CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT C. HAAS

ASSISTANT FIRE CHIEF GERARD MAHONEY

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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

DATE: January 7, 2014

TIME: 6:00 p.m.

INDEX OF AGENDA

AGENDA MATTERS	PAGE
DISCIPLINARY:	
THE WINDSOR INN	3
APPLICATION:	
SHAKE SHACK	54
APPLICATION:	
LEGAL SEA FOODS	61
APPLICATION:	
PARSNIP	65
APPLICATION:	
STREATS, LLC	89
APPLICATION:	
FELIPE'S	111
APPLICATION:	
SLAWDOG	106
APPLICATION:	
ASSOCIATION OF NOTRE DAME DE CAMBRIDGE	160

P R O C E E D I N G S

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EXECUTIVE DIRECTOR ELIZABETH LINT: Okay, good evening. This is License Commission's General Hearing, Tuesday, January 7, 2013 at 6:00 p.m. We are in the Michael J. Lombardi Building, 831 Mass. Ave Basement Conference Room.

Before you are the commissioners Chair Andrea Jackson, Police Commissioner Robert Haas and Fire Chief Gerald Reardon.

DISCIPLINARY: THE WINDSOR INN

EXECUTIVE DIRECTOR ELIZABETH LINT: The first matter is disciplinary. Da-Ya Group, Inc. The Windsor Inn, Marc Shulman, manager, due to a request from the Fire Department for violation that include missing and expired extinguishers, people living in basement with partitions set up

using 6 foot picket fence, fire in trouble, missing CO detectors on all floors and excessive combustible storage in the basement.

I don't see Marc or Patty here.

CAPTAIN CAHILL: Over here.

CHAIR ANDREA JACKSON: Please come forward.

Thank you.

Could you please state your name for the record spelling your last name please.

MARC SHULMAN: Marc Shulman, S-H-U-L-M-A-N.

CAPTAIN CAHILL: Captain Tom Cahill, C-A-H-I-L-L, Cambridge Fire.

CHAIR ANDREA JACKSON: Captain Cahill, I would like to hear from you first, please.

CAPTAIN CAHILL: Mr. Shulman owns a B&B at 85-87 Windsor Street, as a result of it being

B&B he's required to have quarterly inspections by local fire companies. So randomly every quarter they arrive anywhere during working hours between 7 a.m. and 7 p.m. and they are there to inspect life safety issues throughout the building.

The past ten quarters -- I went back as far as the past ten quarters. And I am noticing an alarming trend of problems. Of reoccurring problems.

They will be addressed and then two quarters later they are the same problems. It is never one problem. It is always a combination of problems.

Notification has been made to Inspectional Services. The Cambridge Fire Prevention Office has been notified in addition to these quarterly reports, which get submitted

to our office.

The most egregious of the violations is evidence of people living in the basement.

The sleeping areas are separated by 6-foot picket fences. And the room was divided -- the two follow-up inspections I did, the room was divided into three separate sleeping areas evident by dressers, clothes, made beds.

On both occasions the manager acknowledged that they were temporarily staying down there but they would not stay down there anymore.

I think the concern that we have, and we try to give everybody in the city the benefit of the doubt, when they say they will work with us, we try to work with people.

I think we are at a point right now where the same problems are reoccurring. And one of my

concerns is the sprinkler system. It is a sprinklered building.

These sprinkler systems are designed for certain loads. And in the case of Mr. Shulman's where you have an excessive fire load in a basement, it is very easy to overwhelm a sprinkler system rendering it useless.

The reason people are living in the basement is because all of the rooms are rented out. It is a fully-occupied building.

So I don't want to take away from any of the other violations, which include missing, nonfunctioning carbon monoxide detectors, missing and taped smoke detectors in some cases. The incorrect extinguishers, extinguishers that have expired. Emergency lights that have not worked. Blocked egresses.

And again, over the course of the past

ten quarters, nine of the quarterly reports have addressed, at a minimum, of one safety violation.

I felt at this point it was time to request a hearing.

All of the inspection reports were acknowledged by the manager on duty. They were all signed. I have copies of all the signed reports. And on both cases, where the sleeping quarters had been put back in, I followed up with my own inspection in addition to the quarterly inspections by the companies.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do you have a copy for the file?

CAPTAIN CAHILL: You can have this one here.

CHAIR ANDREA JACKSON: Mr. Shulman, can you address the violations please?

MARC SHULMAN: All the violations on the

list have been taken care as of today as far as I know.

They did a walk-through inspection this afternoon.

The emergency lights batteries were replaced. The fire extinguishers that were expired were removed. The clutter in the basement that was combustible was removed.

There's no more evidence of sleeping quarters in there.

There are linens and bedding and pillows in the basement stored there for the guests upstairs but they are not being utilized for sleeping quarters.

The smoke detectors that was covered, was covered during a repair which involved drywall and paint and that was to avoid the smoke setting off the alarm.

CO detectors were installed as per the code, first and second floor. I have receipts for those.

And what else was there?

CAPTAIN CAHILL: You have to address the Chair for that.

POLICE COMMISSIONER ROBERT HAAS: Emergency lighting.

MARC SHULMAN: Emergency lighting was replaced.

The batteries were replaced with new ones. We went down the list and they were there last week checking off the items on the list and I went shopping and got all the parts that were required for the inspection.

POLICE COMMISSIONER ROBERT HAAS: When you say they were last week, were you referring to your staff or the Fire Department?

MARC SHULMAN: The Fire Department was there last week or the week before and they had another follow-up inspection, and today was the latest inspection that happened this afternoon, to acknowledge we had done what we had confirmed.

POLICE COMMISSIONER ROBERT HAAS: Is that the case?

CAPTAIN CAHILL: We did go by today. It wasn't to confirm all that had been done. It was just to get our eyes on it again prior to the meeting tonight.

There's still issues that need to be addressed.

The sprinkler -- somebody built a wall in the basement, which would be the back side of what I call a bedroom. The sprinkler head is behind that wall. So that's sprinkler head that

was designed to protect the basement is now obstructed by a wall.

My concern is that it took a request for a disciplinary hearing to get this list done. And in the past ten quarters we had issues.

Those issues have been rectified on follow-up inspections but the following inspection after that we either have the same problems or different problems. And that's our concern.

FIRE CHIEF GERALD REARDON: It would appear from all these reports that the use of that area as an overflow or sleeping area or temporary area has been going on for awhile these go back to '11, 2011.

It looks like this has been used as an overflow area for some period of time based upon the reports we have.

MARC SHULMAN: There's a lot of storage there for sure.

FIRE CHIEF GERALD REARDON: I'm talking really about the sleeping area.

And that can't happen. And you know, these have to get done on the quarterly reports.

The other thing you are jeopardizing the people who are sleeping in this place by doing some of these things.

And that's not going to continue.

The fact that we had to bring it to this level before it got done, it should have been done a long time ago.

You are responsible for this place. Your insurance company won't pay you for any damages if you are in violation with us. So you are risking a lot.

I understand economic times are tough but

it can't continue.

As far as I'm concerned, depending on what we do here tonight, you are jeopardizing whether or not we should revoke your license because it can't and it won't continue.

MARC SHULMAN: Got you.

FIRE CHIEF GERALD REARDON: I understand the pressures of trying to do something or maybe even renting a room and using it because of the -- I understand the pressures. But you can't take these chances.

Not to sound like a pun but you are playing with fire in terms of an issue.

So I guess I have to ask you, why is it that they keep reoccurring? And you seemed to have corrected a lot of them because of this issue tonight. But is there some reason you didn't get it done earlier? It is not like

there's tons of money involved.

MARC SHULMAN: You mean as far as removing the clutter?

FIRE CHIEF GERALD REARDON: The violations, right.

It is pretty unequivocal, looking at these reports, that it was being used as a sleeping area on numerous occasions.

Maybe not every day and every night but it was being used as a sleeping location.

MARC SHULMAN: Yeah, obviously, it can't be used that way.

We often don't have a place to sleep so we book all the rooms out and then it ends up being myself or a partner crashing on the extra bed.

FIRE CHIEF GERALD REARDON: And I pretty much can understand that, but that's not

acceptable. It is not acceptable. You can't be down there.

MARC SHULMAN: Understood.

FIRE CHIEF GERALD REARDON: You are the license holder or you and your wife are the license holders of this building, why should I assume that you are going to do anything better now than what you have done for the past almost three years?

MARC SHULMAN: I mean, we'll eliminate all the --

FIRE CHIEF GERALD REARDON: Why should I trust you to keep this license?

MARC SHULMAN: I have been in the area for 23 years. Obviously, this has been recent issue we have had.

FIRE CHIEF GERALD REARDON: This is like three years of this.

Obviously, they put down you are very cordial to them, but you keep re-offending. You are constantly pushing the envelope with this all the time.

We brought it your attention. It should have been done the first time when we said, Look, this is risky, you can't do this and stop it. But it is constant.

You are a repeat offender based on this stuff and we brought you here tonight because this has a heavier hand. We could have taken you to court and we haven't.

You are not working with us.

So what are you going to tell me tonight that makes me feel as though -- because I'm the enforcement agent for this and I'm responsible. Why I should trust you in the future?

MARC SHULMAN: There's a problem we have

to address and it has to do with certain family members that are also co-owners of the building that continue to create this combustion that I have to move out of the house.

The house is not solely owned by myself and my wife. It is owned by the family.

And the family tends to put things down there that I have to explain back in Mandrin Chinese what's going on. But I'm the figurehead that has to come to these situations because I'm the one that communicates in English.

I know you look at me as the offender, but honestly, I'm dealing with both sides of it and I'm not happy with the situation the way it is.

I don't like having this clutter. I don't like having this risk because I live in the building. I don't want to risk my life.

FIRE CHIEF GERALD REARDON: And, obviously, you have a paramount responsibility with guests staying there that they are not in peril and you are responsible for their lives when they are in there. And whether or not you have to turn around and translate back --

MARC SHULMAN: I'm dealing with a mortgage and leasehold relationship with the rest of the family and none of them take any of the responsibility for the problems but they want the benefit of the compensation.

They throw it on my lap, and obviously, I run a couple businesses in the city. I have been doing it for years.

I can assure you I'm the most responsible member the family to address issues.

FIRE CHIEF GERALD REARDON: You're telling me you have extreme difficulty

controlling this.

The answer would be for us to possibly say then we just revoke the license and the problem is solved.

MARC SHULMAN: I have more control now than I ever had. And that's why things were cleared up as quickly as they were after the last situation.

It is more about family leverage, you know, allowing that correction to happen. They have more incentive to work with me now than ever.

CHAIR ANDREA JACKSON: If I can interject.

But the issues that I'm looking at, it goes beyond clutter. We are talking about missing and expired fire extinguishers.

That's not clutter.

MARC SHULMAN: Those extinguishers were clutter from the previous restaurants that w closed down.

In the course of last six months, we closed two restaurants and we accumulated a lot of the debris from the restaurants without sorting through it.

They weren't for the building. They are additional clutter from the clean-out of the two restaurants.

So the tag on that -- what he brought up, that was from a previous restaurant we brought over to the space and it was in the storage. We threw away a lot of that clutter over the last couple weeks.

But processing two restaurants at the end when you have limited time to do so, that's what created all the mess and combustion but that was

not attached to the building per say. That particular extinguisher was part of the clean-out.

CHAIR ANDREA JACKSON: Then what about the missing CO detectors on all the floors?

MARC SHULMAN: They are present.

One of them was going off and it was unplugged, but it was present on that floor. It just wasn't plugged into the outlet where it was originally put. I tested it. It proved to be detective. I had it replaced.

FIRE CHIEF GERALD REARDON: And I'm sure that's why it was unplugged.

MARC SHULMAN: I wish someone wouldn't have unplugged it. They moved it to another part of the room that I didn't see it, so I bought a new one.

POLICE COMMISSIONER ROBERT HAAS: I'm a

little confused because during your testimony to the Fire Chief you indicated that you are going to have to move out.

If you move out, who will run the establishment?

MARC SHULMAN: It would be my desire in the future to have an innkeeper as opposed to being a resident.

POLICE COMMISSIONER ROBERT HAAS: Will the family support that?

MARC SHULMAN: The family will get bought out. Having partners is not the most easy thing to deal with.

POLICE COMMISSIONER ROBERT HAAS: Who will be running the establishment while you go through this transition?

MARC SHULMAN: I'm still running the establishment. I'm still on the premise. I'm a

resident.

POLICE COMMISSIONER ROBERT HAAS: I'm just trying to figure out how all these violations took place.

It didn't happen over the course of a day or two. It happened over a period of time between extinguishers and emergency lights and CO detectors.

So nobody has been attentive to that during the course of -- let's just say this last quarter alone, let alone the nine quarters that the Captain talked about.

So, in my view, nobody is monitoring that. You say you have been there. You are living there. I'm trying to figure out who is taking responsibility.

MARC SHULMAN: I monitor the annual reports for the fire alarm systems.

I sign-off on the inspections.

I test the emergency lights. Three of them went in the same period. I replaced those. When it comes to clutter, I'm --

POLICE COMMISSIONER ROBERT HAAS: But you didn't replace them until after the inspection took place and you were found in violation of that as opposed to taking it upon yourself to do that, right?

MARC SHULMAN: Those were discovered to be -- was that during the inspection or was it after?

CAPTAIN CAHILL: The extinguishers?

MARC SHULMAN: No. The emergency lights.

CAPTAIN CAHILL: The emergency lights were noted a couple times.

Extinguishers, you have the one-time disposable extinguishers. You can't have those

there.

On a separate note, if you have fire extinguishers, even from a restaurant, they give the appearance to anybody in that basement doing laundry that it's a functioning fire extinguisher, which is problematic in itself.

I understand it may be left over from a restaurant, but the fact that it is sitting there accessible to someone and not functioning, would put somebody in harm's way.

MARC SHULMAN: So it should be disposed of?

POLICE COMMISSIONER ROBERT HAAS: Or removed.

FIRE CHIEF GERALD REARDON: Some of them are capable of being refilled. Most of them, are one time, once they expire, you have to dispose of them.

MARC SHULMAN: The one that was expired was the ABC -- the ABC one. I would just replace it. It is a standard issue.

POLICE COMMISSIONER ROBERT HAAS: So I mean, it is not -- you know, the Fire Department's inspections are designed to be an affirmation that you are in compliance with all the code and all the life safety issues.

It's not to come in, and whether it is quarterly, or nine quarters later, saying you are in constant violation here. It is not their job to find the violations. They are there to make sure you are running a safe establishment.

But what you relying upon is the fire department to find these violations and you are reacting to their inspections.

That's not a responsible way to run that business.

And again, the greater issue here, quite honestly, is you are jeopardizing your guests' safety by not making sure all those safety pieces of apparatus are operational and functioning.

I'm still at a loss, if you say you live there, that you can go that period of time and let's say 30 days, emergency lighting, as soon as an emergency light goes, in my mind, as innkeeper, you are responsible to replace it immediately and not wait for 30 days and wait for three of them to go out of service.

I'm really confused as to how this condition occurs over and over again. And, in fact, the Fire Chief's question, how are we reassured that we are not going to walk out of here and during the course of next week something else goes wrong and you don't take care of it until the next quarterly inspection?

MARC SHULMAN: I would say we propose to do a safety inspection inhouse. That would be a check-off list we do internally before you come in to address the issues prior to any inspections.

POLICE COMMISSIONER ROBERT HAAS: You can't be waiting for the inspections to take the corrective action.

My view is you, are supposed to be -- as a responsible innkeeper, you are supposed to, as things break, you fix them. Particularly life safety issues.

I'm not getting a sense that -- it is not a matter of the inspection. It is matter of making sure you are running a safe establishment.

MARC SHULMAN: Understood.

POLICE COMMISSIONER ROBERT HAAS: I'm not

sure if that's really the case.

FIRE CHIEF GERALD REARDON: The problem we have is, if you don't have control, or whatever your involvement is and you are there, I mean you should be aware of what is going on because you live there.

And secondly, if you have no control over this, then that gives me further cause of why we should allow anyone to continue there to operate.

I mean, why should I turn around and all of a sudden thank you because of this hearing that I'm going to get compliance.

We are not talking about -- we didn't ask you to put in a $15,000 sprinkler system or something that was economically burdensome.

These are nickel-and-dime things in terms of the overall operation.

And it is quite obvious to me, you can refute this if you'd like, when it gets busy and you can rent a room, you rent a room and you wind up going to the basement, and that can't happen.

MARC SHULMAN: I agree.

FIRE CHIEF GERALD REARDON: And from looking at this, it's happened time and time again.

And even though you have been made aware of it, you were warned, you think that the economic value or gain of this is worth the chance.

MARC SHULMAN: Okay.

FIRE CHIEF GERALD REARDON: Again, I'm sitting here tonight thinking, do I even make a motion that you even continue to have a license. Do we revoke it and solve the problem. And if

not, what assurances do we have that you are going to change all of a sudden, when all of these indicate for three years that you haven't changed.

You are polite and all that, but it is not getting done.

MARC SHULMAN: It will get done.

CHAIR ANDREA JACKSON: But it hasn't been done before.

What makes this time any different?

MARC SHULMAN: As far as the?

CHAIR ANDREA JACKSON: All of the violations.

So it is clear from Captain Cahill's testimony there's been violations throughout. They are fixed perhaps for a moment but then you revert right back.

What makes today any different from any

other day?

MARC SHULMAN: We have secured control of the establishment. We've secured equity control so now we have full control what is happening in the building.

CHAIR ANDREA JACKSON: So equity control means taking tape off a detector?

I'm not understanding that.

MARC SHULMAN: No.

I was saying they were bagged during the renovation.

But we have physical and financial control of the building and we have the ability to remove certain partners that create the problems.

CHAIR ANDREA JACKSON: When was the renovation?

MARC SHULMAN: We are constantly

renovating, sanding down and painting. Every time we do a room over, we paint it and do drywall.

CHAIR ANDREA JACKSON: When was the tape removed?

MARC SHULMAN: Which tape?

CHAIR ANDREA JACKSON: From the detector.

MARC SHULMAN: I'm not sure which detector you are referring to.

CHAIR ANDREA JACKSON: You said -- it was noted here that there was tape on one of the detectors. You said that the tape was removed. And it was there because of work being done.

MARC SHULMAN: Yeah. Every time we have --

CHAIR ANDREA JACKSON: When was the tape removed?

MARC SHULMAN: Recently after it was

noted.

We will tape up all the surrounding smokes that in the region so when you are sanding or creating dust, it doesn't set off the alarms.

The other opportunity would be to call the alarm company and have them put it on test but we rather not put the system on test because it puts the building at risk. So we often bag the surrounding.

If you create dust in an area, if you are cutting pipe or sanding down a wall, you have to eliminate the possibility that it will set off the alarm.

CHAIR ANDREA JACKSON: You are saying recently. But in 2012, was that the same case? Because in 2012 it was noted the smoke detector on floor 2 needs to have tape removed.

Again, is this an ongoing recurrence?

MARC SHULMAN: We repaint on a regular basis. We paint and sand and do the rooms over on a consistent basis. It may have been reapplied.

FIRE CHIEF GERALD REARDON: Just so you understand, when you call the alarm company to put it on test, it doesn't stop the alarm system from functioning in the building.

It simply stops them from making an automatic notification to the Fire Department.

So it is not like it disables it or shuts it down and mutes it. It doesn't.

And most of the time to put it on test, you have to have an alarm tech code. Usually the owner is not allowed to put it on test.

MARC SHULMAN: So when you call in to have something worked on or you're replacing --

one the alarms goes bad and you want to replace it, the company told us to call in and put it on test.

FIRE CHIEF GERALD REARDON: They can probably do that. It is a short-term thing. It will not stop the alarm from going off if triggered.

POLICE COMMISSIONER ROBERT HAAS: I am not getting a sense, going back to the Chair's question, that you understand it is your responsibility to do this in realtime and be proactive with respect to life safety issues here.

And it is not a matter of trying to make sure that you can pass the next quarterly inspection. I think it is just good business practice.

And I'm not getting a sense that you

understand that other than the fact that you are assuring us that the next time of an inspection you will be able to pass it.

What will happen between now and the next inspection? What are you going to do to make sure that you don't -- like I said, these conditions didn't all happen at once. They happened over time.

So these are -- it shows me a series of neglect with respect to taking just basic prudent safety measures, going around checking CO detectors, emergency lighting, making sure the alarm system is working problem. Or if you are doing maintenance work, when you are disabling an alarm, putting it back in service right away.

It shouldn't take a fire inspector to come in and say, Hey, you need to take the tape off that so the alarm system can function.

That means it has been sitting there for however long you were painting and you left it there. Not you. I'm using the collective "you" for whoever who did it.

MARC SHULMAN: I should have gone back after the painter was there and made sure they removed it.

POLICE COMMISSIONER ROBERT HAAS: I understand what you should have done.

My question is: What are you going to do to make sure you don't find yourself in this situation, so we don't have a 10th quarter, 11th quarter, 12th quarter where there's a series of failures noted?

And I'm not getting a sense from you that are will change your practices in a meaningful way so that you take responsibility for making sure that all these things are held in

compliance, and again, it is reaffirmation when the Fire Department comes and says, Everything's okay, you are up to code, right?

It sounds to me what you will now wait for is the next fire inspection and then you will correct whatever the issues are.

You should find them on your own. It shouldn't be up to the Fire Department, right?

MARC SHULMAN: Right.

POLICE COMMISSIONER ROBERT HAAS: So tell me, what will you do?

What practices will you change so you will not find yourself in the next quarter in this situation again?

MARC SHULMAN: I was going to set up protocols, aside from the inspection reports, that check off each of the potential hazards and/or safety issues, and we will have our own

systematic check-off that will be more proactive and more frequent than the three-month inspections.

We'll have an internal -- we will set up an internal inspection for myself, the innkeeper, to do a walk-through of each of the key issues to make sure that safety is not an issue.

CHAIR ANDREA JACKSON: Quite frankly, I feel like you are sitting here winging it.

I feel there's no plan set in place, and because we are asking the questions, you are answering us, but I feel there's no plan put in place.

I feel like you are literally sitting here and winging it in terms of your responses.

MARC SHULMAN: I don't know if I was prepared for the questions that were going to be asked.

But like I said, I'm answering them as they come at me.

FIRE CHIEF GERALD REARDON: So you are indicating -- so the Da-Ya Group, Inc., you're saying are going to change the corporation running this place? Or will you be back here saying there's a change of business name or change in corporation?

MARC SHULMAN: Change in ownership equity.

We are going to acquire the rest of the ownership of the company so I could have more control over decisions when it pertains to --

FIRE CHIEF GERALD REARDON: It still will be the same corporate name but you will have better control?

MARC SHULMAN: Majority control of it.

POLICE COMMISSIONER ROBERT HAAS: You are

the manager of record, though, right, so it is your responsibility.

MARC SHULMAN: Yes.

But I'm not 100 percent owner of the building.

POLICE COMMISSIONER ROBERT HAAS: But you are the manager of record so it falls to you.

MARC SHULMAN: Yes.

FIRE CHIEF GERALD REARDON: I would imagine the partnership, had they been here tonight, and realized there's a good chance that they are going to lose all their equity in this place because the license is a privilege and the privilege has been abused, and again, I ask the same question, I'm sitting here just wondering why I should even trust anyone to go any further.

If I had thought, if you were coming into

this tonight, I would have turned around and thought you would have had something like a schedule for us, Hey, this is what we are going to do. We understand the severity. This is our plan. I want to show you how we are going to do this.

And as the Chair said, you are winging this tonight on trying to give us what we would like to hear.

MARC SHULMAN: If the Board would be so kind, I would prepare a schedule for them what is to be expected going forward and have it available for the next possible meeting.

FIRE CHIEF GERALD REARDON: You know, I guess, at the very least I'm looking at a suspension. Suspension of operation of your license.

If you want to convince us why I should

hold it in abeyance or something, but you know, the next strike is out. At least on my part. And I am going to be back here. And I don't want to hear anything the next time. It's over.

And my motion is going to be to revoke the license because I can't be responsible for the people who rent this place unless I'm convinced there's some sort of person in charge who is looking out for the individuals.

This is a very, very high charge in terms of life safety. It is not trivial.

It may not happen today or tomorrow, but when it happens, it is usually devastating. And I can't go on taking that chance here. So at the very least, I'm looking at a suspension.

CHAIR ANDREA JACKSON: Want to make a motion?

Unless there's further comment.

POLICE COMMISSIONER ROBERT HAAS: No further comment on my part.

CHAIR ANDREA JACKSON: Anyone here from the public that would like to address this matter?

Seeing none.

FIRE CHIEF GERALD REARDON: I guess what I'm going to look at is a two-week minimum, two-week suspension for operation. And will entertain holding that in abeyance if you get back to us within the next week, back to the License Commission, on what you -- and you need to copy the Fire Prevention Bureau.

The next time something happens on this, though, it will be the end of it. I don't know how you convince your shareholders or corporate people or corporate staff how this is, but I can't take a chance.

MARC SHULMAN: I understand.

FIRE CHIEF GERALD REARDON: I think I'm being very lenient on this right now.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have a question, if you are going to hold it in abeyance, at what point what it be determined that -- my recommendation would be to take it under advisement and have him submit the plan, and then if you feel confident or comfortable with that, because otherwise you would be voting for a two-week suspension of operation that you would consider holding in abeyance after he reported the back to the License Commission and Fire Prevention with a plan, so that would be hard to --

FIRE CHIEF GERALD REARDON: To enforce.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah.

POLICE COMMISSIONER ROBERT HAAS: So I

have a question, so if you are going to wait until the next decision meeting, I mean there has to be a record that there's a violation significant enough as a result of tonight, regardless whether or not we impose a suspension. We need that baseline if, in fact, there's another violation, and to your point, Chief, we're gonna ahead with revocation.

So I want to make it clear on the record that we are finding that there's significant violations here that we deem that disciplinary action is appropriate, and if you do, in fact, want to make a modified recommendation that you hold it in abeyance until the next decision meeting, and if the plan is not acceptable, you will -- I guess you are intending to impose that two-week suspension at that point.

FIRE CHIEF GERALD REARDON: Yes. In a

lodging house, a one day, two day is difficult with guests and so forth.

POLICE COMMISSIONER ROBERT HAAS: I'm not questioning the duration. I think the duration is fine.

In fact, quite honestly, if you just wanted to go ahead with two-week suspension tonight, I was gonna support it.

But I defer to you in terms of what you think is the best approach.

At the very least, I think we have to demonstrate there's been a finding of a significant violation here and it is, in fact, gonna result, regardless of what happens with that two-week suspension, it's gonna require a response next time.

CHAIR ANDREA JACKSON: Can we break it up to two separate motions?

We make a motion first we find him in violation. Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Seconded.

CHAIR ANDREA JACKSON: All in favor signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Any opposed?

The second piece we can talk about discipline.

Do you want to take it under advisement until we receive significant documentation?

FIRE CHIEF GERALD REARDON: Yeah, we can do that. Depending how long --

CHAIR ANDREA JACKSON: I want to set a deadline. Documentation one week from today.

EXECUTIVE DIRECTOR ELIZABETH LINT: We

could, instead of waiting for the decision making hearing, put it on the next scheduled License Commission hearing instead of waiting until end of February.

FIRE CHIEF GERALD REARDON: Right. I don't want a whole period of time to go by.

CHAIR ANDREA JACKSON: That's in two weeks?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR ANDREA JACKSON: Do we still have time to advertise?.

EXECUTIVE DIRECTOR ELIZABETH LINT: We won't have to advertise. That would be the 21st.

CHAIR ANDREA JACKSON: I want the documentation before then.

So I make a motion that we take this matter under advisement for discipline pending receipt of documentation one week from today.

No extension will be granted.

Documentation will be sufficient to the Fire Chief.

MARC SHULMAN: Who should I deliver it to?

CHAIR ANDREA JACKSON: To the License Commission.

Is there a second on the motion?

POLICE COMMISSIONER ROBERT HAAS: Before I second, I want to make it very clear that it's subject to the approval of the Fire Department's sign-off.

So if you submit a plan and they don't find it wholly acceptable, in my mind that still doesn't meet the requirement that the Chair proposed.

I want to be clear you have an obligation to hopefully put your best work product forward

and then stick to by what you are going to do and get the approval from the Fire Department that's acceptable.

Simply submitting a plan doesn't satisfy what, I think, the Fire Chief is asking for.

MARC SHULMAN: It has to be approved?

POLICE COMMISSIONER ROBERT HAAS: And it is subject to the Fire Department's approval.

I second the motion.

CHAIR ANDREA JACKSON: All in favor signify saying aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: Aye.

Any opposed?

FIRE CHIEF GERALD REARDON: We'll put it on the docket for the 21st.

APPLICATION: SHAKE SHACK

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Shake Shack, Harvard Square Boston, LLC d/b/a Shake Shack, Daniel Taven, manager, holder of an all acholic beverages as a restaurant license at 92 Winthrop Street has applied for a change of manager to Jamie Broe.

ATTORNEY JAMES RAFFERTY: Good evening, Madam Chair, members of the Commission.

For the record, my name is James Rafferty R-A-F-F-E-R-T-Y. I'm an attorney with law offices of Adams & Rafferty located at 675 Mass. Ave in Cambridge.

I'm appearing this evening on behalf the licensee, Shake Shack Harvard Square Boston, LLC.

To my right is Ms. Jamie Broe B-R-O-E. Ms. Broe is the proposed manager of the location.

The Commission may be interested in

learning on the the day of the snowstorm, Thursday, Harvard Square opened its Shake Shack. The second Massachusetts location.

Ms. Broe is a native of Vermont. She finds all this weather quiet temperate. She walked here to the hearing. We told her we don't do that when it is below freezing.

Ms. Broe has submitted her resume. She's a graduate of Champlain College in Vermont. She was in the hospitality and restaurant management program. She has several years' experience as restaurant manager in Vermont. Also in Seattle, Washington. She only recently has gone to work at Shake Shack.

You recall this is the former Om license that was inquired by Shake Shack through a bankruptcy proceeding.

It is an all alcohol 2 a.m. license;

however, in Shake Shack's case they are only exercising the beer and wine portion of the license and they are not staying open beyond 1 a.m.

But at any rate, the premises is, as I said, recently completed construction after several months and they picked up their licenses and they have begun operations. So they are about five days into it. And Ms. Broe is going to be the manager of the location pending your approval.

POLICE COMMISSIONER ROBERT HAAS: Seven days a week?

ATTORNEY JAMES RAFFERTY: Yes.

POLICE COMMISSIONER ROBERT HAAS: I haven't had the benefit of seeing the resume.

Can you go over your background please.

JAMIE BROE: I graduated in 2009 from

Champlain College with a hospitality and restaurant management degree and moved to Seattle. I was offered a position doing corporate events for Microsoft. And soon after the economy crashed, and I found myself working at a tech association in marketing for two years and hated it. Met some great people, but it was a desk job and got into the restaurant after that.

So I've worked for Sugar Mountain, which is based in Seattle. But they have Beatrice Cheese located in New York City and then several locations in the Seattle area.

And then was most recently I also work for Sprinkles Cupcakes in Beverly Hills, and then most recently for The Farmhouse Restaurant Group in Vermont. So I moved back to the East Coast, had an ill family member and helped out at home

for awhile while also being a GM of a restaurant and here I am.

POLICE COMMISSIONER ROBERT HAAS: Have you ever held a liquor license in your name before?

JAMIE BROE: Not in my name. I have been the GM in of several establishments, but I was never the opening GM or any had it in my name.

I have a trainer for alcohol programs in Seattle and Vermont.

So the way their programs worked is you go through an extensive program and you are able to train your staff on-site in both of those states. I did do that.

FIRE CHIEF GERALD REARDON: So a number of these establishments you worked in had liquor licenses?

JAMIE BROE: Yes

FIRE CHIEF GERALD REARDON: How about the cupcake business?

JAMIE BROE: (Smiling) no. We have a margarita cupcake though.

ATTORNEY JAMES RAFFERTY: I explained to Ms. Broe the training requirements associated with the management. And while she has comparable training in Vermont, and is, in fact, herself a train herself in responsible service, I fully would anticipate she would comply with and apply for the program running by the License Commission.

JAMIE BROE: I've heard of TIPS. I've only lived here six weeks, I'm very new to Shake Shack and to the area but I do know about that program.

POLICE COMMISSIONER ROBERT HAAS: It is 21 Proof in Cambridge, not TIPS.

JAMIE BROE: Got you.

ATTORNEY JAMES RAFFERTY: TIPS is probably a trademark.

FIRE CHIEF GERALD REARDON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: I make a motion to approve.

Anyone here from the public that would like to speak on this matter? I'll remember that.

Seeing none, I make a motion to approve.

FIRE CHIEF GERALD REARDON: Seconded.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

ATTORNEY JAMES RAFFERTY: Thank you very much.

EXECUTIVE DIRECTOR ELIZABETH LINT: I meant to say the background was fine. No issues.

APPLICATION: LEGAL SEA FOODS

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Legal Sea Foods, LLC d/b/a Legal Sea Foods, Joseph Deagle, manager, holder of an all acholic beverages as a restaurant license at 20 University Road and 5 Bennet Street has applied for a change of manager to Chelsie Foster.

ATTY. RICHARD HELLER: Good evening, Madam Chair. Richard Heller, senior vice president, general counsel Legal Sea Foods.

And Chelsea Foster is the applicant for the manager of the license -- for the two

licenses at Charles River -- I mean Charles Square.

CHAIR ANDREA JACKSON: Okay, you can proceed.

ATTY. RICHARD HELLER: She has been with Legal Sea Foods since 2008 and I will let Chelsea describe her experience at Legal Sea Foods and how long she has been a manager of the Charles River restaurant.

CHELSIE FOSTER: I started working for Legal Seafoods in 2008 as a host part-time while I was in college and I graduated from La Salle College with a business management degree in 2010

I became a manager for the company two years ago and was immediately placed in the Charles Square location.

So I have been in Cambridge for two just over two years now.

POLICE COMMISSIONER ROBERT HAAS: When you say you are the manager, you weren't the manager of record for the alcohol license, right?

CHELSIE FOSTER: I'm looking to be. I'm the assistant general manager.

POLICE COMMISSIONER ROBERT HAAS: Okay. The license right now is not in your name, the liquor license, you weren't running --

CHELSIE FOSTER: It is not in my name at this time, that's correct.

FIRE CHIEF GERALD REARDON: You have been at Charles River how long?

CHELSIE FOSTER: Just over two years.

FIRE CHIEF GERALD REARDON: Two years.

CHELSIE FOSTER: Yes.

ATTY. RICHARD HELLER: Chelsea has satisfied the 21 Proof training course.

We filed the certificate with the Board.

FIRE CHIEF GERALD REARDON: Did you ever have a liquor license in your name prior to --

CHELSIE FOSTER: No.

FIRE CHIEF GERALD REARDON: Do you have any experience prior to Legal Sea Foods in terms of establishments with liquor licenses?

CHELSIE FOSTER: No.

POLICE COMMISSIONER ROBERT HAAS: Background?

EXECUTIVE DIRECTOR ELIZABETH LINT: Fine.

POLICE COMMISSIONER ROBERT HAAS: I'm all set.

FIRE CHIEF GERALD REARDON: Make a motion to approve Chelsea.

POLICE COMMISSIONER ROBERT HAAS: Anyone from the audience --

CHAIR ANDREA JACKSON: Anyone here that would like to speak on this matter?

Seeing none.

FIRE CHIEF GERALD REARDON: I'll make a motion to approve Chelsea Foster as the manager, holder of the alcohol license at 20 University Road and 5 Bennet Street.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All in favor say aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: All set.

APPLICATION: PARSNIP

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Turnip, LLC, d/b/a Parsnip, Jeremiah Tracy, manager, has applied to transfer the all alcoholic beverages as a restaurant license held by upstairs On the Square, LLC, Mary

Catherine Deibel, manager, at 91 Winthrop Street. Said license, if transferred, is for 180 seats inside the 26 seats on a seasonal outdoor patio on the public sidewalk. Operating hours will be from 11:00 a.m. to 1:00 a.m. Monday through Wednesday 11:00 a.m. to 2:00 a.m. Thursday through Saturday and 10:00 a.m. to 1:00 a.m. on Sunday. Applicant is also applying for an entertainment license to include dancing, live music, music below at or above conversation level and a TV.

ATTORNEY ANTHONY GALLUCCIO: Good evening.

Happy New Year to the Commissioners and to you, Elizabeth.

My name is Anthony Galluccio, G-A-L-L-U-C-C-I-O. And I'm a partner with Galluccio & Watson at 1498 Cambridge Street in

Cambridge, Massachusetts.

JEREMIAH TRACY: My name is Jerry Tracy. I am the manager for Parsnip, Turnip and my address is 151 P Street in Boston.

CHAIR ANDREA JACKSON: Mr. Tracy, can you spell your last name for the record.

JEREMIAH TRACY: T-R-A-C-Y.

CHAIR ANDREA JACKSON: Thank you.

JEREMIAH TRACY: You are welcome.

ATTORNEY ANTHONY GALLUCCIO: Good evening, Madam Chair, if I could just proceed with a housekeeping matter just to give Ms. Lint the notifications and acknowledgements of the abutters.

We had no calls and no responses to those communications.

As was indicated, this is an application for a transfer for the establishment which is

known as Up Square on the Square. The applicant seeks no changes the existing license. Seeks the same entertainment concepts as were previously engaged in.

We have provided a menu. I'll let Mr. Tracy give more detail in terms of the concept. There's been a lot of conversation, and I'm a big fan on Upstairs on the Square, and I followed the whole sort've last six months, which a lot of folks participated in celebrating the end of a legacy. Obviously, this is a very historic location in Harvard Square.

I'm pleased that the transaction that led to this transfer application was a friendly one.

I think that the realty is that there was a desire by the current owners to wrap things up. This was an affiliate real estate acquisition which led to the decision to operate this

particular location. HMLV hospitality is a restaurant, hospitality entity, international entity, which is affiliated with the Chan family and this was a decision by them to take advantage of what has been a really historic restaurant opportunity The Square.

I'll let Mr. Tracy speak to the continuity and not of concept but we're excited about the ability to keep this going and continue to make it an asset to Harvard Square.

If there are no other questions generally, I would defer to Mr. Tracy to give a little background on concept.

JEREMIAH TRACY: Thank you.

We're really excited for this the space. I suppose it is bittersweet. We have a tremendous amount of respect for what Deb and Mary Catherine accomplished there in the 30-year

run. It's an iconic space and what they have done. So we want to respect that, and as Attorney Galluccio indicated, the hand-over was seamless and friendly and remarkable.

They are pulling for us and we're really happy for this. We are excited to get in the space and see what it can do.

What we are going to do is much of the same as far as the menu. The same type of foods, same style. Just tweaked a little differential.

We have a fantastic chef, creative, fun, and we want to take the space to a level that it deserves and respect what it was and it can be.

POLICE COMMISSIONER ROBERT HAAS: Can you talk about your prior experience.

JEREMIAH TRACY: I have been in the restaurant business for my entire life.

I started out with McDonald's and went into hospitality school at UMass Amherst. I thought I wanted to change my mind, got an sociology criminal justice degree.

I've worked every single concept possible from buffet to fast food to fast casual to full-service and the like.

So with alcohol, I have had experience with the Cheesecake Factory, and I've also had private experience in single mom-and-pop shops.

POLICE COMMISSIONER ROBERT HAAS: Can you talk about your role in Cheesecake Factory with reference to the license.

JEREMIAH TRACY: I was a senior manager there. I managed the bar and that was part of my tenure there.

FIRE CHIEF GERALD REARDON: Are you talking about the Cambridge location?

JEREMIAH TRACY: I actually trained in the Cambridge Galleria location and I opened the Prudential Center location.

POLICE COMMISSIONER ROBERT HAAS: Have you ever held a liquor license in your name before?

JEREMIAH TRACY: No, I have not.

We can go further into the menu.

We put together some thoughts and ideas and sample menu, Peter Quinu (phonetic) is executive chef. It will be classically-done food. He's French trained and he executes very well with simple ingredients and balance.

We'll have fish and seafood but some classic preparations as well. He's very much a farm-to-table chef. He likes to buy ingredients locally. He's all about eliminating waste in the restaurant. There's always something that can be

repurposed and redone and not wasted so we are of the same mindset.

ATTORNEY ANTHONY GALLUCCIO: Just through you to the Chair, I asked Mr. Tracy to elaborate on-farm-to-table and how that may interact with the concept.

JEREMIAH TRACY: So previously Upstairs on the Square had a fantastic relationships with local purveyors and they used a lot of locally-sourced ingredients. We want to do the same.

We'll probably use the same people but we'll use some of our own. We are about locally whenever possible, sustainable. We are going to enter into the Green Restaurant Association and make sure we are doing something that's along those lines with the certification and we just started to research it now.

FIRE CHIEF GERALD REARDON: You said this is exactly what the present license is in terms of requests for entertainment and hours of operation?

ATTORNEY ANTHONY GALLUCCIO: Correct.

And floor plan remains the same.

CHAIR ANDREA JACKSON: No changes to the floor plan at all?

ATTORNEY ANTHONY GALLUCCIO: Not at this point. You know, something being talked about, I've urged my client to make quick decisions on that if there are going to be. At this point there are none.

Obviously, the License Commission has been excellent in communicating -- as soon as we had a purchase and sale agreement we moved to the transfer.

The previous owners were really looking

to move quickly, but we, from a legal standpoint, needed to get a P&S in hand and then we moved immediately to the transfer piece so that we could get this moving.

Our goal is get the restaurant up and running under the new concept as soon as possible.

POLICE COMMISSIONER ROBERT HAAS: What is the time frame?

ATTORNEY ANTHONY GALLUCCIO: Realistically, summer. You know, fast tracking through the state agencies is probably spring. But I would say summer is the target.

POLICE COMMISSIONER ROBERT HAAS: So the restaurant is closed now until the new owner takes over?

ATTORNEY ANTHONY GALLUCCIO: When was the closing date?

JEREMIAH TRACY: Their final service was New Year's Eve.

EXECUTIVE DIRECTOR ELIZABETH LINT: There's one issue.

The license was originally a 1 a.m. license. They had applied at some point along the line to upgrade to a 2 a.m. license.

According to our rules and regulations, it reverts back to 1 a.m. when it is transferred. And in addition to that, the lease indicates that it can only be open until 1 a.m..

ATTORNEY ANTHONY GALLUCCIO: I guess the first question I would ask, the applicant can seek a 2 a.m. and we have sought a 2 a.m., correct?

It was advertised as a 2 a.m.

EXECUTIVE DIRECTOR ELIZABETH LINT: It was but it would have to be a request to increase

the hours to 2 a.m.

ATTORNEY ANTHONY GALLUCCIO: So, in any event, it would've been a request for an increase?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah.

ATTORNEY ANTHONY GALLUCCIO: The lease issue is not a major one. That's correctable.

But if that requires a second application, anyway, then that's not something we can deal with tonight.

We could deal with that through a subsequent application, and my biggest concern would be the Commissioners being disappointed I didn't handle it at once, but having heard that for the first time now, I might be excused from that. So we can handle that.

FIRE CHIEF GERALD REARDON: That's an assumption.

POLICE COMMISSIONER ROBERT HAAS: So the license is -- the request is being modified to a 1 a.m. at this point and you will come back and reapply for an extension?

ATTORNEY ANTHONY GALLUCCIO: I'm assuming we'll do that because, yeah, the assumption was it was a 2 a.m. and we -- the lease issue is unique to me.

CHAIR ANDREA JACKSON: What is the wording of it? I thought that the language of the lease gave the leeway that if was later than one --

EXECUTIVE DIRECTOR ELIZABETH LINT: Not exactly.

It says, "If as a result of tenant opening early or remaining open for business longer than normal operating hours of leased premise being deemed to be 9 a.m. through 1 a.m.

each day, landlord shall incur any additional costs and expenses and tenant shall reimburse landlord directly."

So it wasn't necessarily saying it could be open. It is just if it was.

ATTORNEY ANTHONY GALLUCCIO: If the Commission had the authority to approve the application as submitted subject to a lease revision, I would ask that you do that, if that's reasonable.

I'm sure that will not be an issue in terms of a lease amendment, but it would be easier to get that piece approved tonight rather than seek a -- in the public's eyes, it is a 2 a.m., and the public would perceive it as an increase and it would be difficult for me to explain that it really isn't but that it had to be replied for.

So if that was something we could do tonight subject to a lease revision, I would ask that.

FIRE CHIEF GERALD REARDON: It was advertised as 2.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

FIRE CHIEF GERALD REARDON: Personally I would not have an objection to that seeing it has been 2 a.m. and it was advertised as 2 a.m.

POLICE COMMISSIONER ROBERT HAAS: Can you do -- technically, effectively it's supposed to revert back to a 1 a.m. on a transfer and it would require a request for an extension beyond, it is almost like a two-step process, but you are doing it in one transaction.

EXECUTIVE DIRECTOR ELIZABETH LINT: But it is also one of those rules and regulations that in reality doesn't really make sense.

POLICE COMMISSIONER ROBERT HAAS: It doesn't make any sense. But it is a two-step process.

CHAIR ANDREA JACKSON: Is the building handicap accessible?

ATTORNEY ANTHONY GALLUCCIO: I believe so.

EXECUTIVE DIRECTOR ELIZABETH LINT: They have an elevator.

CHAIR ANDREA JACKSON: Are you good?

FIRE CHIEF GERALD REARDON: I'm good.

CHAIR ANDREA JACKSON: Any members of the public who would like to address this matter?

Please come forward.

Please state your name for the record.

DENISE JILLSON: Denise Jillson J-I-L-L-S-O-N. Executive director for the Harvard Square Business Association. And we are

here in support of this application this evening. Mr. Tracy has become a member of the association. They are been working closely with their teams in helping with the transition from our beloved iconic Upstairs on the Square.

Happy to report that Mary Catherine is now continuing to be a member of association. She's with Longy and she'll still be vice president of our board. That's the good news. We are delighted to welcome them and support them and hope you will vote in favor of their application.

Thank you very much.

CHAIR ANDREA JACKSON: Thank you.

Anyone else here?

Please come forward.

Please state your name.

CAROLINE KUELZER: Caroline Kuelzer,

K-U-E-L-Z-E-R. I'm the owner of Grendel's Den, which is a downstairs neighbor of the future Parsnip. I forgetting my root vegetables.

But I just want to say we are excited to have neighbors there again. It is a very dark lonely block without the Upstairs in space.

We would love to see them get up and running quickly. I met Jerry and he is a really wonderful guy. He knows what he's doing. He's the real thing.

One of my concerns which has to do with the patio application. I want to confirm we, Grendel's, has a patio space in front of the building and that their application is not to use that same piece of the sidewalk. In which case I don't have objections.

POLICE COMMISSIONER ROBERT HAAS: So does your application include an outside patio at this

point?

EXECUTIVE DIRECTOR ELIZABETH LINT: I believe it is the same patio.

JEREMIAH TRACY: There's an existing outside patio.

CAROLINE KUELZER: That currently has furniture on it.

POLICE COMMISSIONER ROBERT HAAS: Who is on the side of the building?

CAROLINE KUELZER: There's the side of the building on Winthrop Street. And Upstairs on the Square has traditionally used that as their patio space, and I'm merely confirming that's the same location in the application for Parsnip.

POLICE COMMISSIONER ROBERT HAAS: The other thing I caution you about is that there's been occasions when they pushed the barriers out into the walk area, that you need to stay within

the confines of the area defined for your seating. We had occasions where they pushed the barrier out.

JEREMIAH TRACY: I understand.

CAROLINE KUELZER: I have no other comment at all.

Welcome to the neighborhood.

CHAIR ANDREA JACKSON: Thank you. Can you tell me a little about the entertainment?

ATTORNEY ANTHONY GALLUCCIO: So the specific area in terms of potential dancing areas outlined in the floor plan, and Jerry, I will let you speak a little to it, and I think it is food related, special-occasion related, but having one of my clients getting into great detail about music instruments with the former Chair, I would caution my client to not be overly specific in terms of musical genre or instruments.

JEREMIAH TRACY: Got you.

So essentially we are hoping for the exact same arrangement that there was previously. There have been times when the entire facility has been bought for a wedding and there's been a dance floor.

We are not going to open a dance club every Friday, Saturday, Sunday night or anything like that.

Just having that availability, that option, is attractive to us. More for private parties or receptions, cocktail things or what have you. The ability to pop in a DJ on occasion and play the radio.

ATTORNEY ANTHONY GALLUCCIO: Through Madam Chair --

FIRE CHIEF GERALD REARDON: There wouldn't be a cello involved?

EXECUTIVE DIRECTOR ELIZABETH LINT: Maybe.

ATTORNEY ANTHONY GALLUCCIO: For a wedding or function of any stature, it may go beyond the articulation of Mr. Tracy, so I would just reserve it to be general in nature.

For example, if there may be the need for footings for people to stand on, so they don't slide around. I don't want to get overly specific and limit it to DJ and a microphone.

FIRE CHIEF GERALD REARDON: This is just going to be --

ATTORNEY ANTHONY GALLUCCIO: We're not seeking a nightclub license.

FIRE CHIEF GERALD REARDON: That's correct.

That's something that generally does not occur but may occur at times?

ATTORNEY ANTHONY GALLUCCIO: That's correct.

CHAIR ANDREA JACKSON: Any other questions?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: No questions.

EXECUTIVE DIRECTOR ELIZABETH LINT: Background is fine.

FIRE CHIEF GERALD REARDON: Make a motion to approve Turnip, LLC d/b/a Parsnip, and Jerry Tracy, manager, of an all alcohol license transfer for 180 indoor seats and 26 seasonal seats on public sidewalk at 91 Wintrhop Street.

POLICE COMMISSIONER ROBERT HAAS: Seconded.

CHAIR ANDREA JACKSON: All in favor signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Good luck.

POLICE COMMISSIONER ROBERT HAAS: YOU said you haD 21 Proof training?

JEREMIAH TRACY: I previously had TIPS training. It expired.

POLICE COMMISSIONER ROBERT HAAS: You need to do 21 Proof training.

JEREMIAH TRACY: I'll make sure I do that.

ATTORNEY ANTHONY GALLUCCIO: I'll explain it to him.

JEREMIAH TRACY: Thank you.

APPLICATION (CONTINUED) NIGHT MARKET:

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Continued from December 10 2013. Streats, LLC d/b/a Night Market, Ashley Chan,

proposed manager, has applied to transfer the win and malt beverages as a restaurant license currently held by Indica Ventures, LLC d/b/a Tamarind Bay, Eshwar Shanker, manager, at 75 Winthrop Street.

The proposed hours of operation are 11:30 a.m. to 11:30 p.m. Sunday through Wednesday and 11:30 a.m. to 1:00 a.m. Thursday through Saturday with a seating capacity of 58.

ATTORNEY ANTHONY GALLUCCIO: Thank you, Ms. Lint, and just again as a matter of housekeeping, if I could --

CHAIR ANDREA JACKSON: We still need to know the person sitting to you.

ASHLEY CHAN: Ashley Chan.

ATTORNEY ANTHONY GALLUCCIO: Spell your name.

ASHLEY CHAN: A-S-H-L-E-Y. 8 Sewall

S-E-W-A-L-L, Ave, 215 -- 213. I don't know my zip code. I just moved here.

ATTORNEY ANTHONY GALLUCCIO: For the record, this is a certified list of abutters notified of tonight's -- actually, of the previous hearing, which has now been continued to tonight.

I want to apologize the Board for that continuance. Mr. Chan was traveling and was unable to get here, so we're happy to be here tonight.

This is a transfer of a beer and wine only license which currently exists under the name of Tamarind Bay. It is a very small basement location at the corner of JFK Street, 58 seats.

This is a building that came under ownership of an affiliate that the HMLV took an

interest in mostly because of Ash's experience doing some really interesting street food concepts and things that we think will appeal to an active, transient student population.

I will let Mr. Chan get into some of the details in his experience. Not just the Harvard Square area, but more generally at the appropriate time.

The application seeks no changes. It is a very old location. Doing any significant renovations would be a bit of a can of worms in that location. It is really a paint and clean-up and get it operational as quickly as possibly.

No changes to hours or existing operation.

The existing license I think was an all alcohol that got severed across the street and

the beer and wine was transfers.

EXECUTIVE DIRECTOR ELIZABETH LINT: It was a swap between Wagamama and Tamarind Bay.

ATTORNEY ANTHONY GALLUCCIO: So this is that beer and wine license. That's the general piece of it.

If there were no specific questions, I would defer to Mr. Chan who will manage the location and oversee the menu and the concept, all at once.

ASHLEY CHAN: So basically it is Streats, it is basically Yakitori Japanese street food.

My background is with the Japanese Shabu Shabu cooking. It is self-dining, traditional Japanese hot pot dining. And the most recent thing that I opened was that ice cream box in Harvard Square on Harvard's campus.

This is a culmination of all these

things. I personally love Japanese food having spent a lot of time in California. I'm moving back from California. I was born and raised here. Just recently been spending time back.

I felt there was a lack of a lot of the comfort food I found in California especially most of it being Japanese. And I really wanted to bring some that, that is affordable to Harvard Square.

I know the only other Yakitori Japanese restaurant that existed was across the street from the South End Buttery, which lasted a year. And I think it was too pricy.

And a lot of Japanese food I feel there needs to be down-scaled price-wise and made more affordable and accessible to students and the general public out here.

I don't know if you guys are familiar

with Yakitori at all.

It is a traditional Japanese style BBQ cooking. It is all skewered. Tsuki is all-encompassing sort of anything that is skewered, BBQ-style Japanese. Yakitori is chicken based. But everything is skewered. Shiitake mushrooms, corn, ocra, bacon wrapped asparagus, all these different things, marinated meats.

And that's really just the starting point of it.

We really want to take it to incorporate a more of Pan Asian kind've street food kind've feel. Different kinds of fried rices, sliders or Korean influence. So there's a lot of things that, you know, my friends and I have found a lot of comfort in in a lot of these Asian foods in California, and it was something I would love to

bring back out here, and since I was here, I was born on Brattle Street in the blizzard of '78, so it is an interesting come back.

So I'm really hopeful that we can bring something really different and unique to Harvard Square.

POLICE COMMISSIONER ROBERT HAAS: Can you talk about your experience.

JEREMIAH TRACY: Six years Shabu Shabu. I managed and sold property back in the day. Shabu Shabu opened three restaurants. Two of the alcohol licenses were held in my name in the two newer locations.

POLICE COMMISSIONER ROBERT HAAS: Where are those?

ASHLEY CHAN: Long Beach, Costa Mesa, Santa Monica and pretty much ran everything. We bought the first one originally as a franchise,

really didn't like the direction that the business was heading. Severed. Opened two new locations. Changed the concept ourselves.

And so that's where the experience that has brought us here.

POLICE COMMISSIONER ROBERT HAAS: Over what period of time did you open the three restaurants?

ASHLEY CHAN: All these restaurants about four years. Maybe about four years.

CHAIR ANDREA JACKSON: Attorney Galluccio, I had the opportunity yesterday to walk by the location. I notice it is downstairs.

Is that accessible space at all?

ATTORNEY ANTHONY GALLUCCIO: There's two means of egress.

The building is entirely grandfather.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes,

it is.

FIRE CHIEF GERALD REARDON: There's probably not adequate room to do a renovation.

ASHLEY CHAN: It was two buildings at one point in time. So it is a really --

CHAIR ANDREA JACKSON: Questions?

FIRE CHIEF GERALD REARDON: So the floor plan is going to stay pretty much the same, just a cosmetic thing?

ATTORNEY ANTHONY GALLUCCIO: Correct.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have some housekeeping issues.

ATTORNEY ANTHONY GALLUCCIO: There was a small equipment acquisition, it is so tight and challenging there that it made sense to take some of the old equipment just because of the ability to find things that fit spaces.

It is very challenging.

I did also have a housekeeping matter. I have an updated lease and an insurance binder that I wanted to just submit.

We sent it over today electronically and I know these things that were outstanding that need to be submitted before we go to the ABCC.

EXECUTIVE DIRECTOR ELIZABETH LINT: There were questions about that corporate structure because it --

ATTORNEY ANTHONY GALLUCCIO: There were two filings.

The most recent one -- I think we cleared it up with Chris.

EXECUTIVE DIRECTOR ELIZABETH LINT: He was the one with the question.

ATTORNEY ANTHONY GALLUCCIO: Okay.

I thought we provided the most recent articles, which was in November, for Streats,

LLC, which had three managers -- excuse me, three LLC members, Paula Turnbolt, Reenie McCarthy and Ashley Chan.

EXECUTIVE DIRECTOR ELIZABETH LINT: And then there was HMLV and there was also someone named Bob Cutler listed.

ATTORNEY ANTHONY GALLUCCIO: Not Cutler.

HMLV is the sole owner of Streats.

Let me find that document.

HMLV is the parent.

EXECUTIVE DIRECTOR ELIZABETH LINT: There's Tartarian --

ATTORNEY ANTHONY GALLUCCIO: That's the corrected lease.

I also have a corrected purchase and sale agreement, which reflects Streats as the transferee. Tartarian was initially listed for purposes of the transfer or assignee. That

purchase and sale agreement has been updated.

EXECUTIVE DIRECTOR ELIZABETH LINT: They are no longer part of it?

ATTORNEY ANTHONY GALLUCCIO: That's correct. I do have that. I do have that.

Bob Cutler is not a name I'm familiar with.

Do you know where that came from?

EXECUTIVE DIRECTOR ELIZABETH LINT: Chris found it.

CHAIR ANDREA JACKSON: Did he flag it?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't think he did.

ATTORNEY ANTHONY GALLUCCIO: As far as I knew, the advertisement was accurate.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yeah.

ATTORNEY ANTHONY GALLUCCIO: And we provided some additional -- let me provide the

most recent.

Here we go.

That's actually accurate.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have president Reenie McCarthy. Vice president Paula Turnbull. Treasurer Bob Cutler. Secretary Kathleen Okolita. Directors Rene McCarthy and Paula Turnbolt.

ATTORNEY ANTHONY GALLUCCIO: Bob Cutler is new to me.

EXECUTIVE DIRECTOR ELIZABETH LINT: Can you check into that?

ATTORNEY ANTHONY GALLUCCIO: Yes, I can. McCarthy, Turnbolt, Okolita and Chan I can account for you, but I can straighten that out quickly for you before it proceeds to the State.

CHAIR ANDREA JACKSON: We have to have

that clarified before we vote.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think you should.

ATTORNEY ANTHONY GALLUCCIO: Do you want to defer to the next matter? I might want to confer with one of the corporate folks which will only take a minute.

CHAIR ANDREA JACKSON: While you are doing that is there anyone here from the public that would like to speak on this matter.

Please come forward.

Although repetitive, please state your name for the record.

DENISE JILLSON Denise Jillson. Executive Director of Harvard Square Business Association.

Just like with Mr. Tracy, we have been working with Mr. Chan and his team. It is

interesting. The space -- the Tamarind Bay space is a difficult, challenging space. And, you know, we are excited about this concept because we don't have anything quite like it in Harvard Square.

And Ashley is a young guy that brings a cool factor to us because he made such a big hit this past summer with the ice cream. They made ice cream out of liquid nitrogen in front of people at the Science Center at Harvard Square. I'm looking for to this new restaurant.

Tamarind Bay has been out of business for quite awhile. It is great to have more activity on that section of the Square. And I'm looking foward to it. So I hope that we can get all these technical activities worked out so you can hopefully approve the application and send him on his way.

It would be great for him to open sooner rather than that later.

You know, having a dark restaurant on a busy restaurant is not helpful.

CHAIR ANDREA JACKSON: How long has the space been empty?

DENISE JILLSON: About a year.

ASHLEY CHAN: A little less. Six months.

FIRE CHIEF GERALD REARDON: Late spring.

DENISE JILLSON: It seems like it has been a year. It's been awhile. It is clearly not for -- I thought it was longer, but in any case, it is close to a year or going in that direction.

Again, just having that space reopened WITH some exciting, new concept there will be fun.

POLICE COMMISSIONER ROBERT HAAS: You

haven't taken 21 Proof training yet?

ASHLEY CHAN: I have not.

EXECUTIVE DIRECTOR ELIZABETH LINT: We can do a quick ratification.

CHAIR ANDREA JACKSON: Sure.

RATIFICATION: SLAWDOG

EXECUTIVE DIRECTOR ELIZABETH LINT: Ratification: Slawdog, LLC doing business as Slawdog, Alon Munzer, manager, holder of an all alcoholic beverages as a restaurant license at one Kendall Square has applied to change the d/b/a from Slawdog to State Park.

CHAIR ANDREA JACKSON: Anyone here to speak on this matter?

EXECUTIVE DIRECTOR ELIZABETH LINT: We told them it was not necessary.

CHAIR ANDREA JACKSON: Great.

EXECUTIVE DIRECTOR ELIZABETH LINT: Their other restaurant is Hungry Mother, which is named after Hungry Mother State Park, and I think they were looking to make them cohesive.

CHAIR ANDREA JACKSON: I make a motion to an approve the name change from Slawdog to State Park.

FIRE CHIEF GERALD REARDON: Seconded.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

ATTORNEY ANTHONY GALLUCCIO: Cutler is the controller of HMLV Inc., which is the sole shareholder, owner of the parent company.

Paula McCarthy -- Paula Turnbull, Reenie McCarthy and Ashley Chan are the members and managers of Streats, LLC, which is the

transferee.

EXECUTIVE DIRECTOR ELIZABETH LINT: Could you repeat one thing? Paula Turnbull, Reenie McCarthy and --

ATTORNEY ANTHONY GALLUCCIO: And Ashley Chan are the managers and LLC members of Streats, LLC, the transferee.

POLICE COMMISSIONER ROBERT HAAS: Is that square with your records that you have?

EXECUTIVE DIRECTOR ELIZABETH LINT: It makes sense. It is just the way it was written because we have so much paperwork. So yeah.

CHAIR ANDREA JACKSON: I want to make sure before you make a motion that's square with what you have.

EXECUTIVE DIRECTOR ELIZABETH LINT: Uh-huh.

POLICE COMMISSIONER ROBERT HAAS: I'm

curious as to why you are not familiar with the corporate organization.

ASHLEY CHAN: Because I never liked to get involved in the other stuff. I operate the concept.

POLICE COMMISSIONER ROBERT HAAS: Technically some of these are your partners, though, right?

ATTORNEY ANTHONY GALLUCCIO: Can I answer that?

Similar to Mr. Tracy as manager of the restaurant location previously, Ash, despite his last name, is only the manager of --

POLICE COMMISSIONER ROBERT HAAS: Okay, that makes sense. I was trying to it figure out.

ATTORNEY ANTHONY GALLUCCIO: And there's a different corporate structure as -- there's Streats the LLC is holding the license, which you

are, which you are involved with, and then there's a parent structure.

EXECUTIVE DIRECTOR ELIZABETH LINT: Makes sense.

CHAIR ANDREA JACKSON: Any further questions?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: All set.

Make a motion to approve Streats, LLC d/b/a Night Market, Ashley Chan, proposed manager, for a malt and wine license restaurant currently at 75 Winthrop Street. The hours to be 11:30 a.m. to 11 p.m. Sunday through Wednesday. 11:30 a.m. to 1:00 a.m. Thursday through Saturday with a seating capacity of 58. And Tran (sic) has agreed to take 21 Proof training.

ATTORNEY ANTHONY GALLUCCIO: Through Madam Chair, it is Chan.

FIRE CHIEF GERALD REARDON: Mine has a T in front of it.

CHAIR ANDREA JACKSON: I understand.

Seconded?

FIRE CHIEF GERALD REARDON: Yes.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Thank you.

Good luck.

APPLICATION: FELIPE'S TAQUERIA

EXECUTIVE DIRECTOR ELIZABETH LINT: Application: Chazumba, LLC d/b/a Felipe's Taqueria, Thomas Brush, manager, has applied for a common victualer license to be exercised at 21 Brattle Street. Said license if granted would

allow food and nonalcoholic beverages to be sold, served and consumed on said premises with a seating capacity of 110 inside, 12 seasonal patio seats on the public sidewalk and 67 seasonal rooftop seats. The proposed hours of operation are 8:00 a.m. to 2:00 a.m. seven days per week.

CHAIR ANDREA JACKSON: Good evening.

State your name for the record and spell it.

ATTY KEVIN CRANE: Kevin Crane C-R-A-N-E. I have an office at 104 Mount Auburn Street in Cambridge. And I represent the petitioner to my right who is Tom Brush, who is the proposed manager. And to my left I have Felipe. And Felipe spell your last name.

FELIPE HERRERA: H-E-R-R-E-R-A.

ATTY KEVIN CRANE: Just for housekeeping as well, I have my affidavit, along with the one

green card. The other green card was not picked up. But there's the certified mailing.

We are before you on a common application for a common victualer license at this location, which I'm sure you are aware is the former Bertucci's site, which has been vacant since September/October of this year.

My client operates Felipe's Taqueria on Mount Auburn Street. They have done so for ten years.

Mr. Brush is also involved with the operation of Flat Patties and Crema Cafe, which are a couple doors down from this particular location.

Mr. Brush has also operated a number of restaurants in New Orleans, which were also all alcohol restaurants, and from what I understand, quite similar to what he's proposing here at this

particular site.

The floor plan includes 61 seats on the first floor. And there will be an addition of a mezzanine similar to the existing mezzanine at Flat Patties and Crema Cafe.

And there's also a proposal for a rooftop seasonal seating, 67 seats, and also to continue the outside seating in front of the location which Bertucci's previously operated as well.

As far as the operation goes, I have a number of menus. It is intended that this location would be a full-service restaurant. There would be on the first floor seating with full staffing. There would also be a bar, food bar where people would pick up their food and take it to the mezzanine section. Similar to what actually is done at Crema Cafe and also at Flat Patties.

On the roof, there would be also full service there, full staffing at that location.

I understand that there's a possible issue on the roof regarding handicapped access, which I have a phone call into the Inspectional Services to see what exactly the regulations are there.

The first question I have is that whether -- because of the seasonal nature of the seating to what extent the architectural access code would apply.

If it does apply, even though it is seasonal, then my client was going to consider applying for a variance for that particular area.

He did receive variances from the Architectural Access Board on the mezzanine sections at both Flat Patties and Crema Cafe.

He's providing handicapped access to the mezzanine at this particular location.

We do, although it is not before you tonight, we do intend to apply for a liquor license.

Unfortunately, Bertucci's had a beer and wine license at this location, and although I believe that they never actually asked this board to recognize the license --

EXECUTIVE DIRECTOR ELIZABETH LINT: They have not.

ATTY KEVIN CRANE: And it has been vacant since August.

My client is hamstrung because of that because he can't have two licenses at the same location.

There was some negotiations with Bertucci's as far as an attempt to purchase the

license.

They were not successful.

And we keep hearing that there's some sort of buyer out there that's interested in buying the Bertucci's license and transferring it to someplace else.

In any event, Bertucci's has no control over these premises.

My client has a lease and is starting to pay rent. Actually, has been. So at some point in time we're going to apply for a liquor license and hopefully we'd be able to satisfy the standards of a new license, but again, we are hamstrung by having the Bertucci's license there, and quite frankly, it is holding up a small business from hopefully succeeding.

Mr. Brush intends on opening up hopefully in March. Maybe a little later. And he would do

that even without the license, I believe, but it would be significant impediment for a restaurant like this to open without a license.

I have seen it happen before and it's really detriment if you don't have the license right away. If you get a year later, it is a year's worth of people that are out of door.

Having said all that, if Mr. Brush wants to expound on the operation, he can.

If you have any questions, he'll be glad to try to answer them.

POLICE COMMISSIONER ROBERT HAAS: So I guess the question I have is, since you are waiting for a determination on the rooftop, I don't know if we can act on that tonight or do we have to wait with respect to handicapped access to the rooftop?

EXECUTIVE DIRECTOR ELIZABETH LINT: I

think it would be more appropriate to wait on that particular portion of the application.

I had a question: Are you moving the existing Felipe's?

THOMAS BRUSH: Our lease is up March 30th. We are out of that space.

We are hoping April 1 to be open in this space.

POLICE COMMISSIONER ROBERT HAAS: So the Felipe's you have in operation now did have a liquor license?

THOMAS BRUSH: That never had a liquor license, the one that was in the garage.

So although we would like to be able to open with it, it is not going to prevent us from opening. I would still open up there.

We are planning to put a bar area and there will be fresh squeezed juices and it would

be flies to be able to have it.

The other three Felipe's we opened up in New Orleans, which all have full liquor, it is really nice. We are not a big bar. We don't do a huge bar business, but particularly in the evening, we do beer and margaritas and we are about the food. This is a restaurant about the food. It not for people in there to drink, but it is really nice and creates the full experience to have the option for people to get a beer and wine.

POLICE COMMISSIONER ROBERT HAAS: Crema Cafe doesn't have a liquor license?

THOMAS BRUSH: They do not. We made the decision afterwards that we didn't feel it was necessary.

POLICE COMMISSIONER ROBERT HAAS: What about Flat Patties?

THOMAS BRUSH: We applied for a malt license, which I have and use, and it is beer only. There's no wine. But I do have a malt license for Flat Patties which I have had a couple years.

POLICE COMMISSIONER ROBERT HAAS: So just could you remind the applicant of the requirements for the -- I'm assuming this is a no value, no transfer license that you are applying for?

ATTY KEVIN CRANE: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: They have to prove they exhausted all means of purchasing an existing license.

FIRE CHIEF GERALD REARDON: We are talking about all alcohol though?

ATTY KEVIN CRANE: Yes.

FIRE CHIEF GERALD REARDON: Not just beer

and wine?

ATTY KEVIN CRANE: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: That there would be a need for another license in that area, there would be no harm to the community overwhelming neighborhood support.

CHAIR ANDREA JACKSON: That part is not a matter before us this evening?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

POLICE COMMISSIONER ROBERT HAAS: If you do come back, I want to make sure you are prepared so we don't go through this whole discussion and find out you don't meet all the criteria. So it would behoove you, if you were to come back, if you try to satisfy those requirements.

THOMAS BRUSH: I still have those 3,000 signatures that we got when we wanted to stay

open after 2 a.m.

FIRE CHIEF GERALD REARDON: Was Bertucci's using the upstairs deck?

ATTY KEVIN CRANE: No, they were not. That would be a whole new usable area.

THOMAS BRUSH: They didn't have a mezzanine or deck. The ceiling dropped down.

FIRE CHIEF GERALD REARDON: This is going to be a build-out to obtain the deck space?

ATTY KEVIN CRANE: Yes.

THOMAS BRUSH: We put a whole new roof on it. Now we want to put a deck on top of the new roof.

FIRE CHIEF GERALD REARDON: I couldn't picture a deck up there.

EXECUTIVE DIRECTOR ELIZABETH LINT: It is just a roof.

POLICE COMMISSIONER ROBERT HAAS: Is that

a rubber membrane on the roof?

THOMAS BRUSH: Yes, it is brand-new rubber membrane fully insulated roof.

POLICE COMMISSIONER ROBERT HAAS: What are you gonna need to put on top of that to protect it if you are gonna --

THOMAS BRUSH: We are posting up from the existing structural beams. We had it all engineered. And so it would penetrate on the perimeter and then it will be a full-span flush welded frame that will suspend over the roof.

It will provide access for cleaning and repairing. And the decking would be this plastic Trex and it could be removed if you had to, but it would still -- it wouldn't effect drainage. It suspend over. It is a sound structurally.

FIRE CHIEF GERALD REARDON: Did you already post up and form the deck?

THOMAS BRUSH: No.

FIRE CHIEF GERALD REARDON: Are you talking about using steel stringers to span it?

THOMAS BRUSH: Yeah, we would do it all. The decking, of course, would be this outdoor, this composite wood. But the framework would all be steel. It would be galvanized steel.

POLICE COMMISSIONER ROBERT HAAS: So, Mr. Crane, I would ask you if, in fact, we can't move on the rooftop at this point in time, would that be acceptable to rule on the other aspects of the application?

ATTY KEVIN CRANE: If you could vote on the rest of the application and have it conditioned that the roof portion of it not be approved yet until there would be some satisfaction that the architectural access code has been complied with. I could foresee, let's

say, that we could provide it and there's an application for a variance at the Architectural Access Board, and I'm not sure how long that takes. But it could be awhile over there.

FIRE CHIEF GERALD REARDON: Is there an elevator?

THOMAS BRUSH: There's an elevator going from the first floor to the mezzanine. I am putting that into this. There's access to the second floor. But I am not proposing to put access all the way up on the roof, which would require a structure up there.

We have one right now with the stairs going up and we would have to put another one and we are little tight for space. And I would be looking to see if we could get a variance for that.

I have been into the Office of the

Disabilities Commission and have a note with Michael Muehe and wanted to get feedback from everybody.

FIRE CHIEF GERALD REARDON: There's no existing elevator there now?

THOMAS BRUSH: No.

FIRE CHIEF GERALD REARDON: You are looking at doing hydraulic?

THOMAS BRUSH: Hydraulic, that's correct.

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No questions.

CHAIR ANDREA JACKSON: Any member the public that would like to be heard on this matter.

Why am I not surprised.

DENISE JILLSON: Hello again. Denise Jillson. Harvard Square Business Association.

So while I have to say that we love Tom and we have great experiences with Crema Cafe and Flat Patties, it is really Felipe that is the most beloved person in the Harvard Square. And if you talk to any kid in the Square, you ask him where does he eat, they will all tell you they eat at Felipe's.

So we are excited about this move. The only problem I have with the roof deck, I have eye level from my office to the rooftop deck and I think we all as the business association will spend other summer afternoons looking out longing for a margaritas and burrito. That's really a problem. But we are excited about the possibility of a rooftop deck. We have one at Datalis (phonetic) on Mt. Auburn Street, but nothing like this in the Brattle Street except for the recent one at Sinclair's but it is a

little different.

I'm delighted that the outside patio on the street level is coming back because I have to tell you, as somebody who looks down on that patio on a regular basis, people loved it. They loved it being out there when they were -- when it was Bertucci's. And I know they will have a wonderful time out there when it is Felipe's. It is all good. This is like the perfect Trifecta because they are all members the Harvard Business Association, including Mr. Crane. It is a great night for us. And we hope you will approve this application.

CHAIR ANDREA JACKSON: Thank you.

BOB CUMMINGS: Bob Cummings C-U-M-M-I-N-G-S from Colliers International C-O-L-L-I-E-R-S.

The owner's representation on the

building that Tom and Felipe are looking to build-out a new Mexican restaurant and I welcome them to the building. I look forward to them having them.

I know Tom has been an operator that's been successful in the short time I have been on the property. I look forward to him having another operation within the portfolio of my real estate.

CHAIR ANDREA JACKSON: Thank you.

FIRE CHIEF GERALD REARDON: All right I make a motion to Chazumba d/b/a Felipe's Taqueria, Thomas Brush, manager at 21 Brattle Street for indoor -- what are we going to the seat here without the outside deck?

The 67 is the rooftop so we can approve this for 110 inside and 12 seasonal patio outside. And we'll withhold the 67 rooftop until

such time as you get clarification?

ATTY KEVIN CRANE: Yes.

FIRE CHIEF GERALD REARDON: With the proposed hours of 8 a.m. to 2 a.m. seven days a week.

POLICE COMMISSIONER ROBERT HAAS: Seconded.

CHAIR ANDREA JACKSON: Seconded.

I'll defer to you.

POLICE COMMISSIONER ROBERT HAAS: I defer to you.

CHAIR ANDREA JACKSON: You got the gun I'm no fool.

POLICE COMMISSIONER ROBERT HAAS: Seconded.

CHAIR ANDREA JACKSON: All in favor signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

ATTY KEVIN CRANE: Madam Chair, since this is the first time I appeared in front of you, welcome home.

CHAIR ANDREA JACKSON: Thank you.

REVIEW: PEDICAB PILOT PROGRAM

EXECUTIVE DIRECTOR ELIZABETH LINT: This is a review matter.

The Commissioners will review the Pedicab Pilot Program. There were two pedicab operators taking part in the pilot program that ran from March through November of 2013. I see they are both here.

CHAIR ANDREA JACKSON: Good evening. If you could state your name for the record spelling your last name.

JESSE LYONS: J-E-S-S-E L-Y-O-N-S.

CHAIR ANDREA JACKSON: Where are you from?

JESSE LYONS: General manager of Charles River Pedicab Pedicab. Our business address is 105 West Newton Street in Boston.

CHAIR ANDREA JACKSON: Thank you.

MICHAEL TUBIN: Michael Tubin T-U-B-I-N. We are at 1 Remington Street in Cambridge.

CHAIR ANDREA JACKSON: And who are you with?

MICHAEL TUBIN: Cambridge Pedicab.

CHAIR ANDREA JACKSON: Since this matter was under review.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct so I think the intent was at the beginning of the Pilot Program to have them come back and give the Board an update on how it went, what their thoughts were, what the feedback was

from customers and whether or not feel it is something viable to continue in the future.

FIRE CHIEF GERALD REARDON: I guess personally I would like -- how are things going?

JESSE LYONS: I guess I can start.

The season was interesting. My operation is part of US Pedicab and we have operations in nine locations. I'm the general manager of Boston and Cambridge. So I'm not a partner and I don't make the big decisions.

But yeah, in different markets we have seen different things and we see a lot of promise in Cambridge but it was tough as far as traffic, and mainly for the drivers in making it a feasible form of employment for the drivers. They definitely struggled throughout the summer.

We do see the potential for growth. Holidays and special events were wonderful. And

that included the head of the Charles, the Harvard Square Octoberfest. And there's a holiday in May. I forget the name.

EXECUTIVE DIRECTOR ELIZABETH LINT: May Fair.

JESSE LYONS: That's right.

4th of July was successful as well.

But I guess for us we are in an interesting position because we had the Boston -- very well established Boston company with hundreds of drivers that have such a niche and they make so much money that it was hard for us to fill those seats. It was hard for me to keep drivers in Cambridge because I wanted them to have successful.

I wanted them to have feasible employment that could allow them to live their lives, so just -- I look at Boston and Cambridge as kind've

together. But not being able to go over and -- we got tons the requests for people in Cambridge to go to Boston. And for the past seven years in Boston we have gotten tons of requests for people to go to Cambridge. So we do see growth potential but it was definitely a tough start.

Our biggest source of revenue was special events, weddings that we had, engagements, book-chartered types of rides. That was more than our other revenue. So that was interesting and that would be something we would love to continue to do.

Any questions?

POLICE COMMISSIONER ROBERT HAAS: So when you say it is viable, would you focus just on those holidays and special events and not do a day-to-day operation?

JESSE LYONS: For us, our location was in

Cambridgeside Galleria. They were amazing and wonderful. We met tons of good people working there. We had nothing but positive people working there, and all the city officials and police officers, but renting out that space, having the bikes here and insured full-time was tough.

I don't know what possible solution there could be. We definitely see it having the potential to grow over the next few years. But just in the way that we kind've -- our riders are customers. They rent the bikes from us and they do what they do. They are not our employees. I can't give them a set schedule. I can't make them do anything. I'm trying to offer them an opportunity to ride.

With the different things that were happening, I found it tough to get the drivers to

commit to ride and they struggled to make it viable on the nonevent days for sure.

POLICE COMMISSIONER ROBERT HAAS: So what is your business plan looking like going forward if you are reapplying?

JESSE LYONS: We are not sure. We are open to options. We have some different ideas.

One would be coming to Cambridge for chartered things like a limo service if we get a wedding or something like that, where we are not operating as a cab, we would just provide services for that specific event that is paid ahead of time. We do that in a number of cities already and it doesn't really require any special licenses because the bikes are insured already and we -- I'm losing my train of thought.

The bikes are insured already and because it is all paid ahead of time, it is not like a

taxi.

Another thing we were thinking is have a few of Boston Pedicab have dual licensing. We don't know the options with that. But that would allow people to ride between the two cities and then our drivers to have the option of being in Cambridge or being in Boston and bringing people throughout.

FIRE CHIEF GERALD REARDON: Where were the bikes working out of? Out of Cambridgeside? Were they working that end the city or going the Square?

JESSE LYONS: Really the whole city. Anywhere they thought they could get action. Kendall, Inman, Harvard, Central.

FIRE CHIEF GERALD REARDON: Did you get a feeling from them where the most activity was?

JESSE LYONS: And I rode as well

sometimes. It was different at different times. Inman could have a lot of action at night. Harvard Square we would see some action during the day. Those were kind've of two hubs. Central and Kendall there would be some but not as much as the other two.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think there's an issue in talking about dual licensing in terms of going over the bridges. Like you cannot be on Memorial Drive. It is all DCR property. You could be dual licensed but still not be able to bring people back and forth without DCR approval.

JESSE LYONS: So I thought about that and I thought the one point that would be okay would be the Museum of Science connection or, yeah, I don't know.

FIRE CHIEF GERALD REARDON: That's DCR

also.

JESSE LYONS: Oh.

FIRE CHIEF GERALD REARDON: That's O'Brien Highway to get over the drawbridge.

EXECUTIVE DIRECTOR ELIZABETH LINT: So there are a lot of challengers.

JESSE LYONS: With that, driving people across wouldn't be feasible but going to Cambridge or picking a hot spot in Boston might be feasible.

MICHAEL TUBIN: We operated full-time. We were out seven days a week. 11:00 in the morning until 7:00 at night. And Thursday and Friday and Saturday we stayed over a second shift. Weekends were great. We had six, seven bikes out on the weekends,

During the week was a little slower. We might've had, depending on the day of the week,

what was going on, time of the year, we had three bikes, maybe two or three, four bikes.

Thursday Friday we might've been up to five to seven bikes. It was a little bit challenging. I think, obviously, starting in a new market everyday -- I think I gave out my first 1,000 business cards I ordered within the first month, everybody kept taking cards. Even up to the end of the season people would see us and say, oh, my God, I didn't know you were here. I think it will take time for people to realize it is there and it is a form of transportation.

The feedback was nothing but great the whole season. Everywhere we go people would like yell out to us, "awesome pedicabs" and I think they were generally excited about it. And we did several weddings over the summer as well. As well as -- we did a lot of tours. That's

something I would like to expand on, the tours.

But we did on average two or three tours or maybe one or two a day. Busier towards the weekends. We worked in conjunction a couple of tour companies in Harvard Square where even some of the people that didn't want to walk on their tours they would send them over to us, we had a good working relationship with them, to offer an alternative form of transportation for the tours.

And the advertising was great. I'm still getting calls now. We had five of the pedicabs advertised on. I'm getting calls. It is a great way to advertise small businesses throughout different areas of Cambridge. That went well too.

I just had a call the other day, somebody calling wanting to advertise on the pedicabs. I

think it went very successful.

FIRE CHIEF GERALD REARDON: What was the feeling of your drivers.

MICHAEL TUBIN: I would get some drivers -- I don't want to call it an art. It's a skill set needed to be a pedicab driver. If you are quiet and introverted, you won't do as well as somebody who is outgoing and personable. Somebody walks by -- you have to interact. Some of the guys that were quiet, I could tell they weren't going to do well at it. There was turnover until you get -- I had a set core group of people that did really well at it and they enjoyed doing it.

FIRE CHIEF GERALD REARDON: Did you have drivers that had been successful other places and then come back?

MICHAEL TUBIN: No. There may have been

one or two drivers that worked at Boston Pedicab, but for the most part it was new people doing it and they really enjoyed it.

It's great exercise, great way to talk and met people. So you have to find that right person. And once you get that person -- if you hire ten drivers, you might get three or four that works out and do well. It took time to get that. I think they did well. A lot of them made pretty good money.

POLICE COMMISSIONER ROBERT HAAS: If you were to change your business plan and reapply, what would that look like? Or would you change it?

MICHAEL TUBIN: Like I mentioned in my report, when I first proposed the pedicabs, when we had our initial discussions, maybe not knowing Cambridge as well, I thought five would be good

for each of the business districts and have come to realize during the season it was primarily just Harvard Square where most of the business comes from.

You might drive down to Kendall. You may get a ride down there. But primarily it is coming from Harvard going to the different business districts, so I think -- we never had 20 out, but I think if there were 20 pedicabs it would oversaturate Harvard. I think ten pedicabs is probably enough for Harvard Square and to handle at least initially for Cambridge.

I know down the road maybe it will build up once people get familiar with it. So maybe at some point you may need 15 or 20. I don't think there was really ever over ten between both companies out throughout the whole season.

That would be the only change. Maybe the

number of pedicabs.

POLICE COMMISSIONER ROBERT HAAS: Are you still running your business in Plymouth?

MICHAEL TUBIN: Yes. It is seasonal in Plymouth. I operate Memorial Day to Labor Day. A friend of mine runs that in Plymouth.

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: Anyone here from the public that would like to speak.

KELLY THOMPSON CLARK: I'm Kelly Thompson T-H-O-M-P-S-O-N C-L-A-R-K. I'm CEO of the Cambridge Chamber of Commerce.

Welcome Madam Chair. We haven't had a change to meet yet. Nice to see you.

I want to be here on behalf the Chamber of Commerce and we want to support the continuation of this program. Cambridge Pedicab has been a member of the chamber. You are a

prospective member.

Both myself and Robin Culbertson, with the Office of Tourism, were impressed with Michael and his due diligence and joined our organization well before any he even started to take a look at the community and he sought our assistance in being familiar with programs in San Antonio and some other areas around the this country.

I called some of these places and asked about what it was like with a start-up and what they could expect in their first year, and they pretty much echoed what these gentlemen have talked about as far as getting the concept out there. It is slow to start.

But I had the luxury this season of talking to some of the people as they got off and on cabs because they wanted to hear what they had

to say.

And I was really impressed with what they had to say from the standpoint of they enjoyed the perspective of Cambridge, being able to see Cambridge, not having to worry riding a bike themselves or driving.

I'm sure that many people that take the bus tours and enjoy those as well. But they liked the intimacy of being able to take this cab and get this perspective of Cambridge.

And also on what Michael said, I guess they had very inactive and engaging drivers because they said they were funny. They were very engaging to take them around the city.

So we were really impressed and we would like to see the program go forward.

It is another way to create exposure for the community and businesses, whether through

advertising or people seeing other parts of Cambridge that maybe they have not gone to or taken a part in.

We are in full support and hope you will chose to continue the program.

DENISE JILLSON: So for the record, Denise Jillson, Harvard Square Business Association.

So delighted to be here tonight.

Michael very early on joined the Harvard Business Association as well as the Chamber.

And you know, they parked their pedicabs right outside of our office on Palmer Street for the most part. So we get to actually watch what is going on and the engagement with the community. And people loved it. I mean, people just loved it.

And in some ways it was really important

because occasionally, as Michael said, there were elderly people taking the tours, with either Cambridge Historical Tours or Trademark and this way they could tag along with the pedicab, which is really great.

The other thing is that many of our members like Irving House and Harding House, they advertise and they like that opportunity to0. It seems like it is just a win-win-win.

I have to tell you I have my own experience. So one night I had to be in Porter Square I was late for a meeting, I had like eight minutes, and sometimes I walk and sometimes I take the bus and sometimes I take the T, but I got outside of the office and there was a pedicab. And I said to the kid, Can you get me to Porter Square in eight minutes? He said, I think I can do that. I said, If you can, there's

20 bucks for you. This kid was incredible. Because he did it. And I was on time and I thought, Jeez, this is really nice because it offered me a service I really needed at the moment.

It was fun, engaging and his name was Matt and really good. Terrific guy. I ask him his name because I said, When I see Michael the next time I'm going to tell him about this. So it's on the record. He did a great job and give the kid a bonus.

Tu clearly it is fun to have the only thing that we felt bad for is occasionally we would like outside and they were working very hard, there were a lot of tourists over the summer and the only thing we wanted was more business so we tried mightily to promote through social network mechanisms we have as well as on

our website. And we hope they'll come back and look forward to welcoming them for the tourist season.

Thank you.

CHAIR ANDREA JACKSON: Thank you.

POLICE COMMISSIONER ROBERT HAAS: So do you think there's some apprehension because they don't understand the fee structure in how it works in terms of how you pay the drivers and stuff and that's why people are reluctant to take advantage of it?

MICHAEL TUBIN: No. I think a lot of people don't know -- they see the pedicab and they think it will cost me $20 to ride it. They don't realize how it works. It works on tips and you play what you please.

I think a lot of people are hesitant of it and intimidated by it not knowing how it

works.

A lot of people will come up and say, I took this in San Antonio or California. They are in every major city. A lot of people will know how it works and they come over and jump on, but there's that hesitance there not sure how it works.

POLICE COMMISSIONER ROBERT HAAS: Did the drivers find the traffic challenging?

MICHAEL TUBIN: Just in that one spot in Harvard Square. It is the only spot. It is just a dangerous area. I put it in my report. I told them to not drive there through this. If you have to, pull out into the traffic and drive with the cars.

But other than that, I was amazed that it is such a bike friendly city. I never had one -- I was out every day the whole summer pretty much.

I never had a person beep and yell at me, even going down the side streets.

I train the drivers to be overly-courteous too. A lot of the side streets and side streets over Harvard, you know, if you are on a one-way street, you know, when you get a few cars, pull over, let the car by.

We were over-courteous to the cars. I don't think there was ever an issue. Is very a bike friendly city and it worked well within the whole bikes and cars.

FIRE CHIEF GERALD REARDON: So with the fee structure and all, do the drivers feel as though they get poor or get beat-on calls?

MICHAEL TUBIN: No. You would be surprised. They get $40 trips. $20 trips. $10 tips. You do get an occasional middle school kids that wants to ride and give you 50 cents.

It is like any job. I was bartending for years and you get somebody that walks out without paying and somebody gives you $20. You have to look at it at the end of the week, if you are making a couple hundred dollars for a few shifts during the week, you are gonna do all right. But I think they did well, the drivers.

I set it up that normally, what you do is, you have a set lease for what they pay to lease the pedicab, you will have on a slow day maybe $10, $15, $20. A busy Saturday night they pay a $40 lease fee. But I operated at a percentage basis this year. This is risky for me as the business owner, but most of the people I hired, they were pretty good kids and I trusted them. They would just leave a percentage, 20, 25 percent of what they made. They way if they didn't do well, they weren't paying me much a

percentage. If they did well, we all made out. I'll revisit that maybe this year.

EXECUTIVE DIRECTOR ELIZABETH LINT: I think it would be interesting to note also that throughout the program I did not receive one complaint.

POLICE COMMISSIONER ROBERT HAAS: Was there one accident?

MICHAEL TUBIN: Yes, there was. It was -- I'm still trying to work with the T on settling the case.

But there was a bus coming right along when you turn in front of -- what is that that little red awning bookstore?

The Crimson?

EXECUTIVE DIRECTOR ELIZABETH LINT: Right at the turn?

FIRE CHIEF GERALD REARDON: Harvard Coop?

MICHAEL TUBIN: Before that.

KELLY THOMPSON CLARK: Crimson Corner.

MICHAEL TUBIN: Yes. So just going by there. And every truck or car cuts that corner so the pedicab was coming up and the bus cut that corner and he tried stopping, put the brakes on and it pushed him against the curb.

That's part -- although he couldn't avoid it at that point, I just further training that you can't get between the curb. And a bike shouldn't either, get between a bus or a truck. You can't put yourself in that position.

It was a tough way to learn. That's part of the training now too, not to let yourself get between the curb on any vehicle if you can stay behind something.

But that area is just really -- from what I learned after, there's a lot of -- you know

better. There's a lot of issues up there with bikes, pedestrians and cars.

EXECUTIVE DIRECTOR ELIZABETH LINT: It is a tough corner.

CHAIR ANDREA JACKSON: So what are the options before us?

EXECUTIVE DIRECTOR ELIZABETH LINT: You could vote to continue the program, vote to take it under advisement to review the rules and see if you feel any amendments need to be made. You can say okay it was fun and we are all done.

CHAIR ANDREA JACKSON: I make a motion to take it under advisement, review the rules and put it back on the agenda for the next meeting.

EXECUTIVE DIRECTOR ELIZABETH LINT: The decision making hearing?

CHAIR ANDREA JACKSON: Yes.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIR ANDREA JACKSON: All in favor signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: When does the season start for you again?

MICHAEL TUBIN: Not in April.

POLICE COMMISSIONER ROBERT HAAS: Same?

JESSE LYONS: Around that time.

MICHAEL TUBIN: I know Correy is not here. He was a big part of it, as were you.

CHAIR ANDREA JACKSON: I'm a quick study. I'll be ready by February 6.

Thank you for coming in.

APPLICATION: ASSOCIATION OF NOTRE DAME DE CAMBRIDGE, INC.

EXECUTIVE DIRECTOR ELIZABETH LINT: And

finally, Application: Association of Notre Dame De Cambridge, Inc. Francis Duffy, manager, holder of an all alcoholic beverages as a club license at 2322 Massachusetts Avenue has applied for a change of manager to Thomas A. Moore.

THOMAS MOORE: The Association we existed in North Cambridge since 1920 as a social organization. Our current manager Frank Duffy is looking to step down. As such, we needed, the organization needed, someone to take on more responsibility.

Everyone agreed that I was probably the best fit to do so for a couple reasons: I'm currently the elected treasurer. So I'm already involved in the day-to-day operations.

I tend bar there, I understand exactly how the bar works. How everything works there. I also have an extensive background in the

service industry.

I tended bar at the Top of the Hub for a few years, I moved to San Diego and I worked in the live music venue there for a number of years as well.

A little bit about myself. I'm currently a second-year law student at New England School of Law. I took about ten years off and decided that an education would help me.

I moved back here and I finished my degree at UMass Boston. I'm currently a law student.

I wanted to apologize because I am unfamiliar with these proceedings and I noticed that everybody else that was here for change of manager retained counsel. I apologize. I hope I don't appear informal.

Besides that, I don't know what else I

can tell you but I might've some questions.

FIRE CHIEF GERALD REARDON: This is the members downstairs and then this also applies on the second floor, which is the rental space.

THOMAS MOORE: That's correct.

Yes, we have a function hall.

There's a members lounge on the first floor. There's also two rental store fronts and then we have a function hall upstairs.

FIRE CHIEF GERALD REARDON: In the past, it hasn't been a recent issue, but I understand the members does not include having alcoholic beverages in the backyard.

THOMAS MOORE: I'm sorry?

FIRE CHIEF GERALD REARDON: We have had in the past, I have been here 14 years, unfortunately, so it may not be recent time, but the issue of members taking alcohol outside in

the backyard area of the premises is not part of the area.

You are not licensed to have them out in the backyard drinking.

THOMAS MOORE: Really?

FIRE CHIEF GERALD REARDON: That had been a problem with some of the neighbors year ago.

It hasn't arisen at all but I want to make sure you know that's not a sanctioned area to drink alcohol. It doesn't happen that often.

THOMAS MOORE: No.

I know that in the past we have had a few noise complaints from some of our neighbors, but for the most part everybody is indoors. During the summer, guys like to throw horseshoes and stuff like that.

POLICE COMMISSIONER ROBERT HAAS: Are they taking drinks out when they go outside to

throw horseshoes?

THOMAS MOORE: I have seen people with a beer out there. I wasn't aware that was part of the rules.

EXECUTIVE DIRECTOR ELIZABETH LINT: Is that a fenced-in area? Is it part of their property?

THOMAS MOORE: It is completely fenced-in.

FIRE CHIEF GERALD REARDON: Well, it is not 100-percent fenced-in.

For the most part you can walk around to the front by the real estate area.

THOMAS MOORE: The backyard, we have -- there's a gate to get in and out.

CHAIR ANDREA JACKSON: So because this is a public hearing, and we are on the record, I think I want to be as delicate as possible.

In reviewing your background, I saw some issues that were concerning to me.

THOMAS MOORE: Understandable.

CHAIR ANDREA JACKSON: With what I viewed, I can't say I'm necessarily comfortable with this application for a change in manager in your name.

So with that being said, I think I would need something in writing from you explaining your background.

THOMAS MOORE: Okay, I can certainly provide that for you.

I believe during the application process, it was kind of a brief application I got upstairs, it had asked if there was any convictions, I'm not sure if it was arrests or convictions.

As I mentioned before, I lived in San

Diego, I had certainly made some mistakes, which I fully own up to. I realized that it was time for a change.

So, like I said, I completed all my obligations there, I moved back, I finished my college degree, went on, got admitted to law school and currently in my second year.

I have made changes to assure that similar mistakes will never happen again.

CHAIR ANDREA JACKSON: Since your move back, have you had any arrests since you moved back?

THOMAS MOORE: I did. I was -- actually, unfortunately, last year, I did, I was arrested.

I missed the last train at Park Street and I got very upset about that, and what I thought was unbreakable glass on the door, I kicked the door, thinking it was unbreakable

glass. I thought it was like kicking a brick wall and I couldn't possibly break it. If I thought it could break, I would not have kicked it. I did. I was arrested for destruction of property.

It was foolish, but again, I had no -- I didn't even think it was a possibility it could break. I think the DA and judge felt the same way because they had me pay for the window and dismissed the case.

CHAIR ANDREA JACKSON: I will give my colleagues an opportunity to take a look and see if they have any questions.

(Short Pause.)

CHAIR ANDREA JACKSON: Do you have a copy of the application so they can see that as well, please.

POLICE COMMISSIONER ROBERT HAAS: So you

alluded to issues you had in San Diego?

THOMAS MOORE: I did. I was arrested twice in San Diego for --

EXECUTIVE DIRECTOR ELIZABETH LINT: He doesn't have to put that on the record.

POLICE COMMISSIONER ROBERT HAAS: I'm trying to figure out where that information came from.

FIRE CHIEF GERALD REARDON: It's kinda why you are at the end.

THOMAS MOORE: You know, I figured this would come up and I appreciate you -- I kind've overheard you bumping me and I thought, well, okay.

I actually appreciate it. So thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: We try not to embarrass people.

THOMAS MOORE: I appreciate it.

I fully understand at first glance there are obviously some issues that could cause concern. I can fully appreciate that.

If it means anything to the Commission, like I said, I fully own all the mistakes I made. I think I have made a lot of changes in my life.

As you know, to be -- well, you may or may not know. To be allowed into law school, they have to do a background check. They have to agree -- they have to certify that I'm of good character to sit for the Bar exam.

I think the school, after seeing my whole record, believed, yes, I was a viable candidate, and in my first year, I finished in the 20 percent and made the Dean's list.

That one thing that happened last year, as I mentioned it was foolish. I didn't think

the result was even a possibility.

POLICE COMMISSIONER ROBERT HAAS: Are you prone to lose your temper?

THOMAS MOORE: I don't believe so. It was just I ran to get the train, I pulled the door and it was locked and I live in Arlington Heights so it went from $2 to get home to $40 to $50 to get home.

Again, like I mentioned, if I thought it was -- I thought it was, quote/unquote, unbreakable glass, like hockey glass. I didn't think it was possible I could hurt it.

(Kicks table by accident.)

POLICE COMMISSIONER ROBERT HAAS: Don't be breaking anything else.

THOMAS MOORE: I'm sorry.

But if there's any further explanation in writing or anything that I can do that would make

the Commission more at ease, I would be happy to do that.

POLICE COMMISSIONER ROBERT HAAS: I think that the Chair suggested to you is what we are going to need if we take any action to this, you have to give a fuller explanation in writing and then talk about -- again, I think some of the things you talk about in terms of your being screened by the law school, I think that would be helpful in terms of that written justification as well.

EXECUTIVE DIRECTOR ELIZABETH LINT: That would also be extremely important if, in fact, you did approve it, the ABCC would require that in any event.

POLICE COMMISSIONER ROBERT HAAS: How soon do you think you could have that documentation prepared?

THOMAS MOORE: Well, how soon would you like it?

POLICE COMMISSIONER ROBERT HAAS: February 6 is the earliest we can take it up again. If you can have it before the License Commission before February 6 we could possibly take action before then.

THOMAS MOORE: Okay. Would you like it by -- would you need say a week to review it? I am sure I can get it in by the end of the month.

EXECUTIVE DIRECTOR ELIZABETH LINT: That would be fine. Actually, before January 25.

THOMAS MOORE: Before the 25th, okay.

It would just be a more in-depth explanation of --

CHAIR ANDREA JACKSON: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: Your

circumstances and everything that you know that we know.

POLICE COMMISSIONER ROBERT HAAS: You talked about life changes and things you have done in your life to make changes and the fact that you went to law school and you have to be screened. Those will all help mitigate those kinds of issues. You talk about what has changed in your life circumstances that you feel that you won't find yourself in that situation again.

That would be helpful.

CHAIR ANDREA JACKSON: And I would even go as far as saying, you said you finished, was it, last year in the top --

THOMAS MOORE: I was in the 17th percentile.

CHAIR ANDREA JACKSON: If you have a transcript that you can add in, that would

helpful.

FIRE CHIEF GERALD REARDON: Because of the nature of what is there and you will have a license in your name, so it is a completely different plateau.

THOMAS MOORE: And I can appreciate that. I can.

As I mentioned, it was the gentleman who is the manager now, he's looking to step down and I wanted to help.

CHAIR ANDREA JACKSON: Okay. I make a motion that we take this matter under advisement until further documentation is provided as specified in this hearing.

POLICE COMMISSIONER ROBERT HAAS: Seconded.

CHAIR ANDREA JACKSON: All in favor signify saying sigh.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

THOMAS MOORE: Thank you. I'll get that to you by the 25th.

CHAIR ANDREA JACKSON: Before I make a motion to adjourn, a procedure question for you: Would it be helpful for you to have this type of information prior to the hearing or are you okay receiving it here?

POLICE COMMISSIONER ROBERT HAAS: We always looked at it here.

CHAIR ANDREA JACKSON: Just want to make sure.

EXECUTIVE DIRECTOR ELIZABETH LINT: I can always get it to before if you feel that it's needed.

This is not on the record.

CHAIR ANDREA JACKSON: I make a motion

adjourn.

FIRE CHIEF GERALD REARDON: Seconded.

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

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: We are done.

ERRATA SHEET

INSTRUCTIONS: After reading the transcript of this hearing, note any change or correction to and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Sign and date this errata sheet (before a Notary Public, if required).

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I have read the foregoing transcript of the hearing, and except for any corrections or changes noted above, I hereby subscribe the transcript as an accurate record by me.

_____

CERTIFICATE

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, a Notary Public in and for the Commonwealth of Massachusetts, do hereby certify:

That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of January 2014.

_____

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public
My Commission expires:
February 2, 2017

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$10 [2] - 1:155:16; 1:156:11
$15 [1] - 1:156:11
$15,000 [1] - 1:30:15
$20 [4] - 1:153:14; 1:155:16; 1:156:3, 11
$40 [3] - 1:155:16; 1:156:12; 1:171:7
$50 [1] - 1:171:8
'11 [1] - 1:12:15
'78 [1] - 1:96:2
02139 [1] - 1:1:13
1 [9] - 1:56:3; 1:76:5, 9, 11; 1:78:3, 18; 1:80:12; 1:119:7; 1:133:8
1,000 [1] - 1:142:7
10 [1] - 1:89:17
100 [1] - 1:43:4
100-percent [1] - 1:165:11
104 [1] - 1:112:11
105 [1] - 1:133:5
106 [1] - 1:2:13
10:00 [1] - 1:66:7
10th [1] - 1:39:12
11 [1] - 1:110:13
110 [2] - 1:112:3; 1:130:17
111 [1] - 1:2:11
11:00 [3] - 1:66:5; 1:141:12
11:30 [5] - 1:90:6-8; 1:110:13
11th [1] - 1:39:12
12 [2] - 1:112:3; 1:130:17
12th [1] - 1:39:13
14 [1] - 1:163:16
14903 [1] - 1:179:13
1498 [1] - 1:66:18
15 [1] - 1:146:15
151 [1] - 1:67:4
160 [1] - 1:2:14
17th [1] - 1:174:15
180 [2] - 1:66:2; 1:88:12
1920 [1] - 1:161:7
1:00 [4] - 1:66:5, 7; 1:90:8; 1:110:14
2 [16] - 1:35:18; 1:55:18; 1:76:7, 14, 16; 1:77:1; 1:78:7; 1:79:14; 1:80:5, 9; 1:123:1; 1:131:4; 1:171:7; 1:179:15
20 [8] - 1:61:11; 1:65:4; 1:146:8, 15; 1:152:1; 1:156:16; 1:170:15
2008 [2] - 1:62:6, 11
2009 [1] - 1:56:18
2010 [1] - 1:62:13
2011 [1] - 1:12:15
2012 [2] - 1:35:16
2013 [3] - 1:3:5; 1:89:17; 1:132:13
2014 [2] - 1:1:14; 1:179:10
2017 [1] - 1:179:15
21 [8] - 1:59:18; 1:63:17; 1:89:4, 8; 1:106:1; 1:110:16; 1:111:17; 1:130:13
213 [1] - 1:91:1
215 [1] - 1:91:1
21st [2] - 1:51:13; 1:53:17
23 [1] - 1:16:15
2322 [1] - 1:161:4
25 [2] - 1:156:16; 1:173:13
25th [2] - 1:173:14; 1:176:4
26 [2] - 1:66:3; 1:88:12
2:00 [2] - 1:66:6; 1:112:6
3 [1] - 1:2:4
3,000 [1] - 1:122:17
30 [2] - 1:28:7, 10
30-year [1] - 1:69:18
30th [1] - 1:119:6
4th [1] - 1:135:7
5 [2] - 1:61:11; 1:65:5
50 [1] - 1:155:18
54 [1] - 1:2:5
58 [3] - 1:90:9; 1:91:15; 1:110:15
6 [4] - 1:4:1; 1:160:13; 1:173:4, 6
6-foot [1] - 1:6:5
61 [2] - 1:2:7; 1:114:2
617.786.7783 [1] - 1:1:18
65 [1] - 1:2:8
67 [4] - 1:112:4; 1:114:7; 1:130:16, 18
675 [1] - 1:54:12
6:00 [2] - 1:1:15; 1:3:5
7 [4] - 1:1:14; 1:3:5; 1:5:4
75 [2] - 1:90:4; 1:110:12
7:00 [1] - 1:141:13
7th [1] - 1:179:10
8 [2] - 1:90:18; 1:131:4
831 [2] - 1:1:13; 1:3:7
85-87 [1] - 1:4:18
89 [1] - 1:2:10
8:00 [1] - 1:112:6
9 [1] - 1:78:18
91 [2] - 1:66:1; 1:88:13
92 [1] - 1:54:6

A-S-H-L-E-Y [1] - 1:90:18
a.m [35] - 1:5:4; 1:55:18; 1:56:4; 1:66:5-7; 1:76:5, 7, 9, 14, 16; 1:77:1; 1:78:3, 7, 18; 1:79:15; 1:80:9, 12; 1:90:7; 1:110:13; 1:112:6; 1:123:1; 1:131:4
a.m. [1] - 1:76:11
ABC [2] - 1:27:2
ABCC [2] - 1:99:6; 1:172:14
abeyance [5] - 1:45:1; 1:46:10; 1:47:6, 12; 1:48:14
ability [4] - 1:33:13; 1:69:9; 1:86:13; 1:98:16
able [9] - 1:38:3; 1:58:12; 1:117:12; 1:119:14; 1:120:1; 1:136:1; 1:140:12; 1:149:4, 9
abused [1] - 1:43:14
abutters [2] - 1:67:14; 1:91:4
acceptable [6] - 1:16:1; 1:48:15; 1:52:14; 1:53:3; 1:125:11
access [8] - 1:115:4, 10; 1:116:1; 1:118:16; 1:124:12; 1:125:17; 1:126:9, 11
Access [2] - 1:115:17; 1:126:3
accessible [4] - 1:26:9; 1:81:5; 1:94:16; 1:97:14
accident [2] - 1:157:8; 1:171:13
accomplished [1] - 1:69:18
according [1] - 1:76:8
account [1] - 1:102:15
accumulated [1] - 1:21:5
accurate [4] - 1:101:15; 1:102:3; 1:178:15; 1:179:8
acholic [2] - 1:54:5; 1:61:10
acknowledge [1] - 1:11:5
acknowledged [2] - 1:6:10; 1:8:6
acknowledgements [1] - 1:67:13
acquire [1] - 1:42:11
acquisition [2] - 1:68:17; 1:98:14
act [1] - 1:118:15
action [7] - 1:29:8; 1:48:12; 1:139:14; 1:140:2; 1:172:5; 1:173:7
active [1] - 1:92:4
activities [1] - 1:104:16
activity [2] - 1:104:13; 1:139:17
Adams [1] - 1:54:12
add [1] - 1:174:18
addition [4] - 1:5:17; 1:8:10; 1:76:10; 1:114:3
additional [3] - 1:21:9; 1:79:1; 1:101:18
address [9] - 1:8:17; 1:10:5; 1:18:1; 1:19:16; 1:29:4; 1:46:4; 1:67:4; 1:81:13; 1:133:4
addressed [3] - 1:5:11; 1:8:2; 1:11:14
adequate [1] - 1:98:3
adjourn [2] - 1:176:6; 1:177:1
admitted [1] - 1:167:6
advantage [2] - 1:69:4; 1:153:11
advertise [4] - 1:51:13; 1:143:14, 18; 1:151:8
advertise? [1] - 1:51:11
advertised [4] - 1:76:16; 1:80:5, 9; 1:143:13
advertisement [1] - 1:101:15
advertising [2] - 1:143:11; 1:150:1
advisement [6] - 1:47:8; 1:50:12; 1:51:17; 1:159:9, 13; 1:175:12
affidavit [1] - 1:112:18
affiliate [2] - 1:68:17; 1:91:18
affiliated [1] - 1:69:3
affirmation [1] - 1:27:7
affordable [2] - 1:94:8, 16
afternoon [2] - 1:9:4; 1:11:4
afternoons [1] - 1:128:12
afterwards [1] - 1:120:15
agencies [1] - 1:75:12
AGENDA [2] - 1:2:1
agenda [1] - 1:159:14
agent [1] - 1:17:16
ago [3] - 1:13:13; 1:62:15; 1:164:7
agree [2] - 1:31:6; 1:170:11
agreed [2] - 1:110:16; 1:161:12
agreement [3] - 1:74:16; 1:100:16; 1:101:1
ahead [4] -

1:48:8; 1:49:7; 1:138:13, 18
alarm [11] - 1:9:18; 1:24:18; 1:35:7, 14; 1:36:7, 15; 1:37:6; 1:38:13, 15, 18
alarming [1] - 1:5:9
alarms [2] - 1:35:5; 1:37:1
alcohol [12] - 1:55:18; 1:58:9; 1:63:3; 1:65:4; 1:71:8; 1:88:11; 1:92:18; 1:96:12; 1:113:17; 1:121:16; 1:163:18; 1:164:10
alcoholic [4] - 1:65:17; 1:106:11; 1:161:3; 1:163:12
all-encompassing [1] - 1:95:4
allow [4] - 1:30:9; 1:112:1; 1:135:17; 1:139:5
allowed [2] - 1:36:16; 1:170:9
allowing [1] - 1:20:10
alluded [1] - 1:169:1
almost [2] - 1:16:8; 1:80:14
Alon [1] - 1:106:10
alone [2] - 1:24:11
alternative [1] - 1:143:9
amazed [1] - 1:154:16
amazing [1] - 1:137:1
amendment [1] - 1:79:12
amendments [1] - 1:159:10
Amherst [1] - 1:71:2
amount [1] - 1:69:17
AND/OR [1] - 1:179:17
ANDREA [99] - 1:1:6; 1:4:6, 15; 1:8:16; 1:20:13; 1:22:4; 1:32:8, 12; 1:33:6, 16; 1:34:4, 7, 10, 16; 1:35:15; 1:41:8; 1:45:16; 1:46:3; 1:49:17; 1:50:5, 9, 16; 1:51:7, 10, 14; 1:52:6; 1:53:10, 14; 1:60:8, 15; 1:62:3; 1:64:17; 1:65:7, 11; 1:67:5, 8; 1:74:7; 1:78:9; 1:81:4, 10, 12; 1:82:14; 1:85:8; 1:88:3, 16; 1:89:2; 1:90:13; 1:97:11; 1:98:6; 1:101:11; 1:102:18; 1:103:8; 1:105:5; 1:106:5, 14, 18; 1:107:5, 9; 1:108:13; 1:110:5; 1:111:3, 6, 10; 1:112:7; 1:122:7; 1:127:13; 1:129:14; 1:130:10; 1:131:8, 12, 16; 1:132:5, 15; 1:133:1, 6, 9, 12; 1:147:8; 1:153:5; 1:159:5, 12, 17; 1:160:1, 12; 1:165:16; 1:166:4; 1:167:10; 1:168:11, 15; 1:173:17; 1:174:12, 17; 1:175:11, 17; 1:176:5, 12, 18; 1:177:3, 7
Andrea [1] - 1:3:9
annual [1] - 1:24:17
answer [3] - 1:20:2; 1:109:9; 1:118:11
answering [2] - 1:41:12; 1:42:1
ANTHONY [41] - 1:66:12; 1:67:10; 1:73:3; 1:74:5, 9; 1:75:10, 17; 1:76:12; 1:77:2, 6; 1:78:5; 1:79:6; 1:81:6; 1:85:10; 1:86:15; 1:87:3, 13; 1:88:1; 1:89:11; 1:90:10, 16; 1:91:3; 1:93:4; 1:97:15; 1:98:10, 13; 1:99:10, 16; 1:100:7, 13; 1:101:4, 14, 17; 1:102:9, 13; 1:103:4; 1:107:13; 1:108:5; 1:109:9, 16; 1:110:17
Anthony [1] - 1:66:16
anticipate [1] - 1:59:10
Antonio [2] - 1:148:8; 1:154:3
ANY [2] - 1:179:16
anyway [1] - 1:77:9
apologize [3] - 1:91:8; 1:162:13, 16
apparatus [1] - 1:28:4
appeal [1] - 1:92:3
appear [2] - 1:12:12; 1:162:17
appearance [1] - 1:26:4
appeared [1] - 1:132:3
appearing [1] - 1:54:14
Applicant [1] - 1:66:8
applicant [4] - 1:61:17; 1:68:1; 1:76:13; 1:121:7
Application [1] - 1:161:1
application [30] - 1:54:3;

1:61:8; 1:65:13, 15; 1:67:17; 1:68:14; 1:77:9, 12; 1:79:8; 1:82:1, 12; 1:83:12, 14, 18; 1:84:14; 1:89:17; 1:92:9; 1:104:17; 1:111:13, 15; 1:113:3; 1:119:2; 1:125:12, 14; 1:126:2; 1:129:13; 1:166:6, 13-14; 1:168:16

APPLICATION [11] - 1:2:5, 8-9, 11-12, 14; 1:54:1; 1:61:6; 1:89:15; 1:160:16

applied [9] - 1:54:7; 1:61:12; 1:65:16; 1:76:6; 1:90:1; 1:106:12; 1:111:16; 1:121:1; 1:161:4

applies [1] - 1:163:3

apply [5] - 1:59:11; 1:115:11; 1:116:4; 1:117:11

APPLY [1] - 1:179:16

applying [3] - 1:66:8; 1:115:14; 1:121:9

appreciate [5] - 1:169:12, 15, 18; 1:170:3; 1:175:6

apprehension [1] - 1:153:7

approach [1] - 1:49:10

appropriate [3] - 1:48:12; 1:92:8; 1:119:1

approval [5] - 1:52:11; 1:53:2, 8; 1:56:11; 1:140:13

approve [12] - 1:60:9, 13; 1:64:14; 1:65:3; 1:79:7; 1:88:10; 1:104:17; 1:107:6; 1:110:9; 1:129:12; 1:130:16; 1:172:14

approved [3] - 1:53:6; 1:79:13; 1:125:16

April [2] - 1:119:7; 1:160:7

architectural [2] - 1:115:10; 1:125:17

Architectural [2] - 1:115:17; 1:126:2

area [25] - 1:12:13, 17; 1:13:4; 1:15:8; 1:16:14; 1:35:11; 1:57:13; 1:59:15; 1:84:18; 1:85:1, 11; 1:92:7; 1:115:15; 1:119:17; 1:122:5; 1:123:5; 1:154:12; 1:158:17; 1:164:1, 9; 1:165:6, 13

areas [5] - 1:6:4, 7; 1:85:11; 1:143:15; 1:148:8

arisen [1] - 1:164:8

Arlington [1] - 1:171:6

arrangement [1] - 1:86:3

arrested [3] - 1:167:14; 1:168:4; 1:169:2

arrests [2] - 1:166:16; 1:167:11

arrive [1] - 1:5:3

art [1] - 1:144:5

articles [1] - 1:99:18

articulation [1] - 1:87:5

Ash [1] - 1:109:12

Ash's [1] - 1:92:1

Ashley [7] - 1:89:18; 1:90:15; 1:100:3; 1:104:6; 1:107:17; 1:108:5; 1:110:10

ASHLEY [9] - 1:90:15, 18; 1:93:11; 1:96:16; 1:97:9; 1:98:4; 1:105:8; 1:106:2; 1:109:3

Asian [2] - 1:95:13, 17

aside [1] - 1:40:16

asparagus [1] - 1:95:8

aspects [1] - 1:125:11

asset [1] - 1:69:10

assignee [1] - 1:100:18

assistance [1] - 1:148:7

ASSISTANT [1] - 1:1:8

assistant [1] - 1:63:5

associated [1] - 1:59:6

Association [8] - 1:73:15; 1:81:18; 1:103:16; 1:127:18; 1:129:11; 1:150:8, 11; 1:161:6

association [5] - 1:57:6; 1:82:2, 7; 1:128:11; 1:161:1

ASSOCIATION [2] - 1:2:14; 1:160:16

assume [1] - 1:16:7

assuming [2] - 1:78:5; 1:121:8

assumption [2] - 1:77:18; 1:78:6

assurances [1] - 1:32:1

assure [2] - 1:19:15; 1:167:8

assuring [1] - 1:38:2

AT [1] - 1:1:12

attached [1] - 1:22:1

attempt [1] - 1:116:18
attention [1] - 1:17:5
attentive [1] - 1:24:9
ATTORNEY [46] - 1:54:8; 1:56:14; 1:59:5; 1:60:2; 1:61:1; 1:66:12; 1:67:10; 1:73:3; 1:74:5, 9; 1:75:10, 17; 1:76:12; 1:77:2, 6; 1:78:5; 1:79:6; 1:81:6; 1:85:10; 1:86:15; 1:87:3, 13; 1:88:1; 1:89:11; 1:90:10, 16; 1:91:3; 1:93:4; 1:97:15; 1:98:10, 13; 1:99:10, 16; 1:100:7, 13; 1:101:4, 14, 17; 1:102:9, 13; 1:103:4; 1:107:13; 1:108:5; 1:109:9, 16; 1:110:17
Attorney [1] - 1:70:3
attorney [2] - 1:54:11; 1:97:11
attractive [1] - 1:86:11
ATTY [14] - 1:61:14; 1:62:5; 1:63:16; 1:112:10, 17; 1:116:12; 1:121:11, 17; 1:122:2; 1:123:4, 10; 1:125:13; 1:131:2; 1:132:2
Auburn [3] - 1:112:11; 1:113:9; 1:128:16
audience [1] - 1:64:16
August [1] - 1:116:13
authority [1] - 1:79:7
automatic [1] - 1:36:11
availability [1] - 1:86:10
available [1] - 1:44:13
Ave [3] - 1:3:7; 1:54:13; 1:91:1
Avenue [2] - 1:1:13; 1:161:4
average [1] - 1:143:2
avoid [2] - 1:9:17; 1:158:8
aware [4] - 1:30:5; 1:31:10; 1:113:5; 1:165:3
awesome [1] - 1:142:15
awhile [5] - 1:12:14; 1:58:1; 1:104:13; 1:105:11; 1:126:4
awning [1] - 1:157:14
aye [33] - 1:50:6-8; 1:53:11-14; 1:60:16-18; 1:65:8-10; 1:88:17; 1:89:1; 1:107:10-12; 1:111:7-9; 1:131:17; 1:132:1; 1:160:2-4; 1:176:1; 1:177:4
B&B [2] - 1:4:17; 1:5:1
B-R-O-E [1] - 1:54:16
background [10] - 1:56:17; 1:61:4; 1:64:9; 1:69:13; 1:88:8; 1:93:13; 1:161:18; 1:166:1, 10; 1:170:10
backyard [4] - 1:163:13; 1:164:1, 4; 1:165:14
bacon [1] - 1:95:7
bad [2] - 1:37:1; 1:152:13
bag [1] - 1:35:9
bagged [1] - 1:33:10
balance [1] - 1:72:13
bankruptcy [1] - 1:55:17
Bar [1] - 1:170:12
bar [9] - 1:71:15; 1:114:14; 1:119:17; 1:120:4; 1:161:16; 1:162:2
barrier [1] - 1:85:3
barriers [1] - 1:84:17
bartending [1] - 1:156:1
based [4] - 1:12:17; 1:17:9; 1:57:11; 1:95:6
baseline [1] - 1:48:6
Basement [2] - 1:1:12; 1:3:7
basement [12] - 1:3:18; 1:4:3; 1:6:3; 1:7:6, 9; 1:9:8, 12; 1:11:16; 1:12:1; 1:26:4; 1:31:4; 1:91:15
basic [1] - 1:38:10
basis [4] - 1:36:3; 1:129:5; 1:156:13
batteries [2] - 1:9:5; 1:10:11
Bay [5] - 1:90:4; 1:91:14; 1:93:3; 1:104:1, 12
BBQ [2] - 1:95:2, 5
BBQ-style [1] - 1:95:5
Beach [1] - 1:96:16
beams [1] - 1:124:8
beat [1] - 1:155:14
beat-on [1] - 1:155:14
Beatrice [1] - 1:57:11
became [1] - 1:62:14
become [1] - 1:82:2
bed [1] -

1:15:16
bedding [1] - 1:9:11
bedroom [1] - 1:11:17
beds [1] - 1:6:8
beep [1] - 1:155:1
beer [10] - 1:56:2; 1:91:12; 1:93:1, 5; 1:116:6; 1:120:6, 10; 1:121:2, 18; 1:165:3
beginning [1] - 1:133:16
begun [1] - 1:56:8
behalf [2] - 1:54:14; 1:147:15
behind [2] - 1:11:18; 1:158:16
behoove [1] - 1:122:14
beloved [2] - 1:82:4; 1:128:4
below [2] - 1:55:7; 1:66:10
benefit [3] - 1:6:14; 1:19:11; 1:56:16
Bennet [2] - 1:61:11; 1:65:5
Bertucci's [9] - 1:113:6; 1:114:9; 1:116:6, 18; 1:117:5, 7, 14; 1:123:3; 1:129:7
best [3] - 1:49:10; 1:52:18; 1:161:13
better [3] - 1:16:7; 1:42:16; 1:159:1
between [9] - 1:5:4; 1:24:7; 1:38:4; 1:93:3; 1:139:5; 1:146:16; 1:158:10, 15
beverages [8] - 1:54:5; 1:61:10; 1:65:17; 1:90:2; 1:106:11; 1:112:1; 1:161:3; 1:163:13
Beverly [1] - 1:57:15
beyond [4] - 1:20:16; 1:56:3; 1:80:13; 1:87:5
big [5] - 1:68:7; 1:104:7; 1:120:4; 1:134:10; 1:160:11
biggest [2] - 1:77:12; 1:136:7
bike [4] - 1:149:5; 1:154:17; 1:155:10; 1:158:10
bikes [11] - 1:137:6, 12; 1:138:15, 17; 1:139:10; 1:141:16; 1:142:2, 4; 1:155:11; 1:159:2
binder [1] - 1:99:2
bit [3] - 1:92:11; 1:142:4; 1:162:6
bittersweet [1] - 1:69:16
blizzard [1] - 1:96:2
block [1] - 1:83:6
blocked [1] - 1:7:17
BOARD [1] - 1:1:5
Board [6] - 1:44:10; 1:63:18; 1:91:8; 1:115:17; 1:126:3; 1:133:17
board [2] - 1:82:9; 1:116:8
Bob [5] - 1:100:6; 1:101:6; 1:102:6, 9; 1:129:15
BOB [1] - 1:129:15
bonus [1] - 1:152:11
book [2] - 1:15:14; 1:136:9
book-chartered [1] - 1:136:9
bookstore [1] - 1:157:14
born [2] - 1:94:3; 1:96:2
Boston [15] - 1:54:3, 15; 1:67:4; 1:133:5; 1:134:9; 1:135:9, 18; 1:136:3; 1:139:3, 7; 1:141:9; 1:145:1; 1:162:11
bought [4] - 1:22:16; 1:23:11; 1:86:5; 1:96:18
box [1] - 1:93:16
brakes [1] - 1:158:6
brand [1] - 1:124:2
brand-new [1] - 1:124:2
Brattle [4] - 1:96:2; 1:111:18; 1:128:17; 1:130:13
break [5] - 1:29:11; 1:49:17; 1:168:2, 8
breaking [1] - 1:171:15
brick [1] - 1:168:1
bridges [1] - 1:140:9
brief [1] - 1:166:14
bring [5] - 1:13:11; 1:94:8; 1:96:1, 4; 1:140:12
bringing [1] - 1:139:7
brings [1] - 1:104:6
BROE [6] - 1:56:18; 1:58:6, 18; 1:59:3, 13; 1:60:1
Broe [7] - 1:54:7, 16-17; 1:55:4, 8; 1:56:9; 1:59:6
brought [5] - 1:17:5, 10; 1:21:11; 1:97:5
BRUSH [14] - 1:119:5, 12;

1:120:14; 1:121:1; 1:122:17; 1:123:6, 11; 1:124:2, 7; 1:125:1, 4; 1:126:7; 1:127:6, 9

Brush [7] - 1:111:16; 1:112:13; 1:113:11, 15; 1:117:17; 1:118:8; 1:130:13

bucks [1] - 1:152:1

buffet [1] - 1:71:6

build [3] - 1:123:9; 1:130:2; 1:146:13

build-out [2] - 1:123:9; 1:130:2

Building [2] - 1:1:12; 1:3:6

building [21] - 1:5:6; 1:7:2, 10; 1:16:6; 1:18:2, 18; 1:21:8; 1:22:1; 1:33:5, 13; 1:35:9; 1:36:9; 1:43:5; 1:81:4; 1:83:14; 1:84:9, 11; 1:91:17; 1:97:17; 1:130:1, 3

buildings [1] - 1:98:4

built [1] - 1:11:15

bumping [1] - 1:169:13

burdensome [1] - 1:30:16

Bureau [1] - 1:46:13

burrito [1] - 1:128:13

bus [5] - 1:149:8; 1:151:14; 1:157:12; 1:158:5, 11

busier [1] - 1:143:3

business [23] - 1:27:18; 1:37:16; 1:42:7; 1:59:2; 1:62:13; 1:70:18; 1:78:16; 1:97:2; 1:104:12; 1:106:9; 1:117:16; 1:120:5; 1:128:11; 1:133:4; 1:138:4; 1:142:7; 1:145:12; 1:146:1, 3, 8; 1:147:3; 1:152:17; 1:156:14

Business [6] - 1:81:18; 1:103:15; 1:127:18; 1:129:10; 1:150:7, 11

businesses [3] - 1:19:13; 1:143:14; 1:149:18

busy [3] - 1:31:2; 1:105:4; 1:156:11

Buttery [1] - 1:94:12

buy [1] - 1:72:16

buyer [1] - 1:117:4

buying [1] - 1:117:5

C-L-A-R-K [1] - 1:147:11

C-O-L-L-I-E-R-S [1] - 1:129:17

C-R-A-N-E [1] - 1:112:10

cab [2] - 1:138:11; 1:149:9

cabs [1] - 1:148:18

Cafe [6] - 1:113:12; 1:114:5, 17; 1:115:18; 1:120:13; 1:128:2

CAHILL [9] - 1:4:5, 13-14, 17; 1:8:14; 1:10:5; 1:11:9; 1:25:13, 15

Cahill [2] - 1:4:13, 15

Cahill's [1] - 1:32:14

California [5] - 1:94:2, 6; 1:95:18; 1:154:3

CAMBRIDGE [4] - 1:1:1; 1:2:14; 1:160:17

Cambridge [34] - 1:1:13; 1:4:14; 1:5:16; 1:54:13; 1:59:18; 1:62:17; 1:66:18; 1:67:1; 1:71:18; 1:72:2; 1:112:12; 1:133:8, 11; 1:134:9, 13; 1:135:14, 18; 1:136:2, 5; 1:138:8; 1:139:7; 1:141:9; 1:143:15; 1:145:18; 1:146:12; 1:147:12, 17; 1:149:4, 10; 1:150:2; 1:151:3; 1:161:2, 7

Cambridgeside [2] - 1:137:1; 1:139:10

campus [1] - 1:93:17

candidate [1] - 1:170:14

cannot [1] - 1:140:10

capable [1] - 1:26:16

capacity [3] - 1:90:9; 1:110:15; 1:112:3

CAPTAIN [8] - 1:4:5, 13, 17; 1:8:14; 1:10:5; 1:11:9; 1:25:13, 15

Captain [4] - 1:4:13, 15; 1:24:12; 1:32:14

CAPTURING [1] - 1:1:17

car [2] - 1:155:7; 1:158:4

carbon [1] - 1:7:13

card [2] - 1:113:1

cards [2] - 1:142:7

care [2] - 1:9:1; 1:28:17

CAROLINE [4] - 1:82:18; 1:84:6, 10; 1:85:5

Caroline [1] -

1:82:18
cars [5] - 1:154:15; 1:155:7, 11; 1:159:2
case [9] - 1:7:4; 1:11:8; 1:30:1; 1:35:16; 1:56:1; 1:83:15; 1:105:13; 1:157:11; 1:168:10
cases [2] - 1:7:14; 1:8:8
casual [1] - 1:71:6
Catherine [3] - 1:66:1; 1:69:18; 1:82:6
caution [2] - 1:84:16; 1:85:17
ceiling [1] - 1:123:7
celebrating [1] - 1:68:10
cello [1] - 1:86:18
Center [2] - 1:72:3; 1:104:10
Central [1] - 1:139:15
central [1] - 1:140:5
cents [1] - 1:155:18
CEO [1] - 1:147:11
certain [3] - 1:7:4; 1:18:1; 1:33:14
certainly [2] - 1:166:11; 1:167:1
CERTIFICATE [1] - 1:179:1
certificate [1] - 1:63:18
certification [1] - 1:73:17
CERTIFICATION [1] - 1:179:16
certified [2] - 1:91:4; 1:113:2
Certified [1] - 1:179:13
certify [2] - 1:170:11; 1:179:6
CERTIFYING [1] - 1:179:17
Chair [14] - 1:3:8; 1:10:6; 1:44:7; 1:52:15; 1:54:9; 1:61:15; 1:67:11; 1:73:4; 1:85:16; 1:86:16; 1:110:18; 1:132:2; 1:147:13; 1:172:4
CHAIR [99] - 1:1:6; 1:4:6, 15; 1:8:16; 1:20:13; 1:22:4; 1:32:8, 12; 1:33:6, 16; 1:34:4, 7, 10, 16; 1:35:15; 1:41:8; 1:45:16; 1:46:3; 1:49:17; 1:50:5, 9, 16; 1:51:7, 10, 14; 1:52:6; 1:53:10, 14; 1:60:8, 15; 1:62:3; 1:64:17; 1:65:7, 11; 1:67:5, 8; 1:74:7; 1:78:9; 1:81:4, 10, 12; 1:82:14; 1:85:8; 1:88:3, 16; 1:89:2; 1:90:13; 1:97:11; 1:98:6; 1:101:11; 1:102:18; 1:103:8; 1:105:5; 1:106:5, 14, 18; 1:107:5, 9; 1:108:13; 1:110:5; 1:111:3, 6, 10; 1:112:7; 1:122:7; 1:127:13; 1:129:14; 1:130:10; 1:131:8, 12, 16; 1:132:5, 15; 1:133:1, 6, 9, 12; 1:147:8; 1:153:5; 1:159:5, 12, 17; 1:160:1, 12; 1:165:16; 1:166:4; 1:167:10; 1:168:11, 15; 1:173:17; 1:174:12, 17; 1:175:11, 17; 1:176:5, 12, 18; 1:177:3, 7
Chair's [1] - 1:37:9
challengers [1] - 1:141:6
challenging [5] - 1:98:15, 18; 1:104:2; 1:142:5; 1:154:9
Chamber [3] - 1:147:12, 15; 1:150:11
chamber [1] - 1:147:18
Champlain [2] - 1:55:9; 1:57:1
Chan [13] - 1:69:3; 1:89:18; 1:90:15; 1:91:9; 1:92:5; 1:93:8; 1:100:3; 1:102:14; 1:103:18; 1:107:17; 1:108:6; 1:110:10, 18
CHAN [9] - 1:90:15, 18; 1:93:11; 1:96:16; 1:97:9; 1:98:4; 1:105:8; 1:106:2; 1:109:3
chance [4] - 1:31:13; 1:43:11; 1:45:14; 1:46:18
chances [1] - 1:14:11
CHANGE [6] - 1:178:7
change [21] - 1:32:2; 1:39:16; 1:40:12; 1:42:5, 7-9; 1:54:7; 1:61:12; 1:71:3; 1:106:12; 1:107:6; 1:145:12; 1:146:18; 1:147:14; 1:161:5; 1:162:15; 1:166:6; 1:167:3; 1:178:2
changed [3] - 1:32:4; 1:97:3; 1:174:8

changes [9] - 1:68:2; 1:74:7; 1:92:9, 15; 1:167:8; 1:170:6; 1:174:4; 1:178:14
character [1] - 1:170:12
charge [2] - 1:45:8, 10
Charles [7] - 1:62:1, 8, 16; 1:63:12; 1:133:3; 1:135:1
chartered [2] - 1:136:9; 1:138:9
Chazumba [2] - 1:111:15; 1:130:12
check [5] - 1:29:3; 1:40:17; 1:41:1; 1:102:12; 1:170:10
check-off [2] - 1:29:3; 1:41:1
checking [2] - 1:10:13; 1:38:11
Cheese [1] - 1:57:12
Cheesecake [2] - 1:71:9, 12
chef [3] - 1:70:11; 1:72:11, 16
Chelsea [5] - 1:61:17; 1:62:6; 1:63:16; 1:64:14; 1:65:3
CHELSIE [7] - 1:62:10; 1:63:4, 9, 13, 15; 1:64:3, 7
Chelsie [1] - 1:61:12
chicken [1] - 1:95:6
CHIEF [100] - 1:1:8; 1:12:11; 1:13:3; 1:14:7; 1:15:4, 17; 1:16:4, 12, 17; 1:19:1, 17; 1:22:12; 1:26:15; 1:30:2; 1:31:7, 15; 1:36:6; 1:37:4; 1:42:3, 14; 1:43:9; 1:44:14; 1:46:7; 1:47:2, 16; 1:48:18; 1:50:8, 14; 1:51:5; 1:53:12, 16; 1:58:15; 1:59:1; 1:60:4, 14, 18; 1:63:11, 14; 1:64:1, 4, 13; 1:65:2, 10; 1:71:17; 1:74:1; 1:77:17; 1:80:4, 7; 1:81:11; 1:86:17; 1:87:11, 15; 1:88:6, 9; 1:89:1; 1:98:2, 7; 1:105:9; 1:107:8, 12; 1:110:8; 1:111:1, 5, 9; 1:121:15, 18; 1:123:2, 8, 14; 1:124:17; 1:125:2; 1:126:5; 1:127:4, 7, 12; 1:130:11; 1:131:3; 1:132:1; 1:134:3; 1:139:9, 16; 1:140:18; 1:141:3; 1:144:2, 15; 1:147:7; 1:155:12; 1:157:18; 1:159:18; 1:160:4; 1:163:2, 10, 15; 1:164:6; 1:165:10; 1:169:9; 1:175:2; 1:176:1; 1:177:2, 6
Chief [5] - 1:3:10; 1:23:2; 1:48:7; 1:52:3; 1:53:5
Chief's [1] - 1:28:14
Chinese [1] - 1:18:9
chose [1] - 1:150:5
Chris [2] - 1:99:13; 1:101:9
circumstances [2] - 1:174:1, 9
cities [2] - 1:138:13; 1:139:5
city [9] - 1:6:14; 1:19:13; 1:137:4; 1:139:11, 13; 1:149:14; 1:154:4, 17; 1:155:10
City [1] - 1:57:12
CITY [1] - 1:1:2
clarification [1] - 1:131:1
clarified [1] - 1:103:1
CLARK [2] - 1:147:10; 1:158:2
classic [1] - 1:72:15
classically [1] - 1:72:11
classically-done [1] - 1:72:11
clean [3] - 1:21:9; 1:22:3; 1:92:13
clean-out [2] - 1:21:9; 1:22:3
clean-up [1] - 1:92:13
cleaning [1] - 1:124:12
clear [4] - 1:32:14; 1:48:9; 1:52:10, 17
cleared [2] - 1:20:7; 1:99:12
clearly [2] - 1:105:11; 1:152:12
client [6] - 1:74:11; 1:85:17; 1:113:8; 1:115:13; 1:116:14; 1:117:9
clients [1] - 1:85:15
close [1] - 1:105:13
closed [3] - 1:21:3, 5; 1:75:15
closely [1] - 1:82:3
closing [1] - 1:75:18
clothes [1] - 1:6:8
club [2] - 1:86:7;

1:161:3
clutter [9] - 1:9:7; 1:15:3; 1:18:16; 1:20:16, 18; 1:21:2, 9, 14; 1:25:4
CO [5] - 1:4:2; 1:10:1; 1:22:5; 1:24:7; 1:38:11
co [1] - 1:18:2
co-owners [1] - 1:18:2
Coast [1] - 1:57:17
cocktail [1] - 1:86:12
code [7] - 1:10:2; 1:27:8; 1:36:15; 1:40:3; 1:91:2; 1:115:10; 1:125:17
cohesive [1] - 1:107:4
colleagues [1] - 1:168:12
collective [1] - 1:39:3
College [3] - 1:55:9; 1:57:1; 1:62:13
college [2] - 1:62:12; 1:167:6
Colliers [1] - 1:129:16
combination [1] - 1:5:13
combustible [2] - 1:4:3; 1:9:8
combustion [2] - 1:18:3; 1:21:18
comfort [2] - 1:94:6; 1:95:17
comfortable [2] - 1:47:9; 1:166:5
coming [7] - 1:43:18; 1:129:3; 1:138:8; 1:146:7; 1:157:12; 1:158:5; 1:160:14
comment [3] - 1:45:18; 1:46:2; 1:85:6
Commerce [2] - 1:147:12, 16
COMMISSION [3] - 1:1:1, 3, 5
Commission [14] - 1:46:12; 1:47:13; 1:51:3; 1:52:7; 1:54:9, 18; 1:59:12; 1:74:14; 1:79:7; 1:127:1; 1:170:4; 1:172:1; 1:173:6; 1:179:14
Commission's [1] - 1:3:4
COMMISSIONER [103] - 1:1:7; 1:10:7, 16; 1:11:7; 1:22:18; 1:23:9, 14; 1:24:2; 1:25:5; 1:26:13; 1:27:4; 1:29:6, 18; 1:37:8; 1:39:8; 1:40:10; 1:42:18; 1:43:6; 1:46:1; 1:47:18; 1:49:3; 1:50:3, 7; 1:52:9; 1:53:7, 13; 1:56:12, 15; 1:58:3; 1:59:17; 1:60:6, 17; 1:63:1, 6; 1:64:8, 11, 15; 1:65:6, 9; 1:70:15; 1:71:11; 1:72:4; 1:75:8, 14; 1:78:1; 1:80:10; 1:81:1; 1:83:17; 1:84:8, 15; 1:88:5, 14, 18; 1:89:3, 7; 1:96:7, 14; 1:97:6; 1:105:18; 1:107:11; 1:108:8, 18; 1:109:6, 14; 1:110:7; 1:111:8; 1:118:12; 1:119:9; 1:120:12, 17; 1:121:6; 1:122:10; 1:123:18; 1:124:4; 1:125:8; 1:127:10; 1:131:6, 10, 14, 18; 1:136:14; 1:138:3; 1:145:11; 1:147:2; 1:153:6; 1:154:8; 1:157:7; 1:160:3, 5, 8; 1:164:17; 1:168:18; 1:169:6; 1:171:2, 14; 1:172:3, 16; 1:173:3; 1:174:3; 1:175:15; 1:176:2, 10; 1:177:5
Commissioner [1] - 1:3:9
Commissioners [3] - 1:66:14; 1:77:13; 1:132:10
commissioners [1] - 1:3:8
commit [1] - 1:138:1
common [3] - 1:111:17; 1:113:3
Commonwealth [2] - 1:179:2, 5
communicates [1] - 1:18:11
communicating [1] - 1:74:15
communications [1] - 1:67:16
community [4] - 1:122:5; 1:148:6; 1:149:18; 1:150:16
companies [4] - 1:5:2; 1:8:11; 1:143:5; 1:146:17
company [8] - 1:13:15; 1:35:7; 1:36:7; 1:37:2; 1:42:12; 1:62:14; 1:107:15; 1:135:10
comparable [1] - 1:59:8
compensation [1] - 1:19:11

complaint [1] - 1:157:6
complaints [1] - 1:164:13
completed [2] - 1:56:6; 1:167:4
completely [2] - 1:165:8; 1:175:4
compliance [3] - 1:27:7; 1:30:13; 1:40:1
complied [1] - 1:125:18
comply [1] - 1:59:10
composite [1] - 1:125:6
concept [12] - 1:68:6; 1:69:8, 13; 1:71:5; 1:73:6; 1:75:6; 1:93:9; 1:97:3; 1:104:3; 1:105:16; 1:109:5; 1:148:14
concepts [2] - 1:68:3; 1:92:3
concern [5] - 1:6:13; 1:12:3, 10; 1:77:12; 1:170:3
concerned [1] - 1:14:2
concerning [1] - 1:166:2
concerns [2] - 1:7:1; 1:83:11
condition [1] - 1:28:13
conditioned [1] - 1:125:15
conditions [1] - 1:38:7
confer [1] - 1:103:6
Conference [2] - 1:1:12; 1:3:7
confident [1] - 1:47:9
confines [1] - 1:85:1
confirm [2] - 1:11:10; 1:83:12
confirmed [1] - 1:11:6
confirming [1] - 1:84:13
confused [2] - 1:23:1; 1:28:12
conjunction [1] - 1:143:4
connection [1] - 1:140:16
consider [2] - 1:47:12; 1:115:13
consistent [1] - 1:36:4
constant [2] - 1:17:8; 1:27:11
constantly [2] - 1:17:3; 1:33:18
construction [1] - 1:56:6
consumed [1] - 1:112:2
continuance [1] - 1:91:9
continuation [1] - 1:147:17
continue [12] - 1:13:10; 1:14:1, 5; 1:18:3; 1:30:9; 1:31:17; 1:69:9; 1:114:7; 1:134:2; 1:136:12; 1:150:5; 1:159:8
CONTINUED [1] - 1:89:15
continued [2] - 1:89:17; 1:91:6
continuing [1] - 1:82:7
continuity [1] - 1:69:8
CONTROL [1] - 1:179:17
control [12] - 1:20:5; 1:30:3, 7; 1:33:2-4, 6, 13; 1:42:13, 16-17; 1:117:7
controller [1] - 1:107:14
controlling [1] - 1:20:1
conversation [2] - 1:66:10; 1:68:7
convictions [2] - 1:166:16
convince [2] - 1:44:18; 1:46:16
convinced [1] - 1:45:8
cooking [2] - 1:93:14; 1:95:3
cool [1] - 1:104:7
Coop [1] - 1:157:18
copies [1] - 1:8:7
copy [3] - 1:8:13; 1:46:13; 1:168:15
cordial [1] - 1:17:2
core [1] - 1:144:12
corn [1] - 1:95:7
corner [4] - 1:91:15; 1:158:4, 6; 1:159:4
Corner [1] - 1:158:2
corporate [8] - 1:42:15; 1:46:16; 1:57:4; 1:99:8; 1:103:6; 1:109:2, 17
corporation [2] - 1:42:5, 8
correct [11] - 1:40:6; 1:63:10; 1:74:5; 1:76:15; 1:87:16; 1:88:2; 1:98:10; 1:101:5; 1:127:9; 1:133:15; 1:163:5
correctable [1] - 1:77:7
corrected [3] - 1:14:16; 1:100:14
correction [2] - 1:20:10; 1:178:3
corrections [1] - 1:178:14
corrective [1] - 1:29:8
Correy [1] - 1:160:10
cosmetic [1] - 1:98:9
cost [1] - 1:153:14
Costa [1] - 1:96:16
costs [1] - 1:79:2
counsel [2] - 1:61:16; 1:162:16
country [1] - 1:148:9
couple [8] - 1:19:13; 1:21:15;

1:25:16; 1:113:13; 1:121:5; 1:143:4; 1:156:5; 1:161:13
course [7] - 1:7:18; 1:21:4; 1:24:5, 10; 1:28:16; 1:63:17; 1:125:5
court [1] - 1:17:12
courteous [2] - 1:155:4, 8
covered [2] - 1:9:15
crane [2] - 1:125:9; 1:129:11
CRANE [11] - 1:112:10, 17; 1:116:12; 1:121:11, 17; 1:122:2; 1:123:4, 10; 1:125:13; 1:131:2; 1:132:2
Crane [1] - 1:112:10
crashed [1] - 1:57:5
crashing [1] - 1:15:15
cream [3] - 1:93:16; 1:104:8
create [4] - 1:18:3; 1:33:14; 1:35:11; 1:149:17
created [1] - 1:21:18
creates [1] - 1:120:9
creating [1] - 1:35:4
creative [1] - 1:70:11
Crema [6] - 1:113:12; 1:114:5, 17; 1:115:18; 1:120:12; 1:128:2
criminal [1] - 1:71:4
Crimson [1] - 1:157:15
crimson [1] - 1:158:2
criteria [1] - 1:122:14
Culbertson [1] - 1:148:2
culmination [1] - 1:93:18
CUMMINGS [2] - 1:129:15
Cummings [1] - 1:129:15
cupcake [2] - 1:59:2, 4
Cupcakes [1] - 1:57:15
curb [3] - 1:158:7, 10, 15
curious [1] - 1:109:1
current [2] - 1:68:16; 1:161:8
customers [2] - 1:134:1; 1:137:12
cut [1] - 1:158:5
Cutler [6] - 1:100:6; 1:101:6; 1:102:6, 9; 1:107:13
cuts [1] - 1:158:4
cutting [1] - 1:35:12
d/b/a [10] - 1:54:4; 1:61:8; 1:65:15; 1:88:10; 1:89:18; 1:90:3; 1:106:13; 1:110:10; 1:111:15; 1:130:12
DA [1] - 1:168:8
Da-Ya [2] - 1:3:14; 1:42:4
damages [1] - 1:13:15
DAME [2] - 1:2:14; 1:160:16
Dame [1] - 1:161:1
dance [2] - 1:86:6
dancing [2] - 1:66:9; 1:85:11
dangerous [1] - 1:154:12
Daniel [1] - 1:54:4
dark [2] - 1:83:5; 1:105:3
Datalis [1] - 1:128:16
DATE [1] - 1:1:14
date [2] - 1:75:18; 1:178:4
day-to-day [2] - 1:136:17; 1:161:15
days [8] - 1:28:7, 10; 1:56:9, 13; 1:112:6; 1:131:4; 1:138:2; 1:141:12
DCR [3] - 1:140:11, 13, 18
DE [2] - 1:2:14; 1:160:17
De [1] - 1:161:2
deadline [1] - 1:50:17
Deagle [1] - 1:61:9
deal [3] - 1:23:13; 1:77:10
dealing [2] - 1:18:13; 1:19:7
Dean's [1] - 1:170:16
Deb [1] - 1:69:17
debris [1] - 1:21:6
December [1] - 1:89:17
decided [1] - 1:162:8
decision [7] - 1:48:2, 14; 1:51:1; 1:68:18; 1:69:4; 1:120:15; 1:159:16
decisions [3] - 1:42:13; 1:74:11; 1:134:10
deck [10] - 1:123:3, 7, 9, 12, 15; 1:124:18; 1:128:9, 15; 1:130:15
decking [2] - 1:124:13; 1:125:5
deem [1] - 1:48:11
deemed [1] - 1:78:18
defer [6] - 1:49:9; 1:69:12; 1:93:8; 1:103:5; 1:131:9
defined [1] - 1:85:1
definitely [3] - 1:134:16;

1:136:6; 1:137:9
degree [5] - 1:57:2; 1:62:13; 1:71:4; 1:162:11; 1:167:6
Deibel [1] - 1:66:1
delicate [1] - 1:165:18
delighted [3] - 1:82:10; 1:129:2; 1:150:9
deliver [1] - 1:52:4
demonstrate [1] - 1:49:12
Den [1] - 1:83:1
DENISE [6] - 1:81:16; 1:103:14; 1:105:7, 10; 1:127:17; 1:150:6
Denise [4] - 1:81:16; 1:103:14; 1:127:17; 1:150:7
Department [7] - 1:3:16; 1:10:18; 1:11:1; 1:36:11; 1:40:2, 8; 1:53:2
department [1] - 1:27:15
Department's [3] - 1:27:6; 1:52:11; 1:53:8
depth [1] - 1:173:15
describe [1] - 1:62:7
deserves [1] - 1:70:13
designed [3] - 1:7:3; 1:12:1; 1:27:6
desire [2] - 1:23:6; 1:68:16
desk [1] - 1:57:8
despite [1] - 1:109:12
destruction [1] - 1:168:4
detail [2] - 1:68:6; 1:85:15
details [1] - 1:92:6
detective [1] - 1:22:11
detector [4] - 1:33:7; 1:34:7, 9; 1:35:17
detectors [9] - 1:4:2; 1:7:13; 1:9:15; 1:10:1; 1:22:5; 1:24:8; 1:34:12; 1:38:12
determination [1] - 1:118:14
determined [1] - 1:47:6
detriment [1] - 1:118:5
devastating [1] - 1:45:13
Diego [4] - 1:162:3; 1:167:1; 1:169:1, 3
different [17] - 1:12:9; 1:32:10, 18; 1:95:8, 14; 1:96:5; 1:109:17; 1:129:1; 1:134:11; 1:137:17; 1:138:7; 1:140:1; 1:143:15; 1:146:7; 1:175:5
differential [1] - 1:70:10
difficult [3] - 1:49:1; 1:79:16; 1:104:2
difficulty [1] - 1:19:18
diligence [1] - 1:148:4
dime [1] - 1:30:17
dining [2] - 1:93:14
DIRECT [1] - 1:179:17
direction [2] - 1:97:1; 1:105:14
DIRECTION [1] - 1:179:17
directly [1] - 1:79:3
DIRECTOR [72] - 1:1:9; 1:3:3, 13; 1:8:12; 1:47:4, 17; 1:50:18; 1:51:9, 12; 1:54:2; 1:61:3, 7; 1:64:10; 1:65:14; 1:76:3, 17; 1:77:5; 1:78:13; 1:80:6, 16; 1:81:8; 1:84:2; 1:87:1; 1:88:7; 1:89:16; 1:93:2; 1:97:18; 1:98:11; 1:99:7, 14; 1:100:4, 11; 1:101:2, 9, 12, 16; 1:102:4, 11; 1:103:2; 1:106:3, 8, 16; 1:107:1; 1:108:2, 10, 16; 1:110:3; 1:111:14; 1:116:10; 1:118:18; 1:121:12; 1:122:3, 9; 1:123:16; 1:132:8; 1:133:14; 1:135:4; 1:140:7; 1:141:5; 1:157:3, 16; 1:159:3, 7, 15; 1:160:18; 1:165:5; 1:169:4, 16; 1:172:12; 1:173:12, 18; 1:176:14
director [1] - 1:81:17
Director [1] - 1:103:15
directors [1] - 1:102:7
Disabilities [1] - 1:127:1
disables [1] - 1:36:12
disabling [1] - 1:38:14
disappointed [1] - 1:77:13
DISCIPLINARY [2] - 1:2:3; 1:3:12
disciplinary [3] - 1:3:14; 1:12:4; 1:48:11
discipline [2] - 1:50:11; 1:51:17
discovered [1] - 1:25:10
discussion [1] - 1:122:13
discussions [1] - 1:145:17
dismissed [1] -

1:168:10
disposable [1] - 1:25:18
dispose [1] - 1:26:17
disposed [1] - 1:26:11
districts [2] - 1:146:1, 8
divided [2] - 1:6:5, 7
DJ [2] - 1:86:13; 1:87:10
DO [1] - 1:178:3
docket [1] - 1:53:17
document [1] - 1:100:9
documentation [7] - 1:50:13, 17; 1:51:15, 18; 1:52:2; 1:172:18; 1:175:13
DOES [1] - 1:179:16
dollars [1] - 1:156:5
done [21] - 1:11:5, 10; 1:12:4; 1:13:6, 12-13; 1:14:18; 1:16:8; 1:17:6; 1:32:6, 9; 1:34:13; 1:39:9; 1:70:2; 1:72:11; 1:113:9; 1:114:17; 1:159:11; 1:174:5; 1:177:7
door [4] - 1:118:7; 1:167:17; 1:171:6
doors [1] - 1:113:13
doubt [1] - 1:6:15
down [20] - 1:6:11; 1:10:12; 1:16:2; 1:17:1; 1:18:7; 1:21:3; 1:34:1; 1:35:12; 1:36:13; 1:94:15; 1:113:13; 1:123:7; 1:129:4; 1:146:5, 13; 1:155:2; 1:161:9; 1:175:9
down-scaled [1] - 1:94:15
downstairs [3] - 1:83:2; 1:97:13; 1:163:3
drainage [1] - 1:124:15
drawbridge [1] - 1:141:4
dressers [1] - 1:6:8
drink [2] - 1:120:8; 1:164:10
drinking [1] - 1:164:4
drinks [1] - 1:164:18
drive [3] - 1:146:5; 1:154:13
Drive [1] - 1:140:10
driver [1] - 1:144:6
drivers [17] - 1:134:14; 1:135:11, 14; 1:137:18; 1:139:6; 1:144:3, 5, 16; 1:145:1, 7; 1:149:12; 1:153:9; 1:154:9; 1:155:3, 13; 1:156:7
driving [2] - 1:141:7; 1:149:6
dropped [1] - 1:123:7
drywall [2] - 1:9:16; 1:34:3
dual [3] - 1:139:3; 1:140:8, 11
due [2] - 1:3:15; 1:148:4
Duffy [2] - 1:161:2, 8
duration [2] - 1:49:4
during [13] - 1:5:3; 1:9:16; 1:23:1; 1:24:10; 1:25:11; 1:28:16; 1:33:10; 1:140:3; 1:141:17; 1:146:2; 1:156:6; 1:164:14; 1:166:13
dust [2] - 1:35:4, 11
duty [1] - 1:8:6
earliest [1] - 1:173:4
early [2] - 1:78:16; 1:150:10
ease [1] - 1:172:1
easier [1] - 1:79:13
East [1] - 1:57:17
easy [2] - 1:7:6; 1:23:12
eat [2] - 1:128:6
echoed [1] - 1:148:13
economic [2] - 1:13:18; 1:31:12
economically [1] - 1:30:16
economy [1] - 1:57:5
education [1] - 1:162:9
effect [1] - 1:124:15
effectively [1] - 1:80:11
egregious [1] - 1:6:2
egress [1] - 1:97:16
egresses [1] - 1:7:17
eight [2] - 1:151:12, 17
either [3] - 1:12:8; 1:151:2; 1:158:11
elaborate [1] - 1:73:4
elderly [1] - 1:151:2
elected [1] - 1:161:14
electronically [1] - 1:99:4
elevator [4] - 1:81:9; 1:126:6; 1:127:5
eliminate [2] - 1:16:10; 1:35:13
eliminating [1] - 1:72:17
Elizabeth [1] - 1:66:15
ELIZABETH [72] - 1:1:9; 1:3:3, 13; 1:8:12; 1:47:4, 17; 1:50:18;

1:51:9, 12; 1:54:2; 1:61:3, 7; 1:64:10; 1:65:14; 1:76:3, 17; 1:77:5; 1:78:13; 1:80:6, 16; 1:81:8; 1:84:2; 1:87:1; 1:88:7; 1:89:16; 1:93:2; 1:97:18; 1:98:11; 1:99:7, 14; 1:100:4, 11; 1:101:2, 9, 12, 16; 1:102:4, 11; 1:103:2; 1:106:3, 8, 16; 1:107:1; 1:108:2, 10, 16; 1:110:3; 1:111:14; 1:116:10; 1:118:18; 1:121:12; 1:122:3, 9; 1:123:16; 1:132:8; 1:133:14; 1:135:4; 1:140:7; 1:141:5; 1:157:3, 16; 1:159:3, 7, 15; 1:160:18; 1:165:5; 1:169:4, 16; 1:172:12; 1:173:12, 18; 1:176:14

embarrass [1] - 1:169:17

emergency [11] - 1:7:16; 1:9:5; 1:10:8; 1:24:7; 1:25:2, 14-15; 1:28:7; 1:38:12

employees [1] - 1:137:13

employment [2] - 1:134:15; 1:135:16

empty [1] - 1:105:6

encompassing [1] - 1:95:4

end [9] - 1:21:16; 1:46:15; 1:51:3; 1:68:10; 1:139:11; 1:142:9; 1:156:4; 1:169:10; 1:173:10

End [1] - 1:94:12

ends [1] - 1:15:14

enforce [1] - 1:47:16

enforcement [1] - 1:17:16

engaged [1] - 1:68:4

engagement [1] - 1:150:15

engagements [1] - 1:136:8

engaging [3] - 1:149:12, 14; 1:152:6

engineered [1] - 1:124:9

England [1] - 1:162:7

English [1] - 1:18:11

enjoy [1] - 1:149:8

enjoyed [3] - 1:144:14; 1:145:3; 1:149:3

enter [1] - 1:73:15

entertain [1] - 1:46:10

entertainment [4] - 1:66:9; 1:68:3; 1:74:3; 1:85:9

entire [2] - 1:70:18; 1:86:4

entirely [1] - 1:97:17

entity [2] - 1:69:2

envelope [1] - 1:17:3

equipment [2] - 1:98:14, 16

equity [4] - 1:33:3, 6; 1:42:10; 1:43:12

ERRATA [1] - 1:178:1

errata [1] - 1:178:4

Eshwar [1] - 1:90:4

especially [1] - 1:94:6

essentially [1] - 1:86:2

established [1] - 1:135:10

establishment [7] - 1:23:5, 15, 18; 1:27:13; 1:29:16; 1:33:3; 1:67:18

establishments [3] - 1:58:7, 16; 1:64:6

estate [3] - 1:68:17; 1:130:9; 1:165:13

Eve [1] - 1:76:2

evening [11] - 1:3:4; 1:54:8, 14; 1:61:14; 1:66:13; 1:67:11; 1:82:1; 1:112:7; 1:120:6; 1:122:8; 1:132:15

event [4] - 1:77:3; 1:117:7; 1:138:12; 1:172:15

events [4] - 1:57:4; 1:134:18; 1:136:8, 16

everyday [1] - 1:142:6

everywhere [1] - 1:142:14

evidence [2] - 1:6:3; 1:9:9

evident [1] - 1:6:8

exact [1] - 1:86:3

exactly [4] - 1:74:2; 1:78:14; 1:115:6; 1:161:16

exam [1] - 1:170:12

example [1] - 1:87:7

excellent [1] - 1:74:15

except [2] - 1:128:17; 1:178:14

excessive [2] - 1:4:2; 1:7:5

excited [8] - 1:69:8, 15; 1:70:6; 1:83:4; 1:104:3; 1:128:8, 14; 1:142:16

exciting [1] - 1:105:16

excuse [1] - 1:100:1

excused [1] - 1:77:15

executes [1] - 1:72:12
EXECUTIVE [72] - 1:1:9; 1:3:3, 13; 1:8:12; 1:47:4, 17; 1:50:18; 1:51:9, 12; 1:54:2; 1:61:3, 7; 1:64:10; 1:65:14; 1:76:3, 17; 1:77:5; 1:78:13; 1:80:6, 16; 1:81:8; 1:84:2; 1:87:1; 1:88:7; 1:89:16; 1:93:2; 1:97:18; 1:98:11; 1:99:7, 14; 1:100:4, 11; 1:101:2, 9, 12, 16; 1:102:4, 11; 1:103:2; 1:106:3, 8, 16; 1:107:1; 1:108:2, 10, 16; 1:110:3; 1:111:14; 1:116:10; 1:118:18; 1:121:12; 1:122:3, 9; 1:123:16; 1:132:8; 1:133:14; 1:135:4; 1:140:7; 1:141:5; 1:157:3, 16; 1:159:3, 7, 15; 1:160:18; 1:165:5; 1:169:4, 16; 1:172:12; 1:173:12, 18; 1:176:14
executive [3] - 1:72:11; 1:81:17; 1:103:15
exercise [1] - 1:145:4
exercised [1] - 1:111:17
exercising [1] - 1:56:2
exhausted [1] - 1:121:13
existed [2] - 1:94:11; 1:161:7
existing [9] - 1:68:2; 1:84:4; 1:92:15, 17; 1:114:4; 1:119:4; 1:121:14; 1:124:8; 1:127:5
exists [1] - 1:91:13
expand [1] - 1:143:1
expect [1] - 1:148:12
expected [1] - 1:44:12
expenses [1] - 1:79:2
experience [12] - 1:55:11; 1:62:7; 1:64:5; 1:70:16; 1:71:8, 10; 1:92:1, 6; 1:96:8; 1:97:4; 1:120:9; 1:151:11
experiences [1] - 1:128:2
expire [1] - 1:26:17
expired [6] - 1:3:17; 1:7:16; 1:9:7; 1:20:17; 1:27:1; 1:89:6
expires [1] - 1:179:14
explain [3] - 1:18:8; 1:79:17; 1:89:11
explained [1] - 1:59:5
explaining [1] - 1:166:9
explanation [3] - 1:171:17; 1:172:6; 1:173:16
exposure [1] - 1:149:17
expound [1] - 1:118:9
extension [3] - 1:52:1; 1:78:4; 1:80:13
extensive [2] - 1:58:12; 1:161:18
extent [1] - 1:115:10
extinguisher [2] - 1:22:2; 1:26:6
extinguishers [11] - 1:3:17; 1:7:15; 1:9:6; 1:20:17; 1:21:1; 1:24:7; 1:25:13, 17-18; 1:26:3
extra [1] - 1:15:15
extreme [1] - 1:19:18
extremely [1] - 1:172:13
eye [1] - 1:128:10
eyes [2] - 1:11:11; 1:79:14
facility [1] - 1:86:4
fact [12] - 1:13:11; 1:26:8; 1:28:14; 1:38:1; 1:48:6, 12; 1:49:6, 13; 1:59:8; 1:125:9; 1:172:13; 1:174:5
factor [1] - 1:104:7
Factory [2] - 1:71:9, 12
failures [1] - 1:39:14
Fair [1] - 1:135:5
falls [1] - 1:43:7
familiar [5] - 1:94:18; 1:101:6; 1:109:1; 1:146:14; 1:148:7
family [10] - 1:18:1, 6-7; 1:19:9, 16; 1:20:9; 1:23:10; 1:57:18; 1:69:3
fan [1] - 1:68:8
fantastic [2] - 1:70:11; 1:73:8
far [12] - 1:5:8; 1:9:1; 1:14:2; 1:15:2; 1:32:11; 1:70:9; 1:101:14; 1:114:10; 1:116:18; 1:134:13; 1:148:14; 1:174:13
farm [2] - 1:72:16; 1:73:5
farm-to-table [1] - 1:72:16
Farmhouse [1]

- 1:57:16
fast [3] - 1:71:6; 1:75:11
favor [12] - 1:50:5; 1:53:10; 1:60:15; 1:65:7; 1:82:11; 1:88:16; 1:107:9; 1:111:6; 1:131:16; 1:160:1; 1:175:17; 1:177:3
feasible [4] - 1:134:15; 1:135:16; 1:141:8, 10
February [5] - 1:51:4; 1:160:13; 1:173:4, 6; 1:179:15
fee [3] - 1:153:8; 1:155:13; 1:156:12
feedback [3] - 1:127:2; 1:133:18; 1:142:13
Felipe [4] - 1:112:14; 1:128:3; 1:130:1
FELIPE [1] - 1:112:16
FELIPE'S [2] - 1:2:11; 1:111:13
Felipe's [8] - 1:111:15; 1:113:8; 1:119:4, 10; 1:120:2; 1:128:7; 1:129:8; 1:130:12
felt [4] - 1:8:3; 1:94:5; 1:152:13; 1:168:8
fence [1] - 1:4:1
fenced [3] - 1:165:6, 9, 11
fenced-in [3] - 1:165:6, 9, 11
fences [1] - 1:6:5
few [6] - 1:137:10; 1:139:3; 1:155:7; 1:156:5; 1:162:3; 1:164:12
figure [4] - 1:24:3, 15; 1:109:15; 1:169:7
figured [1] - 1:169:11
figurehead [1] - 1:18:9
file [1] - 1:8:13
filed [1] - 1:63:18
filings [1] - 1:99:11
fill [1] - 1:135:13
final [1] - 1:76:1
finally [1] - 1:161:1
financial [1] - 1:33:12
fine [5] - 1:49:5; 1:61:4; 1:64:10; 1:88:8; 1:173:13
finished [4] - 1:162:10; 1:167:5; 1:170:15; 1:174:13
fire [12] - 1:4:1; 1:5:2; 1:7:5; 1:9:6; 1:14:13; 1:20:17; 1:24:18; 1:26:2, 5; 1:27:14; 1:38:16; 1:40:5
Fire [19] - 1:3:10, 16; 1:4:14; 1:5:16; 1:10:18; 1:11:1; 1:23:2; 1:27:5; 1:28:14; 1:36:11; 1:40:2, 8; 1:46:13; 1:47:14; 1:52:3, 11; 1:53:2, 5, 8
FIRE [100] - 1:1:8; 1:12:11; 1:13:3; 1:14:7; 1:15:4, 17; 1:16:4, 12, 17; 1:19:1, 17; 1:22:12; 1:26:15; 1:30:2; 1:31:7, 15; 1:36:6; 1:37:4; 1:42:3, 14; 1:43:9; 1:44:14; 1:46:7; 1:47:2, 16; 1:48:18; 1:50:8, 14; 1:51:5; 1:53:12, 16; 1:58:15; 1:59:1; 1:60:4, 14, 18; 1:63:11, 14; 1:64:1, 4, 13; 1:65:2, 10; 1:71:17; 1:74:1; 1:77:17; 1:80:4, 7; 1:81:11; 1:86:17; 1:87:11, 15; 1:88:6, 9; 1:89:1; 1:98:2, 7; 1:105:9; 1:107:8, 12; 1:110:8; 1:111:1, 5, 9; 1:121:15, 18; 1:123:2, 8, 14; 1:124:17; 1:125:2; 1:126:5; 1:127:4, 7, 12; 1:130:11; 1:131:3; 1:132:1; 1:134:3; 1:139:9, 16; 1:140:18; 1:141:3; 1:144:2, 15; 1:147:7; 1:155:12; 1:157:18; 1:159:18; 1:160:4; 1:163:2, 10, 15; 1:164:6; 1:165:10; 1:169:9; 1:175:2; 1:176:1; 1:177:2, 6
first [20] - 1:3:14; 1:4:16; 1:10:2; 1:17:6; 1:50:1; 1:76:13; 1:77:15; 1:96:18; 1:114:3, 13; 1:115:8; 1:126:8; 1:132:3; 1:142:7; 1:145:16; 1:148:12; 1:163:7;

1:170:1, 15
fish [1] - 1:72:14
fit [2] - 1:98:17; 1:161:13
five [4] - 1:56:9; 1:142:4; 1:143:12; 1:145:18
fix [1] - 1:29:11
fixed [1] - 1:32:16
flag [1] - 1:101:11
Flat [7] - 1:113:12; 1:114:5, 18; 1:115:18; 1:120:18; 1:121:4; 1:128:3
flies [1] - 1:120:1
floor [15] - 1:10:2; 1:22:8; 1:35:18; 1:74:6, 8; 1:85:12; 1:86:6; 1:98:7; 1:114:2, 13; 1:126:8, 10; 1:163:4, 8
floors [2] - 1:4:2; 1:22:5
flush [1] - 1:124:10
focus [1] - 1:136:15
folks [2] - 1:68:10; 1:103:6
follow [3] - 1:6:6; 1:11:3; 1:12:7
follow-up [3] - 1:6:6; 1:11:3; 1:12:7
followed [2] - 1:8:9; 1:68:8
following [1] - 1:12:7
food [14] - 1:71:6; 1:72:12; 1:85:13; 1:92:2; 1:93:12; 1:94:1, 6, 14; 1:95:13; 1:112:1; 1:114:14; 1:120:7
FOODS [2] - 1:2:7; 1:61:6
Foods [6] - 1:61:8, 16; 1:62:6; 1:64:5
foods [2] - 1:70:9; 1:95:17
fool [1] - 1:131:13
foolish [2] - 1:168:6; 1:170:18
foot [1] - 1:4:1
footings [1] - 1:87:8
foregoing [1] - 1:178:14
FOREGOING [1] - 1:179:16
foresee [1] - 1:125:18
forget [1] - 1:135:3
forgetting [1] - 1:83:3
form [4] - 1:124:18; 1:134:15; 1:142:12; 1:143:9
former [3] - 1:55:15; 1:85:16; 1:113:5
forth [3] - 1:49:2; 1:140:12; 1:179:7
forward [11] - 1:4:7; 1:44:12; 1:52:18; 1:81:14; 1:82:16; 1:103:11; 1:130:3, 7; 1:138:4; 1:149:16; 1:153:2
FOSTER [7] - 1:62:10; 1:63:4, 9, 13, 15; 1:64:3, 7
Foster [3] - 1:61:13, 17; 1:65:3
four [4] - 1:97:10; 1:142:2; 1:145:7
foward [1] - 1:104:15
frame [2] - 1:75:9; 1:124:11
framework [1] - 1:125:6
franchise [1] - 1:96:18
Francis [1] - 1:161:2
Frank [1] - 1:161:8
frankly [2] - 1:41:8; 1:117:15
freezing [1] - 1:55:7
French [1] - 1:72:12
frequent [1] - 1:41:2
fresh [1] - 1:119:18
Friday [3] - 1:86:8; 1:141:14; 1:142:3
fried [1] - 1:95:14
friend [1] - 1:147:6
friendly [4] - 1:68:14; 1:70:4; 1:154:17; 1:155:10
friends [1] - 1:95:16
front [7] - 1:83:13; 1:104:9; 1:111:2; 1:114:8; 1:132:3; 1:157:13; 1:165:13
fronts [1] - 1:163:8
full [12] - 1:33:4; 1:71:7; 1:114:12, 14; 1:115:1; 1:120:3, 9; 1:124:10; 1:137:6; 1:141:11; 1:150:4
full-service [2] - 1:71:7; 1:114:12
full-span [1] - 1:124:10
full-time [2] - 1:137:6; 1:141:11
fuller [1] - 1:172:6
fully [7] - 1:7:10; 1:59:10; 1:124:3; 1:167:2; 1:170:1, 3, 5
fully-occupied [1] - 1:7:10
fun [5] - 1:70:11; 1:105:17; 1:152:6, 12; 1:159:11
function [4] - 1:38:18; 1:87:4; 1:163:6, 9

functioning [4] - 1:26:5, 9; 1:28:4; 1:36:9
funny [1] - 1:149:13
furniture [1] - 1:84:7
future [4] - 1:17:17; 1:23:7; 1:83:2; 1:134:2
G-A-L-L-U-C-C-I-O [1] - 1:66:17
gain [1] - 1:31:12
Galleria [2] - 1:72:2; 1:137:1
GALLUCCIO [41] - 1:66:12; 1:67:10; 1:73:3; 1:74:5, 9; 1:75:10, 17; 1:76:12; 1:77:2, 6; 1:78:5; 1:79:6; 1:81:6; 1:85:10; 1:86:15; 1:87:3, 13; 1:88:1; 1:89:11; 1:90:10, 16; 1:91:3; 1:93:4; 1:97:15; 1:98:10, 13; 1:99:10, 16; 1:100:7, 13; 1:101:4, 14, 17; 1:102:9, 13; 1:103:4; 1:107:13; 1:108:5; 1:109:9, 16; 1:110:17
Galluccio [4] - 1:66:16, 18; 1:70:3; 1:97:12
galvanized [1] - 1:125:7
garage [1] - 1:119:13
gate [1] - 1:165:15
GENERAL [1] - 1:1:3
general [7] - 1:61:16; 1:63:5; 1:87:6; 1:93:5; 1:94:17; 1:133:3; 1:134:8
General [1] - 1:3:5
generally [4] - 1:69:12; 1:87:17; 1:92:7; 1:142:16
genre [1] - 1:85:18
gentleman [1] - 1:175:8
gentlemen [1] - 1:148:13
GERALD [99] - 1:12:11; 1:13:3; 1:14:7; 1:15:4, 17; 1:16:4, 12, 17; 1:19:1, 17; 1:22:12; 1:26:15; 1:30:2; 1:31:7, 15; 1:36:6; 1:37:4; 1:42:3, 14; 1:43:9; 1:44:14; 1:46:7; 1:47:2, 16; 1:48:18; 1:50:8, 14; 1:51:5; 1:53:12, 16; 1:58:15; 1:59:1; 1:60:4, 14, 18; 1:63:11, 14; 1:64:1, 4, 13; 1:65:2, 10; 1:71:17; 1:74:1; 1:77:17; 1:80:4, 7; 1:81:11; 1:86:17; 1:87:11, 15; 1:88:6, 9; 1:89:1; 1:98:2, 7; 1:105:9; 1:107:8, 12; 1:110:8; 1:111:1, 5, 9; 1:121:15, 18; 1:123:2, 8, 14; 1:124:17; 1:125:2; 1:126:5; 1:127:4, 7, 12; 1:130:11; 1:131:3; 1:132:1; 1:134:3; 1:139:9, 16; 1:140:18; 1:141:3; 1:144:2, 15; 1:147:7; 1:155:12; 1:157:18; 1:159:18; 1:160:4; 1:163:2, 10, 15; 1:164:6; 1:165:10; 1:169:9; 1:175:2; 1:176:1; 1:177:2, 6
Gerald [1] - 1:3:10
GERARD [1] - 1:1:8
glad [1] - 1:118:10
glance [1] - 1:170:1
glass [4] - 1:167:17; 1:168:1; 1:171:11
GM [3] - 1:58:1, 7
goal [1] - 1:75:5
God [1] - 1:142:10
gonna [7] - 1:48:8; 1:49:8, 14-15; 1:124:5; 1:156:6
graduate [1] - 1:55:9
graduated [2] - 1:56:18; 1:62:12
grandfather [1] - 1:97:17
granted [2] - 1:52:1; 1:111:18
great [15] - 1:57:7; 1:85:15; 1:104:13; 1:105:1; 1:106:18; 1:128:2; 1:129:11; 1:141:15; 1:142:13; 1:143:11, 13; 1:145:4; 1:151:5; 1:152:10
greater [1] - 1:28:1
green [2] - 1:113:1
Green [1] - 1:73:15
Grendel's [2] - 1:83:1, 13
Group [3] - 1:3:14; 1:42:4; 1:57:16
group [1] - 1:144:12

grow [1] - 1:137:10
growth [2] - 1:134:17; 1:136:5
guess [10] - 1:14:14; 1:44:15; 1:46:7; 1:48:16; 1:76:12; 1:118:13; 1:134:3, 5; 1:135:8; 1:149:11
guests [3] - 1:9:12; 1:19:3; 1:49:2
guests' [1] - 1:28:2
gun [1] - 1:131:12
guy [3] - 1:83:9; 1:104:6; 1:152:7
guys [3] - 1:94:18; 1:144:10; 1:164:15
H-E-R-R-E-R-A [1] - 1:112:16
Haas [1] - 1:3:9
HAAS [103] - 1:1:7; 1:10:7, 16; 1:11:7; 1:22:18; 1:23:9, 14; 1:24:2; 1:25:5; 1:26:13; 1:27:4; 1:29:6, 18; 1:37:8; 1:39:8; 1:40:10; 1:42:18; 1:43:6; 1:46:1; 1:47:18; 1:49:3; 1:50:3, 7; 1:52:9; 1:53:7, 13; 1:56:12, 15; 1:58:3; 1:59:17; 1:60:6, 17; 1:63:1, 6; 1:64:8, 11, 15; 1:65:6, 9; 1:70:15; 1:71:11; 1:72:4; 1:75:8, 14; 1:78:1; 1:80:10; 1:81:1; 1:83:17; 1:84:8, 15; 1:88:5, 14, 18; 1:89:3, 7; 1:96:7, 14; 1:97:6; 1:105:18; 1:107:11; 1:108:8, 18; 1:109:6, 14; 1:110:7; 1:111:8; 1:118:12; 1:119:9; 1:120:12, 17; 1:121:6; 1:122:10; 1:123:18; 1:124:4; 1:125:8; 1:127:10; 1:131:6, 10, 14, 18; 1:136:14; 1:138:3; 1:145:11; 1:147:2; 1:153:6; 1:154:8; 1:157:7; 1:160:3, 5, 8; 1:164:17; 1:168:18; 1:169:6; 1:171:2, 14; 1:172:3, 16; 1:173:3; 1:174:3; 1:175:15; 1:176:2, 10; 1:177:5
hall [2] - 1:163:6, 9
hamstrung [2] - 1:116:14; 1:117:14
hand [4] - 1:17:11; 1:70:3; 1:75:2; 1:179:10
hand-over [1] - 1:70:3
handicap [1] - 1:81:5
handicapped [3] - 1:115:4; 1:116:1; 1:118:16
handle [3] - 1:77:14, 16; 1:146:12
happy [6] - 1:18:14; 1:66:14; 1:70:6; 1:82:6; 1:91:10; 1:172:1
hard [4] - 1:47:15; 1:135:12; 1:152:15
Harding [1] - 1:151:7
harm [1] - 1:122:5
harm's [1] - 1:26:10
Harvard [29] - 1:54:3, 15; 1:55:2; 1:68:12; 1:69:10; 1:81:18; 1:92:6; 1:93:17; 1:94:8; 1:96:5; 1:103:15; 1:104:4, 10; 1:127:18; 1:128:4; 1:129:10; 1:135:2; 1:139:15; 1:140:3; 1:143:5; 1:146:3, 7, 10-11; 1:150:7, 10; 1:154:11; 1:155:5; 1:157:18
Harvard's [1] - 1:93:17
hated [1] - 1:57:7
hazards [1] - 1:40:17
head [3] - 1:11:17; 1:135:1
heading [1] - 1:97:2
hear [4] - 1:4:16; 1:44:9; 1:45:4; 1:148:18
heard [3] - 1:59:13; 1:77:14; 1:127:14
HEARING [2] - 1:1:1, 3
Hearing [1] - 1:3:5
hearing [15] - 1:8:4; 1:12:4; 1:30:12; 1:51:2; 1:55:6; 1:91:6; 1:117:3; 1:159:16; 1:165:17; 1:175:14; 1:176:8; 1:178:2, 14; 1:179:7
heavier [1] - 1:17:11
Heights [1] - 1:171:7

held [6] - 1:39:18; 1:58:4; 1:65:18; 1:72:5; 1:90:3; 1:96:12
HELLER [3] - 1:61:14; 1:62:5; 1:63:16
Heller [1] - 1:61:15
hello [1] - 1:127:17
help [3] - 1:162:9; 1:174:7; 1:175:10
helped [1] - 1:57:18
helpful [5] - 1:105:4; 1:172:10; 1:174:11; 1:175:1; 1:176:7
helping [1] - 1:82:4
hereby [2] - 1:178:15; 1:179:5
herein [1] - 1:179:7
hereunto [1] - 1:179:9
HERRERA [1] - 1:112:16
herself [2] - 1:59:9
hesitance [1] - 1:154:6
hesitant [1] - 1:153:17
high [1] - 1:45:10
Highway [1] - 1:141:4
Hills [1] - 1:57:15
hire [1] - 1:145:7
hired [1] - 1:156:15
historic [2] - 1:68:11; 1:69:5
Historical [1] - 1:151:3
hit [1] - 1:104:7
HMLV [6] - 1:69:1; 1:91:18; 1:100:5, 8, 10; 1:107:14
hockey [1] - 1:171:11
hold [3] - 1:45:1; 1:47:5; 1:48:14
holder [6] - 1:16:5; 1:54:5; 1:61:9; 1:65:4; 1:106:10; 1:161:2
holders [1] - 1:16:6
holding [4] - 1:46:10; 1:47:12; 1:109:18; 1:117:15
holiday [1] - 1:135:3
holidays [2] - 1:134:18; 1:136:16
home [4] - 1:57:18; 1:132:4; 1:171:7
honestly [3] - 1:18:13; 1:28:2; 1:49:6
hope [6] - 1:82:11; 1:104:15; 1:129:12; 1:150:4; 1:153:1; 1:162:16
hopeful [1] - 1:96:4
hopefully [5] - 1:52:18; 1:104:17; 1:117:12, 16
hoping [2] - 1:86:2; 1:119:7
horseshoes [2] - 1:164:15; 1:165:1
hospitality [5] - 1:55:10; 1:57:1; 1:69:1; 1:71:2
host [1] - 1:62:11
hot [2] - 1:93:15; 1:141:9
hours [10] - 1:5:3; 1:66:4; 1:74:3; 1:77:1; 1:78:17; 1:90:6; 1:92:15; 1:110:12; 1:112:5; 1:131:4
house [3] - 1:18:4; 1:49:1
House [2] - 1:151:7
housekeeping [5] - 1:67:12; 1:90:12; 1:98:12; 1:99:1; 1:112:17
Hub [1] - 1:162:2
hubs [1] - 1:140:4
huge [1] - 1:120:5
hundred [1] - 1:156:5
hundreds [1] - 1:135:11
Hungry [2] - 1:107:2
hurt [1] - 1:171:12
hydraulic [2] - 1:127:8
ice [3] - 1:93:16; 1:104:8
iconic [2] - 1:70:1; 1:82:5
ideas [2] - 1:72:9; 1:138:7
ill [1] - 1:57:18
imagine [1] - 1:43:10
immediately [3] - 1:28:10; 1:62:15; 1:75:3
impediment [1] - 1:118:2
important [2] - 1:150:18; 1:172:13
impose [2] - 1:48:5, 16
impressed [3] - 1:148:3; 1:149:2, 15
IN [3] - 1:1:3; 1:179:9, 16
in-depth [1] - 1:173:15
inactive [1] - 1:149:12
Inc [4] - 1:3:14; 1:42:4; 1:107:14; 1:161:2
INC [2] - 1:1:17; 1:160:17
incentive [1] - 1:20:11
include [5] - 1:3:17; 1:7:12; 1:66:9; 1:83:18; 1:163:12
included [1] - 1:135:1

includes [1] - 1:114:2
including [1] - 1:129:11
incorporate [1] - 1:95:12
incorrect [1] - 1:7:15
increase [3] - 1:76:18; 1:77:4; 1:79:16
incredible [1] - 1:152:1
incur [1] - 1:79:1
INDEX [1] - 1:2:1
Indica [1] - 1:90:3
indicate [1] - 1:32:3
indicated [3] - 1:23:2; 1:67:17; 1:70:3
indicates [1] - 1:76:10
indicating [1] - 1:42:4
individuals [1] - 1:45:9
indoor [2] - 1:88:12; 1:130:14
indoors [1] - 1:164:14
industry [1] - 1:162:1
influence [1] - 1:95:15
informal [1] - 1:162:17
information [2] - 1:169:7; 1:176:8
ingredients [3] - 1:72:13, 16; 1:73:10
inhouse [1] - 1:29:2
initial [1] - 1:145:17
Inman [2] - 1:139:15; 1:140:2
Inn [1] - 1:3:15
INN [2] - 1:2:4; 1:3:12
innkeeper [4] - 1:23:7; 1:28:9; 1:29:10; 1:41:5
inquired [1] - 1:55:16
inside [3] - 1:66:3; 1:112:3; 1:130:17
inspect [1] - 1:5:5
inspection [18] - 1:8:5, 10; 1:9:3; 1:10:15; 1:11:3; 1:12:8; 1:25:6, 11; 1:28:18; 1:29:2, 14; 1:37:16; 1:38:2, 5; 1:40:5, 16; 1:41:5
Inspectional [2] - 1:5:16; 1:115:5
inspections [10] - 1:5:1; 1:6:6; 1:8:11; 1:12:7; 1:25:1; 1:27:6, 16; 1:29:5, 7; 1:41:3
inspector [1] - 1:38:16
installed [1] - 1:10:1
instead [2] - 1:51:1, 3
INSTRUCTIONS [1] - 1:178:2
instruments [2] - 1:85:16, 18
insulated [1] - 1:124:3
insurance [2] - 1:13:15; 1:99:2
insured [3] - 1:137:6; 1:138:15, 17
intend [1] - 1:116:4
intended [1] - 1:114:11
intending [1] - 1:48:16
intends [1] - 1:117:17
intent [1] - 1:133:15
interact [2] - 1:73:5; 1:144:9
interest [1] - 1:92:1
interested [2] - 1:54:18; 1:117:4
interesting [7] - 1:92:2; 1:96:3; 1:104:1; 1:134:6; 1:135:9; 1:136:10; 1:157:4
interject [1] - 1:20:14
internal [2] - 1:41:4
internally [1] - 1:29:3
international [1] - 1:69:2
International [1] - 1:129:16
intimacy [1] - 1:149:9
intimidated [1] - 1:153:18
introverted [1] - 1:144:7
involved [7] - 1:9:16; 1:15:1; 1:86:18; 1:109:4; 1:110:1; 1:113:11; 1:161:15
involvement [1] - 1:30:4
Irving [1] - 1:151:7
issue [15] - 1:14:13, 17; 1:16:16; 1:27:3; 1:28:1; 1:41:7; 1:76:4; 1:77:7; 1:78:7; 1:79:11; 1:115:4; 1:140:8; 1:155:9; 1:163:11, 18
issues [20] - 1:5:5; 1:11:13; 1:12:5; 1:19:16; 1:20:15; 1:27:8; 1:29:4, 12; 1:37:12; 1:40:6, 18; 1:41:6; 1:61:4; 1:98:12; 1:159:1; 1:166:2; 1:169:1; 1:170:2; 1:174:8
items [1] - 1:10:13
itself [2] - 1:26:6; 1:178:4
J-I-L-L-S-O-N [1] - 1:81:17
Jackson [1] - 1:3:9
JACKSON [99] - 1:1:6; 1:4:6, 15; 1:8:16; 1:20:13;

1:22:4; 1:32:8, 12; 1:33:6, 16; 1:34:4, 7, 10, 16; 1:35:15; 1:41:8; 1:45:16; 1:46:3; 1:49:17; 1:50:5, 9, 16; 1:51:7, 10, 14; 1:52:6; 1:53:10, 14; 1:60:8, 15; 1:62:3; 1:64:17; 1:65:7, 11; 1:67:5, 8; 1:74:7; 1:78:9; 1:81:4, 10, 12; 1:82:14; 1:85:8; 1:88:3, 16; 1:89:2; 1:90:13; 1:97:11; 1:98:6; 1:101:11; 1:102:18; 1:103:8; 1:105:5; 1:106:5, 14, 18; 1:107:5, 9; 1:108:13; 1:110:5; 1:111:3, 6, 10; 1:112:7; 1:122:7; 1:127:13; 1:129:14; 1:130:10; 1:131:8, 12, 16; 1:132:5, 15; 1:133:1, 6, 9, 12; 1:147:8; 1:153:5; 1:159:5, 12, 17; 1:160:1, 12; 1:165:16; 1:166:4; 1:167:10; 1:168:11, 15; 1:173:17; 1:174:12, 17; 1:175:11, 17; 1:176:5, 12, 18; 1:177:3, 7

JAMES [5] - 1:54:8; 1:56:14; 1:59:5; 1:60:2; 1:61:1

James [1] - 1:54:10

JAMIE [6] - 1:56:18; 1:58:6, 18; 1:59:3, 13; 1:60:1

Jamie [2] - 1:54:7, 16

january [1] - 1:1:14

January [3] - 1:3:5; 1:173:13; 1:179:10

Japanese [9] - 1:93:12, 15; 1:94:1, 7, 10, 14; 1:95:2, 5

Jeez [1] - 1:152:3

jeopardizing [3] - 1:13:7; 1:14:3; 1:28:2

Jeremiah [1] - 1:65:16

JEREMIAH [17] - 1:67:2, 7, 9; 1:69:14; 1:70:17; 1:71:14; 1:72:1, 7; 1:73:7; 1:76:1; 1:84:4; 1:85:4; 1:86:1; 1:89:5, 9, 13; 1:96:9

Jerry [4] - 1:67:2; 1:83:8; 1:85:12; 1:88:10

JESSE [13] - 1:132:18; 1:133:3; 1:134:5; 1:135:6; 1:136:18; 1:138:6; 1:139:13, 18; 1:140:14; 1:141:2, 7; 1:160:9

JFK [1] - 1:91:15

Jill [2] - 1:179:4, 12

JILLSON [6] - 1:81:16; 1:103:14; 1:105:7, 10; 1:127:17; 1:150:6

Jillson [4] - 1:81:16; 1:103:14; 1:127:18; 1:150:7

job [4] - 1:27:11; 1:57:8; 1:152:10; 1:156:1

joined [2] - 1:148:4; 1:150:10

Joseph [1] - 1:61:9

judge [1] - 1:168:8

juices [1] - 1:119:18

July [1] - 1:135:7

jump [1] - 1:154:5

justice [1] - 1:71:4

justification [1] - 1:172:10

K-U-E-L-Z-E-R [1] - 1:83:1

Kathleen [1] - 1:102:7

keep [6] - 1:14:15; 1:16:13; 1:17:2; 1:69:9; 1:117:3; 1:135:13

KELLY [2] - 1:147:10; 1:158:2

Kelly [1] - 1:147:10

Kendall [4] - 1:106:12; 1:139:15; 1:140:5; 1:146:5

kept [1] - 1:142:8

KEVIN [11] - 1:112:10, 17; 1:116:12; 1:121:11, 17; 1:122:2; 1:123:4, 10; 1:125:13; 1:131:2; 1:132:2

Kevin [1] - 1:112:10

key [1] - 1:41:6

kicked [2] - 1:167:18; 1:168:3

kicking [1] - 1:168:1

kicks [1] - 1:171:13

kid [4] - 1:128:5; 1:151:16; 1:152:1, 11

kids [2] - 1:155:18; 1:156:15

kind [2] - 1:44:11; 1:166:14

kind've [6] - 1:95:13; 1:135:18;

1:137:11; 1:140:4; 1:169:12
kinda [1] - 1:169:9
kinds [2] - 1:95:14; 1:174:8
knowing [2] - 1:145:17; 1:153:18
known [1] - 1:68:1
knows [1] - 1:83:9
Korean [1] - 1:95:15
Kourafas [2] - 1:179:4, 12
KUELZER [4] - 1:82:18; 1:84:6, 10; 1:85:5
Kuelzer [1] - 1:82:18
L-Y-O-N-S [1] - 1:132:18
Labor [1] - 1:147:5
lack [1] - 1:94:5
landlord [2] - 1:79:1, 3
language [1] - 1:78:10
lap [1] - 1:19:12
last [17] - 1:4:10; 1:10:13, 17; 1:11:2; 1:20:7; 1:21:4, 14; 1:24:10; 1:67:6; 1:68:9; 1:109:13; 1:112:15; 1:132:17; 1:167:14; 1:170:17; 1:174:14
lasted [1] - 1:94:12
late [2] - 1:105:9; 1:151:12
latest [1] - 1:11:4
laundry [1] - 1:26:5
Law [1] - 1:162:8
law [7] - 1:54:11; 1:162:7, 11; 1:167:6; 1:170:9; 1:172:9; 1:174:6
learn [1] - 1:158:13
learned [1] - 1:158:18
learning [1] - 1:55:1
lease [14] - 1:76:10; 1:77:6; 1:78:7, 11; 1:79:8, 12; 1:80:2; 1:99:2; 1:100:14; 1:117:9; 1:119:5; 1:156:9, 12
leased [1] - 1:78:17
leasehold [1] - 1:19:8
least [5] - 1:44:15; 1:45:2, 15; 1:49:11; 1:146:12
leave [1] - 1:156:16
led [2] - 1:68:13, 18
leeway [1] - 1:78:11
left [3] - 1:26:7; 1:39:2; 1:112:14
legacy [1] - 1:68:11
LEGAL [2] - 1:2:7; 1:61:6
Legal [7] - 1:61:8, 16; 1:62:6, 11; 1:64:5
legal [1] - 1:75:1
lenient [1] - 1:47:3
less [1] - 1:105:8
level [5] - 1:13:12; 1:66:10; 1:70:12; 1:128:10; 1:129:3
leverage [1] - 1:20:9
License [9] - 1:3:4; 1:46:12; 1:47:13; 1:51:2; 1:52:6; 1:59:11; 1:74:14; 1:173:5; 1:179:13
license [65] - 1:14:4; 1:16:5, 13; 1:20:3; 1:31:17; 1:43:13; 1:44:17; 1:45:6; 1:54:6; 1:55:15, 18; 1:56:3; 1:58:4; 1:61:11, 18; 1:63:3, 7-8; 1:64:2; 1:65:4, 18; 1:66:2, 9; 1:68:2; 1:71:13; 1:72:5; 1:74:2; 1:76:5-7; 1:78:2; 1:87:14; 1:88:11; 1:90:2; 1:91:13; 1:92:17; 1:93:5; 1:106:11; 1:109:18; 1:110:11; 1:111:17; 1:113:4; 1:116:5, 7, 9; 1:117:1, 5, 11, 13-14; 1:118:1, 3, 5; 1:119:11, 13; 1:120:13; 1:121:2, 4, 9, 14; 1:122:4; 1:161:3; 1:175:4
LICENSE [3] - 1:1:1, 3, 5
licensed [2] - 1:140:11; 1:164:3
licensee [1] - 1:54:15
licenses [7] - 1:56:7; 1:58:17; 1:62:1; 1:64:6; 1:96:12; 1:116:15; 1:138:15
licensing [2] - 1:139:3; 1:140:9
life [11] - 1:5:5; 1:18:18; 1:27:8; 1:29:11; 1:37:12; 1:45:11; 1:70:18; 1:170:7; 1:174:4, 9
light [1] - 1:28:8
lighting [4] - 1:10:8; 1:28:7;

1:38:12
lights [6] - 1:7:16; 1:9:5; 1:24:7; 1:25:2, 14
limit [1] - 1:87:10
limited [1] - 1:21:17
limo [1] - 1:138:9
LINE [1] - 1:178:6
line [1] - 1:76:7
linens [1] - 1:9:11
lines [1] - 1:73:17
Lint [2] - 1:67:12; 1:90:11
LINT [72] - 1:1:9; 1:3:3, 13; 1:8:12; 1:47:4, 17; 1:50:18; 1:51:9, 12; 1:54:2; 1:61:3, 7; 1:64:10; 1:65:14; 1:76:3, 17; 1:77:5; 1:78:13; 1:80:6, 16; 1:81:8; 1:84:2; 1:87:1; 1:88:7; 1:89:16; 1:93:2; 1:97:18; 1:98:11; 1:99:7, 14; 1:100:4, 11; 1:101:2, 9, 12, 16; 1:102:4, 11; 1:103:2; 1:106:3, 8, 16; 1:107:1; 1:108:2, 10, 16; 1:110:3; 1:111:14; 1:116:10; 1:118:18; 1:121:12; 1:122:3, 9; 1:123:16; 1:132:8; 1:133:14; 1:135:4; 1:140:7; 1:141:5; 1:157:3, 16; 1:159:3, 7, 15; 1:160:18; 1:165:5; 1:169:4, 16; 1:172:12; 1:173:12, 18; 1:176:14
liquid [1] - 1:104:9
liquor [12] - 1:58:4, 16; 1:63:8; 1:64:2, 6; 1:72:5; 1:116:4; 1:117:11; 1:119:11; 1:120:3, 13
list [7] - 1:9:1; 1:10:12; 1:12:4; 1:29:3; 1:91:4; 1:170:16
listed [2] - 1:100:6, 17
literally [1] - 1:41:14
live [7] - 1:18:17; 1:28:5; 1:30:6; 1:66:9; 1:135:17; 1:162:4; 1:171:6
lived [2] - 1:59:14; 1:166:18
lives [2] - 1:19:4; 1:135:17
living [4] - 1:3:18; 1:6:3; 1:7:8; 1:24:15
LLC [18] - 1:2:10; 1:54:4, 15; 1:61:8; 1:65:15, 18; 1:88:10; 1:89:18; 1:90:3; 1:100:1; 1:106:9; 1:107:18; 1:108:6; 1:109:18; 1:110:9; 1:111:15
load [1] - 1:7:5
loads [1] - 1:7:4
local [2] - 1:5:2; 1:73:9
locally [3] - 1:72:17; 1:73:10, 13
locally-sourced [1] - 1:73:10
located [2] - 1:54:12; 1:57:12
location [26] - 1:15:10; 1:54:17; 1:55:3; 1:56:10; 1:62:16; 1:68:12; 1:69:1; 1:71:18; 1:72:2; 1:84:14; 1:91:15; 1:92:10, 12; 1:93:9; 1:97:13; 1:109:12; 1:113:4, 14; 1:114:8, 12; 1:115:2; 1:116:2, 7, 16; 1:136:18
locations [4] - 1:57:13; 1:96:13; 1:97:3; 1:134:8
locked [1] - 1:171:6
lodging [1] - 1:49:1
Lombardi [2] - 1:1:12; 1:3:6
lonely [1] - 1:83:6
longing [1] - 1:128:12
Longy [1] - 1:82:8
Look [1] - 1:17:6
look [10] - 1:18:12; 1:46:8; 1:130:3, 7; 1:135:18; 1:145:13; 1:148:6; 1:153:2; 1:156:4; 1:168:12
looked [1] - 1:176:11
looking [18] - 1:15:6; 1:20:15; 1:31:8; 1:44:15; 1:45:9, 15; 1:63:4; 1:74:18; 1:104:11, 14; 1:107:4; 1:126:16; 1:127:8; 1:128:12; 1:130:1; 1:138:4; 1:161:9; 1:175:9
looks [2] - 1:12:16; 1:129:4
lose [2] - 1:43:12;

1:171:3
losing [1] - 1:138:16
loss [1] - 1:28:5
lounge [1] - 1:163:7
love [5] - 1:83:7; 1:94:1; 1:95:18; 1:128:1; 1:136:11
loved [4] - 1:129:5; 1:150:16
luck [2] - 1:89:2; 1:111:11
luxury [1] - 1:148:16
LYONS [12] - 1:132:18; 1:133:3; 1:134:5; 1:135:6; 1:136:18; 1:138:6; 1:139:13, 18; 1:140:14; 1:141:2, 7; 1:160:9
Madam [7] - 1:54:9; 1:61:15; 1:67:11; 1:86:16; 1:110:18; 1:132:2; 1:147:13
MAHONEY [1] - 1:1:8
mailing [1] - 1:113:2
maintenance [1] - 1:38:14
major [2] - 1:77:7; 1:154:4
majority [1] - 1:42:17
malt [4] - 1:90:2; 1:110:11; 1:121:1, 3
manage [1] - 1:93:8
managed [2] - 1:71:15; 1:96:10
management [4] - 1:55:10; 1:57:2; 1:59:7; 1:62:13
manager [41] - 1:3:15; 1:6:9; 1:8:6; 1:43:1, 7; 1:54:4, 7, 17; 1:55:12; 1:56:10; 1:61:9, 12, 18; 1:62:8, 14; 1:63:2, 5; 1:65:3, 16; 1:66:1; 1:67:3; 1:71:14; 1:88:11; 1:90:1, 4; 1:106:10; 1:109:11, 13; 1:110:11; 1:111:16; 1:112:14; 1:130:13; 1:133:3; 1:134:8; 1:161:2, 5, 8; 1:162:16; 1:166:6; 1:175:9
managers [3] - 1:100:1; 1:107:18; 1:108:6
Mandrin [1] - 1:18:8
MARC [52] - 1:4:11; 1:8:18; 1:10:9; 1:11:1; 1:13:1; 1:14:6; 1:15:2, 11; 1:16:3, 10, 14; 1:17:18; 1:19:7; 1:20:5; 1:21:1; 1:22:6, 14; 1:23:6, 11, 17; 1:24:17; 1:25:10, 14; 1:26:11; 1:27:1; 1:29:1, 17; 1:31:6, 14; 1:32:7, 11; 1:33:2, 9, 18; 1:34:6, 8, 14, 18; 1:36:2, 17; 1:39:5; 1:40:9, 15; 1:41:16; 1:42:9, 17; 1:43:3, 8; 1:44:10; 1:47:1; 1:52:4; 1:53:6
Marc [3] - 1:3:15; 1:4:4, 11
March [3] - 1:117:18; 1:119:5; 1:132:13
margarita [1] - 1:59:4
margaritas [2] - 1:120:6; 1:128:13
marinated [1] - 1:95:8
market [1] - 1:142:6
MARKET [1] - 1:89:15
Market [2] - 1:89:18; 1:110:10
marketing [1] - 1:57:6
markets [1] - 1:134:11
marks [1] - 1:178:3
Mary [3] - 1:65:18; 1:69:18; 1:82:6
Mass [2] - 1:3:7; 1:54:12
Massachusetts [7] - 1:1:13; 1:55:3; 1:67:1; 1:161:4; 1:179:2, 5
Matt [1] - 1:152:7
matter [20] - 1:3:14; 1:29:14; 1:37:14; 1:46:5; 1:51:17; 1:60:11; 1:64:18; 1:67:12; 1:81:13; 1:90:11; 1:99:1; 1:103:5, 10; 1:106:15; 1:122:8; 1:127:15; 1:132:9; 1:133:12; 1:175:12
MATTERS [1] - 1:2:2
McCarthy [7] - 1:100:2; 1:102:5, 7, 14; 1:107:16; 1:108:4
McDonald's [1] - 1:71:1
mean [8] - 1:15:2; 1:16:10; 1:27:5; 1:30:5, 11; 1:48:2; 1:62:1; 1:150:16
meaningful [1] - 1:39:16
means [5] - 1:33:7; 1:39:1;

1:97:16; 1:121:13; 1:170:4
meant [1] - 1:61:4
measures [1] - 1:38:11
meats [1] - 1:95:9
mechanisms [1] - 1:152:18
meet [3] - 1:52:15; 1:122:13; 1:147:14
meeting [6] - 1:11:12; 1:44:13; 1:48:2, 15; 1:151:12; 1:159:14
member [7] - 1:19:16; 1:57:18; 1:82:2, 7; 1:127:13; 1:147:18; 1:148:1
MEMBERS [1] - 1:1:5
members [12] - 1:18:2; 1:54:9; 1:81:12; 1:100:2; 1:107:17; 1:108:6; 1:129:10; 1:151:7; 1:163:3, 7, 12, 18
membrane [2] - 1:124:1, 3
Memorial [2] - 1:140:10; 1:147:5
mentioned [5] - 1:145:15; 1:166:18; 1:170:18; 1:171:9; 1:175:8
menu [5] - 1:68:5; 1:70:9; 1:72:8, 10; 1:93:9
menus [1] - 1:114:11
merely [1] - 1:84:13
Mesa [1] - 1:96:16
mess [1] - 1:21:18
met [4] - 1:57:7; 1:83:8; 1:137:2; 1:145:5
Mexican [1] - 1:130:2
mezzanine [7] - 1:114:4, 16; 1:115:17; 1:116:2; 1:123:7; 1:126:8
Michael [9] - 1:1:12; 1:3:6; 1:127:2; 1:133:7; 1:148:4; 1:149:11; 1:150:10; 1:151:1; 1:152:8
MICHAEL [15] - 1:133:7, 11; 1:141:11; 1:144:4, 18; 1:145:15; 1:147:4; 1:153:12; 1:154:10; 1:155:15; 1:157:9; 1:158:1, 3; 1:160:7, 10
microphone [1] - 1:87:10
Microsoft [1] - 1:57:4
middle [1] - 1:155:17
might [5] - 1:77:15; 1:103:5; 1:141:9; 1:145:7; 1:146:5
might've [3] - 1:141:18; 1:142:3; 1:163:1
mightily [1] - 1:152:17
mind [3] - 1:28:8; 1:52:14; 1:71:3
mindset [1] - 1:73:2
mine [2] - 1:111:1; 1:147:6
minimum [2] - 1:8:2; 1:46:8
minute [1] - 1:103:7
minutes [2] - 1:151:13, 17
missed [1] - 1:167:15
missing [6] - 1:3:17; 1:4:2; 1:7:12; 1:20:17; 1:22:5
mistakes [3] - 1:167:1, 9; 1:170:5
mitigate [1] - 1:174:7
modified [2] - 1:48:13; 1:78:2
mom [1] - 1:71:10
mom-and-pop [1] - 1:71:10
moment [2] - 1:32:16; 1:152:5
Monday [1] - 1:66:5
money [3] - 1:15:1; 1:135:12; 1:145:10
Monica [1] - 1:96:17
monitor [1] - 1:24:17
monitoring [1] - 1:24:13
monoxide [1] - 1:7:13
month [3] - 1:41:2; 1:142:8; 1:173:11
months [4] - 1:21:4; 1:56:7; 1:68:9; 1:105:8
Moore [1] - 1:161:5
MOORE [22] - 1:161:6; 1:163:5, 14; 1:164:5, 11; 1:165:2, 8, 14; 1:166:3, 11; 1:167:13; 1:169:2, 11, 18; 1:171:4, 16; 1:173:1, 8, 14; 1:174:15; 1:175:6; 1:176:3
morning [1] - 1:141:13
mortgage [1] - 1:19:8
most [20] - 1:6:2; 1:19:15; 1:23:12; 1:26:16; 1:36:14; 1:57:14, 16; 1:93:15; 1:94:7; 1:99:12, 17; 1:102:1; 1:128:4; 1:139:17; 1:145:2; 1:146:3; 1:150:14; 1:156:14; 1:164:14;

1:165:12
mostly [1] - 1:92:1
Mother [2] - 1:107:2
motion [20] - 1:31:17; 1:45:5, 17; 1:50:1; 1:51:16; 1:52:8; 1:53:9; 1:60:8, 13; 1:64:13; 1:65:3; 1:88:9; 1:107:5; 1:108:14; 1:110:9; 1:130:12; 1:159:12; 1:175:12; 1:176:6, 18
motions [1] - 1:49:18
Mount [2] - 1:112:11; 1:113:9
Mountain [1] - 1:57:10
move [7] - 1:18:4; 1:23:3; 1:75:1; 1:125:9; 1:128:8; 1:167:10
moved [10] - 1:22:15; 1:57:2, 17; 1:74:16; 1:75:2; 1:91:2; 1:162:3, 10; 1:167:5, 11
moving [3] - 1:75:4; 1:94:2; 1:119:3
Mt [1] - 1:128:16
Muehe [1] - 1:127:2
Munzer [1] - 1:106:10
Museum [1] - 1:140:16
mushrooms [1] - 1:95:7
music [4] - 1:66:10; 1:85:16; 1:162:4
musical [1] - 1:85:18
mutes [1] - 1:36:13
name [33] - 1:4:9; 1:42:7, 15; 1:54:10; 1:58:4, 6, 8; 1:63:7, 9; 1:64:2; 1:66:16; 1:67:2, 6; 1:72:5; 1:81:15; 1:82:17; 1:90:17; 1:91:14; 1:96:12; 1:101:6; 1:103:13; 1:107:6; 1:109:13; 1:112:8, 15; 1:132:16; 1:135:3; 1:152:6, 8; 1:166:7; 1:175:4
named [2] - 1:100:6; 1:107:2
native [1] - 1:55:4
nature [3] - 1:87:6; 1:115:9; 1:175:3
necessarily [2] - 1:79:4; 1:166:5
necessary [2] - 1:106:17; 1:120:16
need [16] - 1:11:13; 1:38:17; 1:46:12; 1:48:6; 1:84:18; 1:87:7; 1:89:8; 1:90:13; 1:99:6; 1:122:4; 1:124:5; 1:146:15; 1:159:10; 1:166:9; 1:172:5; 1:173:9
needed [6] - 1:75:2; 1:144:6; 1:152:4; 1:161:9; 1:176:16
needs [2] - 1:35:18; 1:94:15
neglect [1] - 1:38:10
negotiations [1] - 1:116:17
neighbor [1] - 1:83:2
neighborhood [2] - 1:85:7; 1:122:6
neighbors [3] - 1:83:5; 1:164:7, 13
network [1] - 1:152:18
never [9] - 1:5:13; 1:58:8; 1:109:3; 1:116:8; 1:119:12; 1:146:8; 1:154:17; 1:155:1; 1:167:9
new [17] - 1:10:11; 1:22:17; 1:59:14; 1:75:6, 15; 1:97:2; 1:102:10; 1:104:11; 1:105:16; 1:117:13; 1:123:5, 11-12; 1:124:2; 1:130:2; 1:142:6; 1:145:2
New [6] - 1:57:12; 1:66:14; 1:76:2; 1:113:16; 1:120:3; 1:162:7
newer [1] - 1:96:13
news [1] - 1:82:9
Newton [1] - 1:133:5
next [20] - 1:28:16, 18; 1:37:15; 1:38:2, 4; 1:40:5, 13; 1:44:13; 1:45:2, 4; 1:46:11, 14; 1:48:2, 14; 1:49:16; 1:51:2; 1:103:5; 1:137:10; 1:152:9; 1:159:14
nice [3] - 1:120:4, 9; 1:152:3
Nice [1] - 1:147:14
niche [1] - 1:135:11
nickel [1] - 1:30:17
nickel-and-dime [1] - 1:30:17
NIGHT [1] - 1:89:15
night [7] -

1:15:9; 1:86:8; 1:129:12; 1:140:2; 1:141:13; 1:151:11; 1:156:11
Night [2] - 1:89:18; 1:110:10
nightclub [1] - 1:87:14
nine [4] - 1:8:1; 1:24:11; 1:27:10; 1:134:8
nitrogen [1] - 1:104:9
nobody [2] - 1:24:9, 13
noise [1] - 1:164:13
nonalcoholic [1] - 1:112:1
none [5] - 1:19:9; 1:46:6; 1:60:13; 1:65:1; 1:74:13
nonevent [1] - 1:138:2
nonfunctioning [1] - 1:7:13
Norfolk [1] - 1:179:3
normal [1] - 1:78:17
normally [1] - 1:156:8
North [1] - 1:161:7
NOT [2] - 1:178:3; 1:179:16
Notary [3] - 1:178:4; 1:179:4, 14
notations [1] - 1:178:3
note [4] - 1:26:2; 1:127:1; 1:157:4; 1:178:2
noted [6] - 1:25:16; 1:34:11; 1:35:1, 17; 1:39:14; 1:178:15
nothing [3] - 1:128:17; 1:137:3; 1:142:13
notice [1] - 1:97:13
noticed [1] - 1:162:14
noticing [1] - 1:5:8
notification [2] - 1:5:15; 1:36:11
notifications [1] - 1:67:13
notified [2] - 1:5:17; 1:91:5
NOTRE [2] - 1:2:14; 1:160:16
Notre [1] - 1:161:1
November [2] - 1:99:18; 1:132:13
number [6] - 1:58:15; 1:113:15; 1:114:11; 1:138:13; 1:147:1; 1:162:4
numerous [1] - 1:15:8
O'Brien [1] - 1:141:4
objection [1] - 1:80:8
objections [1] - 1:83:16
obligation [1] - 1:52:17
obligations [1] - 1:167:5
obstructed [1] - 1:12:2
obtain [1] - 1:123:9
obvious [1] - 1:31:1
obviously [9] - 1:15:11; 1:16:15; 1:17:1; 1:19:2, 12; 1:68:11; 1:74:14; 1:142:5; 1:170:2
occasion [2] - 1:85:14; 1:86:13
occasional [1] - 1:155:17
occasionally [2] - 1:151:1; 1:152:13
occasions [4] - 1:6:9; 1:15:8; 1:84:17; 1:85:2
occupied [1] - 1:7:10
occur [2] - 1:87:18
occurs [1] - 1:28:13
ocra [1] - 1:95:7
Octoberfest [1] - 1:135:2
OF [7] - 1:1:2; 1:2:1, 14; 1:160:16; 1:179:16
offender [2] - 1:17:9; 1:18:12
offending [1] - 1:17:2
offer [2] - 1:137:15; 1:143:8
offered [2] - 1:57:3; 1:152:4
Office [3] - 1:5:17; 1:126:18; 1:148:3
office [5] - 1:6:1; 1:112:11; 1:128:10; 1:150:13; 1:151:15
officers [1] - 1:137:5
offices [1] - 1:54:12
OFFICIAL [1] - 1:1:17
officials [1] - 1:137:4
often [3] - 1:15:13; 1:35:9; 1:164:10
Okolita [2] - 1:102:7, 14
old [2] - 1:92:10; 1:98:16
Om [1] - 1:55:15
on-farm-to-table [1] - 1:73:5
on-site [1] - 1:58:13
once [6] - 1:26:17; 1:38:7; 1:77:14; 1:93:10; 1:145:6; 1:146:14
one [48] - 1:5:13; 1:6:18; 1:8:2, 14; 1:18:11; 1:22:7, 17; 1:25:17; 1:26:17; 1:27:1; 1:34:11; 1:37:1; 1:49:1; 1:50:17; 1:51:18; 1:68:14; 1:76:4;

1:77:7; 1:78:12; 1:80:15, 17; 1:83:11; 1:85:14; 1:96:18; 1:98:4; 1:99:12, 15; 1:103:6; 1:106:12; 1:108:3; 1:112:18; 1:119:13; 1:126:13; 1:128:15, 18; 1:138:8; 1:140:15; 1:143:3; 1:145:1; 1:151:11; 1:154:10, 17; 1:155:6; 1:157:5, 8; 1:170:17

one-time [1] - 1:25:17

one-way [1] - 1:155:6

ones [1] - 1:10:12

ongoing [1] - 1:36:1

open [13] - 1:56:3; 1:76:11; 1:78:16; 1:79:5; 1:86:7; 1:97:7; 1:105:1; 1:118:3; 1:119:7, 15-16; 1:123:1; 1:138:7

opened [6] - 1:55:2; 1:72:2; 1:93:16; 1:96:11; 1:97:2; 1:120:2

opening [4] - 1:58:8; 1:78:16; 1:117:17; 1:119:16

operate [4] - 1:30:10; 1:68:18; 1:109:4; 1:147:5

operated [4] - 1:113:15; 1:114:9; 1:141:11; 1:156:12

operates [1] - 1:113:8

operating [3] - 1:66:4; 1:78:17; 1:138:11

operation [15] - 1:30:18; 1:44:16; 1:46:9; 1:47:11; 1:74:4; 1:90:6; 1:92:16; 1:112:5; 1:113:12; 1:114:10; 1:118:9; 1:119:10; 1:130:8; 1:134:6; 1:136:17

operational [2] - 1:28:4; 1:92:13

operations [3] - 1:56:8; 1:134:7; 1:161:15

operator [1] - 1:130:5

operators [1] - 1:132:11

opportunity [6] - 1:35:6; 1:69:6; 1:97:12; 1:137:16; 1:151:8; 1:168:12

opposed [4] - 1:23:7; 1:25:8; 1:50:9; 1:53:15

option [3] - 1:86:11; 1:120:10; 1:139:6

options [3] - 1:138:7; 1:139:4; 1:159:6

ordered [1] - 1:142:7

organization [4] - 1:109:2; 1:148:5; 1:161:8, 10

originally [3] - 1:22:10; 1:76:5; 1:96:18

Orleans [2] - 1:113:16; 1:120:3

otherwise [1] - 1:47:10

ourselves [1] - 1:97:3

outdoor [2] - 1:66:3; 1:125:5

outgoing [1] - 1:144:8

outlet [1] - 1:22:9

outlined [1] - 1:85:12

outside [11] - 1:83:18; 1:84:5; 1:114:8; 1:129:2; 1:130:15, 18; 1:150:13; 1:151:15; 1:152:14; 1:163:18; 1:164:18

outstanding [1] - 1:99:5

over-courteous [1] - 1:155:8

overall [1] - 1:30:18

overflow [2] - 1:12:13, 17

overheard [1] - 1:169:13

overly [3] - 1:85:17; 1:87:9; 1:155:4

overly-courteous [1] - 1:155:4

oversaturate [1] - 1:146:10

oversee [1] - 1:93:9

overwhelm [1] - 1:7:6

overwhelming [1] - 1:122:6

own [7] - 1:8:10; 1:40:7, 18; 1:73:13; 1:151:10; 1:167:2; 1:170:5

owned [2] - 1:18:5

owner [7] - 1:36:16; 1:43:4; 1:75:15; 1:83:1; 1:100:8; 1:107:15; 1:156:14

owner's [1] - 1:129:18

owners [3] - 1:18:2; 1:68:16; 1:74:18

ownership [3] - 1:42:9, 12; 1:91:18

owns [1] - 1:4:17

P&S [1] - 1:75:2

p.m [5] - 1:1:15; 1:3:6;

1:5:4; 1:90:7; 1:110:13
PAGE [2] - 1:2:2; 1:178:6
paid [2] - 1:138:12, 18
paint [4] - 1:9:17; 1:34:2; 1:36:3; 1:92:12
painter [1] - 1:39:6
painting [2] - 1:34:1; 1:39:2
Palmer [1] - 1:150:13
Pan [1] - 1:95:13
paperwork [1] - 1:108:12
paramount [1] - 1:19:2
parent [3] - 1:100:10; 1:107:15; 1:110:2
Park [4] - 1:106:13; 1:107:3, 7; 1:167:15
parked [1] - 1:150:12
Parsnip [5] - 1:65:15; 1:67:3; 1:83:3; 1:84:14; 1:88:10
PARSNIP [2] - 1:2:8; 1:65:13
part [21] - 1:22:2, 15; 1:45:2; 1:46:2; 1:62:11; 1:71:15; 1:101:3; 1:122:7; 1:132:12; 1:134:7; 1:145:2; 1:150:3, 14; 1:158:8, 13; 1:160:11; 1:164:1, 14; 1:165:3, 6, 12
part-time [1] - 1:62:11
participated [1] - 1:68:10
particular [7] - 1:22:2; 1:69:1; 1:113:13; 1:114:1; 1:115:14; 1:116:2; 1:119:2
particularly [2] - 1:29:11; 1:120:5
parties [1] - 1:86:12
partitions [1] - 1:3:18
partner [3] - 1:15:15; 1:66:17; 1:134:9
partners [3] - 1:23:12; 1:33:14; 1:109:7
partnership [1] - 1:43:10
parts [2] - 1:10:14; 1:150:1
pass [2] - 1:37:15; 1:38:3
past [10] - 1:5:7; 1:7:18; 1:12:5; 1:16:8; 1:104:8; 1:136:3; 1:163:10, 16; 1:164:12
patio [11] - 1:66:3; 1:83:12, 18; 1:84:3, 5, 13; 1:112:3; 1:129:2, 5; 1:130:17
Patties [7] - 1:113:12; 1:114:5, 18; 1:115:18; 1:120:18; 1:121:4; 1:128:3
Patty [1] - 1:4:4
Paula [6] - 1:100:2; 1:102:6, 8; 1:107:16; 1:108:3
Pause [1] - 1:168:14
pay [6] - 1:13:15; 1:117:10; 1:153:9; 1:156:9, 12; 1:168:9
paying [2] - 1:156:3, 18
pedestrians [1] - 1:159:2
PEDICAB [1] - 1:132:7
Pedicab [8] - 1:132:10; 1:133:4, 11; 1:134:7; 1:139:3; 1:145:1; 1:147:17
pedicab [7] - 1:132:11; 1:144:6; 1:151:4, 16; 1:153:13; 1:156:10; 1:158:5
pedicabs [8] - 1:142:15; 1:143:12, 18; 1:145:16; 1:146:9; 1:147:1; 1:150:12
pending [2] - 1:51:17; 1:56:10
penetrate [1] - 1:124:9
people [46] - 1:3:18; 1:6:3, 16; 1:7:8; 1:13:8; 1:45:7; 1:46:17; 1:57:7; 1:73:12; 1:87:8; 1:104:10; 1:114:15; 1:118:7; 1:120:8, 10; 1:129:5; 1:136:2, 4; 1:137:2; 1:139:5, 7; 1:140:12; 1:141:7; 1:142:9, 11, 14; 1:143:6; 1:144:13; 1:145:2, 5; 1:146:14; 1:148:17; 1:149:7; 1:150:1, 16; 1:151:2; 1:153:10, 13, 17; 1:154:2, 4; 1:156:14; 1:165:2; 1:169:17
per [3] - 1:10:1; 1:22:1; 1:112:6
perceive [1] - 1:79:15
percent [3] - 1:43:4; 1:156:17; 1:170:16
percentage [3] - 1:156:13, 16; 1:157:1
percentile [1] - 1:174:16
perfect [1] - 1:129:9

perhaps [1] - 1:32:16
peril [1] - 1:19:4
perimeter [1] - 1:124:10
period [6] - 1:12:17; 1:24:6; 1:25:3; 1:28:6; 1:51:6; 1:97:7
person [6] - 1:45:8; 1:90:14; 1:128:4; 1:145:6; 1:155:1
personable [1] - 1:144:8
personally [3] - 1:80:7; 1:94:1; 1:134:4
perspective [2] - 1:149:4, 10
pertains [1] - 1:42:13
Peter [1] - 1:72:10
petitioner [1] - 1:112:12
phone [1] - 1:115:5
phonetic [2] - 1:72:10; 1:128:16
physical [1] - 1:33:12
pick [1] - 1:114:15
picked [2] - 1:56:7; 1:113:1
picket [2] - 1:4:1; 1:6:5
picking [1] - 1:141:9
picture [1] - 1:123:15
piece [5] - 1:50:10; 1:75:3; 1:79:13; 1:83:15; 1:93:6
pieces [1] - 1:28:3
pillows [1] - 1:9:11
PILOT [1] - 1:132:7
Pilot [2] - 1:132:11; 1:133:16
pilot [1] - 1:132:12
pipe [1] - 1:35:12
place [10] - 1:13:8, 14; 1:15:13; 1:24:4; 1:25:7; 1:41:10, 13; 1:42:6; 1:43:13; 1:45:7
placed [1] - 1:62:15
places [2] - 1:144:16; 1:148:10
plan [15] - 1:41:10, 12; 1:44:5; 1:47:8, 14; 1:48:15; 1:52:13; 1:53:4; 1:74:6, 8; 1:85:12; 1:98:8; 1:114:2; 1:138:4; 1:145:12
planning [1] - 1:119:17
plastic [1] - 1:124:13
plateau [1] - 1:175:5
play [2] - 1:86:14; 1:153:16
playing [1] - 1:14:13
pleased [1] - 1:68:13
plugged [1] - 1:22:9
Plymouth [3] - 1:147:3, 5
point [17] - 1:6:17; 1:8:3; 1:47:6; 1:48:7, 17; 1:74:10, 12; 1:76:6; 1:78:3; 1:84:1; 1:95:10; 1:98:5; 1:117:10; 1:125:10; 1:140:15; 1:146:15; 1:158:9
POLICE [103] - 1:1:7; 1:10:7, 16; 1:11:7; 1:22:18; 1:23:9, 14; 1:24:2; 1:25:5; 1:26:13; 1:27:4; 1:29:6, 18; 1:37:8; 1:39:8; 1:40:10; 1:42:18; 1:43:6; 1:46:1; 1:47:18; 1:49:3; 1:50:3, 7; 1:52:9; 1:53:7, 13; 1:56:12, 15; 1:58:3; 1:59:17; 1:60:6, 17; 1:63:1, 6; 1:64:8, 11, 15; 1:65:6, 9; 1:70:15; 1:71:11; 1:72:4; 1:75:8, 14; 1:78:1; 1:80:10; 1:81:1; 1:83:17; 1:84:8, 15; 1:88:5, 14, 18; 1:89:3, 7; 1:96:7, 14; 1:97:6; 1:105:18; 1:107:11; 1:108:8, 18; 1:109:6, 14; 1:110:7; 1:111:8; 1:118:12; 1:119:9; 1:120:12, 17; 1:121:6; 1:122:10; 1:123:18; 1:124:4; 1:125:8; 1:127:10; 1:131:6, 10, 14, 18; 1:136:14; 1:138:3; 1:145:11; 1:147:2; 1:153:6; 1:154:8; 1:157:7; 1:160:3, 5, 8; 1:164:17; 1:168:18; 1:169:6; 1:171:2, 14; 1:172:3, 16; 1:173:3; 1:174:3; 1:175:15; 1:176:2, 10; 1:177:5
police [1] - 1:137:5
Police [1] - 1:3:9
polite [1] - 1:32:5
poor [1] - 1:155:14
pop [2] - 1:71:10;

1:86:13
population [1] - 1:92:4
Porter [2] - 1:151:11, 17
portfolio [1] - 1:130:8
portion [3] - 1:56:2; 1:119:2; 1:125:15
position [3] - 1:57:3; 1:135:9; 1:158:12
positive [1] - 1:137:3
possibility [4] - 1:35:13; 1:128:15; 1:168:7; 1:171:1
possible [8] - 1:44:13; 1:71:5; 1:73:14; 1:75:7; 1:115:3; 1:137:8; 1:165:18; 1:171:12
possibly [4] - 1:20:2; 1:92:14; 1:168:2; 1:173:6
post [1] - 1:124:18
posting [1] - 1:124:7
pot [1] - 1:93:15
potential [5] - 1:40:17; 1:85:11; 1:134:17; 1:136:6; 1:137:10
practice [1] - 1:37:17
practices [2] - 1:39:16; 1:40:12
premise [2] - 1:23:18; 1:78:18
premises [4] - 1:56:5; 1:112:2; 1:117:8; 1:164:1
preparations [1] - 1:72:15
prepare [1] - 1:44:11
prepared [3] - 1:41:17; 1:122:12; 1:172:18
present [3] - 1:22:6, 8; 1:74:2
president [4] - 1:61:16; 1:82:9; 1:102:5
pressures [2] - 1:14:8, 10
pretty [8] - 1:15:6, 17; 1:96:17; 1:98:8; 1:145:10; 1:148:13; 1:154:18; 1:156:15
prevent [1] - 1:119:15
Prevention [3] - 1:5:17; 1:46:13; 1:47:14
previous [4] - 1:21:2, 12; 1:74:18; 1:91:6
previously [6] - 1:68:3; 1:73:7; 1:86:3; 1:89:5; 1:109:12; 1:114:9
price [1] - 1:94:15
price-wise [1] - 1:94:15
pricy [1] - 1:94:13
primarily [2] - 1:146:2, 6
private [2] - 1:71:10; 1:86:11
privilege [2] - 1:43:13
proactive [2] - 1:37:12; 1:41:1
problem [9] - 1:5:13; 1:17:18; 1:20:4; 1:30:2; 1:31:18; 1:38:13; 1:128:9, 14; 1:164:7
problematic [1] - 1:26:6
problems [9] - 1:5:9, 12, 14; 1:6:18; 1:12:9; 1:19:10; 1:33:15
procedure [1] - 1:176:6
proceed [2] - 1:62:4; 1:67:11
proceeding [1] - 1:55:17
proceedings [2] - 1:162:14; 1:179:8
proceeds [1] - 1:102:16
process [3] - 1:80:14; 1:81:3; 1:166:13
processing [1] - 1:21:16
product [1] - 1:52:18
PROGRAM [1] - 1:132:7
program [10] - 1:55:11; 1:58:12; 1:59:11, 16; 1:132:12; 1:147:17; 1:149:16; 1:150:5; 1:157:5; 1:159:8
Program [2] - 1:132:11; 1:133:16
programs [3] - 1:58:9, 11; 1:148:7
promise [1] - 1:134:12
promote [1] - 1:152:17
prone [1] - 1:171:3
Proof [6] - 1:59:18; 1:63:17; 1:89:4, 8; 1:106:1; 1:110:16
property [5] - 1:96:10; 1:130:7; 1:140:11; 1:165:7; 1:168:5
proposal [1] - 1:114:6
propose [1] - 1:29:1
proposed [9] - 1:52:16; 1:54:17; 1:90:1, 6; 1:110:10; 1:112:5, 13; 1:131:4; 1:145:16
proposing [2] - 1:113:18; 1:126:10
prospective [1] - 1:148:1
protect [2] - 1:12:1; 1:124:6
protocols [1] - 1:40:16

prove [1] - 1:121:13
proved [1] - 1:22:10
provide [5] - 1:101:18; 1:124:12; 1:126:1; 1:138:11; 1:166:12
provided [4] - 1:68:5; 1:99:17; 1:101:18; 1:175:13
providing [1] - 1:116:1
prudent [1] - 1:38:10
Prudential [1] - 1:72:3
Public [3] - 1:178:4; 1:179:4, 14
public [12] - 1:46:4; 1:60:10; 1:66:4; 1:79:15; 1:81:13; 1:88:13; 1:94:17; 1:103:9; 1:112:4; 1:127:14; 1:147:9; 1:165:17
public's [1] - 1:79:14
pull [2] - 1:154:14; 1:155:7
pulled [1] - 1:171:5
pulling [1] - 1:70:5
pun [1] - 1:14:12
purchase [4] - 1:74:16; 1:100:15; 1:101:1; 1:116:18
purchasing [1] - 1:121:14
purposes [1] - 1:100:18
purveyors [1] - 1:73:9
pushed [3] - 1:84:17; 1:85:2; 1:158:7
pushing [1] - 1:17:3
put [28] - 1:8:9; 1:17:1; 1:18:7; 1:22:10; 1:26:10; 1:30:15; 1:35:7; 1:36:8, 14, 16; 1:37:2; 1:41:12; 1:51:2; 1:52:18; 1:53:16; 1:72:9; 1:119:17; 1:123:11; 1:124:5; 1:126:10, 14; 1:154:12; 1:158:6, 12; 1:159:14; 1:169:5
puts [1] - 1:35:9
putting [2] - 1:38:15; 1:126:9
quarter [6] - 1:5:3; 1:24:11; 1:39:12; 1:40:13
quarterly [8] - 1:5:1, 18; 1:8:1, 10; 1:13:6; 1:27:10; 1:28:18; 1:37:15
quarters [10] - 1:5:7, 12; 1:8:1, 9; 1:9:10, 14; 1:12:5; 1:24:11; 1:27:10
questioning [1] - 1:49:4
questions [17] - 1:41:11, 17; 1:60:5, 7; 1:69:11; 1:88:4, 6; 1:93:7; 1:98:6; 1:99:8; 1:110:6; 1:118:10; 1:127:11; 1:136:13; 1:163:1; 1:168:13
quick [3] - 1:74:11; 1:106:4; 1:160:12
quickly [5] - 1:20:7; 1:75:1; 1:83:8; 1:92:13; 1:102:16
quiet [3] - 1:55:5; 1:144:7, 10
Quinu [1] - 1:72:10
quite [8] - 1:28:1; 1:31:1; 1:41:8; 1:49:6; 1:104:4, 13; 1:113:18; 1:117:15
quote/unquote [1] - 1:171:10
R-A-F-F-E-R-T-Y [1] - 1:54:11
radio [1] - 1:86:14
RAFFERTY [5] - 1:54:8; 1:56:14; 1:59:5; 1:60:2; 1:61:1
Rafferty [2] - 1:54:10, 12
raised [1] - 1:94:3
ran [3] - 1:96:17; 1:132:12; 1:171:5
randomly [1] - 1:5:2
rate [1] - 1:56:5
rather [3] - 1:35:8; 1:79:13; 1:105:2
ratification [3] - 1:106:4, 7, 9
RE [1] - 1:1:3
re [1] - 1:17:2
re-offending [1] - 1:17:2
reacting [1] - 1:27:16
read [1] - 1:178:14
reading [1] - 1:178:2
ready [1] - 1:160:13
reaffirmation [1] - 1:40:1
real [4] - 1:68:17; 1:83:10; 1:130:8; 1:165:13
realistically [1] - 1:75:11
reality [1] - 1:80:18
realize [3] - 1:142:11; 1:146:2; 1:153:15
realized [2] - 1:43:11; 1:167:2
really [38] - 1:13:4; 1:28:12;

1:30:1; 1:69:5, 15; 1:70:5; 1:74:18; 1:79:17; 1:80:18; 1:83:8; 1:92:2, 12; 1:94:7; 1:95:10, 12; 1:96:4; 1:97:1; 1:98:5; 1:118:5; 1:120:4, 9; 1:128:3, 13; 1:138:14; 1:139:13; 1:144:13; 1:145:3; 1:146:16; 1:149:2, 15; 1:150:18; 1:151:5; 1:152:3, 7; 1:158:17; 1:164:5

realtime [1] - 1:37:11

realty [1] - 1:68:15

reapplied [1] - 1:36:5

reapply [2] - 1:78:4; 1:145:12

reapplying [1] - 1:138:5

Reardon [1] - 1:3:10

REARDON [99] - 1:12:11; 1:13:3; 1:14:7; 1:15:4, 17; 1:16:4, 12, 17; 1:19:1, 17; 1:22:12; 1:26:15; 1:30:2; 1:31:7, 15; 1:36:6; 1:37:4; 1:42:3, 14; 1:43:9; 1:44:14; 1:46:7; 1:47:2, 16; 1:48:18; 1:50:8, 14; 1:51:5; 1:53:12, 16; 1:58:15; 1:59:1; 1:60:4, 14, 18; 1:63:11, 14; 1:64:1, 4, 13; 1:65:2, 10; 1:71:17; 1:74:1; 1:77:17; 1:80:4, 7; 1:81:11; 1:86:17; 1:87:11, 15; 1:88:6, 9; 1:89:1; 1:98:2, 7; 1:105:9; 1:107:8, 12; 1:110:8; 1:111:1, 5, 9; 1:121:15, 18; 1:123:2, 8, 14; 1:124:17; 1:125:2; 1:126:5; 1:127:4, 7, 12; 1:130:11; 1:131:3; 1:132:1; 1:134:3; 1:139:9, 16; 1:140:18; 1:141:3; 1:144:2, 15; 1:147:7; 1:155:12; 1:157:18; 1:159:18; 1:160:4; 1:163:2, 10, 15; 1:164:6; 1:165:10; 1:169:9; 1:175:2; 1:176:1; 1:177:2, 6

REASON [6] - 1:178:7

reason [3] - 1:7:8; 1:14:17; 1:178:3

reasonable [1] - 1:79:10

reasons [1] - 1:161:13

reassured [1] - 1:28:15

receipt [1] - 1:51:18

receipts [1] - 1:10:2

receive [3] - 1:50:13; 1:115:16; 1:157:5

receiving [1] - 1:176:9

recent [8] - 1:16:15; 1:93:15; 1:99:12, 17; 1:102:1; 1:128:18; 1:163:11, 17

recently [7] - 1:34:18; 1:35:16; 1:55:13; 1:56:6; 1:57:14, 16; 1:94:4

receptions [1] - 1:86:12

recognize [1] - 1:116:9

recommendation [2] - 1:47:7; 1:48:13

RECORD [1] - 1:1:17

record [21] - 1:4:10; 1:43:1, 7; 1:48:3, 9; 1:54:10; 1:63:3; 1:67:6; 1:81:15; 1:91:4; 1:103:13; 1:112:8; 1:132:16; 1:150:6; 1:152:10; 1:165:17; 1:169:5; 1:170:14; 1:176:17; 1:178:15; 1:179:8

records [1] - 1:108:9

rectified [1] - 1:12:6

recurrence [1] - 1:36:1

red [1] - 1:157:14

redone [1] - 1:73:1

Reenie [4] - 1:100:2; 1:102:5; 1:107:16; 1:108:3

reference [1] - 1:71:13

referring [2] - 1:10:17; 1:34:9

refilled [1] - 1:26:16

reflects [1] - 1:100:16

refute [1] - 1:31:2

regarding [1] - 1:115:4

regardless [2] - 1:48:5; 1:49:14

region [1] - 1:35:3

regular [2] - 1:36:2; 1:129:5

regulations [3] - 1:76:8; 1:80:17; 1:115:6

reimburse [1] -

1:79:2
related [2] - 1:85:14
relationship [2] - 1:19:8; 1:143:8
relationships [1] - 1:73:8
reluctant [1] - 1:153:10
relying [1] - 1:27:14
remaining [1] - 1:78:16
remains [1] - 1:74:6
remarkable [1] - 1:70:4
remember [1] - 1:60:11
remind [1] - 1:121:7
Remington [1] - 1:133:8
remove [1] - 1:33:14
removed [9] - 1:9:7; 1:26:14; 1:34:5, 12, 17; 1:35:18; 1:39:7; 1:124:14
removing [1] - 1:15:3
rendering [1] - 1:7:7
Rene [1] - 1:102:7
renovating [1] - 1:34:1
renovation [3] - 1:33:11, 17; 1:98:3
renovations [1] - 1:92:11
rent [5] - 1:31:3; 1:45:7; 1:117:10; 1:137:12
rental [2] - 1:163:4, 8
rented [1] - 1:7:9
renting [2] - 1:14:9; 1:137:5
reoccurring [3] - 1:5:9; 1:6:18; 1:14:15
reopened [1] - 1:105:15
repaint [1] - 1:36:2
repair [1] - 1:9:16
repairing [1] - 1:124:13
repeat [2] - 1:17:9; 1:108:3
repetitive [1] - 1:103:12
replace [4] - 1:25:6; 1:27:2; 1:28:9; 1:37:1
replaced [5] - 1:9:6; 1:10:10; 1:22:11; 1:25:3
replacing [1] - 1:36:18
replied [1] - 1:79:18
report [3] - 1:82:6; 1:145:16; 1:154:12
reported [1] - 1:47:13
Reporter [1] - 1:179:13
REPORTER [1] - 1:179:17
REPORTERS [1] - 1:1:17
reports [10] - 1:5:18; 1:8:1, 5, 8; 1:12:12, 18; 1:13:6; 1:15:7; 1:24:18; 1:40:16
represent [1] - 1:112:12
representation [1] - 1:129:18
REPRODUCTION [1] - 1:179:16
repurposed [1] - 1:73:1
request [7] - 1:3:16; 1:8:4; 1:12:3; 1:76:18; 1:77:3; 1:78:2; 1:80:13
requests [3] - 1:74:3; 1:136:2, 4
require [5] - 1:49:15; 1:80:13; 1:126:12; 1:138:14; 1:172:14
required [2] - 1:5:1; 1:10:15
required) [1] - 1:178:5
requirement [1] - 1:52:15
requirements [3] - 1:59:6; 1:121:8; 1:122:16
requires [1] - 1:77:8
research [1] - 1:73:18
reserve [1] - 1:87:6
resident [2] - 1:23:8; 1:24:1
RESPECT [1] - 1:179:17
respect [6] - 1:37:12; 1:38:10; 1:69:17; 1:70:2, 13; 1:118:16
response [1] - 1:49:16
responses [2] - 1:41:15; 1:67:15
responsibility [7] - 1:19:2, 10; 1:24:16; 1:37:11; 1:39:17; 1:43:2; 1:161:11
responsible [9] - 1:13:14; 1:17:16; 1:19:4, 15; 1:27:17; 1:28:9; 1:29:10; 1:45:6; 1:59:9
rest [3] - 1:19:8; 1:42:11; 1:125:14
Restaurant [2] - 1:57:16; 1:73:15
restaurant [31] - 1:21:12; 1:26:3, 8; 1:54:6; 1:55:10, 12; 1:57:2, 8; 1:58:1; 1:61:10; 1:62:9; 1:65:17; 1:69:2, 5; 1:70:18; 1:72:18; 1:75:5, 15; 1:90:2; 1:94:11; 1:104:11; 1:105:3; 1:106:11; 1:107:2; 1:109:12; 1:110:11; 1:114:12; 1:118:2; 1:120:7; 1:130:2

restaurants [10] - 1:21:2, 5-6, 10, 16; 1:96:11; 1:97:8; 1:113:16
result [5] - 1:4:18; 1:48:4; 1:49:14; 1:78:15; 1:171:1
resume [2] - 1:55:8; 1:56:16
retained [1] - 1:162:16
revenue [2] - 1:136:7, 10
revert [2] - 1:32:17; 1:80:12
reverts [1] - 1:76:9
review [7] - 1:132:7, 9-10; 1:133:13; 1:159:9, 13; 1:173:9
reviewing [1] - 1:166:1
revision [2] - 1:79:9; 1:80:2
revisit [1] - 1:157:2
revocation [1] - 1:48:8
revoke [4] - 1:14:4; 1:20:3; 1:31:18; 1:45:5
rices [1] - 1:95:14
RICHARD [3] - 1:61:14; 1:62:5; 1:63:16
Richard [1] - 1:61:15
ride [6] - 1:137:16; 1:138:1; 1:139:5; 1:146:6; 1:153:14; 1:155:18
riders [1] - 1:137:11
rides [1] - 1:136:9
riding [1] - 1:149:5
risk [3] - 1:18:17; 1:35:9
risking [1] - 1:13:17
risky [2] - 1:17:7; 1:156:13
River [4] - 1:62:1, 9; 1:63:12; 1:133:4
road [1] - 1:146:13
Road [2] - 1:61:11; 1:65:5
ROBERT [103] - 1:1:7; 1:10:7, 16; 1:11:7; 1:22:18; 1:23:9, 14; 1:24:2; 1:25:5; 1:26:13; 1:27:4; 1:29:6, 18; 1:37:8; 1:39:8; 1:40:10; 1:42:18; 1:43:6; 1:46:1; 1:47:18; 1:49:3; 1:50:3, 7; 1:52:9; 1:53:7, 13; 1:56:12, 15; 1:58:3; 1:59:17; 1:60:6, 17; 1:63:1, 6; 1:64:8, 11, 15; 1:65:6, 9; 1:70:15; 1:71:11; 1:72:4; 1:75:8, 14; 1:78:1; 1:80:10; 1:81:1; 1:83:17; 1:84:8, 15; 1:88:5, 14, 18; 1:89:3, 7; 1:96:7, 14; 1:97:6; 1:105:18; 1:107:11; 1:108:8, 18; 1:109:6, 14; 1:110:7; 1:111:8; 1:118:12; 1:119:9; 1:120:12, 17; 1:121:6; 1:122:10; 1:123:18; 1:124:4; 1:125:8; 1:127:10; 1:131:6, 10, 14, 18; 1:136:14; 1:138:3; 1:145:11; 1:147:2; 1:153:6; 1:154:8; 1:157:7; 1:160:3, 5, 8; 1:164:17; 1:168:18; 1:169:6; 1:171:2, 14; 1:172:3, 16; 1:173:3; 1:174:3; 1:175:15; 1:176:2, 10; 1:177:5
Robert [1] - 1:3:9
Robin [1] - 1:148:2
rode [1] - 1:139:18
role [1] - 1:71:12
roof [11] - 1:115:1, 4; 1:123:11, 13, 17; 1:124:1, 3, 11; 1:125:15; 1:126:11; 1:128:9
rooftop [9] - 1:112:5; 1:114:6; 1:118:14, 17; 1:125:10; 1:128:10, 15; 1:130:16, 18
room [8] - 1:6:5; 1:14:9; 1:22:16; 1:31:3; 1:34:2; 1:98:3
Room [2] - 1:1:12; 1:3:7
rooms [3] - 1:7:9; 1:15:14; 1:36:3
root [1] - 1:83:3
rubber [2] - 1:124:1, 3
rule [1] - 1:125:11
rules [5] - 1:76:8; 1:80:17; 1:159:9, 13; 1:165:4
run [4] - 1:19:13; 1:23:4; 1:27:17; 1:70:1
running [10] - 1:23:15, 17; 1:27:13; 1:29:15; 1:42:6;

1:59:11; 1:63:8; 1:75:6; 1:83:8; 1:147:3
runs [1] - 1:147:6
S-H-U-L-M-A-N [1] - 1:4:12
safe [2] - 1:27:13; 1:29:15
safety [12] - 1:5:5; 1:8:2; 1:27:8; 1:28:3; 1:29:2, 12; 1:37:12; 1:38:11; 1:40:18; 1:41:7; 1:45:11
sale [3] - 1:74:16; 1:100:15; 1:101:1
Salle [1] - 1:62:12
SAME [1] - 1:179:16
sample [1] - 1:72:10
San [6] - 1:148:7; 1:154:3; 1:162:3; 1:166:18; 1:169:1, 3
sanctioned [1] - 1:164:9
sand [1] - 1:36:3
sanding [3] - 1:34:1; 1:35:4, 12
Santa [1] - 1:96:17
satisfaction [1] - 1:125:17
satisfied [1] - 1:63:17
satisfy [3] - 1:53:4; 1:117:12; 1:122:15
Saturday [6] - 1:66:7; 1:86:8; 1:90:8; 1:110:14; 1:141:14; 1:156:11
saw [1] - 1:166:1
scaled [1] - 1:94:15
schedule [3] - 1:44:3, 11; 1:137:14
scheduled [1] - 1:51:2
School [1] - 1:162:7
school [7] - 1:71:2; 1:155:17; 1:167:7; 1:170:9, 13; 1:172:9; 1:174:6
Science [2] - 1:104:10; 1:140:16
screened [2] - 1:172:9; 1:174:7
Sea [6] - 1:61:8, 16; 1:62:6; 1:64:5
SEA [2] - 1:2:7; 1:61:6
seafood [1] - 1:72:14
Seafoods [1] - 1:62:11
seamless [1] - 1:70:4
season [8] - 1:134:6; 1:142:9, 14; 1:146:2, 17; 1:148:16; 1:153:3; 1:160:6
seasonal [9] - 1:66:3; 1:88:12; 1:112:3; 1:114:7; 1:115:9, 13; 1:130:17; 1:147:4
seat [1] - 1:130:15
seating [8] - 1:85:2; 1:90:9; 1:110:15; 1:112:3; 1:114:7, 13; 1:115:9
seats [10] - 1:66:2; 1:88:12; 1:91:16; 1:112:4; 1:114:2, 7; 1:135:13
Seattle [5] - 1:55:12; 1:57:3, 11, 13; 1:58:10
second [14] - 1:10:2; 1:50:2, 10; 1:52:8, 10; 1:53:9; 1:55:3; 1:65:6; 1:77:8; 1:126:10; 1:141:14; 1:162:7; 1:163:4; 1:167:7
second-year [1] - 1:162:7
Seconded [1] - 1:107:8
seconded [10] - 1:50:4; 1:60:14; 1:88:15; 1:111:4; 1:131:7, 15; 1:159:18; 1:175:16; 1:177:2
secondly [1] - 1:30:7
secretary [1] - 1:102:6
section [2] - 1:104:14; 1:114:16
sections [1] - 1:115:18
secured [2] - 1:33:2
see [21] - 1:4:4; 1:22:16; 1:70:7; 1:83:7; 1:115:6; 1:126:16; 1:132:13; 1:134:12, 17; 1:136:5; 1:137:9; 1:140:3; 1:142:9; 1:147:14; 1:149:4, 16; 1:152:8; 1:153:13; 1:159:9; 1:168:12, 16
seeing [7] - 1:46:6; 1:56:16; 1:60:13; 1:65:1; 1:80:8; 1:150:1; 1:170:13
seek [2] - 1:76:14; 1:79:14
seeking [1] - 1:87:14
seeks [3] - 1:68:2; 1:92:9
self [1] - 1:93:14
self-dining [1] - 1:93:14
send [2] - 1:104:17; 1:143:7
senior [2] - 1:61:15; 1:71:14

sense [10] - 1:29:13; 1:37:9, 18; 1:39:15; 1:80:18; 1:81:2; 1:98:15; 1:108:11; 1:109:15; 1:110:4
sent [1] - 1:99:4
separate [3] - 1:6:7; 1:26:2; 1:49:18
separated [1] - 1:6:4
September/ October [1] - 1:113:7
series [2] - 1:38:9; 1:39:13
served [1] - 1:112:2
service [10] - 1:28:11; 1:38:15; 1:59:9; 1:71:7; 1:76:1; 1:114:12; 1:115:2; 1:138:9; 1:152:4; 1:162:1
services [1] - 1:138:12
Services [2] - 1:5:16; 1:115:6
set [18] - 1:3:18; 1:35:4, 13; 1:40:15; 1:41:4, 10; 1:50:16; 1:64:12; 1:65:11; 1:110:8; 1:137:14; 1:144:6, 12; 1:147:7; 1:156:8; 1:179:7, 9
setting [1] - 1:9:17
settling [1] - 1:157:11
seven [7] - 1:56:12; 1:112:6; 1:131:4; 1:136:3; 1:141:12, 15; 1:142:4
several [5] - 1:55:11; 1:56:7; 1:57:12; 1:58:7; 1:142:17
severed [2] - 1:92:18; 1:97:2
severity [1] - 1:44:4
Sewall [1] - 1:90:18
SEWALL [1] - 1:91:1
Shabu [6] - 1:93:13; 1:96:9, 11
SHACK [2] - 1:2:5; 1:54:1
Shack [7] - 1:54:3, 15; 1:55:2, 14, 16; 1:59:15
Shack's [1] - 1:56:1
Shake [8] - 1:54:3, 15; 1:55:2, 14, 16; 1:56:1; 1:59:14
SHAKE [2] - 1:2:5; 1:54:1
shall [2] - 1:79:1
Shanker [1] - 1:90:4
shareholder [1] - 1:107:15
shareholders [1] - 1:46:16
SHEET [1] - 1:178:1
sheet [2] - 1:178:3
shift [1] - 1:141:15
shifts [1] - 1:156:5
Shiitake [1] - 1:95:7
shopping [1] - 1:10:14
shops [1] - 1:71:10
short [3] - 1:37:5; 1:130:6; 1:168:14
short-term [1] - 1:37:5
Shorthand [1] - 1:179:13
show [1] - 1:44:5
shows [1] - 1:38:9
Shulman [4] - 1:3:15; 1:4:11, 17; 1:8:16
SHULMAN [52] - 1:4:11; 1:8:18; 1:10:9; 1:11:1; 1:13:1; 1:14:6; 1:15:2, 11; 1:16:3, 10, 14; 1:17:18; 1:19:7; 1:20:5; 1:21:1; 1:22:6, 14; 1:23:6, 11, 17; 1:24:17; 1:25:10, 14; 1:26:11; 1:27:1; 1:29:1, 17; 1:31:6, 14; 1:32:7, 11; 1:33:2, 9, 18; 1:34:6, 8, 14, 18; 1:36:2, 17; 1:39:5; 1:40:9, 15; 1:41:16; 1:42:9, 17; 1:43:3, 8; 1:44:10; 1:47:1; 1:52:4; 1:53:6
Shulman's [1] - 1:7:4
shuts [1] - 1:36:12
sic [1] - 1:110:15
side [6] - 1:11:16; 1:84:9; 1:155:2, 4
sides [1] - 1:18:13
sidewalk [4] - 1:66:4; 1:83:15; 1:88:13; 1:112:4
sigh [1] - 1:175:18
sign [2] - 1:25:1; 1:52:12
Sign [1] - 1:178:4
sign-off [2] - 1:25:1; 1:52:12
signatures [1] - 1:122:18
signed [2] - 1:8:7
significant [6] - 1:48:4, 10; 1:49:13; 1:50:13; 1:92:10; 1:118:2
signify [10] - 1:50:6; 1:53:11; 1:60:16; 1:88:17; 1:107:10; 1:111:7;

1:131:17; 1:160:2; 1:175:18; 1:177:4
similar [5] - 1:109:11; 1:113:18; 1:114:4, 16; 1:167:9
simple [1] - 1:72:13
simply [2] - 1:36:10; 1:53:4
Sinclair's [1] - 1:128:18
single [2] - 1:71:5, 10
sit [1] - 1:170:12
site [3] - 1:58:13; 1:113:6; 1:114:1
sitting [7] - 1:26:8; 1:31:16; 1:39:1; 1:41:9, 14; 1:43:15; 1:90:14
situation [5] - 1:18:14; 1:20:8; 1:39:12; 1:40:14; 1:174:10
situations [1] - 1:18:10
six [6] - 1:21:4; 1:59:14; 1:68:9; 1:96:9; 1:105:8; 1:141:15
skewered [3] - 1:95:3, 5
skill [1] - 1:144:6
Slawdog [4] - 1:106:9, 13; 1:107:6
SLAWDOG [2] - 1:2:13; 1:106:7
sleep [1] - 1:15:13
sleeping [10] - 1:6:4, 7; 1:8:8; 1:9:9, 14; 1:12:13; 1:13:4, 8; 1:15:8, 10
slide [1] - 1:87:9
sliders [1] - 1:95:14
slow [2] - 1:148:15; 1:156:10
slower [1] - 1:141:17
small [4] - 1:91:14; 1:98:14; 1:117:15; 1:143:14
Smiling [1] - 1:59:3
smoke [4] - 1:7:14; 1:9:15, 17; 1:35:17
smokes [1] - 1:35:3
snowstorm [1] - 1:55:1
social [2] - 1:152:18; 1:161:7
sociology [1] - 1:71:4
sold [2] - 1:96:10; 1:112:1
sole [2] - 1:100:8; 1:107:14
solely [1] - 1:18:5
solution [1] - 1:137:8
solve [1] - 1:31:18
solved [1] - 1:20:4
someone [4] - 1:22:14; 1:26:9; 1:100:5; 1:161:10
someplace [1] - 1:117:6
sometimes [4] - 1:140:1; 1:151:13
soon [6] - 1:28:7; 1:57:4; 1:74:15; 1:75:6; 1:172:17; 1:173:1
sooner [1] - 1:105:1
sorry [2] - 1:163:14; 1:171:16
sort [3] - 1:45:8; 1:95:4; 1:117:4
sort've [1] - 1:68:9
sorting [1] - 1:21:7
sought [2] - 1:76:14; 1:148:6
sound [2] - 1:14:12; 1:124:16
sounds [1] - 1:40:4
source [1] - 1:136:7
sourced [1] - 1:73:10
South [1] - 1:94:12
space [20] - 1:21:13; 1:69:15; 1:70:1, 7, 12; 1:83:6, 13; 1:84:13; 1:97:14; 1:104:1; 1:105:6, 15; 1:119:6, 8; 1:123:9; 1:126:15; 1:137:5; 1:163:4
spaces [1] - 1:98:17
span [2] - 1:124:10; 1:125:3
special [5] - 1:85:14; 1:134:18; 1:136:7, 16; 1:138:14
special-occasion [1] - 1:85:14
specific [5] - 1:85:11, 17; 1:87:10; 1:93:7; 1:138:12
specified [1] - 1:175:14
spell [4] - 1:67:6; 1:90:16; 1:112:8, 15
spelling [2] - 1:4:10; 1:132:16
spend [1] - 1:128:12
spending [1] - 1:94:4
spent [1] - 1:94:2
spot [3] - 1:141:9; 1:154:10
spring [2] - 1:75:12; 1:105:9
sprinkler [7] - 1:7:1, 3, 7; 1:11:15, 17-18; 1:30:15
sprinklered [1] - 1:7:2
Sprinkles [1] - 1:57:15
Square [38] - 1:54:3, 15;

1:55:2; 1:62:2, 16; 1:65:18; 1:68:1, 8, 12; 1:69:6, 10; 1:73:8; 1:81:18; 1:82:5; 1:84:12; 1:92:7; 1:93:17; 1:94:9; 1:96:6; 1:103:15; 1:104:5, 10, 14; 1:106:12; 1:127:18; 1:128:4; 1:135:2; 1:139:12; 1:140:3; 1:143:5; 1:146:3, 11; 1:150:7; 1:151:12, 17; 1:154:11

square [2] - 1:108:9, 14

squeezed [1] - 1:119:18

ss [1] - 1:179:3

staff [3] - 1:10:18; 1:46:17; 1:58:13

STAFF [1] - 1:1:9

staffing [2] - 1:114:14; 1:115:2

stairs [1] - 1:126:13

stand [1] - 1:87:8

standard [1] - 1:27:3

standards [1] - 1:117:13

standpoint [2] - 1:75:1; 1:149:3

start [5] - 1:134:5; 1:136:6; 1:148:11, 15; 1:160:6

start-up [1] - 1:148:11

started [4] - 1:62:10; 1:71:1; 1:73:18; 1:148:5

starting [3] - 1:95:10; 1:117:9; 1:142:5

state [7] - 1:4:9; 1:75:12; 1:81:15; 1:82:17; 1:103:12; 1:112:8; 1:132:16

State [4] - 1:102:17; 1:106:13; 1:107:3, 6

states [1] - 1:58:14

stature [1] - 1:87:4

stay [5] - 1:6:11; 1:84:18; 1:98:8; 1:122:18; 1:158:15

stayed [1] - 1:141:14

staying [3] - 1:6:10; 1:19:3; 1:56:3

steel [3] - 1:125:3, 7

step [4] - 1:80:14; 1:81:2; 1:161:9; 1:175:9

stick [1] - 1:53:1

still [16] - 1:11:13; 1:23:17; 1:28:5; 1:42:14; 1:51:10; 1:52:14; 1:82:8; 1:90:13; 1:119:16; 1:122:17; 1:124:15; 1:140:12; 1:143:11; 1:147:3; 1:157:10

stop [3] - 1:17:7; 1:36:8; 1:37:6

stopping [1] - 1:158:6

stops [1] - 1:36:10

storage [3] - 1:4:3; 1:13:1; 1:21:13

store [1] - 1:163:8

stored [1] - 1:9:12

straighten [1] - 1:102:15

STREATS [1] - 1:2:10

Streats [9] - 1:89:18; 1:93:11; 1:99:18; 1:100:8, 16; 1:107:18; 1:108:6; 1:109:18; 1:110:9

street [7] - 1:92:2, 18; 1:93:12; 1:94:11; 1:95:13; 1:129:3; 1:155:6

Street [23] - 1:4:18; 1:54:6; 1:61:11; 1:65:5; 1:66:1, 18; 1:67:4; 1:84:11; 1:88:13; 1:90:5; 1:91:15; 1:96:2; 1:110:12; 1:111:18; 1:112:11; 1:113:9; 1:128:16; 1:130:14; 1:133:5, 8; 1:150:13; 1:167:15

streets [3] - 1:155:2, 4

strike [1] - 1:45:2

stringers [1] - 1:125:3

structural [1] - 1:124:8

structurally [1] - 1:124:16

structure [6] - 1:99:8; 1:109:17; 1:110:2; 1:126:12; 1:153:8; 1:155:13

struggled [2] - 1:134:16; 1:138:1

student [3] - 1:92:4; 1:162:7, 12

students [1] - 1:94:16

study [1] - 1:160:12

stuff [4] - 1:17:10; 1:109:4; 1:153:10; 1:164:16

style [3] - 1:70:10; 1:95:2, 5

subject [4] - 1:52:11; 1:53:8;

1:79:8; 1:80:2
submit [3] - 1:47:8; 1:52:13; 1:99:3
submitted [4] - 1:5:18; 1:55:8; 1:79:8; 1:99:6
submitting [1] - 1:53:4
subscribe [1] - 1:178:15
subsequent [1] - 1:77:12
succeeding [1] - 1:117:16
successful [6] - 1:117:2; 1:130:6; 1:135:7, 15; 1:144:1, 16
sudden [2] - 1:30:12; 1:32:2
sufficient [1] - 1:52:2
Sugar [1] - 1:57:10
suggested [1] - 1:172:4
summer [9] - 1:75:11, 13; 1:104:8; 1:128:12; 1:134:16; 1:142:17; 1:152:16; 1:154:18; 1:164:15
Sunday [4] - 1:66:8; 1:86:8; 1:90:7; 1:110:13
support [7] - 1:23:10; 1:49:8; 1:82:1, 10; 1:122:6; 1:147:16; 1:150:4
suppose [1] - 1:69:16
supposed [3] - 1:29:9; 1:80:11
surprised [2] - 1:127:16; 1:155:16
surrounding [2] - 1:35:2, 10
suspend [2] - 1:124:11, 16
suspension [9] - 1:44:16; 1:45:15; 1:46:9; 1:47:11; 1:48:5, 17; 1:49:7, 15
sustainable [1] - 1:73:14
swap [1] - 1:93:3
system [7] - 1:7:1, 7; 1:30:15; 1:35:8; 1:36:8; 1:38:13, 18
systematic [1] - 1:41:1
systems [2] - 1:7:3; 1:24:18
T-R-A-C-Y [1] - 1:67:7
T-U-B-I-N [1] - 1:133:7
table [3] - 1:72:16; 1:73:5; 1:171:13
tag [2] - 1:21:11; 1:151:4
Tamarind [5] - 1:90:4; 1:91:14; 1:93:3; 1:104:1, 12
tape [9] - 1:33:7; 1:34:4, 6, 11-12, 16; 1:35:2, 18; 1:38:17
taped [1] - 1:7:14
TAQUERIA [1] - 1:111:13
Taqueria [3] - 1:111:16; 1:113:8; 1:130:13
target [1] - 1:75:13
Tartarian [2] - 1:100:12, 17
Taven [1] - 1:54:4
taxi [1] - 1:139:1
team [1] - 1:103:18
teams [1] - 1:82:3
tech [2] - 1:36:15; 1:57:6
technical [1] - 1:104:16
technically [2] - 1:80:11; 1:109:7
temper [1] - 1:171:3
temperate [1] - 1:55:5
temporarily [1] - 1:6:10
temporary [1] - 1:12:14
ten [9] - 1:5:7; 1:8:1; 1:12:5; 1:113:9; 1:145:7; 1:146:10, 16; 1:162:8
tenant [2] - 1:78:15; 1:79:2
tend [1] - 1:161:16
tended [1] - 1:162:2
tends [1] - 1:18:7
tenure [1] - 1:71:16
term [1] - 1:37:5
terms [15] - 1:14:13; 1:30:17; 1:41:15; 1:45:10; 1:49:9; 1:64:5; 1:68:6; 1:74:2; 1:79:12; 1:85:11, 18; 1:140:9; 1:153:9; 1:172:8, 10
terrific [1] - 1:152:7
test [7] - 1:25:2; 1:35:7; 1:36:8, 14, 16; 1:37:3
tested [1] - 1:22:10
testimony [2] - 1:23:1; 1:32:15
THE [7] - 1:1:17; 1:2:4; 1:3:12; 1:179:16
themselves [1] - 1:149:6
therefor [1] - 1:178:3
thinking [3] - 1:31:16; 1:139:2; 1:167:18
THIS [1] - 1:179:16
THOMAS [36] - 1:119:5, 12; 1:120:14; 1:121:1; 1:122:17; 1:123:6, 11; 1:124:2, 7; 1:125:1, 4; 1:126:7;

1:127:6, 9; 1:161:6; 1:163:5, 14; 1:164:5, 11; 1:165:2, 8, 14; 1:166:3, 11; 1:167:13; 1:169:2, 11, 18; 1:171:4, 16; 1:173:1, 8, 14; 1:174:15; 1:175:6; 1:176:3

Thomas [3] - 1:111:16; 1:130:13; 1:161:5

THOMPSON [3] - 1:147:10; 1:158:2

Thompson [1] - 1:147:10

thoughts [2] - 1:72:9; 1:133:18

three [16] - 1:6:7; 1:16:9, 18; 1:25:2; 1:28:11; 1:32:3; 1:41:2; 1:96:11; 1:97:7; 1:100:1; 1:120:2; 1:142:1; 1:143:2; 1:145:7

three-month [1] - 1:41:2

threw [1] - 1:21:14

throughout [7] - 1:5:5; 1:32:15; 1:134:16; 1:139:8; 1:143:14; 1:146:17; 1:157:5

throw [3] - 1:19:12; 1:164:15; 1:165:1

Thursday [6] - 1:55:2; 1:66:6; 1:90:8; 1:110:14; 1:141:13; 1:142:3

tight [2] - 1:98:14; 1:126:15

TIME [1] - 1:1:15

TIPS [4] - 1:59:13, 18; 1:60:2; 1:89:5

tips [2] - 1:153:15; 1:155:17

TO [1] - 1:179:16

to0 [1] - 1:151:8

today [8] - 1:9:1; 1:11:3, 9; 1:32:18; 1:45:12; 1:50:17; 1:51:18; 1:99:4

together [2] - 1:72:9; 1:136:1

Tom [5] - 1:4:13; 1:112:13; 1:128:1; 1:130:1, 5

tomorrow [1] - 1:45:12

tonight [19] - 1:11:12; 1:14:3, 17; 1:17:10, 14; 1:31:16; 1:43:11; 1:44:1, 8; 1:48:4; 1:49:8; 1:77:10; 1:79:13; 1:80:2; 1:91:7, 11; 1:116:4; 1:118:15; 1:150:9

tonight's [1] - 1:91:5

tons [4] - 1:15:1; 1:136:2, 4; 1:137:2

took [7] - 1:12:3; 1:24:4; 1:25:7; 1:91:18; 1:145:8; 1:154:3; 1:162:8

top [3] - 1:123:12; 1:124:5; 1:174:14

Top [1] - 1:162:2

tough [7] - 1:13:18; 1:134:13; 1:136:6; 1:137:7, 18; 1:158:13; 1:159:4

tour [1] - 1:143:5

Tourism [1] - 1:148:3

tourist [1] - 1:153:2

tourists [1] - 1:152:15

tours [7] - 1:142:18; 1:143:1, 7, 10; 1:149:8; 1:151:2

Tours [1] - 1:151:3

towards [1] - 1:143:3

tracking [1] - 1:75:11

Tracy [12] - 1:65:16; 1:67:2, 5; 1:68:6; 1:69:7, 12; 1:73:4; 1:82:2; 1:87:5; 1:88:11; 1:103:17; 1:109:11

TRACY [17] - 1:67:2, 7, 9; 1:69:14; 1:70:17; 1:71:14; 1:72:1, 7; 1:73:7; 1:76:1; 1:84:4; 1:85:4; 1:86:1; 1:89:5, 9, 13; 1:96:9

trademark [1] - 1:60:3

Trademark [1] - 1:151:3

traditional [2] - 1:93:14; 1:95:2

traditionally [1] - 1:84:12

traffic [3] - 1:134:13; 1:154:9, 14

train [6] - 1:58:13; 1:59:9; 1:138:16; 1:155:3; 1:167:15; 1:171:5

trained [2] - 1:72:1, 12

trainer [1] - 1:58:9

training [10] - 1:59:6, 8; 1:63:17; 1:89:4, 6, 8; 1:106:1; 1:110:16; 1:158:9, 14

Tran [1] - 1:110:15

transaction [2] - 1:68:13;

1:80:15
transcript [5] - 1:174:18; 1:178:2, 4, 14
TRANSCRIPT [1] - 1:179:16
transfer [11] - 1:65:16; 1:67:18; 1:68:14; 1:74:17; 1:75:3; 1:80:12; 1:88:12; 1:90:1; 1:91:12; 1:100:18; 1:121:9
transferee [3] - 1:100:17; 1:108:1, 7
transferred [2] - 1:66:2; 1:76:9
transferring [1] - 1:117:5
transfers [1] - 1:93:1
transient [1] - 1:92:4
transition [2] - 1:23:16; 1:82:4
translate [1] - 1:19:6
transportation [2] - 1:142:12; 1:143:9
traveling [1] - 1:91:9
Treasurer [1] - 1:102:6
treasurer [1] - 1:161:14
tremendous [1] - 1:69:17
trend [1] - 1:5:9
Trex [1] - 1:124:14
tried [2] - 1:152:17; 1:158:6
Trifecta [1] - 1:129:9
triggered [1] - 1:37:7
trips [2] - 1:155:16
trivial [1] - 1:45:11
trouble [1] - 1:4:1
truck [2] - 1:158:4, 11
true [1] - 1:179:8
trust [3] - 1:16:13; 1:17:17; 1:43:16
trusted [1] - 1:156:15
try [5] - 1:6:14, 16; 1:118:11; 1:122:15; 1:169:17
trying [9] - 1:14:8; 1:24:3, 15; 1:37:14; 1:44:8; 1:109:15; 1:137:15; 1:157:10; 1:169:7
Tsuki [1] - 1:95:3
tu [1] - 1:152:12
TUBIN [15] - 1:133:7, 11; 1:141:11; 1:144:4, 18; 1:145:15; 1:147:4; 1:153:12; 1:154:10; 1:155:15; 1:157:9; 1:158:1, 3; 1:160:7, 10
Tubin [1] - 1:133:7
Tuesday [1] - 1:3:5
turn [4] - 1:19:6; 1:30:11; 1:157:13, 17
Turnbolt [3] - 1:100:2; 1:102:8, 14
Turnbull [3] - 1:102:6; 1:107:16; 1:108:3
turned [1] - 1:44:1
turnip [1] - 1:65:15
Turnip [2] - 1:67:3; 1:88:10
turnover [1] - 1:144:12
TV [1] - 1:66:11
tweaked [1] - 1:70:10
twice [1] - 1:169:3
two [40] - 1:5:11; 1:6:6; 1:21:5, 9, 16; 1:24:6; 1:46:8; 1:47:11; 1:48:17; 1:49:1, 7, 15, 18; 1:51:7; 1:57:6; 1:61:18; 1:62:14, 17-18; 1:63:13; 1:80:14; 1:81:2; 1:96:11; 1:97:2, 15; 1:98:4; 1:99:11; 1:116:15; 1:132:11; 1:139:5; 1:140:4, 6; 1:142:2; 1:143:2; 1:145:1; 1:163:8
two-step [2] - 1:80:14; 1:81:2
two-week [6] - 1:46:8; 1:47:11; 1:48:17; 1:49:7, 15
type [2] - 1:70:9; 1:176:7
types [1] - 1:136:9
UMass [2] - 1:71:2; 1:162:11
unable [1] - 1:91:10
unbreakable [3] - 1:167:17; 1:171:11
UNDER [1] - 1:179:17
under [10] - 1:47:8; 1:50:12; 1:51:17; 1:75:6; 1:91:13, 17; 1:133:13; 1:159:9, 13; 1:175:12
understandable [1] - 1:166:3
understood [2] - 1:16:3; 1:29:17
unequivocal [1] - 1:15:6
unfamiliar [1] - 1:162:14
unfortunately [3] - 1:116:6; 1:163:17; 1:167:14
unique [2] - 1:78:8; 1:96:5
University [2] - 1:61:11; 1:65:4

unless [2] - 1:45:7, 18
UNLESS [1] - 1:179:17
unplugged [3] - 1:22:8, 13, 15
up [45] - 1:3:18; 1:6:6; 1:8:9; 1:11:3; 1:12:7; 1:15:14; 1:20:7; 1:21:11; 1:31:4; 1:35:2; 1:40:3, 8, 15; 1:41:4; 1:49:17; 1:56:7; 1:68:16; 1:75:5; 1:83:7; 1:92:13; 1:99:13; 1:113:2; 1:114:15; 1:117:15, 17; 1:119:5, 16; 1:120:2; 1:123:15; 1:124:7, 18; 1:126:11, 14; 1:142:3, 9; 1:146:14; 1:148:11; 1:154:2; 1:156:8; 1:158:5; 1:159:1; 1:167:2; 1:169:12; 1:173:4
Up [1] - 1:68:1
update [1] - 1:133:17
updated [2] - 1:99:2; 1:101:1
upgrade [1] - 1:76:7
upset [1] - 1:167:16
upstairs [5] - 1:9:13; 1:65:18; 1:123:3; 1:163:9; 1:166:15
Upstairs [5] - 1:68:8; 1:73:7; 1:82:5; 1:83:6; 1:84:11
urged [1] - 1:74:11
US [1] - 1:134:7
usable [1] - 1:123:5
useless [1] - 1:7:7
utilized [1] - 1:9:13
vacant [2] - 1:113:6; 1:116:12
value [2] - 1:31:12; 1:121:9
variance [3] - 1:115:14; 1:126:2, 16
variances [1] - 1:115:16
vegetables [1] - 1:83:3
vehicle [1] - 1:158:15
Ventures [1] - 1:90:3
venue [1] - 1:162:4
Vermont [6] - 1:55:4, 9, 12; 1:57:17; 1:58:10; 1:59:8
viable [4] - 1:134:2; 1:136:15; 1:138:2; 1:170:14
vice [3] - 1:61:15; 1:82:8; 1:102:5
victualer [2] - 1:111:17; 1:113:4
view [2] - 1:24:13; 1:29:9
viewed [1] - 1:166:5
violation [9] - 1:3:16; 1:8:2; 1:13:16; 1:25:7; 1:27:11; 1:48:3, 7; 1:49:13; 1:50:2
violations [11] - 1:6:2; 1:7:12; 1:8:17; 1:15:5; 1:24:4; 1:27:12, 15; 1:32:13, 15; 1:48:11
volume [1] - 1:178:4
vote [5] - 1:82:11; 1:103:1; 1:125:13; 1:159:8
voting [1] - 1:47:10
Wagamama [1] - 1:93:3
wait [6] - 1:28:10; 1:40:4; 1:48:1; 1:118:16; 1:119:1
waiting [4] - 1:29:7; 1:51:1, 3; 1:118:14
walk [8] - 1:9:3; 1:28:15; 1:41:6; 1:84:18; 1:97:13; 1:143:6; 1:151:13; 1:165:12
walk-through [2] - 1:9:3; 1:41:6
walked [1] - 1:55:6
walks [2] - 1:144:9; 1:156:2
wall [5] - 1:11:15, 18; 1:12:2; 1:35:12; 1:168:2
wants [2] - 1:118:8; 1:155:18
warned [1] - 1:31:11
Washington [1] - 1:55:13
waste [1] - 1:72:17
wasted [1] - 1:73:1
watch [1] - 1:150:14
Watson [1] - 1:66:18
ways [1] - 1:150:18
weather [1] - 1:55:5
website [1] - 1:153:1
wedding [3] - 1:86:5; 1:87:4; 1:138:10
weddings [2] - 1:136:8; 1:142:17
Wednesday [3] - 1:66:6; 1:90:7; 1:110:13
week [23] - 1:10:13, 17; 1:11:2; 1:28:16; 1:46:8, 11; 1:47:11; 1:48:17;

1:49:7, 15; 1:50:17; 1:51:18; 1:56:13; 1:112:6; 1:131:5; 1:141:12, 17-18; 1:156:4, 6; 1:173:9
weekends [3] - 1:141:15; 1:143:4
weeks [3] - 1:21:15; 1:51:8; 1:59:14
welcome [6] - 1:67:9; 1:82:10; 1:85:7; 1:130:2; 1:132:4; 1:147:13
welcoming [1] - 1:153:2
welded [1] - 1:124:11
West [1] - 1:133:5
WHEREOF [1] - 1:179:9
whole [11] - 1:51:6; 1:68:9; 1:122:12; 1:123:5, 11; 1:139:13; 1:142:14; 1:146:17; 1:154:18; 1:155:11; 1:170:13
wholly [1] - 1:52:14
wife [2] - 1:16:5; 1:18:6
win [4] - 1:90:1; 1:151:9
win-win-win [1] - 1:151:9
wind [1] - 1:31:4
window [1] - 1:168:9
WINDSOR [2] - 1:2:4; 1:3:12
Windsor [2] - 1:3:15; 1:4:18
wine [9] - 1:56:2; 1:91:12; 1:93:1, 5; 1:110:11; 1:116:7; 1:120:11; 1:121:3; 1:122:1
winging [3] - 1:41:9, 15; 1:44:7
Winthrop [5] - 1:54:6; 1:66:1; 1:84:11; 1:90:5; 1:110:12
Wintrhop [1] - 1:88:13
wise [1] - 1:94:15
wish [1] - 1:22:14
WITH [1] - 1:105:16
withhold [1] - 1:130:18
WITNESS [1] - 1:179:9
wonderful [4] - 1:83:9; 1:129:8; 1:134:18; 1:137:2
wondering [1] - 1:43:15
wood [1] - 1:125:6
wording [1] - 1:78:10
works [9] - 1:145:8; 1:153:9, 15; 1:154:1, 5, 7; 1:161:17
worms [1] - 1:92:11
worry [1] - 1:149:5
worth [2] - 1:31:12; 1:118:7
would've [1] - 1:77:3
wrap [1] - 1:68:16
wrapped [1] - 1:95:7
writing [3] - 1:166:9; 1:171:18; 1:172:6
written [2] - 1:108:11; 1:172:10
www.reportersinc.com [1] - 1:1:18
Yakitori [4] - 1:93:12; 1:94:10; 1:95:1, 5
Year [1] - 1:66:14
year [17] - 1:94:12; 1:105:7, 11, 13; 1:113:7; 1:118:6; 1:142:1; 1:148:12; 1:156:13; 1:157:2; 1:162:7; 1:164:7; 1:167:7, 14; 1:170:15, 17; 1:174:14
Year's [1] - 1:76:2
year's [1] - 1:118:7
years [22] - 1:16:9, 15, 18; 1:19:14; 1:32:3; 1:57:6; 1:62:15, 18; 1:63:13; 1:96:9; 1:97:10; 1:113:10; 1:121:5; 1:136:3; 1:137:10; 1:156:1; 1:162:3, 8; 1:163:16
years' [1] - 1:55:11
yell [2] - 1:142:15; 1:155:1
yesterday [1] - 1:97:12
York [1] - 1:57:12
YOU [1] - 1:89:3
young [1] - 1:104:6
yourself [6] - 1:25:8; 1:39:11; 1:40:13; 1:158:12, 14; 1:174:10
zip [1] - 1:91:2