

June 28, 1992

Mr. Robert W. Healy
City Manager
Cambridge City Hall
Cambridge, MA 02140

(BY HAND)

RECEIVED BY
OFFICE OF CITY CLERK

1992 JUN 29 PM 4:34

CAMBRIDGE MA.

RE: White Hen Pantry, Inc., 2245 Mass. Ave.,
transfer of wine-and-malt-beverages package store license to
Joanne Contaldi, d/b/a/ White Hen Pentry at said address

Dear Mr. Healy:

Enclosed is a copy of a decision by the Alcoholic Beverages Control Board dismissing the protest filed by the City Council and other concerned taxpayers in the above matter.

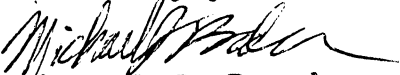
Please instruct the Law Department to file a timely Superior Court appeal pursuant to City Council Order "Comm.#4B" of March 30, 1992, a copy of which is also attached.

As you know, the City Council is not scheduled to meet again until August. I am referring this request to you directly since time is of the essence.

I trust that you will notify me immediately if the city does not intend to pursue this court appeal on behalf of the Council, so that the neighbors may take appropriate action.

You can reach me at 864-3520 if additional information is necessary. I will be happy to help your legal staff overturn this flawed ABCC decision, which fails to address many of the legal issues raised in the initial appeal.

Sincerely yours,



Michael J. Brandon
Vice Chair, North Cambridge Stabilization Committee
27 Seven Pines Ave.
Cambridge, MA 02140

P.S. Several other pertinent documents are attached for your convenience.

cc: Cambridge City Council
NCSC officers



The Commonwealth of Massachusetts

The Alcoholic Beverages Control Commission

Leverett Saltonstall Building, Government Center

100 Cambridge Street, Boston 02202

TELEPHONE: (617) 727-3040

FAX: (617) 727-1258

Re: Joanne Contaldi
dba White Hen Pantry
Premises: 2245 Massachusetts Avenue
City/Town: Cambridge
License: WM-PKG (application)
Heard: May 5, 1992

DECISION

This was an appeal by twenty-five or more voters or taxpayers of the decision of the Cambridge Board in approving a change of ownership application of a wine and malt license from White Hen Pantry, Inc. to Joanne Contaldi.

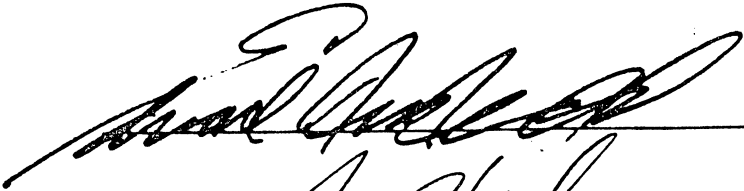
After hearing, the Commission makes the following findings:

- 1) The license has been held as an inactive license under various ownerships since 1989.
- 2) The local board permits inactive licenses in compliance with regulations adopted by the local board.
- 3) The local board approved the transfer of the license with the understanding that the license would become operational after complying with conditions relative to management and operation as imposed by the local board.
- 4) While the proposed licensee is a franchise operation of White Hen Pantry, no revenue from liquor sales from this location will be shared by the parent organization.
- 5) At hearing, questions were raised as to a possible undisclosed beneficial interest in the license by Contaldi's husband, Gaetano Contaldi.

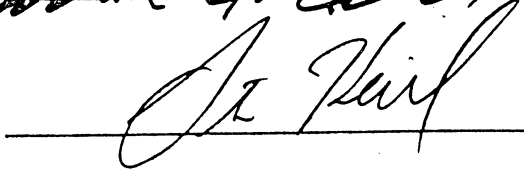
Based on the evidence heard, the Commission finds that the decision of the local board on the issued raised in the protest was a reasonable use of the board's discretion. The protest is dismissed.

The application is pending before the Commission and will be held for administrative review and action, including a requirement of the Commission that the licensee submit an amended Form 43 disclosing the beneficial interest of Gaetano Contaldi, whether direct or indirect.

ALCOHOLIC BEVERAGES CONTROL COMMISSION



Edward R. Redd, Chairman



Stuart P. Krusell, Commissioner

Dated in Boston, Massachusetts on this 22nd day of June, 1992.

Under the provisions of Massachusetts General Laws, Chapter 30A, you have the right to appeal this decision to Superior Court within thirty days of receipt thereof.

cc: File
Consumer Affairs
Chief Investigator
Atty. Vincent Panico
Michael J. Brandon ✓
Local Board

Consent Comm. #35

S-610

Comm. from Michael J. Brandon, 27
Seven Pines Ae., regarding the Alcoholic
Beverages Control Board's decision
relative to the application of the
White Hen Pantry, Inc., located at
2245 Mass. Ave.

CAMBRIDGE CITY COUNCIL
CITY CLERK'S OFFICE
CITY HALL

In City Council,

Aug. 3, 1992

Referred to the
City Manager
Copy sent to C. Mgr 8/5/92
(ee)