



# CAMBRIDGE LICENSE COMMISSION

831 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139

NICOLE MURATI FERRER  
CHAIRPERSON | BOARD MEMBER

BRANVILLE G. BARD, JR.  
POLICE COMMISSIONER | BOARD MEMBER

GERARD E. MAHONEY  
FIRE CHIEF | BOARD MEMBER

ELIZABETH Y. LINT  
EXECUTIVE DIRECTOR

## BOARD OF LICENSE COMMISSIONERS' SEPTEMBER 23, 2020 MEETING MINUTES

*This meeting was held by remote participation through Zoom, pursuant to Governor Baker's Executive Order of March 10, 2020, suspending certain provisions of M.G.L. ch. 30A.*

Meeting started at approximately 9:02 a.m.

**Board members in attendance:** Chair Nicole Murati Ferrer (present); Commissioner Branville G. Bard (present); Chief Gerard E. Mahoney (present).

**Staff member in attendance:** Elizabeth Y. Lint.

**All decisions, unless otherwise noted, were 3-0 and by roll call vote.**

- 1) Disciplinary Hoppy, Inc. d/b/a Daedalus, 45 ½ Mount Auburn Street, Common Victualler All Alcohol License #11672, due allegations of violations of certain provisions of the law as they relate to the above-referenced license. Specifically, the hearing will address whether on January 31, 2020, an employee of Hoppy Inc. sold/served alcoholic beverages to an underage individual in violation M.G.L. c. 138, §§ 23, 34, 34A, 41, 64 and 64A and Board's Rule 2 and 5B.6. [Time Stamp: 1:01:50]

**Present:** Licensing Investigator Tyler Bubenik; Lt. Cherubino; Brendan Hopkins and Lawrence Hopkins and Cory Templehoff.

**Documents Considered:** Hearing Notice, Police and CAD reports.

**Summary:** Police responded to Daedalus for a report of an unconscious woman. Investigation revealed the woman was intoxicated and that she was 20 years of age. The bartender, Mr. Zimerov, told Lt. Cherubino that he had not checked ID's to any attendees at the reception and that multiple shots of various types of alcohol had been served to a group at the end of the bar and they then distributed the shots. Mr. Bubenik spoke to Mr. Zimerov and Mr. Templehoff, the manager on duty. Mr. Zimerov denied serving the woman and said he did check ID's. Mr. Templehoff said he was helping upstairs. He said 4 people arrived later and that he carded them. He said he served 2 of them shots as they had ID's and served water to the other 2. He said he told Mr. Zimerov not to serve the woman as she didn't have an ID. Mr. Bubenik spoke to the woman involved who said she did not remember much that she was not I'd, she got the drinks from the bar herself and that she did not drink before arriving there. Mr. Hopkins said it was an older crowd which may be why they were not carded. The statements made to Lt. Cherubino at the time of the incident and the account given to Mr. Bubenik were completely different. There is also a discrepancy between the amount of time the manager says the woman was at the establishment and the time EMS was dispatched.

**Decision:** Board found a violation and issued a 2 day license suspension with one to be served and one held in abeyance for six (6) months.

2) Disciplinary D. Muzzioli Associates, for allegedly operating leaf blowers at approximately 11:10 a.m. on July 29, 2020 at 36 Carver Street and August 26, 2020 at 11:25 a.m. in the vicinity of 159 Brattle Street during a prohibited period in violation of Cambridge Municipal Code 8.16.081.2(a). **[Time Stamp: 55:55]**

**Present:** Licensing Investigator Tyler Bubenik.

**Documents Considered:** Hearing notice and documents attached thereto.

**Summary:** 2<sup>nd</sup> call was at 10:57. No one appeared for D. Muzzioli Associates. Mr. Bubenik said he received emails from residents stating that Muzzioli employees were operating leaf blowers as stated above. Muzzioli has a history for the same violation.

**Decision:** Board found violations and issued a \$300.00 fine for each for a total of \$600.00.

3) Disciplinary Jessie C. Caruso Landscaping & Construction, for failure to comply with the Cease and Desist Order of May 2019 allegedly operating leaf blowers without a permit in violation of Cambridge Municipal Code 8.16.081.1(1)(b) and 8.16.081.2(c), and allegedly operating on July 23, 2020 at 8:45 a.m. in the vicinity of Willard Street during a prohibited period in violation of Cambridge Municipal Code 8.16.081.2(a). **[Time Stamp: 16:30]**

**Present:** Licensing Investigator Tyler Bubenik and Jessie Caruso.

**Documents Considered:** Hearing notice and documents attached thereto.

**Summary:** Mr. Bubenik testified that emails were received stating Caruso Landscaping were using leaf blowers on July 23, 2020, that they are not permitted and were operating during a prohibited time. Mr. Caruso said his crew knows they are not supposed to use leaf blowers. The crew denied using them. There is a photo of the Caruso truck, but no photos of workers using blowers. The complainant did not appear but did submit a written statement. Mr. Caruso has since applied for a permit.

**Decision:** Board found no violation.

4) Disciplinary Landscape Collaborative, for operating leaf blowers on August 17, 2020 at approximately 2:30 p.m. in the vicinity of 50 Concord Avenue in violation of Cambridge Municipal Code 8.16.081.2(a), operating during a prohibited period. **[Time Stamp: 57:35]**

**Present:** Licensing Investigator Tyler Bubenik.

**Documents Considered:** Hearing notice and documents attached thereto.

**Summary:** 2<sup>nd</sup> call was at 9:58. No one appeared for Landscape Collaborative. Mr. Bubenik testified that he observed employees of Landscape Collaborative operating leaf blowers in the vicinity of 50 Concord Avenue on August 17, 2020, which is a prohibited time period. Landscape has a history of the same violation.

**Decision:** Board found a violation and issued a \$300.00 fine.

5) Disciplinary MacDougall and Sons Landscaping for allegedly operating leaf blowers on July 6, 2020 at approximately 10:30 a.m. in the vicinity of 77 Grozier Road in violation of Cambridge Municipal Code 8.16.081.2(a), operating during a prohibited period. **[Time Stamp: 08:00]**

**Present:** Licensing Investigator Tyler Bubenik and Wendell MacDougall.

**Documents Considered:** Hearing notice and documents attached thereto.

**Summary:** Mr. Bubenik testified that a noise report was filed with Cambridge Police. He contacted the complainant and was told that MacDougall and Sons was operating a leaf blower on July 6, 2020. Mr. MacDougall stated that the CAD report gives a different street address for where the violation was taking place, not 77 Grozier Road. He said that he could not affirmatively state that his employees were using leaf blowers and that there is no positive proof that they were using blowers. There were no photos or videos of the alleged violation and the complainant did not appear.

**Decision:** Board found no violation.

6) Disciplinary Logee Urban Landscape Service for allegedly operating leaf blowers on July 30, 2020 at approximately 3:00 p.m. in the vicinity of 174 Brattle Street in violation of Cambridge Municipal Code 8.16.081.2(a), operating during a prohibited period. **[Time Stamp: 27:05]**

**Documents Considered:** Hearing notice and documents attached thereto, and waiver filed by Logee.

**Summary:** Logee filed a waiver and accepted the information as reported. They have a history of the same violation.

**Decision:** Board accepted the waiver and issued a \$300.00 fine.

7) Disciplinary John's Landscape Service for allegedly operating multiple leaf blowers within the same 10,000 square foot area on May 5, 2020 at approximately 4:10 p.m. in the vicinity of 54 Concord Avenue in violation of Cambridge Municipal Code 8.16.081.2(f)- limit of one leaf blower per 10,000 square feet. **[Time Stamp: 28:16]**

**Present:** Licensing Investigator Tyler Bubenik and John Tighe.

**Documents Considered:** Hearing notice and documents attached thereto.

**Summary:** Mr. Bubenik testified that on May 5, 2020 he received multiple emails stating that John's Landscape workers were operating multiple leaf blowers. Videos were attached to the emails which showed 2 landscapers within 10 feet of each other. The video was taken from an upper floor window. The second appeared to be shot from a moving vehicle and showed a John's Landscape vehicle parked across from Healy Street. Mr. Tighe stated that he does service 54 Buckingham Street. The videos were sent to him. Mr. Bubenik spoke to the property manager and learned that John's Landscape does service the properties at 54 Concord Avenue and 17 Healy Street. They are part of the same properties. Mr. Tighe sent Mr. Bubenik GPS

records indicating that the truck in question was not at the location at the time of the complaint. There was a discrepancy between the GPS log received and the actual truck on scene. Mr. Tighe would not provide the GPS records for truck #49, which is the truck in the videos. Mr. Tighe said the videos provided were inconclusive and that the GPS for #39 was sent as a courtesy and not a requirement. Mr. Tighe wanted to know if the Bard had viewed the videos. He contended that the videos do not show concrete evidence of his worker's using leaf blowers. He stated that there are very derogatory remarks made by the person taking the videos. He admitted he services these properties and that they were in the vicinity at this time. Chief Mahoney was not able to view the video as the link didn't open.

**Decision:** Board took the matter under advisement.

8) Disciplinary General Landscape Corporation for allegedly operating leaf blowers on July 2, 2020 at approximately 11:00 a.m. and August 13, 2020 at approximately 10:00 a.m., in the vicinity of St. John's Road in violation of Cambridge Municipal Code 8.16.081.1(b) and 8.16.081.2(c)- operating without a permit and 8.16.081.2(a), operating during a prohibited period. **[Time Stamp: 58:20]**

**Present:** Licensing Investigator Tyler Bubenik.

**Documents Considered:** Hearing notice and documents attached thereto.

**Summary:** 2<sup>nd</sup> call was at 9:59. No one appeared for General Landscape. Emails were received from residents stating that General Landscape Corp. was in the vicinity of St. John's Road. Photos accompanied the emails showing workers using leaf blowers with no masks. He stated that General Landscape did not renew their permit to operate this year.

**Decision:** Board found violations and issued a \$300.00 fine for operating without a permit and a \$300.00 fine for using leaf blowers during a prohibited period on 2 occasions for a total of \$600.00. Total fine of \$900.00.

9) Disciplinary Casablanca Services for allegedly operating leaf blowers on July 1, 2020 at approximately 9:00 a.m., July 8, 2020 at approximately 11:00 a.m. and July 15, 2020 at approximately 4:50 p.m. at 136 Irving Street in violation of Cambridge Municipal Code 8.16.081.1(b) and 8.16.081.2(c)- operating without a permit and 8.16.081.2(a), operating during a prohibited period. **[Time Stamp: 1:00:00]**

**Present:** Licensing Investigator Tyler Bubenik.

**Documents Considered:** Hearing notice and documents attached thereto.

**Summary:** 2<sup>nd</sup> call was at 10:01. No one appeared for Casablanca. Mr. Bubenik received complains through See, Click Fix stating that Casablanca Services operated leaf blowers at the American Academy of Arts and Sciences on the dates and times specified above. The facilities director confirmed that Casablanca services their property. Mr. Bubenik spoke to Mr. Ibrahim who admitted that his crews were there on those dates. Casablanca did not renew their permit to operate for 2020.

**Decision:** Board found violations and issued a \$300 fine for operating without a permit and a \$300.00 fine for using leaf blowers on 3 occasions for a total of \$900.00. Total fine of \$1,200.00.

**Administrative Matters**

*All the below listed matters are considered and voted upon by the Board without public testimony. Unless otherwise indicated, all the matters are decided upon by the individual review of the papers/applications before the Board members and each member votes upon the matter. The summary of what is considered by the Board, unless otherwise indicated, is the identifying information of the matter as listed on the agenda. [Time Stamp: 42:35]*

10) Application #92110 Andrew Guinane on behalf of Gaston Electrical has applied for a Special Noise Variance on Saturday, September 26, 2020 (No feasible alternate date per the applicant) from 6:00 a.m. to 3:00 p.m. to perform switchboard shutdown and maintenance requiring a generator. The variance is to minimize operational impacts on the building.

**Decision:** Granted.

11) Ratifications of approvals of Temporary Extensions of Licensed Premises to Outdoor Area Due to COVID-19, pursuant to Boards' vote of June 8, 2020: See attached list.

**Decision:** Ratified with modifications as specified on the list.

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NMF 

Date Minutes Approved: OCT 28 2020

BGB 

Date Minutes Posted: OCT 28 2020

GEM 