

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR NICOLE MURATI FERRER
FIRE CHIEF GERALD REARDON
POLICE COMMISSIONER ROBERT HAAS
STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

AT: Robert W. Healy Public Safety Building
125 Sixth Street, Community Room
Cambridge, Massachusetts 02139

DATE: Monday, April 25, 2016

TIME: 2:00 p.m.

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P R O C E E D I N G S

April 25, 2016

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EXECUTIVE DIRECTOR ELIZABETH LINT:

License Commission agenda for public hearing
Monday, April 25, 2016, at two p.m. at the Robert
W. Healy Public Safety Building, 125 Sixth Street
community room.

Before you the commissioners, Chair
Nicole Murati Ferrer, Chief Gerald Reardon,
Commissioner Robert Haas.

This meeting is being videotaped and
audio taped. And if anyone has a cellphone on,
we would appreciate it if you silenced it.

CHAIR NICOLE MURATI FERRER: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: So
the first matter is consideration of the changes
to rules and regulations of the License

Commission relating to alcoholic beverages and entertainment.

CHAIR NICOLE MURATI FERRER: So why don't we start over here. If you want to tell us if you have any thoughts or concerns and if any, we'll just hear through the room.

If you can come up here because the stenographer is recording that so she can transcribe it. So state your name. If you have a business, the name of your business and the address and then --

DANIELLE TARANTINO: Well, we're just basically representing Museum Market in Cambridge, which is a small convenient/liquor store.

HEATHER ZAMMUTO: Pretty much with you guys lifting the cap it will affect I think every small business. As it is, like, you guys are

already issuing like supermarkets, alcohol and stuff like that, and for us, little tiny stores, we don't have the volume to make it more profit as like the huge liquor stores.

CHAIR NICOLE MURATI FERRER: So you're a package store?

HEATHER ZAMMUTO: So yeah, I'm a convenience store package store.

CHAIR NICOLE MURATI FERRER: So this store -- the only change is to package stores is the rule that talked about the hours of operations of package stores, the one that said that Sunday sales were prohibited. So that rule is being proposed to be deleted because it's now against, you know, the law changed and now you're able to operate on Sundays.

And the second rule with regard to package stores is rule No. 48, which said that we

could, that the License Commission could change your hours of operation. It wasn't very clear. The special act only allows us to say whether you can operate between eight a.m. and ten a.m. Other than that there are no changes to package stores --

DANIELLE TARANTINO: So as far as capping anything --

CHAIR NICOLE MURATI FERRER: No, nothing.

HEATHER ZAMMUTO: SO what about the cap --

CHAIR NICOLE MURATI FERRER: That's only with regard to pouring licenses. So Section 12 licenses. That's not with regard to liquor stores.

So the City of Cambridge is exempt from the quota in terms of pouring licenses. Not -- pouring licenses is where you serve and you

consume on the premises. The City of Cambridge is subject to the quota and the caps per state law with regard to Section 15, which is a package store license. None of that is being touched.

DANIELLE TARANTINO: That was a misunderstanding on the owner's part then.

CHAIR NICOLE MURATI FERRER: Okay.

THE STENOGRAPHER: I need to get your names, please.

HEATHER ZAMMUTO: My name is Heather Zammuto, Z-A-M-M-U-T-O.

DANIELLE TARANTINO: Danielle Tarantino, T-A-R-A-N-T-I-N-O.

CHAIR NICOLE MURATI FERRER: Thank you. And I'm sorry, sir, I think you came in first, if you want to say something. You're fine?

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

I'm fine, just observing.

CHAIR NICOLE MURATI FERRER: Okay, thank you.

So whoever wants to come next? No?
Anyone else?

(No Response.)

CHAIR NICOLE MURATI FERRER: Do you want to speak with regard to any of the proposed changes?

ATTORNEY JAMES RAFFERTY: Not at the moment. I came here to learn.

CHAIR NICOLE MURATI FERRER: Okay.

So no one else wants to --

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I also came to hear what the proposal's about.

CHAIR NICOLE MURATI FERRER: So we actually came to hear from you guys what the proposal is about.

UNIDENTIFIED MEMBER FROM AUDIENCE: I only learned about this on Thursday. And quite frankly I think I need to hire an attorney to explain what the changes are. I was involved in the task force that actually dealt with changing the cap policy about eight or so, ten years ago. So I'm not quite sure what this is about. So I thought actually today was to sort of understand the policy change.

CHAIR NICOLE MURATI FERRER: Well, we, we quite frankly put it out there, and I think it was on the newspaper two Thursdays ago because we were seeking kind of input from the public in terms of the proposed changes. Just for everyone's information, the Commissioners have not met to discuss the proposed changes. Each of us sort of put our own input into it because we're subjecting this to the Open Meeting Law,

which means that we are going to hear from you and then we were going to take everything you stated under advisement and then have another meeting where we discuss what we think of the changes. So this was kind of an opportunity to hear from you guys with regard to the issues.

I can state that the expanded list of proposed changes kind of shows the ones that we're changing that have a lot of substance. These rules weren't looked at since 2008. They haven't been amended since 2008. So a lot of the laws have changed as you may or may not know, but for example, you know, very simple one is the re-corking of wine. So that isn't in there. Like I just mentioned, package stores being able to sell on Sundays and stuff like that. So a lot of those rules are being changed. And what we, what we did is kind of give you -- sort of

correlate the law that we're extracting the language from.

ATTORNEY JAMES RAFFERTY: Could I be permitted, then, following late on that?

CHAIR NICOLE MURATI FERRER: Sure. Counselor, if you could just state your name for the record.

ATTORNEY JAMES RAFFERTY: Good afternoon. James Rafferty, 675 Massachusetts Avenue.

Madam Chair, on the issue about notice, I have to be candid, I -- the notice was a standard legal notice that appeared, as near as I can tell, in the legal notices section of the newspaper. But I understand that with regard to rules and regulations there's a need to, from time to time, do some regulatory housekeeping so that local rules are consistent with ABCC decisions and statutes. What surprised me, and I

was not aware of until Thursday of last week, that there's a policy change contained in here that is, that is significant and I don't think there's a widespread understanding. The last time the License Commission in the City visited the question of the cap policy, it was a very different process. It was inclusive. The Chamber of Commerce was included. A task force was created. Economic development was involved, City Council was involved. And the cap policy has gone through a series of amendments over time.

If one were to read the notice in the paper, just from reading the notice, you'd have no understanding that there was significant changes proposed to the cap policy. It says -- the notice sends you to the website, as you know, the website sends you to a document that then

summarizes the changes, and then at the end says addendums A, B, C, and D are proposed to be deleted. So then you have to go into addendum -- I mean I know what those addendums are, but I received a number of calls from licensees as well as people that tend to follow licensing matters, and they asked me what it was about and did I know about it? And I said candidly I didn't. So I did have a conversation. So it just strikes me, and I know -- I presume you're early in your process, but I think if -- if the Commission's desire is to get feedback from the public and those affected by its decisions with regard to a policy change of this significance, I think the outreach has to be a little bit different. I think it has to be more consistent with how the City tends to have conversations like this, particularly where neighborhood groups are

involved. They tend to meet in the evenings for the reason that people not engaged in this business don't often have times to -- the ability to show up at two o'clock in the afternoon to discuss this.

So I would urge the Commission then I would say to perhaps separate its rule changes from policy changes because I do think, I think there's a difference, and I think policy changes should be done with a wider audience and seek a more extensive form of outreach than has happened to date with regard to these. And I don't offer that as a criticism, but just by way of perspective in terms of I think people's expectations around policy, or at least an understanding, and I frankly was coming here to perhaps maybe learn what the rationale is behind the changes to the policies of the Commission. I

certainly appreciate the statutory references contained in the changes that show as you articulated with the prior speakers about the package store timing license and not consistent with the subsequent statutes. And I think the Commission should be commended for the thoroughness of the work here, because so many of the rules have been superseded by statutory or regulatory decisions at the ABCC. But I would just offer for the Commission's consideration whether they might want to bifurcate rules changes and policy changes at least until there's a wider discussion on the policy change side.

NICOLE MURATI FERRER: Okay. Just so that you do know, this process, the way that it was published in the newspaper, the ad and everything else was vetted by the Law Department. So it's not like we pulled it out of --

ATTORNEY JAMES RAFFERTY: No, no, I --

CHAIR NICOLE MURATI FERRER: No, I understand, but I just wanted to make that clear.

ATTORNEY JAMES RAFFERTY: And maybe I was -- thank you. And frankly there wasn't a need to because it does meet the legal requirements for notice. But what I'm saying is that the City, when it does a Zoning change -- I mean, there's all this statutory requirements around notice. There's also an outreach process around educating the public, educating those people affected by the policies, to know the changes are coming and what's behind that thinking. So I'm saying that discussion I think needs to take place. And I think the communication to the public and to the licensees around this certainly meets -- I'm not suggesting you haven't satisfied those statutory legal requirements of notice, but I don't know

that the typical interested parties on issues of policy would have caught this in the notice. And the early feedback I've got suggests that you might be better served to expand the outreach efforts on the policy changes just for purposes of educating people and hearing their feedback or allowing them to understand, because I assume there's some underlying change associated with this. And this is in such stark contrast to the 2008 process or the 2006 process which took a year, involved multiple meetings, all of the neighborhood groups that have participated, licensees, and there were recommendations, as you know, that came from that task force that then found their way into the modifications into the policy. And I think if that policy is going to be significantly changed as near as I can tell, it's being eliminated, it just seemed to me that

the process would be better served if the policy conversation -- there was more outreach on it.

NICOLE MURATI FERRER: Well, I think cap system doesn't really go away even if the addendum is deleted. I think General Law Chapter 138, Section 12 and the Valloring (phonetic) case gives the License Commission a really strong footing in terms of determining whether a license is deemed appropriate at a place or not.

I think the caps are there to ensure that there's not an oversaturation. That's kind of -- in a public meeting.

ATTORNEY JAMES RAFFERTY: Well, and it's good to hear that, and that's news. Because if that's the thinking, and I'm quite familiar with Valloring, but the cap came about frankly after five years of unrestricted licensing in the sense that the first five years -- unrestricted in the

sense that the quarter restriction wasn't in place. So the cap was a response to the absence of quota. So as you well know, in nearly every other municipality, the quota constraint overrides whatever the public need is, unless you get a statutory change. So you don't get to the public need if the quota restrains you.

The cap, in its initial configuration, had that effect. You didn't get to public need because you had a cap there, and it was really don't even bother to apply for a license here. And that had a lot of unforeseen consequences, and I think the commission did a good job over the years of adjusting the cap, recognizing --you know, there's been a long history with the cap. And I've come to the conclusion that the cap has a lot of benefits. Initially I was suspect about how it would be managed, but we saw a real spike

in liquor licenses and all of a sudden in high desirable locations like Harvard Square, only national chains could afford to be there, and that led to a big -- and that's why the Community Development Department was involved in this in 2006. That led to a feeling that we don't want some of our unique locations to become malls, and the only people who can afford to be here are national chains. So modifications in the cap policy evolved over 20, 30 years. And then even the no value thing, which I do think probably sent the Commission on a bit of a slippery slope, was an attempt to address the fact that well, if you give out one of these licenses, in many ways you've put licensees at a competitive disadvantage, people purchased an asset and are now competing with someone who got one for free, and there were some pitfalls. And I think if the

Commission has evolved in its thinking on this, I think the licensing community in general and the City as a whole would benefit from hearing what the thinking is on this. In the way you read the notice now, you just hear that it's being eliminated.

CHAIR NICOLE MURATI FERRER: Well, we can't -- we couldn't really discuss it before if we wanted to comply with the City of Cambridge process --

ATTORNEY JAMES RAFFERTY: Well, it's not limited to oral, Madam Chair --

CHAIR NICOLE MURATI FERRER: No, I know --

ATTORNEY JAMES RAFFERTY: -- and I'm not suggesting you're defensive. But I'm offering a suggestion to say I can't find a narrative, I can't find a policy rationale set forth in

writing or elsewhere, either memo or anywhere else, that would allow me to understand the Commission's thinking. So I came here today, frankly, to learn what the -- what's behind the Commission's thinking. And I hear the Commission say well, we came to hear from you.

Well, I think it's incumbent upon the Commission to share its thinking behind the significant policy change so people A, understand it. And then B, are given the opportunity to react to it, and I don't think we're at that point yet.

CHAIR NICOLE MURATI FERRER: And what I was saying, Counselor, is that I don't disagree with you. But before this hearing we couldn't really put that out there because we weren't able to meet with each other to discuss because the way the process in the City of Cambridge usually

is that we put it out there, then we meet so that we comply with the Open Meeting Law. This is being -- I understand exactly what you're saying. I'm not saying that you're wrong. I'm saying I understand that you're waiting to hear our thoughts behind this, and I'm not saying you're not going to.

ATTORNEY JAMES RAFFERTY: No, but --

CHAIR NICOLE MURATI FERRER: I'm just saying that I understand what you're saying --

ATTORNEY JAMES RAFFERTY: Right.

CHAIR NICOLE MURATI FERRER: -- but at this point if I were to put something out there saying, this is, you know, I proposed X, Y, and Z change and these are the reasons why, it would have been basically a quorum if either of the Commissioner's would have read it beforehand.

ATTORNEY JAMES RAFFERTY: But, Madam

Chair, you've effectively done that because the Commission has put out a document that proposes to eliminate a policy. So, a more open ended conversation would suggest the Commission intends to hold a hearing to discuss the cap policy and how it's working and whether changes are required, but what's been provided now at this point is the answer before the conversation begins. And I realize that you're open to other options, but the proposed regulation eliminates something, offers no explanation. So, and again, I didn't come here to criticize how the Commission got to this point, I just think that the process would be better served if it is intended to be open ended, and I fully understand the restrictions upon the Commission being able to meet and collaborate on this outside of the confines of an advertised meeting, then perhaps

the Commission should advertise a meeting to say the Commission is giving thought to modifying the cap policy and we want to hear what people think about that. That's pretty consistent with how it was done. It has been done historically. And this represents a significant deviation from that type of outreach.

And as I said, I tend to follow these matters closely and I learned of this almost accidentally when I received a phone call. So I thought, I -- I'm still here to learn and was only saying that I thought there would be, frankly, a conversation, and maybe it's yet to come about what has prompted the Commission to head down this road.

CHAIR NICOLE MURATI FERRER: Okay.

Quick question, though, different from other caps in other cities per the quota, our cap

is really -- what's that word that I'm looking for? Artificial in the sense that it can be broken according to the addendum, correct?

ATTORNEY JAMES RAFFERTY: Well, I don't think that makes something artificial, the fact that you provide for exceptions. We have a Zoning Ordinance that has variances, and when you prove a hardship, you get a variance. So mechanisms exist within many regulatory structures that allow for exception. So the cap policy was initially very narrow for allowing for exceptions. There are now exceptions, there are now criteria for breaking the cap. So I guess I wouldn't share your assessment that a cap policy that allows for modifications is artificial. I think, I think over time it's developed some procedures by which exceptions have been permitted.

FIRE CHIEF GERALD REARDON: I think the point, Counselor, is that other cities and towns that number is the number and there's no wiggle room in many communities in terms of the number of licenses are the number of license also.

ATTORNEY JAMES RAFFERTY: Oh, no question. In a quota-based system, no question. No, no, I'm sorry. Is that --

CHAIR NICOLE MURATI FERRER: Yeah, that's what I --

ATTORNEY JAMES RAFFERTY: Yeah, no, I agree completely.

And that's why I'm saying the cap -- the cap did come about because absent that constraint, there was concern that --

FIRE CHIEF GERALD REARDON: I think you would agree with me that the cap came about because the proliferation of serving

establishments that serve very little food or anything and were basically I guess the term would be bar or saloon proliferation that the neighborhoods couldn't take any more I think hunker back to those days, and that was the general push for the cap because of, you know, the, you know, the late drinking and places that --

ATTORNEY JAMES RAFFERTY: I couldn't agree more.

FIRE CHIEF GERALD REARDON: -- strictly alcohol-based in the same venues that we're getting in here now are restaurant-based and food-based. But I think there was a big disparagement on a number of, you know, local saloons, bars, whatever you like to call them back then.

ATTORNEY JAMES RAFFERTY: Oh, no, no, I

think to the credit of the licensing committee -- I'm saying that's why I think the policies have been extremely effective. I mean my view frankly is that we really don't have a licensing problem in the City. I think we have a very, you know, we have a great restaurant environment here. We have a lot -- the absence of a quota restriction has allowed us to address lifestyle and urban renewal issues in places like Kendall Square where for years people said, as it matured, you know, there's no night life, there's no restaurants or anything else. The absence of the quota allowed the Commission in its wisdom to place, in every case, restaurant license throughout Kendall Square. Similarly as the Charles Hotel District got developed, out at Alewife, so it's a wonderful tool, and, frankly we are the envy of many municipalities because we

have this flexibility. So I'm just -- all kidding aside, I'm kind of here to learn, okay, so where are we? So our thinking has evolved on the cap, and it may certainly 10, 12 years since you last looked at it, it certainly, the timing seems right to look at it. I just was hoping to learn what the current thinking is.

So, I appreciate the opportunity to speak and I had not intended to do so, but thank you for the invitation.

CHAIR NICOLE MURATI FERRER: You're welcome.

Anyone else that has something in particular to say or ask?

JOHN DiGIOVANNI: I just want to add one more thing.

CHAIR NICOLE MURATI FERRER: And if you just can state your name.

JOHN DiGIOVANNI: Sure. John DiGiovanni and I'm with Trinity Properties in Harvard Square and President of the Harvard Square Business Association.

I'd echo everything that Mr. Rafferty just mentioned about the process. I get a monthly e-mail by the way from this Commission about the agenda. So I know I'm in a sort of e-mail grouping that receives that. So I actually don't check the legal notices. I sort of see what's coming up based on the courtesy of this Commission that sends out the agenda by e-mail to a bunch of licensees and business associations. So it wasn't until I got that notice on Thursday that's why I learned later, that's all. And I haven't had a chance to really understand this. I think the idea of bifurcating technical changes to meet Mass. Law is one thing

and then have another one that's specific to Cambridge regulation. And what Mr. Rafferty said at the end, I think and it's really a question to Ms. Lint as to the year that this might have happened, but shortly -- I don't know whether it was five or six years after the cap policy was amended, there was a review. This Commission asked for folks to come back. I think, in fact, when it was done, there was a, an anticipation that we would review this in five or six years. And about -- I think it was five. So we did do that. So it's not been ten years that we're reviewing. And I'm sure in the record somewhere unless my memory is really failing me, that we actually did this. That this Commission reviewed the impact -- am I right?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't remember having a review.

CHAIR NICOLE MURATI FERRER: So the last, according to our current rule book, the last amendment to the cap policy was September 28, 2006.

JOHN DiGIOVANNI: When was it?

CHAIR NICOLE MURATI FERRER: 2006.

JOHN DiGIOVANNI: So I think there was an amendment. But I think there was a review and there was a request from the community as to how they felt the implementation went. It wasn't a modification. It was a request after it was implemented. And I want to go back into my records as well to see if there was actual written correspondence from the business association and others as to how they felt this was implemented. Maybe it wasn't (inaudible) because I believe shortly after -- not shortly, about five years into it there was going to be a

review of the policy. So I think that's what we're checking out as well. And I'm very much, also just wanting to understand this, as a business association, we did get a fair amount of inquiries from our members as to what the implication is. And quite frankly we said We don't know. And we were going to go to the hearing to learn.

So thank you.

CHAIR NICOLE MURATI FERRER: No problem.

Anyone else? Ma'am, why don't you come up anyway and take a seat.

ATTORNEY KEVIN CRANE: Madam Chair --

CHAIR NICOLE MURATI FERRER: Can we allow her to go first?

DENISE JILLSON: No, no, no. Please, he knows so much more on this than I do.

CHAIR NICOLE MURATI FERRER: Okay.

ATTORNEY KEVIN CRANE: She's my
co-counsel almost.

Madam Chair and Commissioners. First of
all, Commissioner Haas, congratulations on your
retirement. I haven't seen you since the news
broke.

POLICE COMMISSIONER ROBERT HAAS: Thanks.

CHAIR NICOLE MURATI FERRER: State your
name.

ATTORNEY KEVIN CRANE: Oh, my name is
Kevin Crane. I have three hats on today: One is
as an attorney who represents licensees in front
of the Board;

The second is as a local small business
person;

And the third one is as a resident of the
City, and I reside at 27 Norris Street. My
office is at 104 Mount Auburn Street, Cambridge.

I have been here since the caps were originally enacted, and the few times that when we had policy decision -- policy reviews of it, I have always opposed the caps. I have always been of the belief that the Cambridge License Commission is fully capable of handling these decisions on a case-by-case basis. And I have always been of the opinion that the caps were not really well thought out. There was some political wind at the time that for some reason in Harvard Square in particular it seemed that some of the licensees had some establishments that were generating unruly activity and it became a bit of a cause. I think the lines as far as the thought that went in the specifics of caps, I always give this as an example as far as the lines being drawn arbitrarily, and that is in Harvard Square the Charles Hotel is not within

the capped area. The line does not cover the Charles Hotel.

Now, I don't know whether their marketing department knows that they're not located in Harvard Square, but that's the type of example where I think the cap has served the City -- thought out poorly. And over the years I've also had many instances where we've been trying, you have a pigeonhole activity, we've got -- we've gone from allowing transfers within the cap, one cap, then a cap to cap, and it was kind of like trying to put a, you know, a round peg in a square hole. And I've explained it to many people over the years as being somewhat similar to Yugoslavia. It's just all over the place. Over the past few years it seems like the cap has not really been imposed for the better.

I heard the end of Mr. Rafferty's

comments about the absence of a quota has helped the City, and it certainly has. And we wouldn't have the economic activity in the city if we were back to imposing caps and drawing lines. And I just think from the start it's been bad policy.

And I'll never forget the first night I think that there was a hearing on it, it was actually at the City Council chambers, and there was an establishment that had gone to the United States Supreme Court to get the authority to apply for a liquor license, and there was a big crowd up at City Hall. And I was representing a different licensee who was trying to get a new license in the lobby of the old Harvard Square Theatre, and my client was denied on the basis that there were too many licenses already in Harvard Square. Same night, the next hearing, the establishment that I referred to earlier had

their license approved. So that's the type of thing that I think the whole cap mentality generates. It's sort of arbitrary. And I still always sort of come back to the basis that the License Commission can handle these cases on a case-by-case basis. If you have a situation where there is neighborhood concern about traffic, parking, noise, litter, those can all be addressed, as they should be, but not under some duress with arbitrary line drawn as far as caps go.

So, I've reviewed the changes to, and I do want to say that I think it's a very nice piece of work. Whoever did it.

CHAIR NICOLE MURATI FERRER: Thank you.

ATTORNEY KEVIN CRANE: Thank you.

DENISE JILLSON: Denise Jillson, Harvard Square Business Association. And I'll speak on

-- as the as the Executive Director for the Harvard Square Business Association as well as a resident at 2203 Mass. Avenue.

First, as the ED, I'm concerned that I'm the only Executive Director here. And if you're familiar with Cambridge at all, you'll know that there are at least five other significant business associations who are not present here this afternoon, and that I think speaks to the fact that the notice probably was just not sufficient. It might have been, as you say, legal and appropriate, but certainly in Cambridge the fact that people from the Chamber of Commerce, the Central Square Business Association, the Kendall Square Association, East Cambridge Business Association aren't here really concerns me. So I, I think that Mr. Rafferty's point about notification in Cambridge is somewhat

special and we appreciate that. So I hope that the conversation continues.

As a resident, you know, just last Friday night I went to dinner with my husband and some friends at L'Impasto which is a small little Italian restaurant that has I think 20 seats in Cambridge. And they have a beer and wine license. And if wasn't our policy to being allowed for this license, the experience at L'Impasto, and in fact the longevity of that place of business, would be in question because they just can't compete and it would change the experience. So I love the idea that we have the opportunity to issue a no value, non-transferable for a fee license.

There are so many small little restaurants throughout the City that have benefitted from the no value ability or the no

value license. And as was said before, you know, Kendall Square as it exists today, would just not exist.

There was a meeting not long ago, Elizabeth, you might remember when this meeting was when -- it was probably in the last year, and so many of the businesses, the restaurateurs from Kendall came to that meeting, and I think 100 percent of them were there because they had received this no value license.

Do you remember what that meeting was about?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. We were looking at ways to change the fee structure.

FIRE CHIEF GERALD REARDON: Fee schedule. That's what it was.

DENISE JILLSON: And it was -- I was

there that night and it was just so impressive how many restaurateurs were there. And really terrific restaurants. And they all said the same thing, they were concerned I guess because we were thinking about increasing the fee, was it?

FIRE CHIEF GERALD REARDON: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: We were looking at ways to --

FIRE CHIEF GERALD REARDON: Scaling it.

EXECUTIVE DIRECTOR ELIZABETH LINT: -- scaling it.

DENISE JILLSON: Yeah. And do you think 12, 14, 15? It was --

EXECUTIVE DIRECTOR ELIZABETH LINT: Maybe more.

DENISE JILLSON: Maybe more.

And that whole scene would not have been -- it just wouldn't have existed if it

wasn't for our ability. So I think that, you know, we do lots of events in Harvard Square, probably 80 a year, and other communities have reached out to us and said: How do you manage to do this? Have so many events, so significant, big crowds. And I always tell them the same thing, because it has nothing -- you know, nothing to do with us really, and it has everything to do with the City of Cambridge. Because we have within our City an attitude that starts at the very top and it works its way down through the departments in the City of one that says basically how can we help you? Not how can we screw you? And I mean that sincerely. You know, we've sat down with the Lexington Chamber of Commerce, with the Lowell Chamber of Commerce, with the Newbury Street League, with the Beacon Hill Association, all saying the same thing: How

do you manage to do this in Cambridge? And it's because we have a terrific, open, caring, thoughtful process whereby lots of associations, be it the neighborhood associations or the business associations, come together to work collaboratively to make sure that the rules and regulations that we have in place are good for this community, economically as well as socially and in a way that the community benefits, but not in a way that has an adverse impact on our neighborhoods.

So I look forward to this continued discussion and hope that this was taken in the spirit of which it was intended, which is that we all want to work together to make sure that at the end we have a product and policies in place that are beneficial to our community on every level.

Thank you.

CHAIR NICOLE MURATI FERRER: Thank you.

Anyone else want to say anything?

(No Response.)

CHAIR NICOLE MURATI FERRER: I mean, I can -- this process of changing the rules has been ongoing for a long time, it even predates me. These rules and regulations were reviewed by licensing experts and former ABCC Counsel Bill Kelley. So there are many changes. You know, as we said, as some of the changes are to kind of bring it up to speed with the changes in the laws. You know, one of the other addendums that's being talked about or -- one of the suggestions to the lead is the addendum for non-transferable, no value licenses. Because under Chapter 138, Section 12 licenses are transferable, and they can also be pledged. So

that's there as well.

FIRE CHIEF GERALD REARDON: All set.

CHAIR NICOLE MURATI FERRER: Did you want to say anything?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIR NICOLE MURATI FERRER: Okay, and if no one else has anything, we'll take everything under advisement and we'll move -- do you guys want to discuss the rules or do you want to move on to the administrative stuff?

FIRE CHIEF GERALD REARDON: We'll go to administrative I think.

CHAIR NICOLE MURATI FERRER: Okay, we'll move on to the administrative matters that we have on the agenda today.

Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: You should have them all in order.

CHAIR NICOLE MURATI FERRER: I gave them
back to you.

You ready?

MALT & WINE LICENSES WITH OR WITHOUT

ENTERTAINMENT:

EXECUTIVE DIRECTOR ELIZABETH LINT: Kim
Courtney has applied for --

CHAIR NICOLE MURATI FERRER: I'm sorry
we're still on the record.

EXECUTIVE DIRECTOR ELIZABETH LINT: We're
still on the record.

CHAIR NICOLE MURATI FERRER: You guys can
bring it down. You can stay there, just bring it
down.

Thank you.

KIM COURTNEY (1 CEDAR STREET)

EXECUTIVE DIRECTOR ELIZABETH LINT: Kim
Courtney has applied for four malt and wine

licenses to be exercised at United American Veterans, 1 Cedar Street, Wagner Hall, May 5th, May 12th, May 19th, and May 26th from six p.m. to eleven p.m for a tasting food and beverage event for up to 50 people.

CHAIR NICOLE MURATI FERRER: And just as an FYI, it's on the B level.

Granted as well.

ANN HOLLAND (WORKBAR)

EXECUTIVE DIRECTOR ELIZABETH LINT: Ann Holland has applied for two malt and wine licenses to be exercised at Workbar at 45 Prospect Street on May 16th and May 18th from 6:30 to 9:00 for a networking and fundraiser event of 120 expected.

CHAIR NICOLE MURATI FERRER: Okay.

Granting.

SOLOMON NERE (SAINT PAUL AME CHURCH CHRISTIAN
LIFE CENTER)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Solomon Nere has applied for a malt and wine
license with entertainment, patrons dancing, at
Saint Paul AME Church Christian Life Center, 85
Bishop Allen Drive on June 11th from six p.m to
twelve a.m. for a graduation party with 200
expected.

CHAIR NICOLE MURATI FERRER: Granted.

PHILIP CHAVES (SAINT ANTHONY'S CHURCH)

EXECUTIVE DIRECTOR ELIZABETH LINT:

Philip Chaves, on behalf of Saint Anthony's
Parish, has applied for six malt and wine
licenses with entertainment, patrons dancing,
performers/entertainers dancing, recorded/live
music and amplification system at Saint Anthony's
Church, 400 Cardinal Medeiros Ave., on May 14th

to 15th, May 20th to 22nd, May 28th to 29th, June 11th and 12th, June 18th and 19th for their annual feast.

CHAIR NICOLE MURATI FERRER: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: This goes through special events.

CHAIR NICOLE MURATI FERRER: Yeah. 14th and 15th granted.

20th and 22nd granted.

28th, 29th granted.

June 11th through 12th granted.

And June 18th granted and June 19th granted.

ARLYN DePAGTER (MIT E62 EXECUTIVE EDUCATION SUITE LOUNGE)

EXECUTIVE ELIZABETH LINT: Arlyn DePagter has applied for a malt and wine license to be exercised at MIT E62 Executive Education Suite

Lounge, 100 Main Street on May 29th from 7:00 p.m. to 8:30 p.m. for a reception with 68 people expected.

CHAIR NICOLE MURATI FERRER: Granted.

ARLYN DePAGTER (MIT TRUST CENTER)

EXECUTIVE ELIZABETH LINT: Arlyn DePagter has applied for a malt and wine license to be exercised at MIT Trust Center, 1 Amherst Street on June 2nd from 5:30 to 7:00 with 68 expected.

CHAIR NICOLE MURATI FERRER: Granted.

AMENDMENTS TO EXISTING LICENSE:

HAS FOOD PARK, LLC DBA NACO TACO

EXECUTIVE DIRECTOR ELIZABETH LINT:

Matter previously deferred, HAS Food Park, LLC doing business as Naco Taco, 279 Mass. Ave., for a vintage bike show on May 14th from four p.m. to one a.m.; closing off Village Street, which is private way owned by MIT.

CHAIR NICOLE MURATI FERRER: Did we get the letter from MIT?

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm just looking. I'm not sure we got it, but I know we're getting it.

FIRE CHIEF GERALD REARDON: I thought we got it.

EXECUTIVE DIRECTOR ELIZABETH LINT: Did we get it? No, it would be attached on the --

FIRE CHIEF GERALD REARDON: Parking on one side?

EXECUTIVE DIRECTOR ELIZABETH LINT: You were fine with that.

FIRE CHIEF GERALD REARDON: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: MIT actually wants them to do the event.

FIRE CHIEF GERALD REARDON: Yes, we did get something on this. This was fine. Village

Street. I remember getting it. I okay'd it.

EXECUTIVE DIRECTOR ELIZABETH LINT: Okay.

CHAIR NICOLE MURATI FERRER: I feel like I asked you about it before you put it on the agenda. And you said we had gotten it. That's why I was like where is the letter?

EXECUTIVE DIRECTOR ELIZABETH LINT: Why didn't I attach it?

FIRE CHIEF GERALD REARDON: And I remember the name, also.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'll find it in my thousands of e-mails.

CHAIR NICOLE MURATI FERRER: So you're okay with that?

FIRE CHIEF GERALD REARDON: That's fine.

TAREK ABDEL MONEIN - ALEXANDRA FALAFEL, LLC

EXECUTIVE DIRECTOR ELIZABETH LINT: Tarek Abdel Monein authorized representative of

Alexandra Falafel, LLC, has filed a waiver for failure to timely renew their CV license at 8 1/2 Eliot Street.

So that one you wanted me to check on whether that had happened before. It had not. And attorney Benzan had brought in the application and to check that was owed and --

CHAIR NICOLE MURATI FERRER: So I would say violation warning. You didn't bring the stamp, did you?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

CHAIR NICOLE MURATI FERRER: You okay with that?

POLICE COMMISSIONER ROBERT HAAS: Yes.

CHAIR NICOLE MURATI FERRER: Okay, violation warning.

SETH GERBER CAFE ART SCIENCE

EXECUTIVE DIRECTOR ELIZABETH LINT: Seth

Gerber on behalf of Cafe Art Science has applied for a One Day Amendment to Existing License at 650 East Kendall Street on May 4th from five p.m. until ten p.m. for a cocktail reception with 175 people expected.

CHAIR NICOLE MURATI FERRER: I'm trying to figure out where they say it's going to be. Oh, adjacent to the cafe?

EXECUTIVE DIRECTOR ELIZABETH LINT:
Adjacent.

CHAIR NICOLE MURATI FERRER: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: They had some of these last week as well.

CHAIR NICOLE MURATI FERRER: Granted.

CHAD BENNETT JOHN MORIARITY ASSOCIATES

EXECUTIVE DIRECTOR ELIZABETH LINT: Chad Bennett on behalf of John Moriarity and Associates has applied for a Special Noise

Variance to be exercised from May 14th to May 15th from ten p.m. until twelve p.m. for a mini excavator with rubber tracks, tow behind generator, rubber tire backhoe, and gas powered chop.

CHAIR NICOLE MURATI FERRER: And it says that the water line relocations are required prior to the construction of the new 88 Ames Street project.

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes. This actually is a -- more dates from another one that's been approved.

FIRE CHIEF GERALD REARDON: From the last one.

CHAIR NICOLE MURATI FERRER: And we didn't get any objections?

EXECUTIVE DIRECTOR ELIZABETH LINT: I have not heard a word.

CHAIR NICOLE MURATI FERRER: Okay. So granted.

BLOOMFIELD HOSPITALITY, INCORPORATED

EXECUTIVE DIRECTOR ELIZABETH LINT:

Bloomfield Hospitality, Incorporated has applied for a change of DBA from DK & Co to WuBurger Gourmet.

And they're hoping to open today.

CHAIR NICOLE MURATI FERRER: Well, the license number that they give here seems to be an ABCC license number which means we can't vote on it here I don't think. Can we? Don't those have to have a hearing?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

CHAIR NICOLE MURATI FERRER: I'm wondering. I know that --

EXECUTIVE DIRECTOR ELIZABETH LINT: I know.

CHAIR NICOLE MURATI FERRER: Do you mind looking it up? Because I know that in Boston they have hearings. I know the ABCC doesn't approve DBA so it could very well be administrative stuff. And in Boston they did it because they want to have hearings. I'm just wondering. So we need to look into that.

And while you look, I'll move to the next one on the agenda.

ANDREW DEMPSEY S&A RANGE SHAUGHNESSY AND COMPANY

Noise Variance from Andrew Dempsey from S&A Range, Shaughnessy and Company, at 650 East Kendall Street. They're hoisting rooftop units and duct work off the roof with a mobile hydraulic crane.

So they want to set up the crane between Second Street and remain closed during working hours. And so they're looking at Saturday, seven

to five, and then on May 7th, seven to five.

We could get -- DPW was fine with it and so was TPD. And have we heard from any other departments on that one? No?

This was done in conjunction with DPW. They tried to make it so that they're all doing it at the same time. So I would vote to grant it so that they can get it all squared away.

EXECUTIVE ELIZABETH LINT: The question was whether or not --

CHAIR NICOLE MURATI FERRER: Whether or not this needs a hearing.

EXECUTIVE DIRECTOR ELIZABETH LINT: No, no.

CHAIR NICOLE MURATI FERRER: The DBA.

EXECUTIVE DIRECTOR ELIZABETH LINT: For that, for the noise variance.

CHAIR NICOLE MURATI FERRER: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Whether or not they could do it this Saturday.

They said they were going to get whatever notices were sent out, but I haven't seen it yet.

POLICE COMMISSIONER ROBERT HAAS: So do we want to verify the notices got sent out? Otherwise we're going to get a ton of phone calls.

CHAIR NICOLE MURATI FERRER: I think we -- I think the mason -- I mean I know -- hold on, let me see if I can access my e-mail. Let's see. No, it's not here.

We can hold off on it.

If everything's all squared away in terms of the --

POLICE COMMISSIONER ROBERT HAAS: Yes, because we already approved it. You said the other forms and stuff, and plus more importantly

is whether the residents in the area were notified.

CHAIR NICOLE MURATI FERRER: Yes. I think DPW did it for them, because DPW is doing work and they were asked to piggyback on their work.

FIRE CHIEF GERALD REARDON: I don't think it went out DPW's public notice.

POLICE COMMISSIONER ROBERT HAAS: We should verify that.

CHAIR NICOLE MURATI FERRER: We'll verify.

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't think -- I think we have to notify them of a change of DBA. It would have to be a hearing for a change in corporate name.

CHAIR NICOLE MURATI FERRER: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: And

looking at all their transactions it's not one of them.

CHAIR NICOLE MURATI FERRER: You're looking at the matrix?

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm looking at the application.

CHAIR NICOLE MURATI FERRER: No, look at the matrix.

EXECUTIVE DIRECTOR ELIZABETH LINT: I'm pretty sure it's not on the matrix.

Form 43 no fee transmittal form petition for a change of license business certificate and voted before the Board.

CHAIR NICOLE MURATI FERRER: So we need the corporate vote and the business certificate anyways.

EXECUTIVE DIRECTOR ELIZABETH LINT: I guess he's not opening today.

CHAIR NICOLE MURATI FERRER: He can, he just can't use the DBA that's unapproved.

What is this folder? Is this something else?

EXECUTIVE DIRECTOR ELIZABETH LINT:
That's the falafel.

CHAIR NICOLE MURATI FERRER: Oh, okay.
Is that it?

EXECUTIVE DIRECTOR ELIZABETH LINT:
That's all I have.

CHAIR NICOLE MURATI FERRER: Okay. So we're done.

(Whereupon, 2:55 at p.m., the
License Commission Adjourned.)

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

The original transcript and Errata Sheet has been delivered to License Commission.

INSTRUCTIONS

After reading this volume of the License Commission transcript, note any change or correction and the reason therefor on this sheet. Sign and date this Errata Sheet.

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I have read the foregoing transcript of the License Commission, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

C E R T I F I C A T E**COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.**

I, Catherine Lawson Zelinski, a Certified Shorthand Reporter, the undersigned Notary Public, 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 6th day of May 2016.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 29, 2022

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