

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION DECISION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT C. HAAS

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: October 30, 2014

TIME: 11:30 a.m.

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P R O C E E D I N G S

October 30, 2014

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(Hearing is being audio and videotaped by  
Xavier Dietrich.)

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EXECUTIVE DIRECTOR ELIZABETH LINT: Good  
morning. This is the License Commission Decision  
Hearing, Thursday, October 30 at 11:30 a.m.

We are in the Michael J. Lombardi  
Building, 831 Mass. Ave, basement conference  
room.

Before you are the Commissioners, Chair  
Andrea Jackson and Commissioner Robert Haas.

Be aware this hearing is being audio  
taped and videotaped.

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APPLICATION: SHAN DONG DUMPLING HOUSE,  
INC., D/B/A DUMPLING HOUSE

EXECUTIVE DIRECTOR ELIZABETH LINT: First matter is application: Shan Dong Dumping House, Inc., d/b/a Dumping House Jing Liu Sloane, manager, holder of a common victualer license at 950 Massachusetts Avenue has applied for a new wine and malt beverages restaurant license at said address. The already-approved hours and capacity will remain unchanged.

ATTY JAMES RAFFERTY: Good morning, Madam Chair and Commissioner.

CHAIR ANDREA JACKSON: Good morning.

ATTY JAMES RAFFERTY: Good morning. James Rafferty on behalf of the applicant.

Seated to my right is Adam Bing, B-I-N-G, and do you want to ...

JING SLOANE: Jing Sloane, J-I-N-G S-L-O-A-N-E.

CHAIR ANDREA JACKSON: One moment, please. Excuse me.

If you would like to videotape, that's fine; however, standing right there in the way in which you are doing is very disruptive, so I would like to ask if you could please step back.

(Xavier Dietrich moves)

CHAIR ANDREA JACKSON: If you could please step back, sir.

(Xavier Dietrich moves.)

CHAIR ANDREA JACKSON: So let me be clear, can you please step back towards the door. It's just very disruptive where you're at.

Thank you.

XAVIER DIETRICH: This is disruptive right here?

CHAIR ANDREA JACKSON: Where you were standing at directly behind them was disruptive, yes.

XAVIER DIETRICH: How about this?

CHAIR ANDREA JACKSON: That's fine.

Mr. Rafferty, please continue.

ATTY JAMES RAFFERTY: Thank you, Madam Chair. As was suggested at last month's meeting we did convene a meeting with the residents of the condominium association where the restaurant is located.

You recall that Mr. Bing has been operating his business there now for approximately six months, so I prepared a memo, I hope the Board has had an opportunity, the Commissioners, an opportunity to see it, summarizing the event.

I would describe it as a well-attended meeting, generally a positive meeting with most residents expressing support for the restaurant, the manner in which it was operated, but I did identify several areas of concern that were noted and we're proposing remediation on each of those.

Some of the work that we're proposing to be done has already commenced.

I just learned today that the sound insulation between -- in the new ceiling tiles between the ceiling of the restaurant and the floor above has already taken place this week, and I have some photographs of that work.

CHAIR ANDREA JACKSON: Is that the work, counsel, that you submitted in terms of the quote that was attached?

ATTY JAMES RAFFERTY: No. That's the exhaust work, and that's been approved now by the management company since we had the meeting, and an engagement letter and retainer check has been sent to the contractor Simon Brothers and that work is probably expected in the next week or two.

That was one of the more informative aspects of this exploration. We kind've had a

forensic analysis of the existing exhaust system and it was found to have many shortcomings.

This was an inherited system from the prior operator, and the shortcomings involved the location of the equipment, exhaust equipment, on the roof, there was some covering over it that was creating excessive noise and vibrations and in the opinion of the exhaust company it was not allowing the odors to emanate correctly into the air. It was causing them actually to back up.

They also believe that the cleaning, even though Mr. Bing has a contract with the cleaning service was having the three-month cleanings as required, the feeling of the contractor was that they were not adequate.

Their inspection of the exhaust shaft was that they were not being properly cleaned.

So this new company is providing new -- in addition to their insulation work, they'll



provide ongoing maintenance and we reviewed the features of the maintenance work with the management company because the recommendation is there are actually locations in the building, the exhaust obviously begins -- the shaft begins in the restaurant, but it goes up to the building to the roof, and there are locations in the corridor of the building that the cleaner needs to get access to so they can do interim cleaning along the length of the shaft as it goes up the building, and that has been arranged.

So we are anticipating, as I said, that work being completed. So that addresses the noise and the exhaust.

The sound issues we are proposing, a few alternatives, including creating an interior waiting area.

POLICE COMMISSIONER ROBERT HAAS: Can I stop you for a minute?

ATTY JAMES RAFFERTY: Yeah.

POLICE COMMISSIONER ROBERT HAAS: So the exhaust piece, you said it's an ongoing, so that means it's going to be more frequent than the three months or it's just gonna be more thorough in terms of cleaning?

ATTY JAMES RAFFERTY: I would say more thorough. I think the three month is adequate, but it's two things. It will be, if you've had an opportunity to review invoice, it's an enhancement of the system itself including a new fan and reworking of creating some vibration stabilization on the roof, but going forward a new method and a more extensive method of cleaning the exhaust than has happened previously by a new vendor, by this vendor.

Frankly, what the licensee did was he inherited the system and he inherited the company that had been cleaning it. He had his

certificates showing it was being cleaned every three months, but the contractor was helpful in pointing out that they thought that the work was not effective, so that that's the order on the exhaust issue.

The noise issue, which we've tried to address both inside the restaurant in terms of the sound, the sound reducing insulation in the ceiling. There's typical ceiling tile and then a vacuum between there.

After the neighborhood meeting, and the meeting with the residents, we had an opportunity to tour the premises.

(Reporter needs to break file -  
Computer freeze.)

ATTY JAMES RAFFERTY: As I was saying, we did have an opportunity to tour the restaurant with one of the residents who lives directly above it after the meeting and her attorney and

were able to identify a few things.

There's an exceptionally long vestibule as you first enter the restaurant from the street, and it amounts to a large corridor, so it could easily accommodate some seating or a bench or two that would provide an alternative for people to stay inside while they were waiting.

You recall one of the concerns is that, particularly late in the week, Thursday, Friday, and Saturday, during peak dining hours, estimated between 6:30 and 8:30, people arrive and have to sometimes wait for their table, and those patrons are often standing on the sidewalk and their conversations and such can sometimes effect the residents above, so we -- by identifying this area we think people might be incentivized to stay inside.

We also went into the restaurant and located an area in the back of the restaurant

that's largely unused. It is not used for patron seating, it is used almost by the staff to have meals before the restaurant opens, and this area we've looked at it and it could easily take four small circular tables with three chairs and we would create a seating area so if people arrive and their table is not ready and they can go to that area of the restaurant.

CHAIR ANDREA JACKSON: But they won't be eating at that table?

ATTY JAMES RAFFERTY: They would not be eating, there wouldn't be food service there. But did contemplate that we could as an incentive be able to say that where the beer and wine license be issued, we thought that they might be able to serve them a glass of wine or beer as an incentive to keep them in the restaurant.

This actually happens to be a more preferable location for waiting in the view of

the resident because the vestibule area is under her bedrooms, and as we looked at the restaurant, she found this area, which was deep into the restaurant, it actually would be more preferable so we're proposing 12 seats in a waiting area only for customers waiting for tables.

And as I said, the restaurant itself, is successful but it does have -- is not a late night designation. They don't accept customers after 10 a.m., and generally on most nights everyone is out of the restaurant by 11. That's even true on weekend nights.

Mass. Ave, those blocks of Mass. Ave are relatively active at those hours, so I don't think these customers or these patrons would be changing the overall conditions on the street in this area. And, again, these are patrons who would coming to the restaurant anyway. They are not going to have a bar, they are not going allow

for wine or beer service as anything other than a complement to the food service.

This is very much a restaurant, great attention focused on menu and cuisine, kitchen staff and preparation. So it is a full-service restaurant open for lunch and dinner, serving significant local population, high percentage of walk-in trade, and as contained in the record many, hundreds of signatures by patrons mostly from Cambridge expressing a desire to be able to have a glass of wine or beer with their meal, and it's for this reason that the applicant would ask that the Commission consider allowing them to demonstrate that they can effectively hold a beer and wine license.

I think the first six months of operation, under their CV license has proven to be successful. I know Ms. Lint had an opportunity to attend the resident meeting, and I

must say it was not just, you know, trying to spin it, it was a very positive meeting, and the residents, in my estimation, even the residents that had concerns, spoke well of the operators and the attempt to be responsive to issues.

There was a time quite awhile ago where the Commission had kind of a six-month policy, I recall, on things like this, that an operator could come in, couldn't actually apply for a beer and wine license for six months, to essentially prove their credibility and their effectiveness in operating a restaurant. I would say that is what has occurred here. Since the issuance of the CV license, the Commission can look at a record here of performance and we're hoping that they would -- the Commission would be able to conclude that with the types of mitigation measures that we're proposing, that the licensee would be given an opportunity to serve beer and



wine.

CHAIR ANDREA JACKSON: Okay. Thank you.

ATTY JAMES RAFFERTY: Thank you.

CHAIR ANDREA JACKSON: I know we also received correspondence from Attorney Franzel. Typically we don't allow testimony, new testimony, at the Decision hearing but I would like to give him an opportunity to be heard.

POLICE COMMISSIONER ROBERT HAAS: Can I ask a question?

CHAIR ANDREA JACKSON: Sure. Sorry.

POLICE COMMISSIONER ROBERT HAAS: You mentioned with -- there's two waiting areas, there's one you are envisioning in the vestibule with benches and then there's one further towards the back of the restaurant where you mentioned that that there's an opportunity for patrons to get drinks while they are waiting, so --

CHAIR ANDREA JACKSON: No, go ahead.

POLICE COMMISSIONER ROBERT HAAS: Am I getting ahead?

CHAIR ANDREA JACKSON: No. Go ahead.

ATTY JAMES RAFFERTY: No, that's correct.

POLICE COMMISSIONER ROBERT HAAS: I know you have represented that the beer and wine license as being principally to complement dinner, I'm just trying to figure out if you have this other piece of the operation, and I appreciate why you are trying to do it --

ATTY JAMES RAFFERTY: No. It's a legitimate question, and it's not the intention, and we would not want it to become a lounge or have the appearance of a lounge. Frankly, it was a bit of brainstorming with the neighbors, well, what is it that we could do to incentivize people to remain in, particular in the warm weather, in good months if you have a five- or ten-minute wait, it's a busy, active restaurant, some

patrons may simply prefer to stand outside on the sidewalk and have a conversation, so we thought of it as a way to possibly incentivize waiting patrons to remain in.

I would say it is not critical to our operation. It was only offered as a suggestion to, as I said, incentivize patrons to wait while they are in the restaurant, but I had the same thought, well, we wouldn't want this to morph into some type of lounge, which is not what it is. If you saw it physically, it's really just a corner of the restaurant. But we certainly wouldn't serve anything in the vestibule, but the area where the service bar would be, it would be right there, and we thought well, maybe if someone had a 20-minute wait and we said, well, if you sat there, we could give you a glass of wine, they may choose to do so. So that's the thinking behind it but I understand the caution.

POLICE COMMISSIONER ROBERT HAAS:

Typically what is the waiting time for patrons that do come when the restaurant is at its full operation?

ADAM BING: Ten minutes to 15 minutes.

POLICE COMMISSIONER ROBERT HAAS: You can turn over that quickly, ten minutes? So you are not having people sitting there upwards to an hour, hour and a half waiting?

ADAM BING: No. Usually not that long.

ATTY JAMES RAFFERTY: They have recently instituted an on-line -- they joined one of those on-line reservation systems, they didn't have that earlier, so they've reported to me it has improved wait time.

CHAIR ANDREA JACKSON: It helps cut down with the wait time?

ADAM BING: They also can call in to make reservation, so to avoid a big group of people

waiting outside.

CHAIR ANDREA JACKSON: Okay.

POLICE COMMISSIONER ROBERT HAAS: I'm  
good.

CHAIR ANDREA JACKSON: You're good?

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ATTY JAMES RAFFERTY: Let's step back.

ATTY JONATHAN FRANZEL: Good morning.  
I'm Attorney Jonathan Franzel, and this is  
Deborah Koplow.

CHAIR ANDREA JACKSON: If you could  
please state your name for the record, again  
louder, if you could please spell your first and  
last name along with your client.

ATTY JONATHAN FRANZEL: Certainly.  
Jonathan, J-O-N-A-T-H-A-N, Franzel,  
F-R-A-N-Z-E-L. And Debbie, D-E-B-B-I-E, Koplow,  
K-O-P-L-O-W.

I agree with almost everything Mr.

Rafferty has said. The steps that they have taken have be proven to be very constructive as if their intention is to be terrific neighbors.

There remains a couple of issues that exist. I don't know when the insulation was installed, but as recently as last night Ms. Koplow was still able to hear the scraping of chairs on the floor and the dull murmur of conversation downstairs.

Another issue, which was not mentioned is that of smoke on the street from patrons waiting outside.

I think that the steps that have been taken and have been suggested to bring the patrons into the restaurant are extremely helpful in mitigating the number of people that would be waiting outside, but I would like to see signage outside saying No Smoking. On this building there's a sign that says No Smoking within 25

feet of the building. I would like to see something like that with a universal symbol for not smoking in order to discourage people waiting to get into the restaurant from smoking underneath my client's window.

Steps such as enabling customers to make reservations, I heard talk of pagers that would be given to patrons so that they wouldn't have to wait underneath my client's window, and the seating area in the back of the restaurant, I think are all very constructive in terms of reducing the number of people that will be waiting outside.

Those are really the main concerns that remain. I believe we would waive an objection to beer and wine license if those steps are taken and the signage is replaced and the sound deadening beefed up a little more.

DEBBIE KOPLOW: The vestibule.

ATTY JONATHAN FRANZEL: I'm not sure if the seating in the vestibule would be great unless the sound deadening is improved because, as you mentioned, it is under Ms. Koplow's bedroom.

DEBBIE KOPLOW: And my daughter's bedroom.

CHAIR ANDREA JACKSON: Thank you very much.

DEBBIE KOPLOW: Thank you.

CHAIR ANDREA JACKSON: Mr. Rafferty, if you would like to have your clients come back, it's fine just in case there's any follow-up questions.

ATTY JAMES RAFFERTY: In response to the suggestion, all of these measures are intended to be responsive to concerns expressed by neighbors and particularly Ms. Koplow and so if the vestibule seating doesn't turn out to be an



improvement, we certainly would modify it, but we can take a look at how the sound deadening has worked.

POLICE COMMISSIONER ROBERT HAAS: So the inside waiting hasn't been determined yet in terms of the operations?

ATTY JAMES RAFFERTY: Right. No. I mean I think it wouldn't involve much more than buying a couple benches or seats, so it is not a very extensive --

ADAM BING: Right now, we left some chairs outside to have them use.

ATTY JAMES RAFFERTY: They have taken a few of the typical restaurant chairs and have put them into the vestibule. It just struck me it happens to be an exceptionally sized vestibule, it's not the typical, you open the door and then two steps you're in. It's almost like a long narrow queuing area, that would -- you know, if

you were there and you were waiting in the rain, it would be, you know, I'm sure people must wait there in inclement weather, as opposed to staying on the sidewalk.

The signage was a big part of we've done. We agreed to provide a copy of the sign and have at least two, if not three signs posted promoting awareness among patrons of the close proximity of residents and the request to be respectful.

I'm sure Attorney Franzel would agree, we probably have a limited activity to restrict conduct on the public way. The sidewalk is beyond perhaps our ability to enforce a smoking restriction, but we're happy to try to encourage self-regulating there.

But I wouldn't want the licensee have to be responsible for enforcing conduct on the sidewalk that might otherwise be permitted and create that type of conflict where they would be

attempting to tell people they couldn't smoke.

POLICE COMMISSIONER ROBERT HAAS: So how does your client feel amending the sign just to incorporate, especially in the front of the restaurant, trying to dissuade or discourage patrons from smoking immediately outside the restaurant. Again, I think you are right, I don't think you can enforce it but I think you can make people aware of the fact that it is a troubling behavior for the area residents and I think most people can be respectful of that.

ATTY JAMES RAFFERTY: We had talked about a policy which we would put on the sign that if you do smoke, you have to wait five additional minutes to be seated. Like some type of a sanction.

CHAIR ANDREA JACKSON: Five more minutes under the window.

ATTY JAMES RAFFERTY: True things are

said in jest. The thinking being that I think through humor and other measures you can create some atmosphere or awareness around that. And that's what we said in the signage, we would -- we might try to be a little cheeky or a little clever to at least draw people's attention to this problem, so ...

CHAIR ANDREA JACKSON: Okay. Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: So I think your clients have done a great job at least trying to work with the residents and they have run a clean shop for the last, what, six months has it been.

I appreciate the meeting and hope you will continue the dialogue with the residents of the building. I think that's very important.

It seems as though you have tried to

address all the concerns raised.

So based on that, I would like to make a motion that we approve the application for the beer and wine license with the proposed 12 seats in the waiting area, but alcohol not be served to those people who are waiting.

I think, as you discussed, the alcohol would just be table service, and that's the way I would like it to remain, and subject this to a review in six months.

ATTY JAMES RAFFERTY: Okay.

CHAIR ANDREA JACKSON: Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: You are all set.

ATTY JAMES RAFFERTY: I'm assuming the representation in our memo would serve as

conditions on the license. We are happy to live with that.

CHAIR ANDREA JACKSON: Yes. In terms of everything you have agreed to with -- I mean, I really see it as between your client and the condo board and the residents but I would assume if this is what you have represented and this is what you have agreed to and you will take care of it.

ATTY JAMES RAFFERTY: Understood.

CHAIR ANDREA JACKSON: And I'm sure if you haven't, then when you come back in six months, we'll know about it.

ATTY JAMES RAFFERTY: Right. Well, thank you for your time.

CHAIR ANDREA JACKSON: Thank you.

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APPLICATION: GROUPZOOM, INC. D/B/A BRIDJ

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Groupzoom Incorporated, doing business as Bridj. Matthew George, CEO, has applied for a jitney license to operate 8 routes in Cambridge. The routes are available in the License Commission office and it will be published on the License Commission's website before the hearing.

CHAIR ANDREA JACKSON: Your position with Bridj, so we can have it on the record.

MICHAEL IZZO: I'm the operations director. I'm here representing Bridj.

CHAIR ANDREA JACKSON: So I have the memo of understanding, which makes me very happy that it was done beforehand, signed, et cetera, and my only comment about the memo of understanding and just as it relates to the jitney license, I think we covered it during the initial hearing, was whether or not there can be signage placed on the buses so people know that it is a Bridj bus, so

in case there are any --

MICHAEL IZZO: I believe that's one of the last bullets in the memo.

CHAIR ANDREA JACKSON: No. 9.

MICHAEL IZZO: Yeah, it is in there.

CHAIR ANDREA JACKSON: So are you doing it with magnets? I think that was the question that we had before. You were saying the magnetic signs didn't work.

MICHAEL IZZO: Correct. Currently we have signs in the windows and our intent is to, as we progress, to put larger decals on both -- you know, not wrap the vehicle but almost wrap it. So our intent is to brand it, brand the vehicles more.

But right now we have signs in the windows, so people on the side -- standing on the sidewalk can see.

CHAIR ANDREA JACKSON: Can see? In my



opinion this is a great effort between Bridj and the city to try to hammer this out.

MICHAEL IZZO: Thank you.

CHAIR ANDREA JACKSON: Do you have any comments or questions?

POLICE COMMISSIONER ROBERT HAAS: No comments.

CHAIR ANDREA JACKSON: So based on that, I make a motion that we recommend to the City Manager's office -- or is it the City Council via the City Manager's office?

EXECUTIVE DIRECTOR ELIZABETH LINT: Recommend approval to the City Manager for the City Council.

CHAIR ANDREA JACKSON: That. I make a motion that we recommend approval to the City Manager -- to City Council through the City Manager approval of the jitney license. Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Aye.

You are all set. Good luck.

MICHAEL IZZO: Thank you.

CHAIR ANDREA JACKSON: And so I can add it, even with the stipulations that are in the memo of understanding, that in six months we'll reconvene and see how it goes.

MICHAEL IZZO: Yes.

CHAIR ANDREA JACKSON: Thank you.

Last item.

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POLICY: CREDIT CARD ACCEPTANCE FOR

CAMBRIDGE TAXIS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Policy: The Board of Commissioners will discuss

and take comments on a policy that would require all Cambridge taxicabs to be capable of accepting credit cards.

CHAIR ANDREA JACKSON: This is a continuation of the hearing that we had. Do you remember the original date?

EXECUTIVE DIRECTOR ELIZABETH LINT: I can tell you. September 9.

CHAIR ANDREA JACKSON: Requiring that all credit cards -- all cabs be required to take credit cards.

And I know you gentleman are here and I'm assuming you have seen the language. What we're looking at putting in effect on April 1, 2015 is that all cabs have electronic credit card processing capability, the equipment to be used shall be at the discretion the driver. Such equipment shall list fare, tolls, fees and tips separately for processing purposes.

Such equipment shall have the ability to electronically authorize a transaction in a timely manner. Such equipment will provide a printed receipt and/or email receipt that includes cab number, Hackney number, date, transaction number, start and end miles, fare, any extra charges, tolls, surcharge, tip, total, type of card, card number, authorization, something that says the customer copy, the Cambridge Hackney hotline number, along with a Hackney website.

We'd also like to add that it says, while recognizing that in accordance with Federal law drivers may charge a \$10 minimum for credit card usage, the Board of License Commissioners would strongly encourage all taxis to accept credit cards regardless of the amount of the fare. If the driver will only accept a credit card for the \$10 minimum, the cab must have this posted

visibly in the cab. The sticker shall be posted by the Hackney officer at the time of vehicle inspection. If the total amount of the cab fare, including tip, will be \$10, the driver must accept a credit card.

I think we can, if it's approved, I think we can work out the fine tuning of the language to actually put in, but this is, to me, the good basis of it, and I guess the first motion should be whether or not we want to accept, require, that all Cambridge taxicabs accept credit cards. Do you have any comments?

POLICE COMMISSIONER ROBERT HAAS: No. I think we heard testimony before in the prior public hearings and I think many of the applicants that were here indicated that the credit cards are long overdue with the taxicab business understanding that it's been undercutting their business to some degree

because it's just the way people do transactions now.

So it seems to me that this is really codifying what many of the cab drivers are already doing in order to keep up with the competing business out in the field or in any industry.

So I think the meeting we had was relatively positive in terms of supporting the notion of regulating or at least requiring credit cards be allowed in taxicabs.

CHAIR ANDREA JACKSON: And I guess from my standpoint, I am not inclined to try to dictate the type of credit card processing equipment that drivers should use.

I think technology is ever changing and I think if we were to say, implement, you know, X machine, in six months it will be something else, and we'd be constantly going back. So I think

as long as we are able to outline out what it is that we want the screen to look like, the information contained, and the information contained in the receipt, then that's, at the end of the day, that's my concern. I want to make sure that the customer can get a receipt that has all the information on it, and if there's a problem, they know who to contact.

I also, you know, am just, I won't say weary, because I think, unfortunately, I think there are a couple drivers who make it bad for everyone else where you go to maybe the airport and they say, you know, my credit card machine doesn't work, and I think in those instances we have to stay on top of the drivers.

I know that I've had it happen several times when you go to the airport they say, my machine doesn't work. But then when I say, I'm not going to pay you then, then magically the

machine works.

So I think, you know, unfortunately, like I said, I don't think it is all drivers. I think it is just sometimes we do have drivers out there who make it bad for everyone else.

POLICE COMMISSIONER ROBERT HAAS: I think there's a way of having a paper back-up also that they can get the credit card number, produce a receipt for the patron, and things like that. So I think there's ways to -- and I would, as a safeguard, just to avoid that kind the conflict, that the drivers do, in fact, have some kind of paper back-up process so that if the machine goes down, at least they can still process or accept payment by credit card.

CHAIR ANDREA JACKSON: I agree. So based on --

(Unidentified speaker begins talking.)

CHAIR ANDREA JACKSON: I need you first



to please -- you can't speak out. We are on the record, so I need you to come to the table, please, you can identify yourself for the record and then you can provide whatever feedback you like quickly.

WALID NAKHOUL: My name is Walid Nakhoul.

CHAIR ANDREA JACKSON: You have to spell if for her.

WALID NAKHOUL: My name is W-A-L-I-D. Last name N-A-K-H-O-U-L. And I'm the owner the Checker Cab, okay, and in the event of a credit card machine is down or anything like that, I always encourage the driver, for example, put the customer on the phone and we do it manually on the machine in the office. So the customer still pay by credit card and we email the customer the receipt or fax or whatever they like.

CHAIR ANDREA JACKSON: Okay, and they would still be able to have that same

information?

WALID NAKHOUL: Yes, because all the machines are programmed the same way. I mean, at least mine, you know what I mean? So whether it is machine 1 or machine 100, the receipt is going to print out the same way.

Okay, the only thing gonna be different is the terminal ID number and amount from everybody. That's all. And the time and the date will be different. You know what I mean? For example, you may have a machine with a transaction at 12:00 and the other person has a different ID number, different terminal ID number runs at 2:00, for example, and different money, but all the information, the basic information is the same.

CHAIR ANDREA JACKSON: Okay. Thank you.  
So based on that, I would like to make a motion  
--

LAWRENCE PRIFT: Can I speak or --

CHAIR ANDREA JACKSON: You can come to the table. Please address yourself and state your name and your affiliation for the record and if you can make it brief, please.

LAWRENCE PRIFT: I will make it very, brief. Thank you, Madam Chair, Commissioner. My name is Lawrence Prift, L-A-W-R-E-N-C-E. Prift is spelled P, as in Peter, R-I-F-T. One licensed Hackney driver.

I'll make this brief. My sole concern is where -- will it be required where the equipment is to be installed in the vehicle and does the passenger have direct access to that equipment.

My concern is theft and vandalism by the passenger. We do not have the protective shields in these cabs, nor am I suggesting that we have them, but there is the temptation to somehow take things. It doesn't happen to all of them but it

does happen that they may decide to take that equipment if they have direct access to it.

That's my concern.

I speak from experience. I have been held up twice in my career as a driver, once in Boston, the was gun placed to my head, they stole the stuff and they took off and they left me with a fare thee well, I was whacked in the side of the head by the barrel of the gun. The second time was in Cambridge, and thanks to the prompt action of the Cambridge police, the thieves were apprehended and my property returned, and thank you, Commissioner Haas for your force.

But again, access to it, potential for vandalism, if not just Tom Foolery or theft, I'm quite concerned about that because in Boston, and Mr. Sheinfeld is here today to confirm this, the problem is it connects to the meter, the card equipment, and if that is disrupted, the meter

may also be thrown out of the whack, so the passenger -- where is it to be installed in the vehicle and does the passenger have direct access to that equipment. Those are my concerns.

POLICE COMMISSIONER ROBERT HAAS: So I think when we heard testimony, and I think this is why the Chair was specific in saying that we're not going to specify the type of equipment you have because I think a number of cab drivers are using a hand-held device to actually capture that information.

And we're saying we don't have an objection to that as long as this information can be transmitted to the customer, so they have this information whether it is through email or paper copy, no matter how you transmit it, just transmit it.

So I think whatever you think is the best in terms of, and as the Chair said, the

technology keeps changing so there's no point of us trying to keep up with that.

And I think it's just really for you decide what is gonna be the best for your operation as long as you can produce this information for the customer.

LAWRENCE PRIFT: That answers all of my questions, and I thank you for your time.

CHAIR ANDREA JACKSON: Thank you.

Sir, if you can please come forward.

PETER SHEINFELD: Peter Sheinfeld.

S-H-E-I-N-F-E-L-D.

As Mr. Prift said, separate, keeping it so, if the radio goes down, the meter doesn't is critical and that's one of the problems in Boston where everything is all lumped into one, and as you specified, Commissioner Haas, specifying what kind of equipment, you specify capabilities, not brand, or make, or whatever, and in a capability

situation that the meter is not tied to the radio. For example, in Boston you are on a radio association and you violated someone in their operating the rules, they want to take you off the air, well, that shuts down everything, you can't earn a living or anything.

They have to be separate, so you can continue to run even though you are not able to take any work on so-and-so's radio.

So I think the point that Lawrence Prift raised is very good, and I think this is a step in the right direction from a \$10 minimum. Remember, at least in Boston, you are hit with a six or eight percent handling charge, and that money doesn't come on to your account for anywhere two to seven to eight days. In the taxi business it's still pretty much a cash business and if your owner -- if you lease from your owner, you have to buy your gas and all that, so

cash flow is of critical importance. That's why the \$10 minimum, you know, why have your money, a lot much more of your money, and a lot of work is relative short. So that's -- I think separation, allowing for the separation of meter and receipt -- or meter and charge equipment, so if the charge equipment goes down, the whole thing doesn't go kaput.

POLICE COMMISSIONER ROBERT HAAS: That's good.

CHAIR ANDREA JACKSON: Thank you.

Did you want to be heard as well or you are good? If you are going to say the same thing, then we're good. Again, come to the table.

AMIR SASSINE: My name is A-M-I-R. S-A, double S, I-N-E.

I have a concern about the \$10 minimum. You keep this moving and quick and people jump in



the cab and being kicked out, I would like to see it to be eliminated, like there's no -- you know, I know we suffer financially but to keep the industry rolling quick and give us better pay is to omit the \$10.

CHAIR ANDREA JACKSON: I would love to be able to eliminate the \$10. I don't have that ability. I don't think we as a board have that ability to eliminate the \$10.

So what I'm proposing is if we approve this, which I think we will, is that when the cabs -- we're saying the effective date on this is April, 1, 2015.

When drivers come for their spring inspection, they need to identify at that time whether or not there will be a \$10 minimum or not and then the appropriate signage will be put in the cab. But I think it has to be clear then, and it can't be -- we see it sometimes even with

some of the cars now, sometimes they want to be cash only, and then if someone is going on a long ride to the airport, all of a sudden they take a credit card. You can't have it both ways.

So at the time of inspection is when it will be declared and the cab will have the appropriate stickers on it.

AMIR SASSINE: One more thing. Like currently we are using the print machines and I'm not sure if we be able to fit all the info you are asking about. I don't know if technically it is doable.

CHAIR ANDREA JACKSON: I say it is only because I know I took a cab and this is what was on my receipt, and everything that was on -- everything that we have listed out was what was on my receipt.

POLICE COMMISSIONER ROBERT HAAS: That's programmable. You can actually program what you

want to come out on the receipt, right?

AMIR SASSINE: I think something -- but I don't know if they have a limit how many lines.

POLICE COMMISSIONER ROBERT HAAS: It has to be a longer piece of paper, that's all.

CHAIR ANDREA JACKSON: The print was small but it was all there.

AMIR SASSINE: I believe the one you have that it's coming out from the meter connected to the machine in the back because it will read the meter between tip, tolls and the extra. Those may not be technically doable because after we process the first time, the customer wants to tip the driver, then we have to run it again, so there might be some technical issues on those -- both of those machines.

CHAIR ANDREA JACKSON: We'll see.

AMIR SASSINE: I mean, it's giving the total, right? I mean --

CHAIR ANDREA JACKSON: It's the total but it's important, I believe, for the passenger to be able to have the breakdown of that total, so what are they paying in base fare, what are they paying for the tip. Again, we have had instances recently, too, of complaints of drivers adding in their own tip or extra to the tip.

So I think it's important that passengers are able to see if I'm giving you a \$5 tip, I want to be able to see it on my receipt.

So I think it's important that all of that information is broken out for the passenger to be able to see.

AMIR SASSINE: Thank you.

CHAIR ANDREA JACKSON: Thank you.

LAWRENCE PRIFT: Information, if I may.

CHAIR ANDREA JACKSON: One last time.

LAWRENCE PRIFT: One last time. Lawrence Prift again. Just to clarify the items on Page

2, each cab company or driver has the discretion of -- does all this have to be there? Or is that something that each cab company may decide?

CHAIR ANDREA JACKSON: This is the information that we want there.

POLICE COMMISSIONER ROBERT HAAS: At minimum.

CHAIR ANDREA JACKSON: At minimum.

LAWRENCE PRIFT: Start, end miles we have that on there. But you want all this on here?

CHAIR ANDREA JACKSON: Again, I have seen it on other receipts.

LAWRENCE PRIFT: In Cambridge?

CHAIR ANDREA JACKSON: Yep.

LAWRENCE PRIFT: (Inaudible) number too?

CHAIR ANDREA JACKSON: Yes. I don't know if you still have those copies upstairs but --

EXECUTIVE DIRECTOR ELIZABETH LINT: If not, we can find some.

CHAIR ANDREA JACKSON: We can find some.  
I'll find them for you.

LAWRENCE PRIFT: I'll take your word on  
it.

CHAIR ANDREA JACKSON: So based on the  
testimony, I make a motion that we approve  
effective April 1, 2015 that all taxicabs in the  
City of Cambridge have an electronic credit card  
processing capability with the equipment to be  
used at the discretion the driver with the  
equipment listing the fare, tolls, fees, tips  
definitely for processing purposes, and the items  
that were discussed in terms of outlining on the  
receipt and notification sent to all owners and  
drivers. Is that possible, Ms. Lint?

At least all owners and they can  
distribute it to drivers.

EXECUTIVE DIRECTOR ELIZABETH LINT: And  
we can send it to the radio services well.

CHAIR ANDREA JACKSON: Based on that, that's my motion. Is there a second?

POLICE COMMISSIONER ROBERT HAAS: So can I ask you a clarifying question?

CHAIR ANDREA JACKSON: Sure.

POLICE COMMISSIONER ROBERT HAAS: We did have a conversation a little bit about having some type of back-up system in place, is that a recommendation, or do you want to incorporate that into the regulations as well. If they are going to accept credit cards. They need to have a back-up system as well. Walid talked about, he has a mechanism where they call back into his shop, and I'm sure there are other ways that they can actually -- without specifying it, but again, making sure you don't find yourself in the situation like you described where you get to the airport and all of a sudden they are telling you the system doesn't work any longer. So is that

going to be a requirement or do we want to make that a recommendation, I guess, as part of the motion is my question to you?

CHAIR ANDREA JACKSON: Let's do it as two separate motions then.

POLICE COMMISSIONER ROBERT HAAS: I'll second your motion.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Aye.

So now in regard to having back-up equipment, is that a phone call -- (cell phone ringing) if you could please turn your phone on to vibrate, please.

Is that a phone call you can come back and get your payment another day?

POLICE COMMISSIONER ROBERT HAAS: My view, quite honestly, is that we should be as



liberal with respect to whatever that back-up is, as long as there is a back-up in place, so if it's the paper credit card slips, it's a way to call into the dispatch center or the operating entity to, again, then generate an email type of receipt, right, so I would leave it up to the different operators to figure out what the different back-up is. But what we don't want to hear is about a complaint that for some reason the system went down, and therefore, somebody was forced to pay cash, so whatever you -- the industry does, but it's a requirement, I would say that it's incorporated in the regulations, and if, in fact, when we get that kind of complaint, that we can take action with respect to the fact that that back-up system was not in place.

CHAIR ANDREA JACKSON: Perhaps make it as a recommendation that there is a back-up system

that not only gives the driver the ability to process the credit card but it also has to make sure that it provides the passenger with information in which they can follow up if there are any issues.

POLICE COMMISSIONER ROBERT HAAS: Right. Right.

So is that a recommendation or is it a requirement of the regulation?

CHAIR ANDREA JACKSON: You can make the motion if you so desire.

POLICE COMMISSIONER ROBERT HAAS: I would suggest that we require as part of this new policy decision that each operator have the ability or at least identify -- have the ability to have a back-up system should the electronic version of their credit card system fail, and if we find out that doesn't take place or there's no mechanism in place, then I would determine that

as violation of the regulation.

CHAIR ANDREA JACKSON: Motion's been made. I second. All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Aye.

That's it. I make a motion we adjourn.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All those in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Aye.

(Hearing was adjourned)

ERRATA SHEET

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