

COMMONWEALTH OF MASSACHUSETTS

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION
DECISIONMAKING HEARING

LICENSE COMMISSION BOARD MEMBERS:

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

STAFF:

Elizabeth Y. Lint, Executive Officer

- held at -

Michael J. Lombardi Municipal Building
831 Massachusetts Avenue
Basement Conference Room
Cambridge, Massachusetts 02139
Wednesday, December 16, 2009
10:00 a.m.

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P R O C E E D I N G S

MS. LINT: License Commission
Decisionmaking Hearing, Wednesday, December 16,
2009. We're in the Michael J. Lombardi Municipal
Building, 831 Massachusetts Avenue, Basement
Conference Room. Before you the Commissioners:
Chairman Richard Scali and Deputy Chief Dan
Turner.

From the November 10 agenda --

MR. SCALI: First of all, motion to
accept the minutes from our meeting on December 8.
Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. SCALI: Aye.

So Decisions from November 10,
Mrs. Lint?

MS. LINT: I don't think we have
anything that's on for today from that meeting.

MR. SCALI: There is a Ninety-Nine matter. Is the Ninety-Nine here? Why don't we take you first? Come on up.

MS. LINT: On November 10, Ninety-Nine requested to extend the inactive status of their license and they were given until December 31.

MR. SCALI: Good morning. Just tell us who you are, first.

MR. WILBURN: My name is Tom Wilburn. I'm the Director of Construction with the Ninety-Nine Restaurants.

MR. SCALI: And you are -- what?

MR. WILBURN: I'm the Director of Construction for the Ninety-Nine Restaurants. I'm with the company and I also handle some of the liquor license applications.

MR. SCALI: Are you a stockholder or an officer? Are you in the corporation at all?

MR. WILBURN: I'm not an officer, no.

MR. SCALI: Are you a manager? Do you have any ownership?

MR. WILBURN: I'm a director.

MR. SCALI: You're a director of the corporation?

MR. WILBURN: Yes, and I have stock in the company and so forth.

MR. SCALI: I just wanted to make sure you have some authority to make a decision.

And so your name is?

MR. CHAUDHURY: Solomon Chaudhury, owner of OM Restaurant and Lounge, Everest Crossing, LLC.

MR. SCALI: So when we were here on the 10th we extended the Ninety-Nine license to become inactive until the end of the year. Being this is our last meeting of the year, I guess you have another request before the end of the year?

MR. WILBURN: Yes. We have a request to make an extension on this license for an additional six months. We're in the process of making this transfer and we just need some additional time to make the appropriate paperwork happen.

MR. SCALI: I'm assuming you have an

actual buyer.

MR. WILBURN: Yes, we do.

MR. SCALI: Meaning Mr. Chaudhury.

MR. CHAUDHURY: I am the buyer and we have an agreement in place, and of course, we talked about this before. We do have an agreement signed.

MR. SCALI: You no longer have a premises. Your premises is gone; right?

MR. WILBURN: Yes.

MR. SCALI: Do you think you can accomplish this matter within the next six months?

MR. WILBURN: Yes. We're very comfortable that this will happen very quickly now, yes.

MS. LINT: It all depends on what happens with the OM license.

MR. CHAUDHURY: We should be fine. I have actually a few people that are talking back and forth so that should be okay. I'm hoping within two to three months, but six months will be perfect.

MR. SCALI: Questions, Deputy Chief?

MR. TURNER: No questions.

MR. SCALI: Anybody from the public want to be heard on this matter?

We don't normally do this because you don't have a premises, number one. And number two, you didn't pay your second-half fee. Then you did pay your second-half fee. So it was kind of one of those things where we were giving you an opportunity to make everything better by the end of the year, but I guess you can't make a sale within two weeks. We can probably look at this in a different way.

MR. TURNER: Mr. Chair, quick question: Part of the new build-out there's restaurant space; yes?

MR. SCALI: No. They want to sell.

MR. CHAUDHURY: I'm basically buying it and transferring it to an existing location.

MR. SCALI: He wants to do that. there's no location where they are right now.

MR. TURNER: So then we'll have two

licenses at OM?

MS. LINT: No.

MR. SCALI: He would have to transfer his license off that premises at OM.

MS. LINT: Which is being worked on.

MR. SCALI: It will be all conditional.

MR. TURNER: So it's not a cap to cap or anything.

MR. SCALI: We don't have cap to cap issues anymore.

Motion then for an additional six months. That's moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. SCALI: An additional six months conditional upon you paying the fee for 2010, or someone paying the fee. I don't care who pays the fee.

MR. WILBURN: I'll make sure that happens.

MR. SCALI: Thank you very much. Good
look.

That's all for November 10?

MS. LINT: Yes, that's it.

MR. SCALI: November 24, Spice and Rice. Is that it?

MS. LINT: That's it, and the Commissioner may want to weigh in on that.

MR. SCALI: Why don't we wait on November 24 for the Commissioner since that is a Disciplinary matter.

MS. LINT: December 8.

MR. SCALI: December 8 agenda, we have Stefani's. Anybody here from Stefani's? Has she been in contact with you at all?

MS. LINT: No.

MR. SCALI: Wasn't she supposed to get back to you with regard to the abutters?

MS. LINT: Yes, and the hours.

MR. SCALI: And the hours. So you haven't heard a word from her.

Comments, Deputy Chief? If she hasn't gotten back to you, she's not all that concerned. But she's operating under the old license; am I right?

MS. LINT: Yes.

MR. SCALI: I guess I would notify her, if you would, Mrs. Lint, that unless we hear from her she should be closed very soon, because she was supposed to get back to us by today.

We will continue the matter until January 5. Is that okay, Deputy Chief?

MR. TURNER: That's fine.

MR. SCALI: Motion to notify the applicant to be in touch with Mrs. Lint as soon as possible or be closed, and then continued also to the January 5 agenda. That's moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MS. LINT: Canteen.

MR. SCALI: Canteen? Mr. Murray is here. Have a seat. Good morning.

When last we were here we were going to redo some things; right?

MR. MURRAY: Right.

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

MR. MURRAY: My name is James Murray.

MR. SIEGEL: Aaron Siegel.

MR. BENZEN: Attorney Dennis Benzen.

MR. SCALI: So tells us what you've done.

MR. BENZEN: We went over to the Building Department and they took a look at the plans. They did not find a problem with any obstructions in the egress.

MR. SCALI: Meaning the front door?

MR. BENZEN: The front door, right. So there were no issues with that and I think that was one of the issues we needed to clear up as of the last date.

The second issue was the patio behind the building. They have been in conversations with the condo owners in the rear. It appears there were no issues. They resolved any questions that they had regarding the amount of space that would be utilized in the back and how far they were actually going to be from the front of the building. We went back and forth with e-mails and we answered all their questions, and it appears there are no issues.

MR. SCALI: The neighbors that were in back of that building were concerned that you were going to be too close to their windows and noise would emanate into their premises.

MR. BENZEN: Right.

MR. SCALI: I see you've kind of redone the plan, but this is a parking lot; right?

MR. MURRAY: It is. What we plan on doing is converting that lot -- well, excuse me. The property owners have plans to pave that lot. In our discussions to lease the property, we asked for permission to put a patio out there and they said

they would facilitate that as long as the City would permit it. They haven't developed their plans to pave that, and our plans to develop that are probably going to fall out some time in the summertime. So we're seeking permission to operate as a patio when we do develop it in May. There's no outdoor seating for the winter.

MR. SCALI: Right, of course. Our spring season starts March 1, which even then it's kind of cold. There are some days that may be warm. There was some suggestion -- I don't know if Mrs. Lint had mentioned this to me -- in terms of maybe not doing the patio in the back at all, but doing the patio on the sidewalk in the front. Is that a consideration at all?

MR. MURRAY: We would love to consider the front sidewalk on Mass. Avenue. I've looked at that and there only appears to be room for perhaps one or two tables of two.

MR. BENZEN: That corner is pretty tight. I'm not sure if you have any pictures, Jim, but this building is in the rear. It's actually

set back from the sidewalk. I think there's plenty of space back there to actually operate a small patio and have a seating area without substantially affecting the neighbors behind.

MR. SCALI: I'm just a little worried about the changeover from parking to patio, and when that occurs, and who has rights to park there and who doesn't.

MR. MURRAY: Just to clarify that, the dry cleaner which abuts our property are the new building owners, the Kims, Mr. and Mrs. Kim.

Prior to our negotiations to lease the space, they had plans to pave that dirt/gravel lot, to level it and pave it to some degree, and they let us know that because we would participate in a prorated portion of that expense.

So although they don't have detailed plans to do that at this time, we were very enthused to talk with them about that because we recognize that if we could do something tasteful with our design to facilitate perhaps 10 people on that patio space that we would hire an architect to

look at that in a professional way and design something that suited both the building and the neighborhood, and our concept as well.

So although those plans are not defined at this time because we're concentrating on just getting the interior of the space ready for opening, we would be happy to show you those plans, but we would ask for you to consider our request to have outdoor seating.

MR. BENZEN: The time period would be from April through November, from 10:00 to 4:00.

MR. SCALI: 10:00 a.m. to 4:00 p.m.?

MR. BENZEN: Yes.

MR. SCALI: So you've changed your patio hours?

MR. BENZEN: Just for the patio, yes.

MR. SCALI: Tell me again what happened with the neighbors? Did you meet with the condo association?

MR. MURRAY: Mr. O'Donnell e-mailed us a list umber of questions, and we answered, and he said that he saw no issues and would forward our

answers to the relevant tenants. Basically the questions were: How many people were you looking to seat outside; they wanted to review our business hours for the interior of the space; they wanted to know the proposed hours for the outdoor patio; and whether or not there would be some sort of divider between the patio and the building; and finally, was there a request to do entertainment outside?

MR. SCALI: No entertainment outside; right?

MR. MURRAY: No.

MR. SCALI: No speakers?

MR. MURRAY: No.

MR. SCALI: Is there a divider going to be installed?

MR. MURRAY: No, there's not. There is a large tree and shrub area that divides the parking lot from the building. I think that when spring comes and the leaves and the branches grow in that it's quite a substantial divider between the two spaces. Again, when you look at the perspective of where the proposed patio is going to

be, it's more than 50 feet away from the building.

MR. SCALI: Questions?

MR. TURNER: No questions.

MR. SCALI: Anybody from the public want to be heard on this? So it's 10:00 a.m. to 4:00 p.m. for the patio, 10 seats from the inside going out?

MR. MURRAY: Since the patio is a seasonal thing, we would like to request that our 10 seats outside be in addition to our 28 seat occupancy.

MR. SCALI: So it would be like accessory seasonal seating?

MS. LINT: Yes.

MR. SCALI: And the inside hours are?

MR. MURRAY: 7:00 a.m. to midnight, seven days.

MR. SCALI: Problems? Comments?

MR. TURNER: Go over again the correspondence with the neighbors. I just want to be a little more clear on that.

MR. MURRAY: After we met with Mr.

O'Donnell after our meeting last week, he sent us an e-mail with this list of questions to which we responded. He said that he saw no issue and would forward all of our responses to the relevant tenants, the six tenants that would be affected on that side of the building. And that's exactly what we did.

MR. TURNER: So right now, Mr. O'Donnell, has he heard back from the tenants? In other words, we still haven't closed that loop I guess on hearing back from the tenants.

MR. SCALI: We can continue with that part of it, if you want.

MR. MURRAY: His suggestion was that if they had issue that they would raise it with us via e-mail because they had our contact information. But he felt that because they knew of our existing concept and were excited to have us in the neighborhood that they were not going to contest what we were requesting.

MR. TURNER: See, that's different from his testimony the night of the hearing. He

was representing them and kind of like the forefront person for them, and now he is all of a sudden saying, if there's an issue, you'll hear from them.

MR. BENZEN: He was pretty clear that once he forwarded the e-mail to them, if there was some issue, they would contact us immediately, and there has been no contact. Therefore, we believe there are no issues.

MR. MURRAY: In addition, he would be here today if he had issue with it.

MR. TURNER: Well, we can make an assumption there's no issues. Again, if we go ahead and approve this, and it gets constructed, then all of a sudden, we start getting the calls that well, who allowed that to happen. So I would just like to clean up that end of it, but other than that, no issues.

MR. SCALI: I have no trouble approving your inside.

MR. TURNER: I understand where you're coming from because you don't want to spend money

into this without approval up front.

MR. MURRAY: Since our plans to develop it don't fall until later on in the year, we're happy to --

MR. TURNER: Just maybe extend this until maybe we can clear that up.

MR. MURRAY: Absolutely, because we don't believe there are any issues. So we're happy to facilitate whatever conditions you want to apply to us.

MR. TURNER: I'd feel more comfortable if we just had something in writing from Mr. O'Donnell or from the neighbors just saying that there's no --

MR. MURRAY: That makes sense. So then what we'll do is we'll request -- we'll explain to Timothy what transpired today, and we'll ask that he give some sort of formal response that we could submit to you all to clear that up.

MR. SCALI: Let me just make a motion then for approval for the Common Victualer for the inside seats for 28 seats. And you amended your

plan to show the 28 inside?

MR. MURRAY: We did indeed. You'll see that there.

MR. SCALI: So 28 seats inside, 7:00 a.m. to 12:00 midnight, seven days. So that's a motion on that, and that's moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. SCALI: And a motion to continue the patio application until January 19, for review. We have a regular agenda that evening and if you could get something in writing from the condo association or update from them. Mrs. Lint can also speak with them as well just on the outside 10 seats and just clarification on the -- I think the hours will help them a lot. I think the 10:00 to 4:00 will be a great -- I'm sure that will help them a lot. Just the barrier may be an issue for them. So the patio issue continued to January 19; that's moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. SCALI: Thank you very much.

We'll see you January 19.

MR. MURRAY: One last question.

MR. SCALI: Yes.

MR. MURRAY: I didn't hear any mention about our request for inside entertainment. We are permitted to have the I-Pod, TV.

MR. BENZEN: One thing that wasn't clear from the ad is whether it was going to be at conversation level or above conversation level. So maybe we should clear that up now.

MR. SCALI: What did you request? You requested TV, radio, I-Pod. Is it background music?

MR. BENZEN: Yes.

MR. SCALI: Above or below?

MR. MURRAY: Above.

MR. BENZEN: Slightly above.

MR. MURRAY: Just playing of ambient music in the restaurant.

MR. SCALI: Above conversation level?

MR. MURRAY: Sometimes good music comes on.

MR. SCALI: Do you have any problem with that?

MR. TURNER: I don't see a problem. It's a laundromat next door and it's on a street corner, and with the patio in the back there's a good buffer zone. So I don't have a big issue with it until the complaints come in.

MR. SCALI: You still have to make sure it can't be heard from outside.

MR. MURRAY: Of course.

MR. SCALI: You're not having any outside music at all, and no loud music.

Motion then to approve. Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. TURNER: Aye.

MR. SCALI: So amend that application then to background above, and then the TV and the I-Pod, and the radio.

MR. MURRAY: Digital media.

MR. SCALI: Thank you.

MR. SCALI: The Commissioner is here now. So we'll have Commissioner Haas come on up.

Is there anything else? Is Mr. Sassine here?

MS. LINT: No.

MR. SCALI: We'll take that afterwards then. We just have two matters to decide at the end, which will be Spice and Rice and Mr. Sassine. We'll take those at the end.

MR. SCALI: We're now going to our scheduled hearing with regards to -- do you want to announce it?

MS. LINT: I don't really have it written.

MR. SCALI: This is actually a hearing with regard to an announced meeting for the changes and amendments to the Arthur Santoro Cambridge Taxicab School curriculum, announced for this morning at 10:00 a.m.

I know there are a lot of members of the school board here, members of the community, and members of the taxicab community here that will be able to testify. What we will do is have Mr. Ewing come up first to present the curriculum in general to us.

We have received the curriculum. The Commissioners received it last week and have reviewed it, I'm sure. There are copies up here. If anybody wants a copy, there are some copies that are available. I'm assuming there will be additional time to comment if there are issues

today that we have additional issues to comment on.

So let's have Mr. Ewing come up here.

Good morning.

MR. EWING: Good morning.

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

MR. EWING: I'm Al Ewing. I've been the Executive Director of the Arthur J. Santoro Cambridge Taxi School for the past 12 years.

MR. SCALI: Tell us a little bit about what we've been doing and the process.

MR. EWING: First, for the past 12 years, we've made minor changes in the curriculum when we've had increases in fees or some of the information needed to be updated due to the number of cabs and things like that.

A decision was made by the Board of Directors to do a comprehensive review of the curriculum that we do have in light of a lot of the changes in the industry and some of the technology that we now have as far as automated dispatching and credit cards, and some of the issues we wanted

to update for.

So in July, we held our last classes for the students and decided to shut the school down until the end of the year so we could make these changes. We've held nine meetings since that time, not including individual meetings with people and e-mails that have gone back and forth with some of the changes. But we've had nine meetings with board members and teachers, and those meetings have included drivers, owners, members of the radio services, dispatchers, members of the License Commission, police personnel, members of the Council on Aging, Commission on Persons with Disabilities, representatives from the Traffic Department, and the Hotel Association representatives. You know, all the stakeholders involved in the taxi industry.

As part of this process, I also spent part of three days down at the DPW when they were doing inspections for the drivers, talking to some of the drivers back in October. I also attended a defensive driving course out in West Boylston,

Mass., which is sponsored by the National Safety Council, since we did have some people that were interested in putting a defensive driving component into the curriculum.

The results of all of that was a revision and updating of all the sections of the curriculum. We also added some additional sections on dealing with defensive driving and some tips for drivers and a review.

This process has been extensive and again, a number of people have been involved in it. It also ended up with us increasing the number of the directional questions that we have by about 22 percent. And as I said, we included new information in all of our sections, and we do have some other board members here who can probably speak to that specifically.

We are also looking to really do some PowerPoint presentations to make it more interactive for the drivers. We were looking at changing the location of the school. Over the years, we've been at Cambridge College and then up

at the high school. The last two years, we've been at the City Hall Annex at Broadway and Inman Street. We're now looking to move the training over to the Police Department.

I did speak with Superintendent Williams down there and they have a state-of-the-art training facility there where we'll be able to utilize some of the PowerPoint presentations and graphics. So we are looking to make that move also so that we can make it as professional as possible for our drivers.

MR. SCALI: I know you have spoken to the Commissioner about additional teachers. I guess there are some available police officers that may be available to replace or add to what you already have for teachers to kind of give it a different flavor and a different mix so it's not just the same people teaching.

MR. EWING: That's correct. One of the things we did want to do was instead of maybe having just one person, we do have in some segments now, we have two or three people that teach it at

the same time. We are looking to get more instructors involved so it's not just one person presenting it, but that we might have a couple of people who can do more role-playing and things like that.

So we do want to bring some new people into the process to take part in the training, and also to utilize other resources such as some of the police officers that might be doing some of the segments on driver's safety and rules and regulations.

One of the things we did with the rules and regulations is we do have a section in there now that the pieces that we cover with the students are in sort of just plain English for them. So in addition to having the actual rules and regulations in the back of the book as an appendix, we do have the pieces that they fully need to understand in plain English for them.

MR. SCALI: I know your involvement has been for the past 12 years, but I guess your continued involvement will be in coordinating this

particular curriculum; that you will be there on each evening that we have the classes; and facilitating and making sure that the teachers are teaching the right curriculum; am I correct?

MR. EWING: Absolutely. I will be there and some sections I will be co-teaching with some of the teachers. And when I'm not teaching, I'll certainly be there monitoring the training that's going on to make sure that we are delivering the information that we need to.

MR. SCALI: Part of the discussion that we've been having over the past number of months is the number of evenings and the amount of time you can devote to each section. So talk a little bit about that; how have you come to the conclusion that what you've presented is needed, and is there a possibility of adding another section or evening, or different sections that are needed to teach.

MR. EWING: One of the things is that we've been teaching for three nights out of the month. While we've added new some new sections --

also the Board made a decision to stop spending so much time on the math part. We spent a lot of time on the math part around the meter.

We're still going to be teaching the meter and how it works, but because we tested on it, and in some cases, there was some limited skill because you start dealing with fractions and different things like that. So we spent quite a bit of time during the three nights just dealing with problems that they would encounter on the meter in the test. Because that piece had been taken out, it allowed us more time to do some of the other sections that we've added.

However, I know the Board has spoken about the possibility of adding a fourth night. If we find that we need to go in more depth in some of these areas then that certainly would be something the Board would consider doing, since we've spoken about that. We wanted to go with the three nights and see how that worked, and if necessary, add that fourth night.

It's always a question of whether we

want to teach a broader range of things to the new driver, because again, it's really an orientation for the drivers coming in. They're getting information so that they can go out there and be a driver. Do they know everything that they need to know? I think they know enough to be able to go out there and effectively work.

One of the things we're looking at is that that process continues with the owner. The regulations actually state that the owner has a responsibility too, for the drivers in terms of seeing that they're properly trained. So the three nights or four night, whichever one it will be shouldn't be the end of the process. There should still be a mentoring program of some type so that there's someone out there to continue to work with them and answer their questions as they're out there as a new driver.

MR. SCALI: So you would envision that that would be developed or that we put that into place. I know that we've always had the rule that the owner should be involved, but in terms of

verifying that that's the case, it used to be more on our end in terms of making sure that that happens, or other mentors, not just owners, but it could be other mentors as well.

MR. EWING: What happens now is before someone can get their license, they have to have an owner sign off that they have a job. Oftentimes people will just sign that whether the person has a job or not, and they're really not taking responsibility for their performance or continue training at that point. They're just signing a piece of paper so they can get their license. So that's something that probably needs to be reviewed.

MR. SCALI: Comments?

MR. HAAS: I think Mr. Chairman, you touched on some of the issues and concerns that I have. Duration I think is important. Clearly what I'm hoping will happen with the school is that we can influence and change behaviors, and prepare people to deal with in my view is a relatively complicated process of getting around the City.

I agree with you. I think there's got to be some connection between the school and the owners, or the lessees, or whoever is awarding that person a contract. I guess my fundamental question is, when we give somebody a license, what does that mean? What are we attesting to? I think there has to be some kind of standard that we can feel comfortable with that the person who is about to get a license is performing at a certain standard level.

My effort to encourage you and the community to think about lengthening the school was -- and that's why I offered to provide at least some instructors so you wouldn't get stuck. In other words, you would have a cadre of instructors who would be consistent that you could count on and you would be able to run those courses if we decided to go additional nights. And I floated the idea with the Commission about the notion of having some kind of orientation period where the owner has a checkoff list and has to sign that checkoff list that they've put them through this period of

orientation, whatever that period of time we think is appropriate.

Just sitting here, and again, I'm not sure if I'm going too far a field, but maybe as part of the final signoff that maybe we do have an officer go out with somebody for an hour, and just checkoff and make sure they understand all the different rules, and just reinforce that before you get your license.

But again, I don't want to go too far a field, but I'm just trying to make sure that -- you have quite a few drivers already in the City, and I think what we want to do is make sure the taxi industry doesn't get hurt in the City because we have a few people who have poor driving habits or bad driving habits. This week alone we've had a bicycle struck, a revoked driver, and one other incident involving a taxicab just this week alone.

So I want to make sure we can start to minimize those kinds of exposure, because I think the industry gets a bad rap every time we have an incident like that or we have somebody who's

discourteous. We want to encourage people to use the cabs, but we also want to make sure they have responsibility just like in the police force. Every officer is responsible for our reputation, every driver has the responsibility for the reputation of the industry within the City.

So not be overly burdensome, but I think just make sure there's enough substance here that we can feel comfortable when we issue somebody a license that they truly have met a base standard.

Defensive driving to me is important; traffic rules and regulations are important obviously, because we see some behavior out there that -- you know, I almost got broadsided two weeks ago with a cab. So we just want to be careful. I think most of the drivers are very responsible. But I just think that if we're not careful and we don't have a method that kind of identifies folks who are appropriately suited to drive, as opposed to who shouldn't.

The other issue I have quite honestly, is making sure that when we have folks come to the

class they clearly understand the content. A number of folks, English is their second language. So I want to be sure that we move at a pace that they understand what's being taught, and not sitting there and getting totally lost because there's a potential language barrier.

I want to offer some ability to either do some remedial training or -- and again, I'm not clear about how important the math piece is. You've had problems in the past with that but are we just getting rid of the math piece because it's become problematic, or is there something else we could be doing like providing an additional class for people who are having problems with math? I don't know how critical it is in terms of them operating the cab. I would imagine the meter is the meter.

MR. SCALI: Technology has changed in the past 15 years so math is not really an issue.

MR. HAAS: So those are just some of the observations I would make. I would like to see some more time spent on defensive driving and

really emphasizing and influencing driver's behaviors that are about to go out on the street, and just impress upon them how important it is that them driving safely is paramount to all of us and it's paramount to the industry as well.

MR. EWING: One point that you made around having instructors who are steady and there. I've been at the school for 12 years and all of my instructors have been there longer. The criticism that we're getting is that we need to bring in new instructors. So we've had very dedicated volunteers who've been involved in the school for a very long time, and we want to bring in some additional people.

MR. HAAS: It's not a criticism against the instructors. I just don't want to find ourselves in a situation where we're trying to keep a certain number of nights because if you run it too long, then you find you'll have blocks of time where you're not going to have instructors, and I'm saying to you that I can help you fill those blocks, if you need to.

MR. EWING: I think the key thing is for us to understand what it is we want to teach the drivers, and then whatever time is necessary to do that task; that we do that whether that be three nights or four nights. We need to make sure that we are delivering an effective program.

MR. SCALI: Comments?

MR. TURNER: No comments.

MR. SCALI: Don't go away. We're just going to have you step to the side. I know there are other people who want to testify. Why don't we start with the Board members that are on the Board. If you want to come up and tell us your involvement, your title, and your opinion about the curriculum and where we're going.

Who wants to go first? Mr. Carboni, just tell us your name for the record, please.

MR. CARBONI: I'm Richard Carboni.

MR. SCALI: Tell us your title, your job.

MR. CARBONI: I'm currently the President of the Board. I have been for about the

past 12 years. I'm the business owner at the Inn at Harvard, and the Harvard Square Hotel. I've been working those two hotels for 19 years. I was asked to join the Board as President to represent the hotels in the City. I'm the President of the Cambridge Hotel Association.

My interest in the taxi industry is one of support, courteous drivers, clean cabs, customer service for the City, and to improve the tourism and the experience that international guests, and any guests coming into Cambridge have with the taxicabs, and to build that bridge between business owners and the cab industry, and to deliver the hospitality and service that are required of a first-class city such as Cambridge.

My comments about the school for the record for the Commission is that as All stated, it is a three night school, approximately four-and-a-half hours per night, which gives you 17 or 18 hours of training. As a business owner, I would state that that's a good strong orientation, it's a good beginning, but the owners of these cabs must

implement as Commissioner Haas mentioned, a more extensive training.

As you know, if I have a new employee at my hotels, they're in a 90-day introductory period after the orientation. Then really we tell new staff members that it takes about a year to really learn how to work in the hotel/hospitality environment, and probably carries over to any industry whether it's a taxicab driver or whatever position you have.

Al provides a very good beginning to this process and then the ownership part of it, the cab owner would then take responsibility, and these checklists that Commissioner Haas mentioned to really know that these cabs understand what is expected from an ownership standpoint, a lease standpoint. I think it's a great further training.

But I want to make sure that the Commission knows that basically the school provides an orientation of about 17 or 18 hours worth of training. It's the basis to start their process in a complicated industry, as Commissioner Haas

mentioned. And there are many other factors that go into it after they leave the classroom.

We're very happy that the Commission has recommended having the classes at the police station. It's a professional perception that the drivers are going to get having you help us with the police officers being part of the training also elevates the school in the perception of the new drivers that this is important, this is serious. We take a lot of time because we're a first-class city. When you start driving in this 24-hours a day taxi industry that you are representing the City in the hospitality, and the courteous, safety, security, and welcoming guests from all over the world to MIT, Harvard, and to Cambridge.

MR. SCALI: You've been involved in the process all along as President of the Board. Do you feel that this curriculum touches upon the subject matters that are relevant to the taxicab industry? I guess you're saying that in addition, there should be other further ownership involvement, but in terms of the curriculum that's

here, this is important in terms of what we've developed so far with the curriculum.

MR. CARBONI: The new curriculum updated, there was feedback from the taxi industry and many different people brought feedback into this updated curriculum. It's going to be electronically presented. It does give the taxicab driver a base to begin with, an orientation to grow from there. It gives them an idea of how to treat the customer, how to drive around the City, how to be safe and courteous, the driving rules and regulations, as well as what it takes to be taxi driver in the City.

So yes, I think it's a good updated version of what happens, but I'm an advocate that the owner of these cabs must take responsibility for further training after the school is over because 18 hours is just that, it's an orientation. You can't expect them to walk out the door and be a fully trained taxicab driver, nor could I expect a sales manager in my hotel, or a front desk clerk, or a bellman to know after 18 hours what to do and

the complexities of just being a bellman at a hotel. That takes a year of training to know from there.

I deal with people that are multi-lingual, of all different nationalities. I've got 100 employees and 90 are international, so I understand Commissioner Haas' comment about training and being bi-lingual. It's a start and they're going to nod their head, I understand, but they're not going to really understand until they have the hands-on experience with a mentor in the cab, like a co-driver for that first 30 days with a cab driver helping them. That was suggested that they have a buddy in the cab with them as they grow and learn and really feel like they've got confidence in being a cab driver.

This book is a great start, and the director is a professional director. He's done an outstanding job overseeing the school. He's a professional person who understands people and how to get things done, in my view and in my experience with working with Al.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. SCALI: Thank you, Mr. Carboni.

Anybody else want to be heard from the Board? Ms. Pacheco.

MS. PACHECO: Good morning. My name is Susan Pacheco. I'm the Director of Client Services at the Cambridge Council on Aging, and currently serve as the Secretary of the taxi school Board. I have been serving in that capacity for approximately 12 years and have taught at the taxi school for probably 13 years. I'm responsible for teaching along with a staff person from the Commission for Persons with Disabilities, the section of Pages 20 to 27, which in my view is imperative to teach new drivers coming on of how to really adequately -- not adequately, I should say really be able to serve these two specific populations that have specific needs, both the disabled population of Cambridge as well as the elder population.

Each of these populations have needs

such as -- which we hear a lot of complaints of short fare refusals. The ability to be able to teach these new drivers on how to be able to assist passengers with special-needs, whether it be visual impairments, hearing impairments; how to be able to also be able to assist with assistive devices, service animals, et cetera.

So this is a section we have taught. We've taught it for approximately the 13, 14 years that I've been doing it. There are many questions that always arise during this section. We address them as well as we possibly can, and we welcome the students to also contact our particular offices if they have further questions beyond the one hour time that we have.

We have also within the past year introduced something that has worked very effectively, which is having someone who is visually impaired who works for the Massachusetts Department of Public Health, and she is a member of the Commission for Persons with Disabilities Board, and she comes in with her service animal in order

to be able to introduce to these potential drivers what a service animal is, what the behavior of a service animal should be, and how to be able to deal with the service animals. So that has worked very effectively.

I don't know if there are questions.

MR. SCALI: I know you're also involved with the senior coupons and that's a big section. I'm just wondering how that come in to it?

MS. PACHECO: That is a huge section that we cover because one of the biggest things -- when I first started at the Council on Aging 15 years ago, numerous complaints would come in about drivers refusing to take taxi discount coupons. There has been much outreach done on the coupon program both at the school and also via the radio services. It's very rare to receive complaints about coupon refusal because the message is loud and clear that the coupons are the full face value. So drivers are able to turn them in, get the full face value of the coupon. There are no handling

charges, service charges, et cetera. So there are very few complaints on that level.

There still continue to be a multitude of complaints as far as short fare refusal because as the Commissioners can well understand, people who are disabled or elderly, they need a cab rides to go for short distances. They could be at the senior center and need to go to Manning Apartments, which is just a couple of blocks away. Those are usually the more difficult cabs to be able to get to service our population.

MR. SCALI: I know that your section was different before, the Person with Disabilities section. I know you've pared it down, changed it, updated it. Are you happy with version you have now in terms of what you want to present?

MS. PACHECO: What this reflects is we've worked a lot during the last few months with Mr. Ewing, as well as other members of the Board, and the public, et cetera. We were taking what had been in the curriculum before and also added what our own teaching guide had been, and just sort of

meshed it together. We tried to put it, as what Mr. Ewing said at the beginning, as much plain language as possible for these students. So everything that we're covering is in this section, and there's also other brochures and handouts that are part of the appendix of the curriculum, with our phone numbers so individuals can contact us for more information.

So yes, I am very happy with the way this section has been streamlined, and also the entire curriculum. I think a lot of work has gone into it, and it's a work in progress. The formatting of this now allows for much easier updates to be made, and we would like to see how the new curriculum works as we reopen the school.

We certainly are very appreciative of the police academy having been offered us the site for the school. As Mr. Carboni has stated that definitely brings the taxi school to another level of professionalism. I think the new students coming in will definitely see that this is something that we want you to excel in. We want

you to excel in customer service; we want you to be the gateway to services here in Cambridge. We're very excited about that.

MR. SCALI: Questions?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: Thank you Ms. Pacheco.

Anybody else from the Board? Ms. Benakis.

Good morning. Tell us who you are.

MS. BENAKIS: My name is Kristin Benakis. I'm with the Cambridge Office for Tourism. I'm a new member of the Taxi School Board.

I haven't really been involved in the process of updating the curriculum but I have had a chance to review the proposed new curriculum. I guess the main point that I want to make is that from the perspective of really trying to ensure that tourists have a great experience in a Cambridge cab, we don't think that anything really tourism specific needs to be taught. It's really about the basics of courtesy, customer service,

clean cabs, appropriate driving, not crazy aggressive driving. I think that this curriculum did a good job of really hitting those basics.

I know there is a specific customer service section in here but I also saw it really as a thread that kind of ran through everything, really focusing on each section in here on greeting the cab customers, insuring that you're asking if they have a preferred route. I just saw that over and over repeated in here, and I really appreciated that.

As far as from a specific tourism angle, we'd love to see maybe something -- I know it talks in here somewhere about the list of 10, sort of learning 10 points of interest and historical sites at on time. Maybe if in the future we could develop a list of all the major historical sites and points of interest, maybe include pictures. That would take some time to do and it wouldn't necessarily need to be involved in this training guide update, but at some point in the future our office would definitely be

interested in working on something like that with the school board.

MR. SCALI: I know that Mr. Ewing and other members of the Board had talked about adding more visual aids, DVDs, and maybe doing a tour of the City that could be put on a DVD and shown, or overhead projection of pictures. It would be great if you could participate or the Tourism Board could.

MR. EWING: We were already talking with cable-TV and they've already agreed to do a DVD for the school. So we're looking to see what to include in that so we can do something in conjunction with the Tourism Board to point out some of the aspects of the City.

MR. SCALI: That would be a wonderful addition.

MR. EWING: We also would certainly be willing to include any supplementary material that you have that we can give to all the drivers. We give them now a number of things. We give them maps, flat rate books, and street directories and

all that. So if there are some things that would be helpful from the tourism standpoint, we would certainly make that part of the material that's given to each driver.

MS. BENAKIS: We do have a visitor guide. I'm not sure how helpful that would be, but we can certainly look at coming up with some kind of a pamphlet or couple-page document that would be really targeted to taxi drivers and would really hit on the main places that people are going to want to go in Boston and Cambridge.

MR. SCALI: That would be wonderful if you could help with that. I'm sure you've got the expertise to know what to include and what not to include about the major sites or major locations that people would want to go to.

Any questions?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: Thank you, and congratulations on your Board appointment. Anybody else?

MR. SCALI: Mr. O'Donnell is here. You're here for Canteen. They were here earlier. We were hoping you would come. We actually voted to approve their interior section, but we continued their patio section to January 19, for further discussion.

MR. O'DONNELL: Oh, good. Okay.

MR. SCALI: We told them to go and speak with you and your association about getting something in writing from you as to what you would or would not approve, or would want to see on that patio issue.

MR. O'DONNELL: We've been in communication and they've met us sort of half-way but there are people who have definite issues about noise. So is it something we should put in writing with them?

MS. LINT: Can you come up?

MR. SCALI: I didn't mean to interrupt this hearing but I didn't want you waiting for another hour.

MR. O'DONNELL: Thank you. I thought

we were supposed to be here at 11:00 and that's why I showed up late.

MR. SCALI: You are absolutely correct but we moved it up unexpectedly.

This is Mr. O'Donnell from 123 Dana Street. So you have continuing concerns and you wish that -- have you had further discussions with them already?

MR. O'DONNELL: We had an e-mail back and forth, and I gave them a bunch of questions. They answered them. We're not entirely happy with their responses so I wanted to take it to the next level.

MR. SCALI: If you could work with Mrs. Lint and with Mr. Murray on that between now and January 19, we continued it to the 19th at 6:00 p.m.

MR. O'DONNELL: Here?

MR. SCALI: Right here, yes. That will give you an opportunity to clarify some of the issues with the --

MR. O'DONNELL: Upstairs with Mrs.

Lint?

MR. SCALI: Yes. If you want to go upstairs to the office, they'll give you a card right now at the counter.

MR. O'DONNELL: Thank you.

MR. SCALI: Other Board members?

Mr. Lom?

MR. LOM: It's been said pretty much.

MR. SCALI: Whoever wants to speak, speak now or forever hold your piece. Mr. Hidazi, please come forward.

MR. HIDAZI: Good morning.

MR. SCALI: Good morning. Just tell us your name for the record.

MR. HIDAZI: My name Yessam(phonetic) Hidazi. I'm a taxi driver in the City of Cambridge and also a member of the taxi school. I just wanted to confirm all the words of all the gentlemen and ladies about the words of the taxi school. Also, I want to add one more thing for the drivers in Cambridge. I think they are required to be special people to be as a taxi driver because they meet lots of different background people, different than the hotel or the restaurants. It's different but the taxi drivers meet all kinds of people, and they require special people to deal with all these kinds of people.

I would like to add one thing in the curriculum. Maybe it's a good idea or not. Like if you add like a test, a test for the driver for like a psychological tests. One thing to add also is maybe it's a good idea to have the driver to go through some kind of formal test to confirm that he is eligible to be a taxi driver because a taxi driver is like a special person. You need to be as a taxi driver because of the law.

MR. SCALI: You mean above and beyond our test that we have?

MR. HIDAZI: Yeah, like special test. I don't know what it is but it has to be some kind of test needed to be formed by the taxi school or the Commissioner.

MR. SCALI: It's curious that you say that. I guess many people have mentioned that there are -- as in any community, 10 percent of anybody, there are people who have different issues.

MR. HIDAZI: For example, I don't need to taxi driver to be arrogant to the customer. You

don't need that because if you have arrogant driver to the customer, they're going to create a lot of problems for him and for the City. This is one thing. So arrogancy[sic] is like -- cut it off.

Then he has to be completely flexible, a flexible driver to be able to manage his communication with customers. This is like a different business, a different industry. Like in the hotel, you have like high-level people come from all over the world, but the taxi driver can meet those people also. But also in the meanwhile, the taxi can meet like homeless person in the street. How can he deal with that person if he doesn't have money but he doesn't tell the driver I don't have money? So if the driver finds a homeless person that doesn't have money, how he cannot ask him, but take him to the place and then later on he can find out where he can get his money. But how to deal with this situation?

Or elderly lady needed to be taken to her home and she's like with a cane or she needs to go to the hospital or something. So you need the

driver to act the way he's supposed to be acting in order to serve the community, and in the meanwhile, he's not going to lose anything. He's going to raise his point to the level where it is supposed to be.

And also, it would raise the point of the taxi industry. I hear the taxi industry has a bad reputation, and we need to change that by educating people and getting people how to change the picture of the taxi driver. This is what I think.

MR. SCALI: Thank you very much.

Any questions?

MR. HAAS: No questions.

MR. TURNER: No questions.

MR. SCALI: Just for the record, I know that you submitted a letter to the Board resigning your position on the Board because I guess you've been involved for a number of years but I guess you changed your mind about being on the Board.

MR. HIDAZI: I submit that change

because I'd like to give an opportunity to another taxi member or taxi driver to be able to commit his work to this industry in order to improve and give more opportunity to other people.

MR. SCALI: That's very commendable. You were elected and I know that other people wanted to be on the Board and it was a very close election. We went through five rounds of voting and all that, so this would give an opportunity for somebody else to be on the Board.

MR. HIDAZI: In the meantime, I don't have to be a member formally. I can go anytime. I can discuss or give my idea. I don't have to be formally as a member. This is an open thing. I can write or talk to somebody.

MR. SCALI: I appreciate your comments very much. Thank you Mr. Hidazi.

MR. SCALI: Anybody else? Mr. Lom.

MR. LOM: My name is Abraham Lom, but you can call me Al. I don't have any special talents like the people who've spoken first. I first got my license in -- well, I had just gotten

out of the service and I needed the extra money to go to school because the GI Bill wasn't adequate. I won't tell you how long ago that's been but it's been a few wars back. I've been on the Taxi Board -- we had wooden ships and iron men back then.

MR. SCALI: So many years.

MR. LOM: A few years, yeah. We didn't have a taxi school back then. They just gave you a taxi and hoped you'd bring it back.

I've seen incredible changes in Cambridge, incredible. I have heard that there are still some complaints but not like they used to be. People are starting to realize that it's a profession; it's serious job. There are obligations. I've never seen a taxi school like this. Well, I've never seen another taxi school honestly. I've never seen a Commission that was so interested in what's going on out there.

Years ago, we'd come to the Commission -- not to bring up old stuff -- you'd come to the Commission and tell them a problem, and you may be heard, you may not. Now, Mr. Scali and the other

people are very interested in what's going on out there, and they're very aware of what's going on. They're very knowledgeable.

I guess that's about it except I'd say the level of professionalism has definitely increased, and I think using the police academy will help. There are some guys that are going to arrive there and won't walk in the door, I bet.

MR. HAAS: We're a very welcoming place.

MR. LOM: That will be a screening process. So that will help. I guess that's about it.

I think the school's great. I love the new ideas that are being implemented. The visual ideas; I think that will help a lot. As far this math, I've always been against it. If your meter breaks down, you go and get it repaired. You don't work anymore; end of story. You may negotiate with a customer and ask them what it's supposed to cost. You do not work anymore after that. And we've changed that. Anyway, that's

about all I have to offer.

MR. SCALI: Thank you very much. Anybody else? Does anybody else wish to make any comments? Any drivers? Have a seat please.

MR. JAMES CARBONI: My name is James L. Carboni, Jr. I own Cab 100 in the City. I've been driving approximately 20-something years. I've never had the wonderful obligation to meet this gentleman. I don't know why. Being a big taxi advocate as I am, I don't understand why I've never had the opportunity to meet him. Some of these other members I do know, most all of them.

I have some problems. First of all, Mr. Carboni comes up -- who I'm not related to, and I would like to make that perfectly clear. He claims he's a Board member and stuff like that there. He's the President of the Hotel Association and he's all for the cab industry.

Funny that I go by hotels that he's a member of the Hotel Association and they have livery cars parked all day long. Being a member the Board and trying to say he's for the taxi

industry, how he does not when he's made aware of these situations, correct these problems or at least try to negotiate resolvment[sic] for these problems is beyond us.

Second of all, we got people here -- Mr. Lom has driven a cab, Mr. Joe Silva has driven a cab, Mr. Hasham has driven a cab, and now we got other members on this Board who have been in these meetings, these subcommittee meetings; it's the same crew. Nothing has changed. I've been complaining. They say I'm a complainer, I'm an aggravator, I cause all kinds of problems. I've complained about short fares for 20 years.

The only police officer, Mr. Frank Bambino, the gentleman with Frank Anastasio, he used to get these problems by the butt. We have police officers out here being disrespected. We have citizens of the City of Cambridge being disrespected. All this stuff comes back to the school. There's not going to be no changes no matter what they do with this Board, no matter what rules they put, unless they enforce the rules.

They can talk about -- this young lady 100 percent right with the elderly, 100 percent right with her elderly situation. They problem in the coupons are being not taken. The short jobs are not being taken. When you complain, oh, it's Mr. Carboni again. We won't call him back. We don't need to deal with him. He doesn't know what he's talking about.

Yet, the other night when I was dispatching at Checker Cab, Mr. Arcos, one of the police officers had a big concern at 8:30 at night to call Checker Cab. Tell Mr. Carboni that someone refused a job at the Marriott. But when Mr. Carboni calls or some of the taxi drivers call, they don't get back to them.

I called three weeks ago for a complaint at Central Square, have never heard a word. Five witnesses, never heard a word. They come up with the excuse, we need witnesses, we need this. The only way this is going to get solve, and I go along with the Police Commission, but the police department has to have a role, and a major

role just like they do in Boston. There's no baloney. There's no disrespect. The police officer asks you to do something, you do it. That's the way it's supposed to be.

You got a license. If you don't do the rules and regulations in a bar, they take your license. Over here it's well, if I like you, we'll fine you. If I don't like you, we'll suspend your license. But if we like you, we'll give you a slap on the hand and we'll let you go this time. This is going on constantly under Mr. Scali's watch. I've complained several times.

The Board is a joke. This whole Board is a joke because it's all a conflict of interest. They've all got something else going on involved. They got people coming up here, great rules, great regulations. How many cab guys driving a taxi cab had any input into this. I've heard a lot of people say they've been here. I never was invited to any meetings.

I get a letter to come to every subcommittee meeting, never got a letter to go to

anyone of these Board votings. Why? What are they trying to hide? Someone has to explain it to me. I don't understand what they're trying to hide. They don't want your input. They only want the people that they have, their own little crew. That's how they operate. And this is the same thing that happens at the subcommittee meetings.

I've gone through arguments with the credit cards. Everything I come up here and argue involves me. None of these decisions involve them financially, none of these decisions involve their life. They all got a job. They're all on the clock when they come here. The only ones that lose are the drivers and the owners of the cabs. Now, lets pass some off to the owners and drivers. Let's make the owners and drivers teach the people how to drive the cabs. We'll get out of the school and then make the owner sit with somebody in the cab for 30 days. Who loses time and money when he's doing that; the guy who owns the cab.

Who pays for the senior citizen program? The owners of the cab. The City don't

pay. They take credit for it all though. Oh yes, these coupons are fully refunded. We pay for them. We pay \$190 to have the cab inspected. That's where the money comes for the elderly program. No problem with the elderly. We'll pay \$200 a year, and give more elderly coupons. We don't care about that. We want the job where the people get in the cab, they get in the cab, they want to go one block, you do it.

When Frankie Anastasio, when Bambino, if you got a complaint, they take your license away. Here they do whatever they want to. It's a joke, a total joke. Boston cabs are picking up. There's no communication with the police. They don't want the police involved. The cops don't even talk to each other.

They laugh at these two cops, the hackney cops. The rest of the cops in the police department think they're jokers. They don't think they're police. They think they're jokers. It's a vacation; they're on vacation for three years.

People don't even want to do even want

to do this job. They can't even get three or four cops to do this hackney job because it's a joke. You're looked at like you're a lower-class person, just like the cab drivers.

The cops laugh about them. I go out every single day and hear them. You tell them you got a complaint with a police officer. We say to them, Benny doesn't do nothing. They start laughing at you, the cop. The cop's laughing, a regular police office is laughing. How are you going to enforce the law when the cops themselves are telling you it's a joke? How are you going to change the program? You're not going to do it. You're not going to do anything with the school worrying about math and stuff like that.

The main thing is when someone gets in the taxicab, not matter what they look like, no matter where they want to go; that they get where they want to go. That's what we're here to do, service the public.

When the city does not want to enforce the rules that if you throw somebody out -- that

should be the first thing at the school. It should be told to you that you're not getting a license -- the first job you throw out we'll give you a warning, the second one -- I don't care how many warnings. List it down and that should be the first thing the person is handed in his hand. You're out there service someone.

If somebody in a bar doesn't give somebody a drink when they walk in, the person will sue them if they don't have a legal right to throw them out. In a cab, I don't like where you're going, ma'am, you have to get out. I don't like what you look like, sir, you have to get out. I've been here an hour, sir, I'm not taking you. The people don't complain.

You know what ends up happening, they go back to the second or third cab until somebody takes them. Then when I get out if I'm third, and tell the first guy to take them, it becomes an argument or a fight. If I hit them, I lose. If I take the job, I lose. How do I win? Do you think they City cares? They could care less.

This gentleman said he was at the inspection. I never saw him. I went to the inspection. I got a cab. I never saw the gentleman there. These people can tell you anything they want to tell you. Ask the people that used to be on the Board. Mr. Laramee, I hope he comes up here and speaks. He was a member of the Board. Half this stuff is talked about and not taught. It's a waste of time and money. They're wasting time.

This thing has been closed for six months; six months, this school. It's a joke. There's more people flunking this test than are passing it every month, and it's multiple-choice. There's something wrong with the curriculum and they haven't done a good job changing it, trust me. If you go into that thing and you can't pass the test, a multiple-choice, there's something wrong with the people teaching the thing.

They're taking all the praise. They're up here telling you, I've been here for 12 years. I've been here for 14 years. Well, how

come people are flunking this test? Is it a language barrier? What is the problem that they're flunking this test? I don't understand. I took this up with the credit card things. I've done this with arguments with all these things. Why are these people flunking this test?

This has been going on in subcommittee meetings for months. There's a reason why they're flunking the test. They're not being taught properly. That's the reason. If they don't have the capacity to learn, then they shouldn't get a license, unfortunately. I feel bad, but there should be ways to help these people just like there is in school, any school, to help you evaluate yourself, get a little higher up, and eventually pass the test.

What they do is they let them take it two or three times a year, and then you can't take it for a year or something. You could be throwing someone away that's the nicest cab driver in the world. The guy might have a speech problem, might have a disability of learning problem. Hey, you

took it three times this year, you can't be a cab driver. See ya later.

How about if they did that to every police officer, or fireman, or city worker who applied for a job, and they just said we don't like you because you're too slow. You can't get a job here. Some of the stupidest people in the world are now the smartest people in the world. Some of the stupidest people in the world are the richest people in the world.

But in this city they can try to pass all this stuff, but until someone comes out and drives a cab, they don't know what the job is like. I can't tell you how to do a police officers job, I can't tell you how to do a fireman's job, I can't tell you how to be on the License Commission, because I ain't qualified. I'm not qualified. I drive a cab. I do the best job I can. The fellow drivers want the same thing.

They're putting drivers out there new every day that don't respect themselves. How can they respect me, the police officers. They're nice

to these guys when they give them a license. Yes, Mr. Scali, yes, Mr. Ben, yes, Mr. Arcos. The minute they jump outside and they throw a job out, you approach them and tell you're not supposed to do that, don't tell me what I have to do. Don't tell me. This ain't your job. I've been here long enough, I ain't waiting. Who do you complain to? Complain to these guys? They don't get back to you. It's a joke, a total joke.

And Mr. Scali sits there and wonders why the problems -- it finally came to a head with the credit card. And this school board is going to come to a head whether the Taxi Association has got to bring up a class action suit or something, we want input into this thing. They have these secret meetings like they always do and nothing is ever being solved. The can pass this to all the people here and convince you Commissioners that this is going on. We have no input. I didn't get one letter for any of these meetings, not one, not one invitation to these meetings. You know why? Because I don't go along with the program. Thank

you.

MR. SCALI: Anybody else want to be heard? Come on up.

MR. CARBONI: I just want to rebut a couple of points.

MR. GERVAIS: Excuse me, Mr. Chairman. Is this the way this is going that every time someone says something it's going to be rebutted by someone. This isn't a debate. We're behaving ourselves.

MR. SCALI: Why don't we wait to the end, Mr. Carboni.

MR. GERVAIS: Let the president sit down, be quiet, and let people be heard in order. Robert's Rules of Order, I think you've heard of it.

MR. CARBONI: That's fine.

MR. GERVAIS: Thank you very much.

MR. SCALI: I think everyone needs to be respectful of one another and jumping up is not allowed either.

MR. JAMES CARBONI: Well, he jumped up after I got done speaking. He shouldn't have

nothing to say.

MR. SCALI: Mr. Gervais, you raised your hand. Do you want to come up and speak?

MR. GERVAIS: Yes.

MR. JAMES CARBONI: This is why nothing gets solved. They got answers -- they have no answers, just always questions.

MR. GERVAIS: Michael Gervais. Good morning. One thing for sure, anything to do with taxicabs in the City of Cambridge is never boring, it's never quiet. There's always some life and there's always some passion to it. That's the beauty of this industry and I hope it never stops.

One main issue is this -- I have a little background. Most people might know, but for those who don't, I was the original director of the school. And before I was the director of the school, I'm the person who started the petition, went to hotels, and I went to a person -- well, I went to the different sections and factions in the City of Cambridge. We got together and presented a statement to the Council, and the Council decided

that this was a good idea to have a taxi school to train drivers because of all the different things that were going on, because this is a world-class city, et cetera, et cetera.

What has transpired -- following in the first two years, I visited New York, I visited a couple of world-class cities there. Although they are much bigger, they had a lot more experience than I did, obviously. I went there to learn. And when I went there to learn they found out that the process of getting a license was much more difficult. The basic tenets of what they wanted to teach people and the importance for passengers and tourist and elderly and students, et cetera, et cetera, was about the same.

So the defensive driving program was initiated. I became a certified defensive driving instructor. I know Mr. Ewing mentioned that he had went to a class they have for defensive driving. The big difference between defensive driving and taking a class in defensive driving, and teaching defensive driving with cabs is that to teach it is

to demonstrate it as to with cabs in mind, with safety in my, et cetera, et cetera, and all the things that come to pass.

The defensive driving was a paramount point because it did everything from starting off in your taxi, on. The reason in the old old book that was made that it wasn't in there is because they had the defensive driving manuals. They didn't have any budgets and there's no \$18,000 a year, and they didn't have all kinds of fancy things. Those were purchased by Checker Cab. I gave those to the second director, and I guess they just decided not to use them, and not to teach them anymore.

It was very important because the whole idea of driving safety, rotaries the way we have them, and things like that; that was a good part of one night that that was taught. The three tenets, and I know a lot of people have heard me say this before, the three tenets of the taxi industry and the driving, and I think I have a pretty good idea about this. I've taught college

level, I've taught this school, I've taught every single course in this school, and I've co-taught with every single teacher because I felt it was important and that it was mandatory that an instructor be there for every single class to be able to help.

I believe in this taxi industry. I don't believe it's a way out for someone that just lost a job, so he can jump in a cab and make a few bucks for his family or for his friends or for him for a temporary thing.

What has happened and what's historical over the past years is that there's this enormous turnover in cab drivers, probably because these people aren't trained properly, partly because it overturns so much. There's been a couple of other things that need to be mentioned to be able to really put things in perspective.

Number one is the industry has changed. It didn't change overnight. It's been this way for many years. What has happened is there are owners -- instead of having a couple of

big companies and they own most of the cabs, you've got companies who sublease someone else's medallion, and then they sublease a medallion.

What happens is oftentimes what comes into play is that the highest bidder gets the cab, and they don't just say okay, wait a minute, this is the amount the License Commission says, and this is what we're going to charge. And I realize we're not here to discuss those things, but those things are very important. What a driver pays for a cab, what the driver's rights are, and what are and should be and were included at one time. They're not anymore, and they haven't been.

Another issue is when I look at this, and, I have to say it's come a ways from what it was six months ago, but the fact that geography isn't as intensive -- these pages in here -- if we're going to talk about world-class city, Police Commissioner, Fire Commissioner, License Commissioner, you all know where we're located, who borders us.

In good times, in very very good times

when everything is busy people are less demanding. They're more tolerant. We're in bad times now, bad economic times. People want more bang for their buck. They want actually even better service because they're using cabs less. When they do use them, they want efficiency, they want safety, and they want professionalism. What's happened is they're not getting it.

What's happening is this part in the License Commission where supposedly in the rules and regulations there was supposed to be training by owners, it's nonexistent. It's stopped. At one time there was an internship program. It worked hand-in-hand with the school. Over the years, the relationships have changed between the License Commission and the owners and the school.

I'm not blaming anybody but I know where it all falls back on, administration. It all falls back on the Commission because it's the trickle-down effect.

I want to make a strong point that defensive driving -- this school is 18 hours.

They're not getting 16, 18 hours. I know that. Not only did I visit a few classes and sat through some classes, but I went and stood outside a number of times. Many in the community out here stood outside a number of times. What happened is they've had two nights that the director was there, one night that he wasn't there, and the last night was basically for a review. Following up, spent a small amount of time on geography. If this city is going to be a world-class city, they're going to have to follow through. They're going to be able to compete with their neighbors, and the strongest one is Boston.

Boston cabs come in and people want to take Boston cabs because -- for over a year now, we've got a firemen's guide, and what the firemen's guide -- or they call it a taxi school guide now, a little book like this. I was interested in the whole bunch of things; that's my nature. I thought that the firemen would know how to get to places faster than any cab drivers would in the beginning when this school started.

When I went there they had this big book that even the pages weren't even stapled together anymore. They said you can make a book out of this. This is what we use. So I took it and made it compact size. It's been the same way since. It's never been changed. It needed to be revised. It needed to be redone, pictures and all. This was before the age of modern-day computers and PCs as they are today. It was a pretty big thing just to do it. It was a project-and-a-half just to do that.

I want to take you back, too, there were such things as slide projectors way back then. I had slide projectors and I showed people out there. I showed them who made the monuments in the City of Cambridge. I showed them how Daniel Chester French -- and I showed them about the different areas of Harvard and points of interest, and Kristin brings up these things. The guys knew these things.

Cab companies used to send people as part of a punishment or something when they screwed

up, and said, Mike, we're sending this guy for this or for that. I used to use those people to teach with, people who did fare refusals, et cetera, et cetera.

At one time, and I'm proud to say this too, everybody was calling me all the time. Everybody was calling me all the time. Everybody was saying hey, listen, I've got a great idea for the school. What about this, what about that? I'd say hey, we can only do so much. Well, people took things not only from when they were in the school but added them on in other ways.

I have to be very -- I'll tell you, I'm not all that confident in this and I think I have a good right to be, because if we're all going to be talking school talk, we have to start passing out the grade cards at this point. When we look at what we have, in the past two years they've gotten a fireman's guide. So you know what that means? When you get outside of Cambridge you're in a little bit of trouble.

They're taking people in this world-

class city across the bridge. I've had people come over to me and said to me I had the guy bring me back here. He made me pay him 75 bucks. I'm just trying to get to the W2 Hotel, I'm just trying to get to this hotel, I'm just trying to get to this place. I've given people free rides. These guys in the back here, they've all got stories like this too. This is ridiculous. We've gotten to the point and I --

When we got here in the City of Cambridge -- and I'm sorry to have so much to say, but I have so much vested in this school that I'm at the point now where I believe that this school is a foundation. I believe that cab drivers are a legitimate job. They're not a job -- this isn't McDonald's. This is a legitimate job. It's a very important job and it can't be taken lightly, and you can't cram something in, and you can't add just a day to it. We have to go and I think that --

I had spoken to Michael Levy, a person that was very very influential from the Hotel Association in bringing a lot of factions together.

We talked and we brushed along some old things, but the bottom line was that I had explained to him a lot of issues that are happening now, and I explained to him some things about the school. He said the school didn't just happen. He said a lot of issues were happening before the school started, brought things to a head, and it made that change come about. That change came about through the Council and drivers.

It wasn't the License Commission that started this school. This was a driver driven incentive to get the school going. What we have now is we've got retired drivers, retired doormen. At one time, we use to have different doormen come in, plus Andrew Shuruti, from all the different hotels and say hey, listen, I've got this particular problem here. The school lacks currency on a regular basis.

These Board directors only meet four times a year. Many of these Board members including the president of the taxi school haven't ever attended a class. This shows a very very bad

thing. If you going to be a Board member, you have got to be participating.

And another point is, at the beginning of this school the cab industry had a lot more input. What's happened is that people have different interest than being on the Board. We have an over-saturation of drivers as it is now. That doesn't serve to promote good service. All that promotes is it puts different people who are either are owning cabs or are lessors of cabs to take the highest bidder.

These people come out and they start with the bar here and they've got to make x-amount before they make a profit. They're up against it and that's gets passed on to the customer. That's why they don't want a coupon for \$2.75. They go down the street for \$3.50 so then they have to go and wait in line and handing them in so that they can get paid for that.

This isn't a new phenomenon and a new idea, and all of sudden, the taxi school board said wait a minute, I think we need to make some

changes. I've been talking to them about these changes since I came back to driving a taxi, and that's over three years that. The Board wasn't all too happy and wasn't concerned about making changes when I talked about time and things like that.

I have to say that we've spent -- and as a reality, I'm saying a lot of things and people are taking them negative, of course, probably, but I want to say I believe Al Ewing is a nice person. I think Al Ewing means well, but I think there's areas in this school that need to be taught, and the direction of the school has to have input --

But Mr. Carboni was talking about a taxi school subcommittee. When they started doing this again, they stopped having any subcommittee meetings. This is a \$115 million industry with medallions alone.

In the past five years, if I'm going to put out a report card, we've lost a business school to some new students. Less than two months ago, another student of the taxi school, someone got into his cab, told him to drive, et cetera, et

cetera. He went over to Somerville and he said you'll have to wait a minute, I have to go get some money. Well, he went in the bank, robbed the bank, came back out, and then gave the guy directions, and went on. He tipped him pretty big. And then finally, when they got through with all of this, he was lucky he wasn't hurt. And the guy said to me, I just swallow these things.

There has to be some wholesale changes, and I want to make sure too that when the Commissioners are reviewing this that perhaps they might get a nice glimpse of an old test, or the tests that have been coming out these past years, and then ask yourself is this what I would do make someone -- you know, be the criteria for someone to pass and put your mother or your daughter, or an elderly person, or a disability person inside a taxi and entrust their care to?

Many of the people who drive taxicabs today have never driven a car, let alone they just get their license. There's no record to be found with many of these people. And what happens is

that people -- it's a very serious thing. They come across types of weather, they come across all types of things, and they're not prepared.

The cab school as Al Ewing says, and as many people come across that it's an orientation. It's a training. It might be Part 1 of the training, it might be Part 2. It's part of a training. The problem with -- I sat in my class and I can recall asking in one class that Al opened it up to the class at the end and said, "Are there any questions? Feel free to ask." And someone said, "What's a station wagon?" Al didn't know exactly how to explain it to him but the guy had never heard of what a station wagon was. He didn't know what a wagon was, a station wagon. He was from a different culture, a different thing, and he didn't know the term.

A lot of that is happening, which brings up another point, too. The Haitian community is growing and evolved to become one of the major factions of this industry. They have a voice; they're part of the very diverse community

in the taxi industry. They have to be heard. They have to be part of it.

When the school started -- I keep going back -- these people came each month. We had people from different factions come here. We used to have -- we had four people. We had people from the Middle East, India. We had people from the Haitian community. They'd come up and they'd be speaking a different language and everybody was like, what's this guy talking about? It was kind of just an ice breaker that just took a few minutes to make them understand that we're a round-about culture here in the industry, and we have to get along and we all work together.

People are working against each other, drivers are fighting against each other, all these kinds of things that we were trying to stop when we started this industry, to develop communication.

I had spoken with some people and there is talk about having classes and/or the police be involved. I think that it's a good strong step. But what I also think is that you can

get the police involved, the fire department involved, you can get the Tourism Committee involved. What you're going to have to get involved is current taxi drivers.

You're have also going to have to change the structure because I believe, and we have to have a little more respect for this, the election process, which is supposed to be a democratic election process didn't even follow Robert's Rules of Order the last time around. There isn't a Haitian member on the Board at this point. And the taxicab industry didn't even get to elect anybody over the years. I have been talking about that and talking about it. Finally I started making a big thing about it. They supposedly had the election this last time.

I think the structure of the taxi school board is going to have to be under review. Also, the way the school is run. This isn't a blame game to say that this person didn't do this, this person did do that. What I'm saying is sometimes things run their course.

You've got drivers that are almost 70 years old, old drivers teaching courses. They've lost some currency. You've got some people that are teaching things even from a hotel perspective that they haven't even been to that hotel in so many years. The basic philosophy they have, and they give these motivational speeches. There's an issue there. And it's impossible for Al just to jump in and pick on all these things going on. He can try to talk to somebody but he's at a disadvantage. He's got another full-time job. I think you've got to have the input here.

The strong point that I really want to make, too, is that the school has got to be a lot longer. If need be, then the school has to move its structure and change its structure. If they need to get teachers and pay teachers and have paid professionals, all well and good. Like I said, this is \$115 million industry. It affects the City of Cambridge. It's the hub of what goes on here into Boston, back and forth. If we're going to be worrying about paying someone, or changing our tax

bracket, or changing this or that, I mean it's ridiculous.

MR. SCALI: Mr. Gervais, I want to give other people an opportunity to speak. You've been speaking for about 15 minutes. I want to make sure to give other people an opportunity to speak as well.

MR. GERVAIS: You can let me wrap up then; is that all right?

MR. SCALI: That would be great if you could, yes.

MR. GERVAIS: This is a beginning in a sense of remarks. A lot of fellows couldn't come down here today but I'm willing to -- I've talked to people in the Council, in the Council's office, and the Mayor. There's already a resolution for some other issues with the License Commission but there also is some interest in this school, and there's going to be some reviews for that.

I hope one day that we can all work together here and include the drivers out here, let them have some input, because I think we have to

change the structure as its known as the school, and the time has come. I'm the last person who'd want to close the school, but I'm the first one that will stand up and I'll knock the first brick down if it means we can start to do better.

It's time that we've learned, it's time for the Commission, the school, to admit that we didn't do this for the longest time. We didn't do this, we didn't do that, we didn't do that. It's time for them to become a little more accountable.

As far as -- I'm going to put something in writing that I'll send to each one of the Commissioners because there's a petition in the making for some other things. But I thank you for allowing me to speak.

MR. SCALI: Thank you, Mr. Gervais. Anybody else want to be heard? Mr. Laramee, come on up.

MR. LARAMEE: I'm an ex-Board member of the taxi school.

MR. SCALI: And founding member of the

school, too; right?

MR. LARAMEE: I don't even remember that.

MR. SCALI: In 1994, you were on the original Board.

MR. LARAMEE: My reason for being here is not that I have so much to complain about the school, or I don't have to complain that much. It's one thing that I have to say that the day we were doing the election I off the Board today. It's about the time we were proceeding to get the election done and I've seen so many new faces who wanted to be part of the Board, and I made an observation.

When I'm looking at everybody I'm kind of feeling that everybody who is already on the Board are like friends, and I feel that everybody is going to vote for each other in a way. Each individual is going to vote for himself, and I felt that I was voting for myself as well. So on the first round I voted for myself, and I didn't get --

MR. SCALI: Why shouldn't you?

MR. LARAMEE: I didn't get in, in the first round, and at the same time I say if I have to allow somebody else to get in, I have not to vote for myself, so therefore, I didn't vote for myself again. So I think my idea went through and we can have somebody new on the Board.

My feeling is that for so many groups interested, groups that are in the City and who get involved in the industry, so it is very necessary that we conduct these kind of changes in a way that we can allow other new people to get in, or open up the Board. Create new position, new space for other members to get in. This is the only thing I wanted to say. Thank you.

MR. SCALI: Thank you very much, Mr. Laramee.

Anybody else want to be heard? So everyone who wants to speak has spoken, so we can go back to clarifications. I don't want to go back and rehash a lot of stuff. So if you want to speak, but other people have an opportunity to rebut as well.

MR. CARBONI: Really wanted to speak to the drivers, you know it's a volunteer board we put our time and because we care about the cab industry. We don't want to have an adversarial vision with cabs, the hotel people. But again on the board, the people.

MR. CARBONI: Really I wanted to speak to the drivers and let you know that it's a volunteer board. We put our time in because we care about the cab industry. We don't want to have an adversarial relationship with the cabs, the hotel people. By being on the Board, the people that are here today --

MR. SCALI: Mr. Carboni, why don't you speak to us.

MR. CARBONI: I want to really address the Commission as well as the drivers because --

MR. SCALI: That's great but face this way because people, you know, feel a little overwhelmed by sometimes a speech at them. So speak to us and hopefully they can hear you.

MR. CARBONI: The reason why I am on

this Board is because I respect the drivers, and care about the drivers, and care about the cab industry. I respect the comments that have been said by these drivers in terms of the livery.

In terms of the public notification and the openness of inviting people to be on the Board, it was in the newspaper, it was given out to drivers in the License Commission. So I don't want to feel that the drivers are not being aware of what the Board is doing, or to give you a fair chance to be on the Board. Because if you missed the notifications -- there were public newspaper notifications to be part of it.

We welcome new ideas and we do care about the cab industry; that's why we're in it. We're not in this to be adversarial with you. We're in it to improve it and to work together with you. If it was missed out on public notices, we apologize for that, but it was in the newspaper, it was publicly notified in the License Commission office.

MR. SCALI: Just to clarify that. It

was handed out at the inspection. The election was announced in the newspaper. It was handed out at the inspections. It was announced over the radio services, and it was hand --

MR. GERVAIS: For the first time --

MR. JAMES CARBONI: The question was, was every Board member given a letter or a phone message about the meetings? Every subcommittee meeting we used to get a letter; is that correct?

MR. SCALI: The subcommittee is a different entity than the school board.

MR. JAMES CARBONI: There's voting on the Board of the school department. When there was meeting everybody who was on that subcommittee got a letter. That's what's supposed to take place, Mr. Scali.

This time you turned around and changed the rules like you usually do because it worked for your favor. What I'm saying to you is I'm sure every one of these Board members got a phone call the night before, an e-mail, or got a letter telling them the date and time of the Board

meeting. I'm sure I didn't get one. I'm sure all the taxi drivers -- if you need to get a hold of the drivers, why don't you just send everybody a letter?

Every licensed cab driver should get a letter that there was a Board member meeting. Why is that a big problem? What, does it cost postage; is that the excuse? You can come up with the excuses but the answers are not being brought out to us. We own the cabs. We supply most of the money for the City of Cambridge.

MR. SCALI: You have to do your best to notify the amount of people you can with the amount of money that you have --

MR. JAMES CARBONI: (Inaudible.)

MR. SCALI: Mr. Carboni, don't interrupt, please. This is what happens every time people are trying to clarify. We can't get your voice from the back of the hall anyway.

We do the best we can to notify people. There are 1,300 drivers. There are more than 200 owners in the City, so to sent a letter to

everybody is a huge expense to the City. We do our best in terms of notifying it over the radio service, handing it out at inspections, an ad in the newspaper. And we did send out notices to the 200 owners because that was the cheaper way of doing it in terms of less expense.

You can't notify everybody at the same time in every different way that you would want to do that. I would love for everyone to get a letter and every one to get a phone call. It's virtually impossible to do that.

We do use e-mail a lot for the Board because the Board does have e-mails. If you would like an e-mail, I would be happy to send you an e-mail.

The taxicab subcommittee is a different entity than the school board. The school board is a board that was formed in 1994, under bylaws that you can look at. I'd be happy to show you the bylaws. They were laid out by the industry in 1994. If we need to amend those bylaws, by all means amend the bylaws. I have no objection to

amending. The school board has talked about amending the bylaws, changing the format, changing the membership.

I, for years, couldn't get a person to come to a school board meeting. The other member of the Board will tell you.

MR. GERVAIS: Mr. Chairman, whose fault is that?

MR. SCALI: Nobody wanted to come, Mr. Gervais. Nobody wanted to come. I made phone call after phone call begging --

MR. GERVAIS: Whose going to change the bylaws, Richard?

MR. SCALI: The bylaws can be changed at any time. If they want to change the bylaws, we can change the bylaws. I have no objection.

MR. GERVAIS: Who can change the bylaws?

MR. SCALI: The industry, the Board. We can make proposals to anybody that wants to -- any proposal that you want to make to change the bylaws, we are willing to do that.

MR. JAMES CARBONI: Who votes on that? The same Board you're talking about; is that correct? Who votes on these changes? That's what we want to know. What part of the taxi industry has a say in changing the law? Who has a vote on that?

MR. SCALI: Mr. Carboni, if you would listen to my response, you'd understand. The bylaws can be changed at any point in time. If the License Commission decides that they need a different format, we change the format. The Board, the License Commission recommends that the formats change, the format can be changed.

MR. JAMES CARBONI: The problem is I asked you who votes on these changes? Who are the members that vote on anything that we suggest to be changed?

MR. SCALI: And if you're listening --

MR. JAMES CARBONI: Let me ask you the question. You didn't answer my question. I give you a letter that I want something changed, who votes on those changes? That's what I want the

answer to my question.

MR. SCALI: The way that the bylaws are written right now is that the school board votes. If we need to change that format, we as a License Commission will recommend that the school board change their format, and that can be done.

MR. JAMES CARBONI: So the school board is appointed by you?

MR. SCALI: No. It's not appointed by me at all.

MR. JAMES CARBONI: But this gentleman just said on the vote he couldn't even get in because he wanted to get in. Why is he limited and the votes are only done by the people who are on the Board?

MR. SCALI: Because the bylaws lay out a certain process for election.

MR. JAMES CARBONI: Then it has to be changed.

MR. SCALI: Things from 1994 are different than they are now in 2009, and that's fine. Things change, and bylaws can change,

formats can change. It's not an issue.

MR. JAMES CARBONI: That's why nothing gets solved, because you have the same crew.

MR. SCALI: Mr. Carboni, is there anything else you wanted to say?

MR. CARBONI: I just wanted to end it by saying that with all due respect to the drivers, we want to work with you, we want to improve the industry. That's why these volunteers are here for 12 or 13 years. It's not for any other reason than to improve the cab industry in the City, and to work with you. That's all I have to say.

MR. SCALI: Thank you very much. We're going to do rebuttals now, so we we're going to be very short. Mr. Gervais and then Mr. Lom, and then we'll have Mr. Prift.

MR. GERVAIS: Just quickly.

MR. SCALI: Let's not rehash, let's just add to.

MR. GERVAIS: The past few years when they've added someone on, there hasn't been any newspaper, there hasn't been any of this. I'd

expressed an interest over three years ago. Each time there wasn't anyone on -- they put a new person from the Traffic and Parking on. When I asked how that was, they said well, we've always had someone from the Traffic and Parking. So they just put it.

All of that to me is just trivial and petty, and it doesn't really matter. What does matter is that in our \$115 million industry, I don't go and these drivers who are out here aren't sitting on the Tourism Committee, which is sponsored by the City. We're not over there at the Elderly and Disability making decisions on how to run what they do. We have a taxi subcommittee that have people come. These meetings which have been brought up and brought up, why don't you make them public?

At one time, Mr. Scali, I remember when because I'm the man who wrote the mission statement for the school.

MR. SCALI: And the bylaws,
Mr. Gervais.

MR. GERVAIS: And these things were to be changed, just as what Michael Levy had said. And we've got to change and grow and evolve. They haven't evolved. They've evolved to where the people want it to.

MR. SCALI: And that's why we are here; right?

MR. GERVAIS: I said I'm glad. It's good.

MR. SCALI: Change and involvement.

MR. GERVAIS: Like I said, these meetings have to be public, and they might have to be more often to keep them current. As I just said before, structure needs to be changed. Those things have to be dealt with, and having a Supreme Court of a taxi thing doesn't really work.

I'm here in good-faith. Mr. Chairman is a wonderful person. He's a real nice guy.

MR. SCALI: I sense a "but" coming.

MR. GERVAIS: If he gets his own way. There's no "buts" because it would last too much longer. Thank you very much.

MR. SCALI: Mr. Lom.

MR. LOM: With all due respect, I think some of the people who are opposing, I don't even know what they're opposing. They have no idea what a school board is supposed to do. We don't rule, we don't regulate, we don't make laws. You want full representation of everyone in Cambridge? There's a thing that we don't have any Haitians on the Board. Well, we don't have any Chinese people. We don't have any Italians. Yeah, we have a few Italians.

But it doesn't have to be representative because when you enter that school, it doesn't matter what race you are. You'll get treated the same way as anybody else. You don't need any advocates to look out for your rights because you have the same rights as everybody else.

It's not a government issue, it's just a school. We don't make any laws, we don't decide anything, we just run a school. I don't think that the Cambridge School Board has only educators in their board. I don't think they have only school

teachers on their board. I think they pull from the community.

And again, as far as secrecy, Mr. Scali is right; we've been looking for other people. We try to get diversity, we try to look for people. And this is the first time I've ever heard that everybody wants to get in on it.

MR. SCALI: I'd say great.

MR. JAMES CARBONI: How about at some of the subcommittee meetings when people offer to teach at the school? What happens to them?

MR. SCALI: You're out of order, Mr. Carboni. Anything else you want to say, Mr. Lom?

MR. LOM: Just that you can't argue with some of these arguments. It is what it is. I think the people who are reasonable know what's going on here. It's not a plot, it's not a kabal[sic]. We're not trying to take over the world for God's sakes. We're trying to improve the quality and the professionalism of cab drivers. That's all.

I hate to say it but I'm seeing personalities entering into this. Someone who is not here now said this is not about improving the school, this is about each person being, you know, not each person, but some people speaking about themselves wishing to aggrandize themselves, wishing to look better to the community.

And as far as some of the experiences that some people have had, and I'll make this general, having been a member of this a long time ago, doesn't mean you did a good job at it. I won't say anymore than that. It does not mean that because you've been there that you've done it well. Thank you.

MR. SCALI: Thank you. Mr. Prift.

MR. PRIFT: Hi, my name is Lawrence Prift, P-R-I-F-T. I'm a Board member for seven or eight years. Time flies when you're having fun. I'd forgotten how long it is.

I didn't want to speak today but some issue has come up which I think is of paramount importance to us anywhere in the City; that is

racism. A statement was made that we have no Haitian American member of this Board. Mr. Scali has pointed out that Mr. Eugene Laramee is a founding member of this very school.

I would say that every effort has been made to increase representation by persons of color on this Board. We have nine members now; we have two women members now. We had one before. Mr. Laramee until very recently was a candidate for re-election. He was defeated by another incumbent, Mr. Hidazi, who is fluent in Arabic as he is in English; a minority business enterprise for both men.

So to single out that we have no one on this Board is simply a misleading statement. We have been quite responsive to the interest of minorities. I'm in the minority in the cab industry. I challenge that, I just plain and simple challenge that. I think the facts would support me more than someone making a charge against that.

Representation on the Board, we have

all sectors of the City. Traffic and Parking is represented on that Board, tourism, Council on Aging, the hotel industry, all these are on that Board.

A new topic I would like to introduce that has not been mentioned is that we are looking to expand the number on that Board. We currently have nine; we're looking at 11 or 13. We need an odd number. When the vote was taken and one of our Board members could not be there, so we had deadlock. You need an odd number for a board to vote or else it gets real complicated.

Criteria for membership, what are they: First of all, a baseline of competency has to be met. Can you do the job of a board member; do you know the business? Secondly would be your dedication to our mission statement. Do you support what we're doing? Do you know what we're doing? Do you support what we're doing?

Once we get through that in looking for new Board members, we can certainly prioritize issues. We can look or give a special treatment to

persons of color, to persons with disabilities. There's not one on the Board that I'm aware of and I acknowledge that. No one has mentioned it, so I'll mention it. To persons who are not represented on the Board now. We could increase the number of women. We had one, now we can have more. But expanding the size of the Board enables that to happen. And as a member of this Board, I intend to make that a major project of mine to get more diversity or representation on the Board, as it should be because that is there within the industry.

I would like to harken back to what Commissioner Haas mentioned about mentoring. I began driving a taxi long before there was a taxi school board. It's the Arthur J. Santoro Taxi School, in memory of Mr. Santoro, a long time industry member and advocate.

When I drove a cab my original hackney license was not signed by King George in the Colonial Era, let me say that. My original hackney license goes back before 1994. Back then mentoring

was how this was done. I showed up at the Yellow Cab garage at 2 Bay Street, long gone, and the dispatcher gave me an experienced driver to teach me the basics of the game. He put me in the driver's seat, literally. He sat next to me in the front seat of that cab. This is how a meter works. This is how the radio dispatch works. This is how you do the job; the basic elementals of day to day work.

Whenever I had a question I went back to that guy and said, "What's this all about?" The word "mentor" wasn't around then or it wasn't used in this business anyway, but that's exactly what it was. I can't emphasize enough the importance of that.

The school teaches orientation. When that member of the public walks into that classroom, they don't know where the cab stands are. They don't know how to work a meter. They don't know how to work a two-way radio. Courtesy to the public, open the trunk, help the passenger with their luggage. This is quite new to many

people.

The purpose of the school is to orient to everything possible which may happen in that industry. Subsequent to that, training is important. That's where the mentoring comes in.

We have cab companies and each one does things differently. Some use two-way radios, some use video display terminals, some use computer operations, some have GPS, and others do not. But training and mentoring is very much a particular issue company to company.

So I just want to give a vote of support to the mentoring and point out that it's our intention to increase the number of members on that Board to an odd number, 11 or 13. We most certainly will bear in mind the issues that were raised today about representation of ethnic minorities. Thank you.

MR. SCALI: Anybody else that wanted to be heard?

MR. JAMES CARBONI: Just one question I have.

MR. SCALI: We're not rehashing; right? Just additional comments.

MR. JAMES CARBONI: I just want to mention about this voting stuff. It was brought to my attention that this vote was held at the Harvard Inn. Is that how the Board meets to vote at the Harvard Inn?

MR. SCALI: We have always met at the Inn at Harvard, yes.

MR. JAMES CARBONI: So every time that one of these Board meetings take place, it's always at the Harvard Inn? It's not open to the public? I'm just asking questions.

MR. SCALI: It's not a problem to explain to you. The Inn at Harvard has donated their space to us to meet there because it's a convenient location. It can be anywhere. We don't have to meet at the Inn at Harvard. The Board meets quarterly. It's not -- it's a Board of Directors of the school. It's not a public meeting.

MR. JAMES CARBONI: But it's voting on

the taxi industry itself.

MR. SCALI: No, it's not.

MS. LINT: No.

MR. SCALI: It's managing the school on a day-to-day basis. It's not changing things. It's not changing rules or regulations.

MR. JAMES CARBONI: You just came up with this curriculum. That's been all by the Board. You say it ain't changing rules. I say it is. What is this curriculum thing?

MR. SCALI: It's not changing rules; it's teaching what is already out there. Teaching the rules and regulations that we already have, teaching different factions.

MR. JAMES CARBONI: Are there any changes being made to this stuff?

MR. SCALI: These are not rules and regulations. This is curriculum on a day to day basis of what a taxicab driver should know. So we're not changing rules or regulations. We're putting everything into one document that when you as a driver are out there you should know this

information.

MR. JAMES CARBONI: And they can't be penalized or anything for not doing anything by this thing?

MR. SCALI: They'll be tested on it under on the test. So it's teaching them what we think a taxicab driver should know and has to know to be a driver.

MR. JAMES CARBONI: And the only people that have been put in this thing are the nine members of the Board? No one from the taxi --

MR. SCALI: Anybody can have input. We've asked anybody to e-mail us. Mr. Carboni asked people to come and give him documentation.

MR. JAMES CARBONI: Who did they ask? Can they speak to who they asked? Did they ask any cab drivers or any owners of the cabs?

MR. SCALI: Mr. Gervais gave us input, anybody who wanted to send information can give information. You can still give information about it now. If there's something in here you see is not correct or you don't think is the proper way of

handling it, you can input now. This is a draft; that's all it is. There's not any way that we can -- if you want to change it, somebody has information they want to change, fine.

MR. JAMES CARBONI: I'm speaking for the taxi industry and we feel that there are major major concerns with this thing the way it's drafted.

MR. SCALI: Would you like to read the document and give input on it?

MR. JAMES CARBONI: I've read it.

MR. SCALI: Would you give us input on it?

MR. JAMES CARBONI: Yes. I'd gladly give input. I offered along with a lot of fellow drivers at a lot of these meetings to teach at the school. We brought it up but for some reason, you keep this close-knit group, and you make assumptions that we don't want to be involved, or you state these assumptions. All these people come in here and all agree with you and say that we're the bad people. We know more about this business

than any member on the Board except for maybe two that have the same amount of time in the industry. The rest of the members that are voting -- I mean this gentleman is a taxi owner and driver in the City, and he's voted off. What does that say for the Board? The Board automatically should have favoritism to him thinking that he has a better input than some of the people that were voted in.

MR. SCALI: There are many different factions of people. We welcome new members.

MR. JAMES CARBONI: It should be a general vote from every owner and driver. This is a suggestion from the owners that it should be a general vote from all the owners and drivers of the taxi thing who are on this Board, not just these nine members elected.

MR. SCALI: Great. If you all want -- I welcome that. If you all wanted to get out there and organize and vote drivers and owners that you want to represent you, I would be thrilled, thrilled. If you can find people --

MR. JAMES CARBONI: How do we

eliminate some of the ones that we don't want on there?

MR. SCALI: Present the person to the Board and we will --

MR. JAMES CARBONI: And who's the people that vote? The Board. That's where the problems lie. Thank you.

MR. SCALI: Again, if you're listening: formats change, and that's what you're proposing; right?

MR. JAMES CARBONI: My proposal to you is we want an input, we want to vote on the thing. But the problem is, to eliminate a person that's already on this Board, the person that votes to eliminate them are the people from the Board. There's a problem with that.

MR. SCALI: Again, formats change. So that's what we're doing here.

Any questions from the Commissioners?

MR. HAAS: No.

MR. EWING: Just one thing.

MR. SCALI: One thing, yes.

MR. EWING: I just want to thank the Commission for their time and I would ask that as you review this, hopefully you'll make a decision to approve the curriculum or to approve it with whatever additional changes you deem necessary, so that we would be able to at least get the school up and running, so we can continue to make jobs available for people who are out there and waiting to come to the school and continue to work.

MR. SCALI: Is it your hope then -- I guess this is for the Commission too, in terms of what direction we want to give you all. You hope to open sooner than later is what I'm hoping, so we don't meet again until January in terms of making decisions. Your plan is that you wanted to reopen in February; is that what the plan is?

MR. EWING: We'd like to do that, again, depending upon what we get from the License Commission.

MR. SCALI: I'm hoping that this is completed.

MR. EWING: Again, I think we still

understand and we've heard a lot of comments here today, and people have had input. We want to continue to look at the curriculum and see what we can do to improve it to make it effective for new people and to the industry.

And just one last thing: Again, I hear a lot of comments that seem to confuse the License Cab Subcommittee with the school. There are three triads to this process: Rules and regulations, which are decided by the License Committee and the subcommittee has a lot of input and say in that.

Then there's the training part. Once you make rules and regulations, we're just training new drivers entering the field as to information that they need to know to get started as a driver. That's it. We do not make policy, we do not make rules, we do not make rules and regulations.

Then the third part is just the enforcement that has to happen to close the loop. So our piece in that triad is just the training of new drivers entering the field. It has nothing to

do with whether you decide to have credit cards. If you decide to have credit cards mandatory to be taken, then we will train to that effect. Whatever you decide, we will just provide the training to the people entering the field. But again, we're not making policy with this taxi school board.

MR. SCALI: Thank you very much.

Pleasure of the Commissioners? I know you probably need time to digest all of this so I don't know what our timeframe will be, but just to give Mr. Ewing and the Board some direction as to what timeframe you want to see them -- if at all. Maybe we need more time altogether, I'm not sure. You want my suggestions, Commissioners?

MR. TURNER: What's the concern with putting this for a January vote?

MR. SCALI: We meet January 5, we meet January 19, and then we have a Decisionmaking meeting I think on January 26, or something, January 28. But I know Mr. Ewing and the Board would need time to make any changes or amendments to the curriculum for a final review. They'd need

time for printing and all that which takes time. If we meet again in January then that would delay I'm sure Mr. Ewing or anybody else's timeframe in terms of a future --

MS. LINT: The 29th.

MR. SCALI: The 29th we meet again. Do we wish to take the matter under advisement and come up with a plan?

MR. HAAS: I think there's been a lot of progress made. I just think that there are a couple of more issues I want to look at. I wouldn't be able to vote on the agenda for today so I think we're going to need at least another meeting date to give Mr. Ewing some feedback, and see what adjustments we need to make if the Commission feels it's appropriate.

So I think a motion to take the matter under advisement.

MR. TURNER: Seconded.

MR. SCALI: Motion to take the matter under advisement, moved and seconded. All in favor?

MR. TURNER: Aye.

MR. HAAS: Aye.

MS. LINT: To what date?

MR. SCALI: We haven't come up with a date.

MR. HAAS: How busy is January 5?

MS. LINT: Very busy.

MR. HAAS: What's the date after that?

MR. SCALI: January 19. Those are all evening meetings.

MR. HAAS: Maybe we should hold another meeting, a special meeting.

MR. SCALI: We can do that if you wish sometime in January. Why don't we look at another special meeting date and time. Is this time of day a good time of day for the industry for this to happen? It's never a good time.

MR. GERVAIS: It never mattered before.

MS. LINT: Excuse me, Mr. Gervais. He's asking you a question. What's a better time?

MR. GERVAIS: He's not asking me, he's

asking the hall.

MS. LINT: He's asking the question:
What's a better time?

MR. CARBONI: There's no good time
when you drive a cab.

MR. GERVAIS: Well, make it in the
morning would be fine. I think 11:00 would be
better.

MR. SCALI: We'll set a time again in
early January, late morning. We'll confer and
decide and notify you all. I'm not going to send
you all an individual letter. It will be announced
over the radio services and we'll be able to
advertise it whatever way that we can without
sending out 1,300 letters. Those that are on our
mailing list I can send letters to.

MR. GERVAIS: Is it possible to send a
copy of this to the Council and have them look at
it?

MR. SCALI: They're welcome to look at
it, of course.

MR. GERVAIS: Mr. Chairman, just one

last question in all respect. I think one of the most important components of the school is what is going to be the criteria. I know it says here rules and regs, but what are you going to have? Are you going to have more intensive geography or more of this or that?

MR. SCALI: That's what our discussion is going to entail.

MR. GERVAIS: And is that on the decision of this taxi board? I didn't think it was.

MR. SCALI: It's up to us, the three members right here.

MR. GERVAIS: Thank you.

MR. SCALI: Thank you all.

(Short recess taken.)

P R O C E E D I N G S (c o n t ' d)

MR. SCALI: Let's go back on the record. We just have two items to decide.

MS. LINT: Three.

MR. SCALI: Three items, okay.

MS. LINT: Well, now Stefani's is here.

MR. SCALI: Let's start with Stefani's from December 8. So there were two issues, three issues.

MS. LINT: One was the abutter notifications because she didn't have any.

MR. SCALI: Tell us your name for the record, please.

MS. ARRUDA: Daluziana Arruda.

MR. SCALI: Did you notify abutters? Do you have your abutter notifications?

MS. ARRUDA: Yes, I do. Do you need to see it?

MS. LINT: Yes. I need the cards from the Post Office.

MR. SCALI: Did you send it by certified return receipt?

MS. ARRUDA: This office, they told me just mail it, and then so I did.

MS. LINT: No.

MS. ARRUDA: The woman over there told me to just put it in the mail, regular mail, and that's what I did.

MR. TURNER: Mr. Chair, before we continue --

MR. SCALI: Hold on. In your letter it should have said, or it did say that you have to send it by certified return receipt to your abutters. So you can't just mail it, you have to send it out.

MS. ARRUDA: Which letter was that?

MS. LINT: The letter that we sent from the License Commission telling you when your hearing was, where it was, what time to be here, and to send return receipt requested within three days of the ad appearing in the newspaper.

MS. ARRUDA: Was that a letter sent to

me by registered mail?

MS. LINT: No.

MS. ARRUDA: Because I did not receive this letter. Do you have a copy of it? Can I take a look at it?

MS. LINT: I sure do.

MS. ARRUDA: No, I did not receive that letter. Maybe because I'm a new name there and maybe the Post Office didn't deliver it. That could be it because there are so many names in there.

MR. SCALI: Was it sent to the restaurant?

MS. LINT: It certainly was.

MS. ARRUDA: I did not receive it.

MR. SCALI: So if a butter notifications weren't done, we have to start over again. In the meantime, we'll announce another hearing for you in January. In the meantime, you were going to be looking at your hours; right?

MS. ARRUDA: Uh-huh.

MR. SCALI: So have you looked at your

hours again in terms of what you can live with?

MS. ARRUDA: No, since I heard that day that 4:00 is possible.

MR. SCALI: I just think, and the commissioners may have their own opinion, I just think until 4:00 a.m. is going to be a little difficult in that neighborhood because it's so residential. I think perhaps you ought to start with some regular hours and see how it goes.

The previous occupant was there until 11:00 p.m. I can see maybe perhaps going until maybe midnight and seeing how that goes.

MS. ARRUDA: I think too, 11:00 to midnight is not really going to help me any, so I think it would be -- it would not work. At least by 2:00 I think it would, but by 12:00, nothing is really going to happen that I can keep my operation open. For that one extra hour, nothing is going to happen to cover any costs.

MR. HAAS: I think the big concern is when the bars let out you're going to have folks coming to your establishment and that's where you

get all the complaints from the neighbors. Then what it's going to do is it's going to have an impact with respect to your business. I know you're trying to attract that clientele.

MS. ARRUDA: I was thinking on the whole thing, I would be very happy just to have a license to be open at those hours for just delivery. I don't care about people coming in the store, I really don't.

MR. HAAS: How do you manage something like that?

MS. ARRUDA: Just for delivery only.

MR. SCALI: She would just serve until 11:00, and then just be open --

MR. HAAS: Shut down at 11:00?

MS. ARRUDA: Shut down everything and just do my deliveries, that's all. I would be very happy with that. Then I wouldn't have people coming in and parking and walking, so it would just be deliveries only.

MR. SCALI: So you would close your doors at 11:00 and nobody could come in?

MS. ARRUDA: At 11:00 and nobody can come in, but I could just deliver. Because I think that's the part that's important. People, after those hours all that happens is delivery. The reason I know that is my sister worked and still works for a couple of pizzerias in Cambridge that were either open until 4:00 or it is open until 4:00. She said what happened in the bulk of those hours is deliveries. I would be happy with just deliveries. If people walk in there, I -- you know, it's not business that I'm interested in.

MR. SCALI: Can we start off with maybe something earlier than 4:00 a.m. Maybe do deliveries from 11:00 to 2:00, or something, maybe.

MS. ARRUDA: I could try and then reapply and see how it goes. I'm open to trying because --

MR. SCALI: In any event, we have to re-advertise it. When you re-advertise with Chris upstairs, amend your application to show that you want to be open from 6:00 a.m. Are you going to be serving breakfast?

MS. ARRUDA: I think on that 6:00 a.m., I think I'd like to move that up to 9:00 a.m.

MR. SCALI: So it's 9:00 a.m. to 11:00 p.m. for service inside, and then deliveries only from 11:00 to 2:00. So when you amend your application talk to Chris, amend it and he'll re-advertise for you, and then do your abutter notifications and we'll see you in January.

This is going to be taken off the agenda right now because the abutters weren't notified.

MS. ARRUDA: It was but not done properly. So the abutters that I have to notify on the certified mail are the same ones that are here; right?

MR. SCALI: Right.

MS. ARRUDA: So I don't need to go pay another fee.

MR. SCALI: But you need to amend your application upstairs with Chris. You need to go upstairs and have him re-advertise it for you, change what we talked about to what you want to

change it to, and then we'll see you back here at another hearing.

MS. ARRUDA: When is the next scheduled hearing?

MR. SCALI: It will be January 19.

MS. ARRUDA: Thank you.

MR. SCALI: Going to the appeal about the hackney driver, Mr. Bachir Sassine, with regards to a \$300 fine that was imposed by Officer Szeto. Discussion?

MR. HAAS: This is his first offense?

MS. LINT: It is his first offense. My problem with it, which I know was Officer Szeto's problem was his attitude toward the officer, and he lied, then he lied to me, and then when he was here the story changed for the third time. So I have a problem with that.

MR. TURNER: Mr. Chair?

MR. SCALI: Deputy Chief.

MR. TURNER: On this matter, we were asked or I was asked to vote on a decision that was made by Ms. Lint and Officer Szeto on their findings, and not to pretty much determine whether the case was something that should be heard or not. The case has been heard, a decision was made, and the person had ample opportunity to refute the findings. There was no evidence presented, so therefore, I would vote to uphold the decision;

however, I feel the fine is a little steep.
Perhaps a \$25 fine or a \$50 fine.

MR. SCALI: I guess I have trouble with some of the facts of case in terms of how it all happened in terms of whether he actually refused a fare. I'm not sure he actually had a fare where they put the tools in the trunk and all that. I think maybe he might have lied about that. But I think a \$300 fine is excessive in this case even if he was found guilty, since it was the first offense.

I know that his brother, Amir, is a very well respected cab driver in the City and cab owner. I know that it's his brother and not him, but I think in this case maybe the facts are a little skewed in terms of finding a violation. I would look at it in a different way, and I guess maybe further discussion from the Police Commissioner would be helpful as well.

MR. HAAS: I'm troubled by the fact that the stories just don't make any sense. A lot of it is circumstantial. It's not clear-cut in

terms of being able to establish it. But I think part of the hearing process was to -- it's an appeal. So I think we do in fact have to look at the facts to determine whether or not there were sufficient facts to have a finding or not.

Given the inconsistencies of the story I also believe that the owner was clearly aware of the fact that he has some issues with his brother. Just watching his reactions during the course of the hearing and trying to minimize some of the issues. I'm troubled by the fact that -- and again, maybe it's across the industry, but there's no way slips so he has no way to demonstrate who he picked up and where he took them. They're disputing the GPS. If they don't like the GPS then they should be keeping way slips to document their trips.

MR. SCALI: Waybills help them.

MR. HAAS: I understand that, and so the fact that he didn't do that. I can see where, you know, just watching his demeanor here, I have some questions about his credibility in terms of

the story he told. It changed even during the course of the hearing to some degree.

So I find sufficient facts to uphold the finding. I agree with you that maybe \$300 for the first fine -- I'm confident his brother is going to try to correct the situation, and I think we should communicate back to him that it's because of his brother's reputation and his credibility that I would be inclined to reduce the fine, not as low as the Deputy Chief is willing to go. I would be inclined to reduce the fine to possibly \$100, \$150.

MR. SCALI: I would agree that number one, we should probably add the fact that he did not have a waybill as a violation, although that wasn't part of the notice.

MR. HAAS: To me that would have been contrary or at least an affirmative defense if he could show a waybill.

MS. LINT: A mitigating fact. I think the other issue, too, is where the drivers say all the time that we don't do any enforcement of fare

refusals, this goes a long way.

MR. SCALI: Your motion? Is there a motion?

MR. HAAS: I would motion to uphold the finding on the appeal, finding the driver responsible for the violation. I would make a recommendation that the fine be reduced to \$100.

MR. SCALI: I would agree, so I will second that motion. So moved and seconded to find him responsible on sufficient facts, reducing the fine to a \$100 fine. Moved.

MR. HAAS: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: From November 24, Disciplinary matter with Spice and Rice with regards to Officer Munro. This is the situation where it was Halloween night which was the time change evening as well, where they were opened until -- past 2:00 a.m., and then they thought they could turn the clock back and go back to 1:00.

MS. LINT: But they don't have a 2:00 a.m. license, so they had to be open the whole extra hour.

MR. SCALI: Yes, 1:00 to 2:00.

MR. HAAS: They didn't get to 2:00 before it turned back anyway. I was getting confused why that was even considered as mitigation. It made it worse in my mind.

MR. TURNER: Have they applied for New Year's Eve extension?

MS. LINT: I don't know.

MR. HAAS: I'm particularly troubled by the fact that they were I believe deceptive. I don't think it was a matter of just being fearful. The fact that you have a bartender

running out the back door who's a relative was particularly troubling.

I think the officers met with some degree of resistance when they went in there trying to rectify what was initially called in as a noise complaint and then subsequently determined that they were open well beyond their closing time, and having entertainment going on when they don't have an Entertainment license.

So I'm inclined to want to impose a suspension for the violation. I would make a recommendation that we hold this suspension in abeyance for six months.

MR. SCALI: You recommend suspension of what?

MR. HAAS: I would go for two days.

MR. SCALI: And held for six months?

MR. HAAS: Held for six months.

MR. SCALI: Discussion?

MR. TURNER: No discussion.

MR. SCALI: The motion is to be held in violation.

MR. HAAS: Impose a suspension for two days to be held in abeyance for six months. Any future violations would impose the suspension.

MR. SCALI: And the facts in terms of being deceptive, not just fearful; that there were relatives running out the back door.

MR. HAAS: I think they were overtly trying to interfere with the officer's ability to deal with the complaint, as opposed to taking responsibility for the fact that there was a noise complaint and the officer responded. I think they were less than cooperative with the officers.

MR. SCALI: And they were open well beyond the 1:00 a.m.

MR. TURNER: Would it be wise to deny them a New Year's extension, if they should apply?

MR. SCALI: I think that probably might be a little excessive.

MR. HAAS: I would definitely caution them that if there's any violation on New Year's Eve then this two-day suspension will kick in. So they have to be particularly mindful, if they do

request an extension that they're kind of on the hook a little bit. Hopefully it will prove to be a successful event for them, but at the same time, we're not going to have any more problems at the restaurant.

I think we have a little bit more leverage from the standpoint that they understand it's well within the six-month suspension period, and in fact, there is a violation, or any impropriety, in the event that they do apply for the extended license, then it's going to have an impact on them.

MR. SCALI: So the motion then is a two-day suspension held for six months in abeyance with the facts as stated, if any future violations, the two days will be imposed, with a caution on New Year's Eve to them, if they choose to apply.

Moved.

MR. HAAS: Moved.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

MR. SCALI: That's it?

MS. LINT: That's it.

MR. SCALI: Thank you all.

Motion to adjourn.

MR. HAAS: Motion.

MR. TURNER: Seconded.

MR. SCALI: All in favor?

MR. HAAS: Aye.

MR. TURNER: Aye.

(Whereupon, the proceeding was
concluded at 12:44 p.m.)

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS
BRISTOL COUNTY, SS

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

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

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

In Witness Whereof, I have hereunto set my hand this 29th day of December, 2009.

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

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