>thinking</b> [3] - 14:15, 23:21, 24:11  <b>thinks</b> [1] - 65:13  <b>THIS</b> [1] - 75:19  <b>thousands</b> [1] - 56:3  <b>TO</b> [1] - 75:20  <b>together</b> [1] - 13:19  <b>tonight</b> [7] - 4:9, 4:19, 14:1, 55:8, 56:6, 73:15, 73:19  <b>Toomey</b> [1] - 42:8  <b>total</b> [1] - 6:9  <b>tourists</b> [1] - 18:7  <b>track</b> [1] - 34:20  <b>traffic</b> [1] - 28:20  <b>train</b> [3] - 40:16, 57:4, 58:9  <b>TRANSCRIPT</b> [2] - 75:19, 76:7  <b>transcription</b> [1] - 75:10  <b>transfer</b> [8] - 4:13, 6:8, 12:16, 23:10, 41:11, 47:4, 71:15, 71:18  <b>transferred</b> [2] - 6:16, 6:18  <b>transfers</b> [1] - 72:12  <b>transient</b> [2] - 19:11, 20:17</p>	<p><b>transportation</b> [1] - 45:4  <b>travel</b> [1] - 18:9  <b>traveling</b> [1] - 61:14  <b>treasury</b> [1] - 50:14  <b>tried</b> [1] - 30:1  <b>trouble</b> [2] - 45:3, 52:12  <b>true</b> [1] - 75:10  <b>trust</b> [2] - 68:19, 68:20  <b>try</b> [3] - 39:7, 40:2, 46:9  <b>Tuesday</b> [2] - 1:15, 3:9  <b>Turtle</b> [3] - 2:7, 14:5, 14:13  <b>twice</b> [1] - 30:2  <b>two-month</b> [1] - 39:8  <b>type</b> [2] - 17:2, 34:21</p>	<p style="text-align: center;"><b>U</b></p>	<p><b>ultimately</b> [1] - 69:17  <b>unable</b> [2] - 13:21, 31:4  <b>unavailable</b> [1] - 67:5  <b>unaware</b> [1] - 51:5  <b>unblemished</b> [1] - 25:11  <b>undecided</b> [1] - 19:16  <b>UNDER</b> [1] - 75:20  <b>underage</b> [1] - 43:11  <b>undersigned</b> [1] - 75:5  <b>undue</b> [1] - 43:15  <b>unexpectedly</b> [1] - 67:5  <b>unhappiness</b> [1] - 56:13  <b>UNLESS</b> [1] - 75:20  <b>unless</b> [1] - 4:1  <b>unlocked</b> [1] - 38:15  <b>unnecessary</b> [2] - 56:7, 56:8  <b>Unusual</b> [2] - 47:16, 48:7  <b>unusual</b> [1] - 2:9  <b>ups</b> [1] - 21:21  <b>upstanding</b> [1] - 43:4  <b>uptake</b> [1] - 37:19  <b>urban</b> [1] - 69:13</p>	<p style="text-align: center;"><b>V</b></p>	<p><b>valleys</b> [1] - 21:21  <b>value</b> [2] - 41:11, 47:4  <b>variety</b> [1] - 40:3  <b>vendor</b> [1] - 25:11  <b>venture</b> [1] - 14:16  <b>versa</b> [1] - 38:6  <b>vice</b> [1] - 38:6  <b>victualer</b> [4] - 8:10, 32:11, 32:15, 48:1  <b>view</b> [4] - 15:20, 50:11, 61:15, 62:9  <b>Vincent</b> [1] - 47:17</p>	<p><b>Vineyards</b> [2] - 2:6, 14:3  <b>violation</b> [1] - 46:1  <b>vitality</b> [1] - 42:15  <b>volume</b> [2] - 24:3, 24:17  <b>vote</b> [11] - 5:6, 5:9, 5:21, 7:21, 53:7, 61:3, 61:8, 64:1, 69:20, 73:1, 73:6  <b>voting</b> [1] - 67:4</p>	<p style="text-align: center;"><b>W</b></p>	<p><b>wait</b> [1] - 42:6  <b>waited</b> [1] - 6:17  <b>walk</b> [1] - 27:4  <b>war</b> [1] - 26:21  <b>Watson</b> [3] - 49:9, 49:15, 51:9  <b>website</b> [1] - 40:13  <b>weekend</b> [1] - 38:10  <b>welcome</b> [2] - 43:4, 60:14  <b>Wellington/Harrington</b> [1] - 43:1  <b>Westport</b> [2] - 2:5, 13:20  <b>WHEREOF</b> [1] - 75:12  <b>Whole</b> [3] - 2:3, 8:9, 9:2  <b>whole</b> [4] - 8:7, 15:20, 25:5, 30:18  <b>wider</b> [1] - 40:3  <b>willing</b> [1] - 73:20  <b>willingness</b> [1] - 32:1  <b>wine</b> [4] - 17:3, 22:7, 30:5  <b>wineries</b> [1] - 28:13  <b>Winery</b> [7] - 2:6, 2:7, 14:2, 14:3, 14:12, 14:14, 15:5  <b>winery</b> [1] - 13:19  <b>wines</b> [2] - 17:2, 29:21  <b>winter</b> [3] - 21:10, 21:12, 21:19  <b>wish</b> [2] - 47:12, 53:20  <b>wishing</b> [1] - 13:6  <b>WITNESS</b> [1] - 75:12  <b>witnessed</b> [1] - 62:8  <b>woman</b> [1] - 27:4  <b>WOMAN</b> [1] - 59:1  <b>word</b> [1] - 38:14  <b>word-of-mouth</b> [1] - 38:14  <b>worries</b> [1] - 26:18  <b>write</b> [1] - 40:13  <b>written</b> [1] - 49:1  <b>www.reportersinc.com</b> [1] - 1:20</p>	<p style="text-align: center;"><b>Z</b></p>	<p><b>ZOLL</b> [10] - 14:9, 18:1, 19:20, 20:4, 20:14,</p>
--	--	---	---	--	---	---	--	---	--	--	---	--	---	---

21:7, 21:19, 23:9,  
27:8, 32:7  
**Zoll** [4] - 2:5, 14:1,  
14:9, 14:10  
**zoning** [1] - 6:10