



# OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON  
CITY CLERK

JOHN E. FLYNN  
DEPUTY CITY CLERK

November 6, 1990

Mr. Robert MacQueen  
House Clerk  
Massachusetts House of Representatives  
Room 145  
The State House  
Boston, MA 02133

Dear Mr. MacQueen:

Pursuant to the request of the City Council, I am forwarding to you for filing with the Massachusetts House of Representatives, the enclosed order adopted by the the City Council on October 22, 1990 which was reconsidered and said reconsideration failed on November 5, 1990 thereby the action taken on October 22, 1990 adopting the order stands on the attached legislation entitled **"AN ACT AUTHORIZING THE CAMBRIDGE LICENSE COMMISSION TO PUSH BACK THE OPENING TIME FOR PACKAGE STORE SALES TO TEN O'CLOCK ANTEMERIDIAN."**

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Joseph E. Connarton".

Joseph E. Connarton  
City Clerk

JEC/dl

Encs.



# City of Cambridge

Calendar Item # 1

IN CITY COUNCIL

October 22, 1990

ORDERED:

That the City Council of the City of Cambridge goes on record favoring the filing of a Home Rule Legislation entitled **"AN ACT AUTHORIZING THE CAMBRIDGE LICENSE COMMISSION TO PUSH BACK THE OPENING TIME FOR PACKAGE STORE SALES TO TEN O'CLOCK ANTEMERIDIAN.**

In City Council October 22, 1990.

Adopted as amended by a yea and nay vote:

Yeas 5; Nays 4; Nays 0.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton  
City Clerk

RECONSIDERATION HAS BEEN FILED BY COUNCILLORS RUSSELL, SULLIVAN, WALSH AND TOOMEY ON THIS MATTER.

11/5/90 RECONSIDERATION FAILED

ACTION TAKEN ON OCTOBER 22, 1990 ADOPTING THE ORDER - STANDS.

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts  
in General Court assembled.

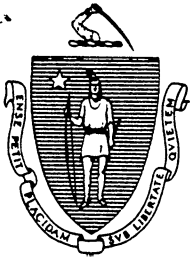
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FOR PACKAGE STORE SALES TO TEN O'CLOCK ANTEMERIDIAN

Petitioners are requested to sign names and addresses legibly.

*Kenneth E. Pomeroy*  
*Wm. H. Hulsey*  
*Jonathan S. Myers*  
*Edward W. S.*  
*Alvin K. Wolf*

*11 Everett St., Camb. MA 02138*  
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# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND ~~EIGHTY~~ NINETY

## AN ACT

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*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

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Yeas 5; Nays 4; Nays 0.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

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Joseph E. Connarton  
City Clerk

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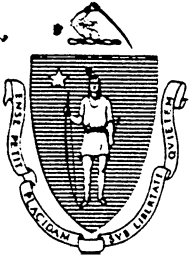
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A true copy;

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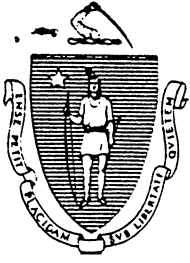
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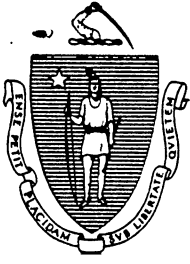
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# City of Cambridge

Calendar Item # 8

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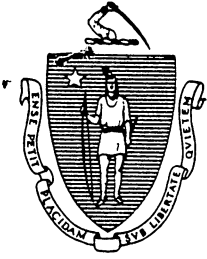
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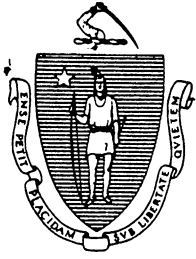
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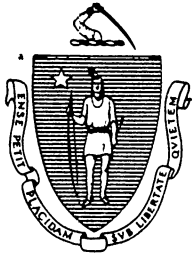
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In City Council October 22, 1990.  
Adopted as amended by a yea and nay vote:  
Yeas 5; Nays 4; Nays 0.  
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton  
City Clerk

RECONSIDERATION HAS BEEN FILED BY COUNCILLORS RUSSELL, SULLIVAN, WALSH AND TOOMEY ON THIS MATTER.



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND ~~EIGHTY~~ NINETY

## AN ACT

AUTHORIZING THE CAMBRIDGE LICENSE COMMISSION TO PUSH  
BACK THE OPENING TIME FOR PACKAGE STORE SALES TO TEN O'CLOCK ANTEMERIDIAN

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. In Cambridge, the board of license commissioners may decrease the hours during which sales of alcoholic beverages not to be drunk on the premises may be made; provided that said board shall hold a public hearing concerning the public need for such decrease, and further provided that any licensee affected by such change shall be given two weeks notice of such public hearing, and still further provided that no licensee authorized to make sales of alcoholic beverages not to be drunk on the premises shall be barred from making such sales after ten o'clock antemeridian and before eleven o'clock postmeridian. It is still further provided that a licensee whose hours are decreased pursuant to the provisions of this act may not be barred from opening the premises between the hours of ten o'clock antemeridian and eleven o'clock antemeridian so long as no sales of alcoholic beverages are made during the times when such sales are prohibited by said board. Subject to the provisions of this act, said board shall have

NOTE. — Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary.

discretion to affect the hours (i) of an individual licensee authorized to sell alcoholic beverages not to be drunk on the premises, (ii) of all its licensees authorized to sell alcoholic beverages not to be drunk on the premises, and (iii) of all such licensees situated within an area which is specifically and reasonably delineated. Any licensee aggrieved by any such decrease in hours may bring court action in the nature of certiorari against said board pursuant to section four of chapter two hundred and forty-nine of the general laws.



# City of Cambridge

Calendar Item # 8

IN CITY COUNCIL

October 22, 1990

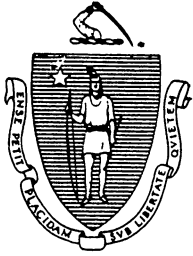
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In City Council October 22, 1990.  
Adopted as amended by a yea and nay vote:  
Yeas 5; Nays 4; Nays 0.  
Attest:- Joseph E. Connarton, City Clerk.

A true copy; *Joseph E. Connarton*  
ATTEST:-

Joseph E. Connarton  
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# The Commonwealth of Massachusetts

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# City of Cambridge

Agenda #17  
IN CITY COUNCIL

July 30, 1990

ORDERED: That the City Council of the City of Cambridge goes on record favoring the filing of a Home Rule Petition empowering the License Commission to bar sales of liquor before 11:00 a.m.

SUMMARY OF PROPOSED SPECIAL ACT  
ON PACKAGE STORE HOURS  
IN CAMBRIDGE.

Purpose:

To avoid the situation where actively drinking alcoholics purchase liquor at 8:00 a.m., and remain in an area all day, to the detriment of the alcoholic and the area.

Supporters:

Supporters of the measure include residents and non-liquor businesses in the Central Square-Harvard Square area.

Opponents:

Opponents of the measure include package stores which presently operate between 8:00 a.m. and 11:00 a.m.

Specific Provisions:

The Cambridge License Commission would have power to decide whether to affect the hours of one package store, all package stores, or all package stores in a delineated area. The Commission could prevent sales of liquor up to 11:00 a.m. During the period 8:00 a.m. to 11:00 a.m., even if sales of liquor are prohibited at a particular store, that store could stay open to receive deliveries and to sell items other than liquor. Before any package store is affected, there must be a public hearing and the affected store must receive two week's notice of this hearing.

Who Would be Positively Affected?:

1. The alcoholic who does not get to drink.
2. Residents and non-liquor businesses who are currently complaining of the early morning presence of alcoholics who at 7:00 a.m. wait in line outside a package store and who commencing at 8:00 a.m. publicly drink, publicly urinate, litter the area with liquor bottles and obstruct private property.

Who Would be Negatively Affected?:

1. Potentially all package stores, including any beer and wine package store that operates as part of a larger convenience food store.
2. Night shift workers, elderly, and others who customarily buy liquor early in the morning.



# CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

831 MASSACHUSETTS AVE., 1ST FLOOR, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 499-6140

RECEIVED  
50 JUL 25 PM 12:12  
OFFICE OF THE CITY MANAGER

JAMES THADDEUS McDAVITT  
Commission Chairman

ANTHONY G. PAOLILLO  
Chief-of-Police Department  
Commission Member

THOMAS V. SCOTT  
Chief-of-Fire Department  
Commission Member

RICHARD V. SCALI  
Commission Executive Officer

July 24, 1990

TO: Robert W. Healy, City Manager

RE: Home Rule Petition Empowering the License Commission to Bar Sales of  
Liquor Before 11:00 a.m.

Enclosed please find a home rule petition which we ask you to transmit to the City Council with your recommendation.

The License Commission is currently faced with a situation in the Central Square area where actively drinking alcoholics are purchasing liquor between 8:00 a.m. and 11:00 a.m., and then remaining all day, to the detriment of non-liquor businesses and residents. There is definitely power to roll back the opening hour of "pouring licenses" under M.G.L.c.138, s.12, but c.138, s.15 covering package stores is ambiguous as to whether this power exists. The home rule petition is required to clarify this ambiguity.

For purposes of clarity, a summary of the proposed special act is also enclosed.

The Commission has held two public hearings on the matter on June 12, 1990 and July 24, 1990. Also, relative to this problem, the Commission authorized the Chair to have an additional meeting with interested parties; this additional meeting took place on July 9, 1990.

Please advise if there are comments or questions.

Date: 7-24-90

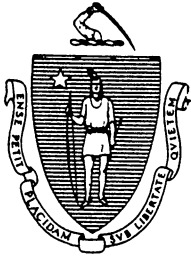
James Thaddeus McDavitt  
License Commissioner

Date: 7-24-90

Thomas V. Scott  
License Commissioner

Date: 7-24-90

Henry Breen  
License Commissioner



# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND ~~EIGHTY~~ NINETY

## AN ACT

AUTHORIZING THE CAMBRIDGE LICENSE COMMISSION TO PUSH  
BACK THE OPENING TIME FOR PACKAGE STORE SALES TO ELEVEN O'CLOCK ANTEMERIDIAN

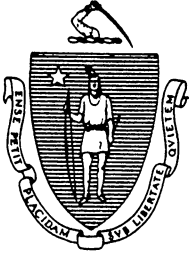
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Page Two

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# The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND ~~EIGHTY~~ NINETY

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C. Walsh

Said Power is restricted to the Central Sq. Area for a period of 90 days after enactment subject to the extension after approval by City Council.

Failed

Roll call

2-6-0-1

2-7-0-0

G. Toomey

Failed by

# City of Cambridge

MASSACHUSETTS

Agenda # 17 Home Rule Legislation entitled In City Council July 30 1990  
 AN ACT AUTHORIZING THE CAMBRIDGE LICENSE COMMISSION  
 TO PUSH BACK THE OPENING TIME FOR PACKAGE STORE SALES  
 TO ELEVEN O'CLOCK ANTEMERIDIAN.

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

5

4

# City of Cambridge

MASSACHUSETTS

In City Council Oct. 22 1990

*C. Myers* Amendment to Home Rule

*Changing opening time to 10 A.M. from 11 A.M.*

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

*5 4*

Page Two

Standards:

The Commission must have evidence of a public need to decrease the hours before any package store can be affected.

Appeal Process:

An aggrieved package store could appeal a Commission decision prohibiting sales before 11:00 a.m., by commencing a civil court action in the Middlesex Superior Court within 60 days of notice of said decision. That is the process for a court action "in the nature of certiorari".

Summary prepared by  
James T. McDavitt  
Chair, Cambridge License Commission  
July 9, 1990



17

**CITY OF CAMBRIDGE**  
CAMBRIDGE, MASSACHUSETTS 02139  
TEL. 498-9011

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

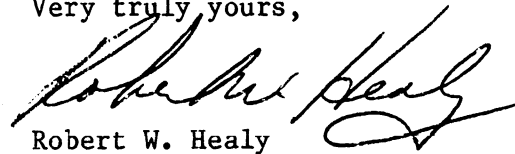
RICHARD C. ROSSI  
Deputy City Manager

July 30, 1990

To the Honorable, th City Council:

Please find attached a Home Rule Petition empowering the License  
Commission to bar the sale of liquor before 11:00 a.m.

Very truly yours,

  
Robert W. Healy  
City Manager

RWH/dls

Home Rule Legislation entitled "AN ACT  
AUTHORIZING THE CAMBRIDGE LICENSE  
COMMISSION TO PUSH BACK THE OPENING TIME  
FOR PACKAGE STORE SALES TO ELEVEN O'CLOCK  
ANTEMERIDIAN."

In City Council,

July 30, 1990

*Charter Right exercised  
by Councillor Sullivan  
9/10/90*

*Tabled by Councillor  
Quekay,*

*10/22/90 Order adopted 54-0.*

*Legislation amended  
Reconsideration filed by  
Councillors Russell,  
Sullivan, Walsh & Gooney.*

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR

1990 OCT 22 PM 10:19

CAMBRIDGE MA.

Date

Reconsideration filed by Councillors Russell, Sullivan, Toomey and Walsh on an order adopted by the City Council at its meeting of October 22, 1990 favoring the filing of a Home Rule Legislation entitled "AN ACT AUTHORIZING THE CAMBRIDGE LICENSE COMMISSION TO PUSH BACK THE OPENING TIME FOR PACKAGE STORE SALES TO TEN O'CLOCK ANTEMERIDIAN".

*Shute T. Russell*

Signature

*Arthur J. Sullivan*

*Wm H Walsh*

*Erin J. Toomey*

Cal # 5-1099

Reconsideration filed by Councillors  
Russell, Sullivan, Toomey & Walsh on  
the adoption of an order favoring the  
filing of a Home Rule Legislation  
entitled "AN ACT AUTHORIZING THE  
CAMBRIDGE LICENSE COMMISSION TO PUSH  
BACK THE OPENING TIME FOR PACKAGE  
STORE SALES TO TEN O'CLOCK ANTEMERIDIAN."

In City Council,

~~October 29, 1990~~  
November 5, 1990

*11/5/90 Reconsideration  
failed  
Action taken on  
Oct. 22, 1990 Adopting  
order - stands.*