

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

AT: Cambridge Police
Robert Healy Public Safety Building
125 Sixth Street
Community Room
Cambridge, Massachusetts

DATE: Monday, May 2, 2016

TIME: 4 p.m.

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P R O C E E D I N G S

May 2, 2016

CHAIR NICOLE MURATI FERRER: Good afternoon. This is the hearing before the Cambridge License Commission on Monday, May 23 at 4 p.m. at the Robert Healy Public Safety Building, 125 Sixth Street, Community Room.

OLD AND NEW BUSINESS

PEPPER SPRAY GUNS

CHAIR NICOLE MURATI FERRER: We'll start old and new business. The first matter is, so not that we have to take any action on this today, but we got this police report and attached to it is kind've this deployment system that's being used for pepper spray, so it appears at least one of our licensees is using this kind of equipment and we just have to -- albeit the

establishment using it is a different color, I think it is an orange, but I thought we needed to start putting it in our minds and kind've figuring it out, our thoughts on it, particularly in light of the fact that we're dealing with rules in case we want to kind've talk about it or discuss whether or not this should go kind've in the forefront of what we are thinking. I just thought -- I think it's very imposing.

POLICE COMMISSIONER ROBERT HAAS: What?

CHAIR NICOLE MURATI FERRER: Very -- you know, I would think we need to kind've think about it a little only because I have no issue with people protecting themselves but we have to also be careful of especially in a dark place.

POLICE COMMISSIONER ROBERT HAAS: Again, because the appearance of things like that, I think there could be concerns for the employees

if they were to pull that out and point it at somebody or something like that.

Even if the officer went in there, saw someone standing there, it would look like a handgun.

CHAIR NICOLE MURATI FERRER: I agree.

And even though I think the one being used is orange, it's dark, and --

POLICE COMMISSIONER ROBERT HAAS: The other problem you have is tazers, they are orange-tinted too and have the same structure as that device.

CHAIR NICOLE MURATI FERRER: I wanted to bring that to your attention.

PROPOSAL OF FEE FOR CORDIAL PERMIT

CHAIR NICOLE MURATI FERRER:

The second matter, the proposal fee for the cordial permit.

I kind've looked back at our fee structure and everything else and calculated based on -- or we had Ellen do kind've like an algorithm with our system, or whatever, and then kind've figure out it, and it looks like 500 is still -- would want to kind've put that through to the city solicitor's office so they can figure out and have to keep in mind administrative costs and stuff like that, that's kind've like the figure tossed out at us. Just to let you guys know.

APPLICATION: ORANGE BLOSSOM, INC.

D/B/A EAST COAST GRILL

CHAIR NICOLE MURATI FERRER: Now, the third was a matter that was deferred from April 19, the transfer of the CV, all alc, from Orange Blossom d/b/a East Coast Grill.

It was deferred because the application

was incomplete. We didn't have the manager, application or the lease and they are both in.

Based on the testimony at that hearing, I vote to grant.

POLICE COMMISSIONER ROBERT HAAS: All paperwork is in order?

CHAIR NICOLE MURATI FERRER: Yep. Everything is in order.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR NICOLE MURATI FERRER: So granted.

Actually, I don't think it was fully put in the agenda, but it was the alcohol application, also annual entertainment license.

APPLICATION: BLOOMFIELD HOSPITALITY, LLC

D/B/A WUBURGER

CHAIR NICOLE MURATI FERRER: The next matter was also deferred, this one from April 25, it is a Bloomfield Hospitality request to change

d/b/a to WuBurger.

They submitted the certificate they needed to submit and everything else.

And I vote to grant.

FIRE CHIEF GERALD REARDON: Second.

CHAIR NICOLE MURATI FERRER: Good.

APPLICATION CORRECTION: MWRA

CHAIR NICOLE MURATI FERRER: The next matter is MWRA, just a change in the description under licenses at 1 Monsignor and 660 Memorial Drive attached with the fire permit. They also have the changes there.

So I vote to grant just to correct their record. We did have our inspectors go and --

FIRE CHIEF GERALD REARDON: Second.

DISCUSSION ON PROPOSED CHANGES TO

RULES/REGULATIONS RELATING TO ALCOHOLIC BEVERAGES

AND ENTERTAINMENT

CHAIR NICOLE MURATI FERRER: The next matter is a discussion on the proposed changes to the rules and regulations, we all have received the comments that we've gotten to date.

Obviously, a lot of people have lots of questions to what's being proposed.

So let's get started.

So adding common victualler and innholder and lodging houses licensees is the type governed by these rules, and I think the rules that generally apply to these licensees also kind've, when you read our entire rule book, there's a lot of those rules that also apply to them and we don't have rules for them, so I think it is good for them to know what is expected of them.

So I think that kind've adds them in and clumps them in with the current ones that we

have.

So that's the reason why I'm proposing that.

I don't know if you guys have any thoughts on those, on adding those, whether or not you are okay with it or --

FIRE CHIEF GERALD REARDON: I'm okay with it.

UNIDENTIFIED AUDIENCE MEMBER: Pardon me, Madam Chair, could you speak a little louder? Thank you.

CHAIR NICOLE MURATI FERRER: Sure.

Commissioner Haas, do you have any thoughts on --

POLICE COMMISSIONER ROBERT HAAS: No. I'm fine with it.

CHAIR NICOLE MURATI FERRER: Then there were kind've random changes, whether taking out

words or rephrasing something a little bit better but doesn't change the substance to rule 2, 3, 4, 5, 6, 7, 12, 14, 15, 16, 18, 32, 33, 35, 36, 39, 43, 45, 47, rule No. 3 of the noise section, and rule 2 of the entertainment section and Addendum C.

And these were only semantic-type changes and I think the changes that everyone proposed just make the rules clearer.

So I would say that I have no issue with any of those.

UNIDENTIFIED AUDIENCE MEMBER: Pardon me, Madam Chair, are those available somewhere?

CHAIR NICOLE MURATI FERRER: Yeah, they are on-line. They have been on-line for three weeks.

UNIDENTIFIED AUDIENCE MEMBER: Oh, I'm sorry, I thought those were changes to the

changes.

CHAIR NICOLE MURATI FERRER: No. The Commission has not voted on any of these.

UNIDENTIFIED AUDIENCE MEMBER: Thank you.

CHAIR NICOLE MURATI FERRER: Do you guys have any thoughts on those?

POLICE COMMISSIONER ROBERT HAAS: I don't believe there's any substantive changes. Like you said, it was more word changes and grammatic and wordsmithing on the rules.

CHAIR NICOLE MURATI FERRER: Then, obviously, I didn't see any rules to 10, 12 -- I mean, I'm sorry, 10, 11, 22, 23, 24, 30, 41, 44, and 45. I mean, these rules kind've make sense as written and I would think that we would -- we should continue keeping them as they make sense in terms of the way we expect places to run.

Thoughts on any of those?

FIRE CHIEF GERALD REARDON: I have no changes on those.

CHAIR NICOLE MURATI FERRER: I'm sorry, gentlemen, I'm going off of the expanded summary that we posted, so that's why I'm going in this order rather than ...

Commissioner Haas, do you have any new changes to any of those or anything?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIR NICOLE MURATI FERRER: Okay.

So off to the ones where we proposed substantive changes.

PROPOSED SUBSTANTIVE CHANGES

CHAIR NICOLE MURATI FERRER: Current rule No. 1, this rule was kind've broken down. There's a proposed rule No. 1 and the first one is basically mirroring the language of 204 CMR

2.05(2), which is kind've the ABCC's regulation on it.

And then the proposed second part to that is basically taking what was current rule No. 1 and really putting it in the framework of what we expect a manager of record to be kind've responsible for.

I like it this way because I like the fact that, one, it mirrors the CMR and the current state of the law, and then the proposed expansion is kind've like in tune with what we can do under 138 Section 23 in creating rules to sort've mirror or go with those.

And it also gives a very clear sense to managers of records and licensees as to what we expect managers of records and their duties in terms of us.

FIRE CHIEF GERALD REARDON: I do agree.

POLICE COMMISSIONER ROBERT HAAS: I agree.

CHAIR NICOLE MURATI FERRER: Any further comment on that one?

FIRE CHIEF GERALD REARDON: I'm good.

CHAIR NICOLE MURATI FERRER: The next one would be current rule No. 9.

This is the one that talks about when the licensee has to tell us that they are to become inactive. So this is basically Chapter 138, Section 64, 67 and 77.

And so I think No. 9, we also broke that down into two to make it clearer and kind've mirror the language.

I do note that on the expansion of it, we did put "due to an act of nature" or a "declared state of emergency" which is not currently there.

And then also instead of that a hearing

must be held for permission to reclose, we said a hearing may be held for permission to reclose. I think that kind of change in the language is important, we need flexibility, for example, if the place burnt down over the weekend, God forbid, and we're obviously -- they are obviously not going to be in use if the Fire Department has declared they can't open for the time being, so why drag the licensee in for a hearing when it is an obvious type of situation.

FIRE CHIEF GERALD REARDON: So is it just referred to that notification should be made?

CHAIR NICOLE MURATI FERRER: Yeah.

I mean it still says -- so the proposed rule says if the licensed premises are to be closed for any reason or become inactive, the licensee or its representative must request

permission from the License Commission in advance and dah-dah-dah, a hearing may be held.

So they have to tell us, but we may schedule them for a hearing or we may not. Whereas, the current rules says a hearing must be held.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

CHAIR NICOLE MURATI FERRER: And then the very last part of the first part of that rule is a change. It says, at any time, the License Commission retains the right to call the licensee in for a hearing to disclose the closure or nonuse of the license and in such cases, licenses may be subject to cancellation for nonuse, which kind've basically is inserting the language of 77.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

FIRE CHIEF GERALD REARDON: A number of

different issues over the years whether it's a water leak or roof problem or that they've had to close down for several days, so notification should be adequate.

CHAIR NICOLE MURATI FERRER: Yeah.

There is still currently a rule that we didn't change that basically says if there's an emergency, obviously, you tell the License Commission as soon as practicable.

That rule is still -- I didn't note any changes on that rule.

Any comments on that?

FIRE CHIEF GERALD REARDON: I'm good.

POLICE COMMISSIONER ROBERT HAAS: I'm good with it.

CHAIR NICOLE MURATI FERRER: The next one is rule No. 19.

Currently it says that they must maintain

an employee roster that shall be available upon request.

I proposed a change, based on my experience with this kind've stuff, that basically it is an expansion, which says the licensee should ensure it has a complete roster or list of all employees and also one that specified who is on duty on a particular day and time.

I think this is really important in terms of public safety issues and in terms of when our investigators or police officer or even the ABCC investigator come in to try and figure out what happened or when it happened.

FIRE CHIEF GERALD REARDON: The only change I would have to that is that also, if they are required to have a crowd manager, that that be duly noted in their information, so if you

want to go back and find out who the designated crowd manager was on a particular night.

CHAIR NICOLE MURATI FERRER: So basically that the roster specifically states who the crowd manager was on the particular night.

FIRE CHIEF GERALD REARDON: They have to be certified to be a crowd manager, who that particular person was on that particular evening.

POLICE COMMISSIONER ROBERT HAAS: It doesn't specify the duration of --

CHAIR NICOLE MURATI FERRER: It doesn't specify, I'm sorry, what?

POLICE COMMISSIONER ROBERT HAAS: The duration, this list be maintained.

CHAIR NICOLE MURATI FERRER: No, no.

Our current rules, and I, quite frankly, didn't -- the only thing that I was thinking of was in terms of that but we can certainly add.

POLICE COMMISSIONER ROBERT HAAS: On this thing, if there's a pending investigation and you want to know specifically who was there that night and you may want to put the burden back on the licensee to maintain the list for a period of time which was reasonable, right?

CHAIR NICOLE MURATI FERRER: Were you thinking like a year?

POLICE COMMISSIONER ROBERT HAAS: I wasn't thinking that long. I can't imagine an investigation going on.

I don't know if you keep it a month at a time or two months at a time.

I think we'll become aware of a situation relatively quickly.

But, you know, a lot of times it comes up during a hearing and you want to know who was working that night, and to the Fire Chief's

point, if they are required to have a crowd manager, who was that crowd manager and making sure there was one, if there was an event that took place, you may have multiple violations as you look in this situation and you want to identify who was is there and who was responsible, right?

FIRE CHIEF GERALD REARDON: I would think 60 days would probably cover the time when something happened to investigate and actually get before the Commission would be reasonable --

CHAIR NICOLE MURATI FERRER: Okay.

The next one that there was a change to was the current rule No. 20 that talks about the minimum charge or cover charge.

So this rule was basically edited completely to track the language of General Law Chapter 140, Section 183D, which is basically the

one that talks about cover charges.

FIRE CHIEF GERALD REARDON: I'm fine with that.

POLICE COMMISSIONER ROBERT HAAS: I'm fine with it.

CHAIR NICOLE MURATI FERRER: The next one was 21, which is also related to this one.

It talks about the minimum charge for -- or the not allowing a minimum charge for the purchase of alcoholic beverages.

Again, this was kind've edited and separated the rule and it was rewritten so that the language used mirrors the ABCC's prohibited practices 204CMR4.00 and also to incorporate our rule No. 11 that that related to the same prohibited practice to have it in two separate places would have been duplicative.

I had kind've like a further change to

the proposed rule. I think it says right now it is not allowed. I would say it is prohibited, just to -- kind've cleaner.

And then it talks about that the licensee shall maintain a schedule of the prices. It should say charged for all drinks to be served and consumed on the premises. Because this one in particular is talking about Section 12 licensees. Like consuming on the premises, I think, it is important for us to continue in light of -- since we are going to add other licensees to this to make sure that this is clear which licensee we're talking about in terms of that.

And then the second part, which is kind've like the expansion is literally the ABCC's prohibited practices and our rule No. 11 added to that.

FIRE CHIEF GERALD REARDON: Is that the four addendum points?

CHAIR NICOLE MURATI FERRER: Yeah, that's the -- you are looking at the old book.

FIRE CHIEF GERALD REARDON: It's actually 6.

POLICE COMMISSIONER ROBERT HAAS: I have it here. Do you need it?

CHAIR NICOLE MURATI FERRER: I have it here somewhere in this pile of documents.

Yeah, those are the little bullet points there about the offering of the free drinks and whatnot.

We actually also had this rule peppered around three different rules.

So it is basically taking all of that and kind've extracting the CMR and just putting it there and then having our 11 which was basically

-- and only the part that says not more than two drinks shall be possessed or in front of a patron at any one time.

Do you want to take a vote on that one?

FIRE CHIEF GERALD REARDON: If it is consistent with the ABCC, I'm all set.

POLICE COMMISSIONER ROBERT HAAS: I'm all set.

CHAIR NICOLE MURATI FERRER: The next one would be 25, which is our current one that says the licensee shall not make a sale or delivery to an intoxicated person.

The proposed changes basically says -- mirror the portions of 64A and 69 from Chapter 138 that actually talk about this and using the language that is in the statute.

POLICE COMMISSIONER ROBERT HAAS: My only suggestion was to broaden the one term to include

also impaired, intoxicated and/or under the influence of any substance.

CHAIR NICOLE MURATI FERRER: Yeah, and the proposed one talks about intoxicated or under the influence of any substance, yeah.

Did you propose that change also to the second part?

Because right now the proposed rule reads licensees and their employees shall not make a sale or delivery of an alcoholic beverage to someone that appears to be impaired, intoxicated, or under the influence of any substance. No licensee, or employees or agents, shall allow any sale or delivery of alcoholic beverages by any patron or other person in the premises to an intoxicated person. I'm assuming --

POLICE COMMISSIONER ROBERT HAAS: I modified that's -- is that 28 you are talking

about?

CHAIR NICOLE MURATI FERRER: 25.

POLICE COMMISSIONER ROBERT HAAS: So 25 is the one I just expanded to include intoxicated and under the influence.

CHAIR NICOLE MURATI FERRER: Yeah, that right now has two sentences, but on both sentences, you would suggest making it, and it would make sense.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

CHAIR NICOLE MURATI FERRER: Okay.

FIRE CHIEF GERALD REARDON: We should put up the top, licensees, the employees and agents up at the top instead of breaking it in two sentences.

CHAIR NICOLE MURATI FERRER: Well, the first one talks about the licensees or their employees, and then the second one talks about

the licensees' responsibility when someone else, kind've like a hand-off, so if I buy the drink from the bartender and then I give it to someone else, so they are still responsible for that hand-off as part of the law.

Anything else?

FIRE CHIEF GERALD REARDON: I'm fine.

CHAIR NICOLE MURATI FERRER: The next will be 26.

That one talks about that they should take steps to make sure that people don't leave with alcoholic beverages.

I propose the change of adding the new privilege in law of the re-corking of wine. So basically, except as allowed by General Law Chapter 138, Section 12 and then in parentheses re-corking of wine.

FIRE CHIEF GERALD REARDON: I don't have

a problem with that. I would rather have them re-cork the wine than drink it all on the premises.

CHAIR NICOLE MURATI FERRER: No. 8, would be the current rule 27, the bodily contact with a patron.

So the language being proposed, I thought it was important that we put, if the employee determines that they are going to use bodily harm, or have to use bodily contact, the employee should use the least amount of force that could constitute reasonable under the circumstances.

And then I thought it was very important to spell out that we understand, unfortunately, sometimes the employee has to make bodily contact, but if they do make it, they are also going to be responsible for using the proper amount, not beating down on someone or using

force that is excessive to remove someone.

POLICE COMMISSIONER ROBERT HAAS: I'm fine with that.

FIRE CHIEF GERALD REARDON: I am too.

CHAIR NICOLE MURATI FERRER: Okay.

29, this one was kind've moved up in the rule book. I think it is the first few sections as to postings of other certificates and whatnot, and so I think it's clear, all the certificates and also to ensure transparency not within the business but also with the public.

And it makes it -- the proposed rule 29, or what would replace rule 29, is License Commission's licenses have to be posted conspicuously. All permits, with regard to other fire or health, have to be posted as well, and then any additional certificates or postings provided by us have to be posted.

So I'm thinking like the capacity signage that we have been issuing for the last few years now, just putting it up. There really is no current rule that requires them to have them up.

FIRE CHIEF GERALD REARDON: That was one of the changes that if you have a capacity for the location, that some rooms should have capacities listed for it.

So if your capacity is 300 and you have three rooms, you should have indicated that each room -- what the capacity is for that room.

CHAIR NICOLE MURATI FERRER: Yeah. That is also something we have to put in practice not only when we issue the license but with the certificates, the building and fire and stuff, right?

FIRE CHIEF GERALD REARDON: Right. With

ISD and certificate of occupancy.

CHAIR NICOLE MURATI FERRER: Uh-huh.

Any proposed changes to this?

FIRE CHIEF GERALD REARDON: Probably should be, call 911, call the emergency. On 28 and 29, they should call 911.

CHAIR NICOLE MURATI FERRER: This one, though -- is that 28?

FIRE CHIEF GERALD REARDON: 28 and proposed 29.

CHAIR NICOLE MURATI FERRER: I think the proposed rule 29 just corresponds to the current rule 29.

But you are saying to make clear that it -- it would be rule 28 actually. That the current rule 28, you are saying, what? I'm sorry.

FIRE CHIEF GERALD REARDON: Should be

calling 911.

CHAIR NICOLE MURATI FERRER: So instead of saying shall call the police and an ambulance, it should say call 911.

FIRE CHIEF GERALD REARDON: That the emergency could be any number of items.

CHAIR NICOLE MURATI FERRER: Okay.

FIRE CHIEF GERALD REARDON: And predicated on what they explain to the communications dispatch, they will send the response as dictated.

CHAIR NICOLE MURATI FERRER: Okay.

FIRE CHIEF GERALD REARDON: We're promulgating these rules now, and right now, 911 goes to State Police, Framingham, but very shortly, the 911 calls are all gonna be -- cell phones will all be redirected to the local answering points and so unless you wanna go back

and leave this number in for the dispatcher now
and then reamend the rule when they change it
but --

CHAIR NICOLE MURATI FERRER: There's no
number here, but I think 911 is fine.

So for current rule 28, replace the
clause that says shall call the police and an
ambulance and just say, shall call 911.

FIRE CHIEF GERALD REARDON: And they can
explain the situation.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

The only other addition I'd make is
making sure that it also refers to any
incapacitated persons, not just injured.

CHAIR NICOLE MURATI FERRER: Yes. I
think I had that one listed as one of the ones
where -- I have that one -- yeah, I agree, or
become ill or incapacitated in any other way in

or around the licensed premise.

All right.

No. 30, right now it just says fire exit door, do not block, in red letters.

Proposed to add, at no time, may exit doors or any other form of egress be blocked or locked during operating hours, I think it is important in terms of egress to make sure they are not only not blocked but also available for use.

FIRE CHIEF GERALD REARDON: I think we probably should turn around and give them a size of a sign as well.

CHAIR NICOLE MURATI FERRER: Okay, what is the proper sign size?

FIRE CHIEF GERALD REARDON: I don't know. But we should have it, so it is expanded in any establishment and you can read it at a distance.

CHAIR NICOLE MURATI FERRER: So we will add some standard size sign.

FIRE CHIEF GERALD REARDON: I think I might have some at other sections, not ours, but others, so it gives you the size, minimum size.

CHAIR NICOLE MURATI FERRER: I was looking to see if we had any in this room but we don't.

Anything else on that one?

FIRE CHIEF GERALD REARDON: No.

There's other issues that apply here that aren't under our jurisdiction, sort've panic hardware, the doors open, but that's not really germane to the License Commission per se.

CHAIR NICOLE MURATI FERRER: Okay.

FIRE CHIEF GERALD REARDON: Unless we want to put in language that says, exit doors shall comply with all local... just to cover

ourselves.

CHAIR NICOLE MURATI FERRER: I think we actually may have, kind've at the beginning, let me see, I thought we had somewhere around here that they have to comply with all laws, but if not, I think it probably should be part one of our first rules, kind've like in the body that basically says that, at all times, you must comply with all the rules and local ordinances and all that jazz.

I feel like it is here somewhere, but if not, I agree like a global rule. How about something like licensees are expected comply with all the rules and regulations of the License Commission, the laws of the Commonwealth of Massachusetts, the local ordinances of the City of Cambridge and any other rules and regulations.

All right.

No. 31, the current number 31, talks about the no -- I call it the no discrimination, changed so it mirrors exactly the language in General Law Chapter 272, Sections 92, 92A, 98 and 98A, and also add kind've like a second portion of it to add the language pursuant to the Cambridge Municipal Code 2.76, which is kind've like an expansion of the general law of discrimination, so it ensures that it is also complying with our local ordinance in terms of discrimination.

FIRE CHIEF GERALD REARDON: Okay. All set.

POLICE COMMISSIONER ROBERT HAAS: I'm good. Yep.

CHAIR NICOLE MURATI FERRER: The next one will be current rule 32, which talks about the suspension, revocation and forfeiture or further

conditions on a license.

Changed the portion that talks about for
-- how do you say that word?

POLICE COMMISSIONER ROBERT HAAS:

Forfeiture.

CHAIR NICOLE MURATI FERRER: Thank you.

Forfeiture. That mirrors the statute, so 138,
Section 16B, and so then it still will say
licenses issued by the Commission are subject to
suspension, revocation, modification or
cancellation or further conditions for breach of
its conditions or regulations or any law of the
Commonwealth which a licensee has or should have
had notice of.

And then the second portion, any -- which
actually talks about when we can do that other
thing. I'm sorry.

Any holder of a liquor license who fails

to pay within the 14 days after written notice...
blah-blah-blah-blah-blah, that's determined at a
hearing scheduled for that purpose, so it
actually took all that language out of 16B, which
is what gives --

FIRE CHIEF GERALD REARDON: I'm good.

POLICE COMMISSIONER ROBERT HAAS: I'm
okay with it.

CHAIR NICOLE MURATI FERRER: Current Rule
34. This was kind've expanded a little bit. It
talks about the right of the police and the ABCC
and the License Commission or agents to come
in.

It was kind've expanded to also include
the language as to the -- not only the right to
enter but the licensees' duties to cooperate as
stated in Chapter 138 Section 63 and 63A.

And then the very last sentence of the

proposed rule, it's kind've a little bit of a change of that, which says that at no time will licensee use any devices, signal, or employees or agents that, you know, an inspection is happening basically.

FIRE CHIEF GERALD REARDON: You don't have to because it is covered under a different statute, 148, but you should list licensee as well because that has to be part of their annual certificate of occupancy for overcrowding.

CHAIR NICOLE MURATI FERRER: Where are you talking about?

FIRE CHIEF GERALD REARDON: I don't know if you want to actually --

CHAIR NICOLE MURATI FERRER: You shouldn't go by these numbers because these numbers are all screwed up.

FIRE CHIEF GERALD REARDON: The language

in terms of who --

CHAIR NICOLE MURATI FERRER: Oh, oh, okay, okay. By the police, ISD, Fire, okay.

FIRE CHIEF GERALD REARDON: Those are the ones germane to the --

CHAIR NICOLE MURATI FERRER: Yeah.

Anything else?

FIRE CHIEF GERALD REARDON: No, I'm good.

POLICE COMMISSIONER ROBERT HAAS: Good.

CHAIR NICOLE MURATI FERRER: Next one will be 37. The no gambling machine stuff.

So basically this was changed so it doesn't contradict with the recent changes in law allowing gambling in Massachusetts, and also to kind've go with what is currently on the AG's reg because the one that's there I think is not really what I think this rule was meant to talk about.

FIRE CHIEF GERALD REARDON: There's a reference -- it has the legislation like through reference for the Gaming Commission. Probably there's no requirement in there.

CHAIR NICOLE MURATI FERRER: I don't think it will. I mean, this is literally -- I think this is almost word by word from the AG's site.

FIRE CHIEF GERALD REARDON: I'm fine.

POLICE COMMISSIONER ROBERT HAAS: I'm okay with it.

CHAIR NICOLE MURATI FERRER: Okay. And then No. 38, the current 38 says that no licensee, its employees or agents shall sell or use drugs or narcotics. I changed it so it is a little more clearer and also phrased it so it is not to exclude legal uses which are now allowed under the law a/k/a medicinal use. So unless

lawfully authorized to do so, that's why that clause is in there.

FIRE CHIEF GERALD REARDON: I'm fine.

POLICE COMMISSIONER ROBERT HAAS: That's good.

CHAIR NICOLE MURATI FERRER: Okay. And next one is 42.

And this is basically our, I want to say BYOB, but now in Cambridge BYOB is bring your own bag. So bring your own booze, or alcohol, BYOA, rule, the proposed changes is to kind've separate it just because we have the new licensees and we have the innholders now, or if we adopt it, we have the innholders in there as well, and so I kind've edited it a little bit to make it clearer, talk about those licenses under 138 and 140 shall not bring it for their own consumption, but it shouldn't be construed so as to prohibit

a guest of an innholder but giving kind've like the innholder the opportunity to say, well, you know, we have a policy that no alcohol is to be brought outside. Obviously, if they have an internal policy prohibiting it, they can continue to enforce that.

And then I personally thought that it is not very clear in terms of our CV licensees, so kind've like the nonalcoholic CVs are not permitted to keep them except in a reasonable small quantity, and that kind've language is pulled out specifically from the statute.

FIRE CHIEF GERALD REARDON: I agree.

POLICE COMMISSIONER ROBERT HAAS: I'm good with it.

CHAIR NICOLE MURATI FERRER: Okay.

Number 48, it is the package goods stores.

So this one, I think, was meant to state

what the Special Acts of 1988 Chapter 31 gave the License Commission the right to do.

It is a little too convoluted, so I kind've clumped in and made it crystal clear to what we can do, which is basically that for package store licensees, after due notice and a public hearing, we can decrease the hours in which the alcohol sales may be sold, but that it's only with regard to 8 a.m. to 10 a.m.

Everything else after that, we can't really touch those hours in terms of that Special Act. So that's kind've why that clunky rule came to --

POLICE COMMISSIONER ROBERT HAAS: I think it is a lot cleaner than it had been.

FIRE CHIEF GERALD REARDON: I'm good.

CHAIR NICOLE MURATI FERRER: The next one would be Addendum E, No. 2, the one that talks

about trivia quiz games.

Right now, the current rule talks about the chairman just authoring the license and also talks about no public hearing or whatnot, so I think it should be changed so that, one, the entire Commission should vote on the application, and also, even though a full-blown hearing doesn't have to happen, there has to be compliance with the opening meeting law, so have the matter kind've published and have us vote on it in an opening meeting. Hence, the reason it got changed to, you know, at a public hearing where notice was given 48 hours prior to the hearing in accordance with the open meeting law, and then kind've kept what the current rule talks about what the Commission can use, and so basically you can -- the Commission may decide to take into account the licensees'

disciplinary record in granting or denying the application.

Right now, the current rules says that such locations must not be the subject of recent complaints. Complaints are not necessarily violations. And that's why I think it's important to talk about the disciplinary record rather than the complaint.

FIRE CHIEF GERALD REARDON: Okay.

CHAIR NICOLE MURATI FERRER: Are you okay with that?

POLICE COMMISSIONER ROBERT HAAS: I'm okay with it.

PROPOSED DELETIONS

CHAIR NICOLE MURATI FERRER: Now, off to the proposed deletions.

Current rule No. 12, the last sentence

says, licensees are required to submit a security procedure to the License Commission and police department to ensure minors are not being served alcoholic beverages if licensee has an all-ages show, 18-plus shows, and 19-plus shows.

I was kind've confused as to what exactly this rule is meant to do because if all of our licensees are meant to be CVs or restaurant license holders, why are we doing the -- wouldn't that require all licensees to basically submit a plan, a security plan every day.

Because, in theory, if you are a CV, you are supposed to allow the common traveler in or the stranger, or however it is phrased in the statute, so, in theory, you can walk into the Middle East, if you are an 18 year old.

I mean, granted if the licensee takes state policy that after 10 p.m., they are not

going to be open except to 21 plus, are we talking about that kind've operation or are we talking about, let's say, for example, if someone will have a concert one day.

FIRE CHIEF GERALD REARDON: I think this was generally applying to one days.

CHAIR NICOLE MURATI FERRER: To one days?

FIRE CHIEF GERALD REARDON: Clubs that have one days.

CHAIR NICOLE MURATI FERRER: Yeah. I just think that if it is meant exactly for later-night events or nightclub-type activity the language kind've needs to be cleaned up a little bit because I feel like when you read that entire rule, if you take a really strict approach, like, okay, everyone needs to give me a security plan, which I don't think is what we're meaning to do.

We could also change it to something

like, if the licensee hosts any events or activities which permits the attendance of patrons under 21, the licensee is required to submit a security procedure to the License Commission and police department in detail and in a manner in which the procedures will be set to ensure persons under 21 are not delivered or lawfully possess alcoholic beverages.

FIRE CHIEF GERALD REARDON: That's probably more straightforward.

CHAIR NICOLE MURATI FERRER: But at the same time it would be events or activities.

I mean, there's places that have live bands after a certain hour but they are still a restaurant and still serving foods, are we requiring those places to submit a security plan if, for example, I walk in with my son?

Or, are we just asking it for people that

are literally, say, let's say after 11 p.m., this is a 21-plus establishment only, and that's kind've like their general go-to and then one day they say, I don't know, Selena Gomez is coming in, so 18 plus are allowed.

FIRE CHIEF GERALD REARDON: My recollection is this applied to special type events that were kind've outside of the norm where the regular procedures had to be amended because of the size of the crowd or mix of the crowd.

CHAIR NICOLE MURATI FERRER: My question would be, how would the licensee know when they have to submit it?

POLICE COMMISSIONER ROBERT HAAS: I don't think it is that clear in the rule.

CHAIR NICOLE MURATI FERRER: Yeah. No. That's why I -- I mean, what exactly are we

trying to get with a security procedure that's submitted to us?

I mean, the law says that they can't serve minors, if they allow minors inside a premise and you know, they are taking on the responsibility of whether or not a minor is served.

POLICE COMMISSIONER ROBERT HAAS: I think the Chief was right, I think this was more for when you have special licenses issued and people that are not customarily, ordinarily serving and you want to make sure they have some kind of procedure in place where they are going to guard against under-age drinking and things like that.

So I'm thinking, for example, when we have an event over here on Cambridge Street, they have created these corrals that they make sure

that they are monitoring people that go into the corrals that are underage and things like that.

I think that's what it was intended for. I don't think it was intended for the establishments because they know what the rules are.

CHAIR NICOLE MURATI FERRER: Can we just delete it?

I would propose deleting it because if someone submits a one-day application, we can ask when we look at the one day, we can ask for the one day, well, wait a minute, it's one of the questions --

POLICE COMMISSIONER ROBERT HAAS: They specify.

CHAIR NICOLE MURATI FERRER: Yeah. It is one of the questions on our thing, is this open

to all ages, and if it is, we can say, okay, we can go back to whomever is applying for it, are you gonna have a beer garden? Are you going to have a closed-off area?

I think this one now is too cumbersome. And I think also we have a rule that basically says that licensees need to respond to us if we have a question for them, so if we do learn they are going to have, I don't know, Selena Gomez, I don't know why I keep thinking of her, I know she's overage now but I feel like she's still a teen-bop, and we can also like send them a letter and say, you know, what are you proposing to do here? Are you taking any extra measures? Or something like that.

POLICE COMMISSIONER ROBERT HAAS: I think the rule would support those situations where someone is applying for a license for a special

event and they are specifying or identifying the fact that there are going to be under-age persons there, that we'd want to see, okay, what safeguards are you talking to make sure under-age people are not going to be served.

You know, because there's still an obligation on their part to make sure they are putting in safeguards in places, especially, if it's an open event, because people are coming and going.

We have experience whether it's MayFair or it's been the Rib Roast, they have actually segregated areas to have better control in terms of who's coming and going and who's being served alcohol.

FIRE CHIEF GERALD REARDON: You don't know if you could put this under the category of special event.

But generally speaking, it is an event that isn't run in a normal situation. It's a once-or-twice or once-a-year event.

POLICE COMMISSIONER ROBERT HAAS: Like a special type license tied to a particular license, so you are not issuing -- it's not an all-alcoholic-premises license. You are issuing a one-day license.

FIRE CHIEF GERALD REARDON: Almost all of these would probably be in the special events category.

CHAIR NICOLE MURATI FERRER: But those licensees, or those potential licensees aren't governed by these rules, so can we delete it from the rule?

POLICE COMMISSIONER ROBERT HAAS: I think you can delete it from the rule. We need to make sure someplace, especially in the application

form, that you are gonna want --

FIRE CHIEF GERALD REARDON: Special event, I think that's what this was.

CHAIR NICOLE MURATI FERRER: Okay. So, yeah, we have to make sure that for a one day, and I think the one day, I want to say, I think the instructions actually say that the License Commission may ask for additional documents in terms of what they are proposing but we can certainly make it clearer.

POLICE COMMISSIONER ROBERT HAAS: I don't know if it's "may" or you want to see some kind of security plan with respect to, you know, in the case of under-age persons are present or at an event when they are serving alcohol.

CHAIR NICOLE MURATI FERRER: We'll look at that in terms of a one day.

The next one proposed to be deleted is

13. It talks about the package stores not being open on Sundays. This is now again 138, Section 15. I think that's pretty self-explanatory.

Current rule No. 40, any licensee who desires to store extra chairs shall secure the permission before storing any extra chairs.

I think this actually lends itself to overcrowding and miscommunication within the licensed establishments.

Obviously, if they have a basement and they want to have extra chairs in case a chair breaks, I don't think that's what this rule was meant to deal with.

I think it's meant in terms of where people currently are, so I would vote to delete this completely.

FIRE CHIEF GERALD REARDON: I agree.

CHAIR NICOLE MURATI FERRER: And not

replace it with anything, I think. Allowing extra chairs in an establishment, I mean, we are setting a certain capacity for a given reason why.

FIRE CHIEF GERALD REARDON: I agree.

POLICE COMMISSIONER ROBERT HAAS: I agree.

CHAIR NICOLE MURATI FERRER: Noise Section, rule 1.

This was extracted, or this was extracted, in part, in terms of measured noise, but this was with regard to construction on a noise ordinance, so I would propose that we delete this, and anyways, we have -- we added some, in terms of the noise ordinance, the ones that actually apply to licensed establishments.

FIRE CHIEF GERALD REARDON: I'm good.

POLICE COMMISSIONER ROBERT HAAS: I

agree.

ENTERTAINMENT SECTION

CHAIR NICOLE MURATI FERRER: The next one is the entertainment section rules 1, 3, 4 and 5.

Rule 1 talked about hotels and restaurants and clubs having entertainment in categories.

I think it is unnecessary.

I think it is also covered by the proposed new rules, which are extracted from Chapter 140 on the entertainment stuff, so I would suggest deleting that.

FIRE CHIEF GERALD REARDON: Agreed.

CHAIR NICOLE MURATI FERRER: Same with rule 3 about dancing permitted in restaurants. Again, unnecessary, and also covered by the new rule proposed --

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

CHAIR NICOLE MURATI FERRER: -- from 140.

4 talks about having music machines.

Again, this is also covered by the proposed new rules on entertainment.

And No. 5, I have no idea what this means, all other types of entertainment require a special license issued by the License Commission.

So I would just propose deleting that.

I'm assuming that it is a one-day entertainment for places that don't have entertainment, but again, that's already covered in the other rules, so I don't think -- I mean, it is kinda vague and I don't think it is really necessary.

FIRE CHIEF GERALD REARDON: Agreed.

POLICE COMMISSIONER ROBERT HAAS: Agree.

CHAIR NICOLE MURATI FERRER: Okay.

Now the next one, a biggie, Addendum A, and this one talks about nontransferable and no value licenses.

So a few things with this one.

The 138, Section 23 talks about any license issued under this Chapter, can be transferred from one location to the other, obviously, after approval.

Then later on in 23, it also talks about that any license can be pledged.

So it talks about transferability and value.

Then we have a few cases, like Arrowhead Estates versus Boston Licensing Board, a Mass Appeals case, which kind've goes through the history with other cases that talks about transferability and value.

And then you have the Springsteen versus

The Meadows, Inc., which is a Federal Court District Court case, that also talks about transferability and value of licenses.

And then you have the recent history that has started under the last seven or eight years where the IRS and DOR take liquor licenses, and they have levied them and auctioned them off for delinquent tax bills.

So, I mean, I think this addendum currently contradicts the law. I don't think we can say that licenses are nontransferable and have no value.

I do note that there are places that have done it like Boston, but that has been through special acts and it is only with certain licenses that the legislature has specifically put in the law that are nontransferable and have no value. Same with recently, I think, Watertown

just got 15 but again, if you read the special act, it is very specific as to licenses and that's how it is written.

There's no such thing in terms of Cambridge. So, I mean, I think deleting it doesn't mean that the current licenses that we have with that designation kind of go away, I think they are kept, and I think they continue to run, provided that the people renew them in time and they don't get revoked or cancelled for any other reason.

But I think once those licenses, or those businesses kind've, I don't know, for lack of a better term, die, the license dies with it.

I just think we don't continue issuing licenses under this addendum.

POLICE COMMISSIONER ROBERT HAAS: Do you want to make that clearer though that this

statute is not going to be retrospective, that
this --

CHAIR NICOLE MURATI FERRER: I mean,
that's how I would suggest we deal with it.

You know, I mean, there are certain ways
that we can deal with it.

I think the best way in terms of the ones
that we currently have, I think we have about, I
want to say, either -- I have two numbers in my
head. It's 45 or 65.

But I feel like the best way to deal with
it, is that those places continue to exist, they
continue to renew, they continue to have their
licenses or rights under their licenses, but once
that business ends, that license ends and, you
know, that's it.

And then in terms of the ABCC with the
transferability and in terms of those places, I

don't know if you know, but when we have someone that's coming in, because if there's an existing license, the ABCC won't approve the other license, we'll just have to make sure that we work with the ABCC to continue to kind've putting in the Form 43, you know that license is gonna be swapped once, or whatever, however it is that they are doing it. However, I don't know with the new system. We'll find out tomorrow.

But, yeah, that's what I would propose that we -- that's the stance that I propose we take with the ones that currently exist.

UNIDENTIFIED AUDIENCE MEMBER: Madam Chair, just a point of order, are you looking for comments now as you go through this?

CHAIR NICOLE MURATI FERRER: No. We will be -- we will be discussing this, as we are, amongst ourselves.

We'll take an expanded -- the expanded summary, and we'll just put our notes of what we talked about today on it, and then that will be posted and the public will have an opportunity to send us written comments and we'll allow the public in at a couple of upcoming meetings to give us their testimony as well on it.

FIRE CHIEF GERALD REARDON: So will this deal with the issue if someone who is going from a malt and wine to an all alcohol and they have to turn in the malt and wine because the ABCC --

CHAIR NICOLE MURATI FERRER: Yeah, yeah. No. It's definitely problematic.

And it will be even more problematic with the ABCC's new licensing system because once it goes live for these types of licensees, the way the ABCC has explained it to us, is that when

someone applies, they apply directly to the portal, and if there's a license already linked to that, it won't even take the applicant. It will like kick them out, it will say invalid, invalid, invalid, invalid.

Which I'm wondering if they fixed it because, I think, 138 right now says that they have to accept applications, but that's their issue not ours at this point.

So do you think that process of kind've letting those licenses just fade away as businesses fade away, if they do, or if they say forever, fine, works? Would that be what we think would be the best course of action at this time?

POLICE COMMISSIONER ROBERT HAAS: What would be the alternative otherwise?

CHAIR NICOLE MURATI FERRER: I mean, we

could stagger them.

I don't know that we could -- I mean, we could let them expire this year.

POLICE COMMISSIONER ROBERT HAAS: And then reissue.

CHAIR NICOLE MURATI FERRER: But then the licensees would have to apply and that would mean maybe three or six months without a liquor license while -- and it's also an expense for them. Because even if we waive our fees, we can't say yeah, the ABCC will waive your fee, and we can't pay the fees for them.

POLICE COMMISSIONER ROBERT HAAS: So probably the best solution is the existing licenses are allowed to continue at status quo.

CHAIR NICOLE MURATI FERRER: Yeah. I mean, the other thing would be to kind've stagger them, and look back and say, You had it for 20

years, we are just gonna... but I don't know that that works either.

POLICE COMMISSIONER ROBERT HAAS: I don't either.

FIRE CHIEF GERALD REARDON: I think when they terminate is probably the fairest way of doing it.

CHAIR NICOLE MURATI FERRER: Okay.

The next one would be Addendum B.

This talks about when granting a new license, the chair must contact business associations of the area and get their input and also talk about nontransferrable and no-value licenses.

Again, I think, just as with Addendum A, in terms of transferability and value, I think this is 23, Section 23, is very clear. They are both transferable and have value and also the

cases.

In terms of contacting a business association, I think it is inappropriate, not only for the chair, but I think for the Commission in general to discuss pending applications with neighborhood associations.

They have an opportunity to be heard at the open meetings where the application is being presented before us. They also have an opportunity to submit stuff to us before we vote on these.

And also, when you look at cases like Ballarin, even if, let's say, the neighborhood association is saying No, we don't want this, I mean, this case is very specific when it talks about the public need and whatnot, and it also talks about, you know, the opposition of a neighborhood. Although, an important factor, it

doesn't convert the board's adjudicatory action into a public site.

So I think it is important that we, yes, we hear from the neighborhood associations, and, yes, we hear from abutters, and whatnot, but I also don't think we should be contacting them and having these, what I would consider, ex parte communications with them as to a pending --

FIRE CHIEF GERALD REARDON: I agree.

CHAIR NICOLE MURATI FERRER: -- application.

And, again, the licenses covered here with regard to the nontransferability and no-value, I think the same -- we do the same with the Addendum A.

They continue to exist and they will just go away when the business shuts down.

Anything else on that one?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: No. Good.

CHAIR NICOLE MURATI FERRER: Next one
would be Addendum D talks about cap areas.

So under 138, Section 12 we can refuse to
grant licenses based on geographical areas where
the character may warrant such a denial.

I think, however, it's very clear from
the history and from our numbers right now that
these cap areas have not been observed in terms
of we continue to grant beyond the cap and even
this addendum allows us to break the cap.

So I think that the purpose of a capped
area is to make sure there's no oversaturation
and whatnot.

And I think the law is already built in a
way that that protection is there. You know,
under Section 23, we can't recall grant licenses,

free-for-all. There has to be a public need and it has to serve the -- has to protect the common good. I think the Ballarin case also talks about the requirements of need and public need.

And so, I think, by deleting this, we're not -- again, this is not going to be a free-for-all. People still have to go through the process they have to go through now, and even that they have to go through in terms of this addendum to get a license.

But I think even if we were to do lots of hearings, come up with new numbers, or whatnot, I mean, look at where we are now. Look at how Cambridge is developing.

I mean, every time a new developer comes, are we going to have months or years of hearing to talk about how caps should be raised so that we can allow the development to continue.

I think if there's public need and common good, which is what our addendum says, and what the law says, then we have the discretion to allow it or not allow it.

So, I think, the protection of the cap, or what the caps were meant to do, I think it is already built into the law, and I don't think we need an addendum with what I consider to be artificial caps in place, but that's me.

FIRE CHIEF GERALD REARDON: I believe every license should be taken on a case-by-case basis.

CHAIR NICOLE MURATI FERRER: Uh-huh.

FIRE CHIEF GERALD REARDON: At the open meeting and given the public input, so I don't see it changing the way we do business at all.

POLICE COMMISSIONER ROBERT HAAS: I agree.

CHAIR NICOLE MURATI FERRER: Okay.

And then the last one is the policy section. I think as a general matter, policy shouldn't be in the rule book.

I think policy should be published as advisories, or however we want to post them. But I don't think they should be part of the rule book.

I think also policies change, often change, and I think some of our policies, even within this Section, talk about policies of other departments, and I think at some point, if we put it in the rule book and we don't update our book for years, we may be giving wrong information in terms of the policies to other departments.

So that's just my general sense in terms of policies.

I don't think it means that we are

deleting or getting rid of policies. I think the policy section shouldn't be in a rule book.

With regard to the first few sections, the first two that talk about pocket licenses, parts 1 and 2, I think the case law has changed significantly with regard to pocket licenses.

And in this policy we give a reasonable amount of time, 48 months. I mean, I don't think that's reasonable anymore.

And even the case law talks about six months being -- again, we've never -- I mean, that's the base. It is not like six months you're out. Again, case-by-case basis. But I think this is just very broad and it just -- again, public need, protect common good. And the second part actually, I think, contradicts the current case law, so ...

FIRE CHIEF GERALD REARDON: A lot of it is outdated.

CHAIR NICOLE MURATI FERRER: Yeah, so I would just delete this.

What do you guys think?

POLICE COMMISSIONER ROBERT HAAS: I agree.

CHAIR NICOLE MURATI FERRER: The results of the special meetings, again I don't think the vote should be part of the rules, and also they might not reflect the most current votes of the Commission. Also, if we're gonna add votes, we should add every vote.

And I think these are -- you know, they are available through other means on our website and our minutes, our transcripts.

And I think also currently here it talks about hours on a license. I think hours on a

license should be decided on a case-by-case basis, and again, with regard to the public need and common good, and the hours for one licensee does not automatically transfer to the next, and I think the way that this currently reads seems to state otherwise.

FIRE CHIEF GERALD REARDON: We have a number of cases where the hours don't automatically transfer depending on the use, so ...

CHAIR NICOLE MURATI FERRER: The next one would be the policy on sale of licenses.

It says if the liquor license is revoked for vice-related related issues, the Commission will not approve the sale, and it says the reasoning is that licensees who have committed or somehow involved should not profit.

I mean, I think -- I don't disagree in

essence with this policy. I just don't think we can blanketly say that that's how it goes. I think we have to decide things on a case-by-case basis.

I don't know that we can -- I mean, what about licenses that are owned by multiple people.

You know, let's say one of these gets arrested for trafficking drugs and the other two, it was completely unbeknownst to them or whatever. Are we now basically saying, No, you are all out of luck because you picked the wrong partner. I don't know.

Again, I don't disagree with the intent of this policy, but I think if we're gonna -- I think it should be something that should be -- I don't know.

I think it doesn't belong in the rule book, first. I think it can be an advisory. And

I think if it's an advisory, it's like, Please note that if you are convicted, this is one of the things that may happen to your license. I don't think it should be so black-and-white.

FIRE CHIEF GERALD REARDON: It should be case by case, but you have to indicate that this is -- could include up to this penalty.

CHAIR NICOLE MURATI FERRER: Yeah. But again, I think it should also be an advisory.

I think we can put out an advisory that basically says, you know, the Commission believes or the Commission looks at these cases with the focus of this -- I mean, I think also the law is very clear, you know, if there's any violation of the law, I mean, we would have to call them in for a hearing. We also can't revoke a license just for the sake of it.

And the current law basically says that

if there's a violation of any law, your license may be subject to revocation, so ...

Anything else?

FIRE CHIEF GERALD REARDON: Nope.

CHAIR NICOLE MURATI FERRER: Next one is the criminal record checks.

Again, I think this just records the vote of what our fee for CORI background checks are.

Not that this will go away, the fee is still there, it is already published in our website, and it is part of our rules when you apply for our licenses, that this is -- that you have to fill out a CORI and there's a ten dollar fee with it.

I just don't think we need it in the rule book, particularly if a fee is changed. Not that I anticipate them changing but ...

So we don't have other fees here, so why

just put one basically.

Are you guys fine with that?

FIRE CHIEF GERALD REARDON: I'm fine.

POLICE COMMISSIONER ROBERT HAAS: I'm
fine.

CHAIR NICOLE MURATI FERRER: The time
limit on approval.

It talks about that the approval is valid
six months from approval. That they have to wait
one year before reapplying.

I think the language of this is better
expressed in 138, Section 16B where it talks
about the timeline, not only where the License
Commission needs to give its decision but also
licensees have to pay and whatnot.

If we keep this, I think it should be
kept as a rule, as part of the body of the rules,
not as a policy, because it is not a policy.

And then, if so, I would propose something like no application by the same applicant for the same type of license to be exercised on the same premises may be filed within one year of the date of the last application. The Commission cannot, and will not, receive more than two applications for a license under Section 12 or 15 on the same premises during the same license year. Again, this is kind've like language from that particular section.

So what do you think, we move it as a rule?

POLICE COMMISSIONER ROBERT HAAS: I do.

FIRE CHIEF GERALD REARDON: Uh-huh.

CHAIR NICOLE MURATI FERRER: Next one is the entertainment gaming policy.

I would just delete this entire thing.

Currently it contradicts the current state of the law. Why even have it there?

The banked-seat policy because of the same issues with the 40, I think we should delete this.

The keg policy is actually contrary to 204 CMR 9 and not allowed by 9.09 and so I say we delete it.

And the patio policy, I think we got a lot of questions on this one.

I would say delete it. Not for -- not because we are deleting patios from their existence.

Obviously, patios are good and fantastic and all that jazz, but this is actually a city manager and city solicitor -- it talks about the city manager's and city solicitor and context, and whatnot, and none has to do with our stuff

other than, you know, that we have to approve it under 138 and 140.

So I think we should delete it because, one, I know for sure there's been certain changes, at least with renewals currently on patios, there's even been internal changes as to what the city solicitor is asking for, and our current rule book basically says something completely opposite. So I think we should just take a -- take ourselves away from that because it is not really our process.

Our process just goes in terms of the application and the public hearing and everything else as with any other application.

But the internal process that is described here is not actually our process, and I just think we should remove it from that to make sure, one, we are not getting out bad

information, but two, when it is updated, we can update it as quickly as it is being updated, so a/k/a an advisory on our website, or something that is sent to licensees, or something like that.

FIRE CHIEF GERALD REARDON: So we are going to speak to it in the regular rules?

CHAIR NICOLE MURATI FERRER: That they have to apply for a patio?

Yeah, I mean --

FIRE CHIEF GERALD REARDON: Just that portion of it?

CHAIR NICOLE MURATI FERRER: Yeah. I think we can definitely put something in our rules that -- and I think we actually have a rule that says that you can't -- I want to say it's in one of the rules. I can't remember it.

That you need to be licensed to serve

outside -- the licensed premises, wherever you are serving food and alcohol, has to be licensed and in the description of your premises. Yeah.

I mean, everything else also talks about the process in terms of us approval, ABCC, approval. We don't do that for any other license, except in our website.

Again, I think these are terms that don't belong necessary in the rule book.

POLICE COMMISSIONER ROBERT HAAS: So would it be better to put it on an application, for a patio application?

The problem we also have is trying to figure out the steps, right, which goes first.

CHAIR NICOLE MURATI FERRER: And that's the thing, that's what always changes.

POLICE COMMISSIONER ROBERT HAAS: The problem we're always getting tangled up with is,

you know, sometimes folks come and have approval from DPW and things like that.

Obviously, we know the last step's with the City Council's approval and things like that, at the backend, but it's also the frontend trying to inform an applicant what you need to do with respect to, you know, coming to a License Commission to get that license granted for the outside patio.

CHAIR NICOLE MURATI FERRER: I mean, I think what we --

FIRE CHIEF GERALD REARDON: Do like a one-page, white-paper type of thing.

POLICE COMMISSIONER ROBERT HAAS: I would make it part of the application, you know, these are the steps you have to go through.

CHAIR NICOLE MURATI FERRER: That's what, I think, I'm proposing. We do like a one, two,

three. But a one, two, three that's coordinated with all the other departments so that we have that --

FIRE CHIEF GERALD REARDON: And it is current.

CHAIR NICOLE MURATI FERRER: Yeah, and we have that structure on how it happens.

FIRE CHIEF GERALD REARDON: I'm good.

CHAIR NICOLE MURATI FERRER: Okay.

And the next one was recommendation of cap and noneconomic development task force.

Again, because of the cap stuff and the no-value, nontransferable licenses, I think this should also be deleted.

The fees that are here, from time to time change, and again, these are all published on the application forms and everything else and on our website, so I think we can delete it from your

rule book at this point.

FIRE CHIEF GERALD REARDON: I'm fine.

CHAIR NICOLE MURATI FERRER: Then the last one talks about training policies for owners and managers.

It talks about how in 2008 there was a requirement for 21 Proof of all new owners and managers and then about the 21 Proof includes a fee changed proportionately to active CLAB members.

So, again, this is one of the things that I don't think -- I'm not proposing that we get rid of the requirement that they be trained, but again, I don't think it belongs here.

I think the other thing is that we should probably think about not only 21 Proof but also TIPS certification or some type -- I mean, the 21 Proof, I, personally, don't know it, so I don't

really have an opinion on it one way or the other.

But the point is to make sure that people are trained in rules, regulations, laws or just signs in terms of intoxication or impaired people, do we just limit it to 21 Proof training, or would we accept something like TIPS certification, ServSafe, a nationally or locally recognized training or something like that.

POLICE COMMISSIONER ROBERT HAAS: The rationale for 21 Proof training was pretty much localized to Cambridge. Because a number of times folks will come in with, you know, those other certifications, but they have to get the 21 Proof training. Again, looking when this was passed, I think the rationale was that there's some uniqueness with respect to our expectations

in Cambridge.

CHAIR NICOLE MURATI FERRER: Why don't we move it as a rule then?

FIRE CHIEF GERALD REARDON: Fine.

CHAIR NICOLE MURATI FERRER: Would it be -- right now it says "all managers and owners."

I would say "all servers."

POLICE COMMISSIONER ROBERT HAAS: Most of the time that's what we are telling people verbally.

CHAIR NICOLE MURATI FERRER: Yeah, I think anyone that is doing the serving should actually be trained.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

CHAIR NICOLE MURATI FERRER: Can we take away the fact that we are saying that CLAB and nonCLAB members? I don't think we should get into dictating whether people get special

discounts or not. I mean, if 21 Proof wants to do that, it is on them, but I don't think we should step in the middle of it.

You don't care one way the other?

POLICE COMMISSIONER ROBERT HAAS: I mean, I know that's always been kind've a recognition of people -- that members of CLAB could get that.

CHAIR NICOLE MURATI FERRER: I mean, they can still -- again, but that has nothing to do with us.

FIRE CHIEF GERALD REARDON: We should --

CHAIR NICOLE MURATI FERRER: So we would add this as a rule.

POLICE COMMISSIONER ROBERT HAAS:

Mh-hmmm.

CHAIR NICOLE MURATI FERRER: Now, the new rules would be definitions that were basically extracted from 138 and 140, and the rule on the

availability of the rules at the premises and knowledge of the rules. Again, I think this is just -- I think it is important that we put out there that we are expecting them to be familiar with them and to also have their employees be familiar with them.

And there was an addition of a transfer of privilege that was taken from the ABCC advisory of December 10, 2015 and I think it is important, especially around New Year's time.

Next one the food requirement for CVs and innholders, which was extracted from Section 6 of Chapter 140, which, again, to give them context since we're adding them to the rule book.

The register requirements for innholders, motels and lodging houses.

I thought this was important to add because we actually, under the special acts, are allowed to expand that to all of them, whereas, in other municipalities that's not the case, so I think it's important for them to be aware of it.

We changed the rule in terms of prohibited practices for the ABCC stuff. I think it is also important that we add in there the exceptions to the prohibited practices, so basically this was extracted from 204 CMR 4.04.

And I think there's also -- it's important for us to add what the hindering investigations and what the penalties would be for hindering an investigation is. Again, this was extracted from 63A.

And then the crowd manager law was also

kind've summarized and clumped in from 527 CMR
1.00 Chapter 20, Section 20.1.5.6.

And then the entertainment sections that
we talked about earlier today kind've deleting,
they were kind've from 181 -- from Chapter 140
Sections 181, 183, 184, kind've putting in there
just basically that licensees can have
entertainment after receiving approval, dancing
is permitted, as authorized by law, and any
requirement license, that kind've covers all the
global other ones. Licensees may have music
machines and amusements after receiving approval
from the Commission.

So I think it cleans up that entire
section we have had on entertainment.

And then we added noise ordinance stuff
from Chapter 8.16 from the Cambridge Municipal
Code basically saying that they will

not willfully, negligently or through failure provide all the equipment blah-blah-blah-blah for noise disturbance.

So I think these are all important for us to include in there and have in there.

Anything else?

FIRE CHIEF GERALD REARDON: I think that is it.

CHAIR NICOLE MURATI FERRER: Obviously, there has to be a lot of clean-up. You know, Commission, Board of Commissioners, License Commission, I just figured all that can be done once we receive all the comments and everything and we vote and decide and all that jazz.

Any other post changes or things that we need to talk in terms of this?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: No.

APPLICATION: LEE KENNEDY COMPANY

CHAIR NICOLE MURATI FERRER: Okay.

Moving onto agenda No. 7 on the agenda.

We have an application for a noise variance from Darren Moore on behalf of the Lee Kennedy Company.

They have applied for a noise variance starting today, which, obviously, is a little late, through Saturday.

They want 6 p.m. to 9 p.m. variance and then Sunday 9 a.m. to 5 p.m. and then Monday, May 9, 6 p.m. to 9 p.m.

So, basically, they are asking to -- for steel recollection at the Harvard Kennedy School at 15 Eliot Street, they basically want to top off the ceremony, and they want to make sure they do this in time for the ceremony.

The DPW and CPD basically informed the

applicant that they had to talk to the Charles Hotel, which is adjacent to the job site.

Traffic and Transportation had no issues with it.

The License Commission investigator actually spoke with the applicant a couple times and tried to get information from them.

When she did not hear back, she spoke with the GM of the Charles Hotel and they basically said they could not accommodate the request. That this is actually a problem for them, the proposed times.

And, you know, they -- Mr. Moore basically kind've wrote an email kind've saying, you know, that what they are doing is buying an insurance to assure Harvard they can meet their completion activity and stuff like that.

You know, I feel for them, but I don't

think that's the purpose of the noise variances.

I think if a direct abutter has a problem with it, and quite frankly, the very late application, otherwise, we would have had time to have a hearing and maybe remediate this, I would vote to deny this variance.

FIRE CHIEF GERALD REARDON: They had been there for a while.

CHAIR NICOLE MURATI FERRER: Yeah, I mean --

So variance denied?

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

FIRE CHIEF GERALD REARDON: Denied.

CHAIR NICOLE MURATI FERRER: The next one is not actually on the agenda but this is a noise variance that we had already approved.

We had granted it for May 7 and May 14, from 7 a.m. to 5 p.m.

It is for -- to put a crane in, not to operate the crane during those hours but to ensure that the delivery of the crane and whatnot.

New abutters contacted the applicant and asked if they could actually do a May 14 and May 21, the applicant has no issue with it, and this is what the abutters requested, so I would vote for us to amend our approval and grant it for May 14 and May 21.

FIRE CHIEF GERALD REARDON: Agreed.

MALT & WINE LICENSE WITH OR WITHOUT ENTERTAINMENT

LESLEY SERIGNY (NOVARTIS)

CHAIR NICOLE MURATI FERRER: Moving onto one-day licenses, malt and wine licenses. We have Lesley Serigny, on behalf of Novartis, has applied for a malt and wine license to be exercised at Novartis, 250 Mass. Ave on May 18,

from 4 p.m. to 7 p.m. for a reception. They expect 150 people.

Granted.

VANESSA FERRANTO (WORKBAR)

CHAIR NICOLE MURATI FERRER: Vanessa Ferranto has applied for a wine and malt license to be exercised at Workbar, 45 Prospect Street on May 2 from 8 a.m. to 7 p.m. for a networking conference. Expected attendance 100 people.

Granted.

KEALYN GARNER (KRESGE BBQ PITS)

CHAIR NICOLE MURATI FERRER: Kealyn Garner has applied for a wine and malt license to be exercised at Kresge BBQ pits, Amherst Street on May 7 from 5:30 to 7:30 p.m.

They expect 150 people.

Granted with the police detail as requested by the police.

ALL ALCOHOLIC BEVERAGES LICENSES WITH OR WITHOUT
ENTERTAINMENT

RICK JARVIS (UNIVERSITY PARK)

CHAIR NICOLE MURATI FERRER: The next one is an all alcoholic beverage license and also entertainment license for (patrons dancing and performer dancing) to be exercised at University Park, Sidney Street, Cambridge from June 4 from 5 p.m. to 10 p.m. for a fundraiser.

FIRE CHIEF GERALD REARDON: Is this the special event?

CHAIR NICOLE MURATI FERRER: This is -- did I just -- I'm sorry, this is a -- yeah, University Park, Sidney Street, and I believe I was informed by Carrie they have gone through everything in terms of special events and everything else, so this is kind've like the last piece of the puzzle type of thing.

There's police detail requested on both.
I vote to grant.

FIRE CHIEF GERALD REARDON: Put down
fire. This is -- and EMS as well.

CHECK CHAIR NICOLE MURATI FERRER: What
else do you want to add to it?

CHAIR NICOLE MURATI FERRER: Police and
fire, fire/EMS.

FIRE CHIEF GERALD REARDON: Fire, EMS.

CHAIR NICOLE MURATI FERRER: Also sign
this one because they applied for -- they didn't
see we had one application with both of them.

We have one that just came in this
afternoon, Leah Hennessey has applied for an all
alcohol on May 4 from 6 p.m. to 10 p.m. to be
exercised at Gallery 263, 263 Pearl Street in
Cambridge. 50 people expected. It is also a
fundraiser, they are a nonprofit.

I vote to grant.

LEE CORBETT (MIT MOVING DAY)

CHAIR NICOLE MURATI FERRER: Then we have Lee Corbett has applied for an entertainment license to provide dancing for patrons and performers, live music, amplification, at Killian Court, North Court, McDermott Court, Kresge Oval, Cambridge on May 7. This is for their Moving Day, their 100-year celebration. 8:30 p.m. to 12 a.m.

FIRE CHIEF GERALD REARDON: Fire, police and EMS coordinated.

CHAIR NICOLE MURATI FERRER: Police, fire and EMS detail required.

MA CHAPTER - FCAA

CHAIR NICOLE MURATI FERRER: The next one is the Massachusetts Chapter of the FCAA has applied for a one-day entertainment, even though

they used the annual license, for May 21 from 10 a.m. to 5 p.m.

This has also gone through special events and has been okayed by everyone else. We confirmed that with Annette.

FIRE CHIEF GERALD REARDON: There's no alcohol at this one?

CHAIR NICOLE MURATI FERRER: No, just entertainment, DJ and live music.

VENDORS

DADDY'S BONE TOWN BURGERS

CHAIR NICOLE MURATI FERRER: Next we have a vendor application from Richard Cambriello d/b/a Daddy's Bone Town Burgers and he applied to vend at Simoni Arena at 155 Gore Street on May 14, June 25, July 16, and August 6.

He actually has a state license and everything. Yep.

FIRE CHIEF GERALD REARDON: Okay.

CHAIR NICOLE MURATI FERRER: Granted.

TOIRM MILLER (STOKE PIZZA)

CHAIR NICOLE MURATI FERRER:

And next one is Toirm Miller on behalf of Stoke Pizza has applied to vend at 1 Rogers Street from 11 a.m. to 2 p.m. on May 2, May 9, May 16, May 23 and May 30 and he actually has already a yearly license to vend at 34 Cambridgeport (sic-Cambridgepark), so everything else is in order, their truck.

FIRE CHIEF GERALD REARDON: Is the -- 34 Cambridgepark Drive?

CHAIR NICOLE MURATI FERRER: Yes, he's currently licensed to vend at 34 Cambridgepark Drive on Tuesdays.

Granted.

And that's it. We conclude for the day.

(Hearing was adjourned.)

ERRATA SHEET

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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 May, 2016.

Jill Kourafas
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