

City of Cambridge

MASSACHUSETTS

In City Council

3/29

1993

WW
 M 8:00 p to
 Have Alex Rodriguez
 Come before City Council to Explain his letter

YEA	NAY	ABSENT	PRESENT	
✓				Mr. Ed Cyr
	✓			Mr. Francis H. Duehay
	✓			Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Walter J. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Mr. William H. Walsh
	✓			Ms. Alice K. Wolf
	✓			Mayor Kenneth E. Reeves
5	4	0	0	

motion to suspend rules - failed



CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

831 MASSACHUSETTS AVE., 1ST FLOOR, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 349-6140

ALEX RODRIGUEZ
Commission Chairman

KEVIN FITZGERALD
Chief-of-Fire Department
Commission Member

HENRY BREEN
Police Representative
Commission Member

RICHARD V. SCALI
Commission Executive Officer

Honorable Alice Wolf
Chair of the Ordinance Committee
Cambridge City Council

Dear Councillor Wolf:

Due to previous commitments it is impossible for any of the Commissioners to present our opposition to "AN ACT PROVIDING FOR THE CAMBRIDGE LICENSE COMMISSION." Therefore, we have asked our Executive Officer, Richard Scali, to read the following into the record.

The Cambridge License Commission opposes any change in the present structure or composition of the Commission under existing law. Our reasons are quite simple; they are:

a) No one has made a public case as to why the present structure of the Commission should be changed. The Commission feels strongly that the home rule petition process is a process that should be used in a serious and non frivolous manner. Since no one has made a public case as to why the present structure of the Commission should be changed, it can be assumed that this must be a case of change for change's sake. Any observer of the workings of the Massachusetts Legislature knows that frivolous home rule petitions are usually lost at the legislative committee level. Unless some case is made for this Act it will not be taken seriously on Beacon Hill.

b) If there is a case made at your hearing as to why the Commission structure should be changed the present Commission will be more than happy to respond to that case, but at the present time no citizen, councillor, or any individual has spoken to any staff member or Commissioner as to why they would want to change the structure of the License Commission. Even when a staff member of the Commission was asked to assist in the legal writing of the Act his request to discover why this Act was being considered was met with no response.

Fortunately, the process dictates that someone will one day have to explain why the individuals submitting this act are doing so. We feel that when they explain why they want this change it will be the appropriate time for us to comment on the need for this change. To comment in a vacuum is absurd. It would present the aura of the commission defending itself without first meeting its accuser, which may make for good political theater but not the type in which the Commissioners would voluntarily want to participate.

c) As to the changes that would be produced by this new Act, the Commission believes that the elimination of the Fire Chief and the Police representative defeats the very purpose that cause them to be mentioned in the Special Act creating the Commission, that of public safety.

Obviously the presence of these two representative from these very important sub-section of city government makes fluid the exchange of information which would be otherwise only obtainable through the Freedom of Information Act. It should be pointed out that even under that Act most information that helps the License Commission protect public safety would not be available to other than Public Safety officials, thus creating a natural information drain that is presently fluid and has led to the revocation of licenses of some notorious establishments.

In a very real sense, just this change would create a danger to the public where none exists today. We do not believe that those proposing this Act intend to endanger the public safety, but they will have to be responsible for the outcomes of their action.

It should also be noted that the very political interference that is obviously intended, but never stated, in the structure of this Act was one of the reasons the Special Act establishing the present Commission with the Fire and Police Chief was passed. The makers of the original Special Act wanted to protect the process from political interference, this Act you are asking us to comment on opens the door to that very interference.

d) We understand that at present many city commissioner post which are voluntary, as those proposed in this Act, go unfilled for months because they are too burdensome for those who attempt to fill them. If this would occur under this new Act, it would severely hurt those who do or would do commerce in the city of Cambridge. Business people understand that time is money and waiting for decisions because of empty seats would be detrimental to all concerned.

e) Lastly, this Act in effect cuts one staff member from the Commission and replaces that person with a volunteer. That staff member cut is the full time paid Chair of the Commission. The authors of the Act under discussion must have some good reason to believe this position is not necessary, even though it's been in existence for years and has repeatedly proven its value. Yet, no one has stated why they believe the position to be unnecessary, and if so, upon what information they base that belief.

The Commission processes over 2,500 licenses a year; over 500 of these transactions require a site visit which is presently made by the Chair. It should also be pointed out that the Commission functions, albeit stressful, with two fewer staff persons since the appointment of the present Chairman who has redistributed those individuals' job functions to others including himself. This has saved the city over \$60,000 a year, since these savings began, and will continue to save the city that amount.

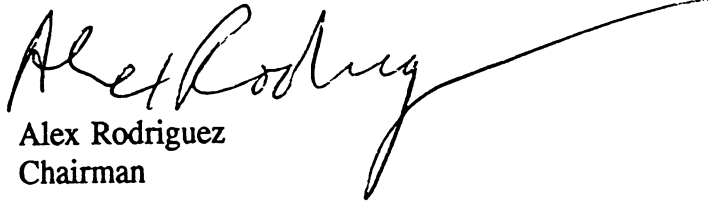
The Council should also be mindful of the fact that the Commission returns two thirds of its revenue to the general fund, an amount that may very well be jeopardized by this proposed Page

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change, if the License Commission decisions are delayed in any way.

Once again we state that it is very difficult to speak to and Act when one has no knowledge as to what problem its makers believe they are solving. Therefore, we reserve the right to comment once again to this committee once we have heard the rationale of the authors of this legislation who, by the way, have had more the ample time to pick up the phone and speak to us, but have chosen not to for reasons best known to them.

Sincerely,



Alex Rodriguez
Chairman

c.c. Chief Fitzgerald
Captain Breen
Richard Scali
members of the City Council
City Manager

5-140
Motion by Councilor Walsh to suspend
the rules to have Alex Rodriguez appear
before the City Council to explain his
letter. noted.

In City Council,

March 29, 1993

*suspension of the
rules failed on a
roll call vote*

5-4-0.