CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT C. HAAS

ASSISTANT FIRE CHIEF GERARD MAHONEY

STAFF: ELLEN WATSON

AT: Michael J. Lombardi Building
Basement Conference Room
831 Massachusetts Avenue
Cambridge, Massachusetts 02139

DATE: February 11, 2014

TIME: 6:00 p.m.

CAPTURING THE OFFICIAL RECORD
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ELLEN WATSON: This is the License

Commission general hearing Tuesday, February 12,

2014.

Before you are the commissioners, Chair
Andrea Jackson, Fire Chief Gerald Reardon and
Police Commissioner Robert Haas.

Please silence any electronic devices and the back door must remain open.

We are not going to call everything completely in order.

application. RUTU, Inc., doing business as

Tanjore, holder of an all alcoholic beverages

restaurant license for an application to pledge

the license has been withdrawn. So if you are

here for that, you are all set. We are not going

to hear that tonight.

And Horizon Bus Line, is anyone here from Horizon Bus Line?

No?

Okay.

- - -

DISCIPLINARY: CASA DO BENIFICA DA NOVA

INGLATERRA, INC.

ELLEN WATSON: So the first item we'll call, it is disciplinary.

Casa Do Benifica Da Nova Inglattera,

Inc., David Brandao, manager, holder of an all

alcoholic beverages club license at 178 Elm

Street due to numerous life/public safety issues,

alleged public nuisance issues and violation of

entertainment license by having a gambling devise

on premise. Life/public safety issues include:

Installation of gas appliances and vent without a

building or gas permit, expired inspection of

ventilation hood system, health code violations, crumbling stairs at front entrance and violation of fire code which resulted in club being shut down on January 24, 2004.

Fire code violations include but are not limited to: MGL ch. 148 sec 10.03 (2) and (13), Failure to keep means of ingress/egress clear; MGL ch.148 sec 10.03 (s)(a) - Improper storage of combustible or flammable material.

MGL ch 148 sec 10.03 (9) and (13) Failure to maintain fire doors or smoke barriers in proper working order; MGL ch 148 sec 1.06 (2) Failure to maintain a fire protection system.

Public nuisance includes alleged after hours activity, music played allowed, trash and patron noise.

Casa Do Benifica Da Nova Inglattera David
Brandao, manager, holder of an all alcoholic

beverages club license at 178 Elm Street due to allegedly being open for business on January 27, 2014 after being issued a Cease and Desist Order from The Cambridge Fire Department and Cambridge License Commission on January 24, 2004.

CHAIR ANDREA JACKSON: I would like to do the second one as well, so if you could read that into the record.

- - -

DISCIPLINARY: CASA DO BENIFICA DA NOVA INGLATERRA, INC.

ELLEN WATSON: The second disciplinary item is Casa Do Benifica Da Nova Inglattera,

David Brandao, manager, holder of an all alcoholic beverages club license at 178 Elm

Street due to allegedly being open for business on January 27, 2014 after being issued a Cease and Desist Order from The Cambridge Fire

Department And Cambridge License Commission on January 24, 2004.

CHAIR ANDREA JACKSON: Thank you. So we'll have you guys come up, please.

I think before hearing from the representatives of the club I would like to hear from Captain Cahill of the Fire Department. I would like to hear from you first, as well as you, Andrea, in terms of the violations.

ANDREA BOYER: Would you like me to introduce the case and facts?

 $\label{eq:chair_andream} \mbox{CHAIR ANDREA JACKSON: State your name} \\ \mbox{for the record and your position.}$

ANDREA BOYER: Andrea Boyer, Chief Licensing Investigator, City of Cambridge.

Should they at least sit or hover?

CHAIR ANDREA JACKSON: Hover or sit.

Wherever they can fit in.

Ms. Boyer?

and a meeting on October 11, 2013, residents stated that they were concerned about safety and noise nuisance issues. Specifically, new kitchen gas appliances have been allegedly added without proper permitting and cement stairs at the front entrance were crumbling.

In regards to noise nuisance, there is allegedly loud music permeating through the back door audible by bordering residents along with patrons congregating on the back patio talking loudly and smoking in an area which borders residential lots.

The safety concerns pertaining to the installation of gas appliances were referred to the Inspectional Services Department.

Inspector Brain McMahon went to the

location and noted the original stove and grill were still in place, but an additional grill and fryolator were added.

I had given pictures did you have the pictures on the board. They are labeled.

Picture 1A: Of the units shown, the middle cooking device is the pre-existing stove and grill. To the left of the pre-existing unit is the new grill and to the right is the new fryolator.

Picture 2A: The new grill, which was in the process of being used, with the ventilation hood not covering the grill.

Picture 3A: The new fryolator, which was in the process of being used, the ventilation hood not covering the fryolator.

Picture 4A: Additional shot of
ventilation hood not covering either of the new

appliances.

Picture 5A: November 2012 hood

Inspection sticker which, if given the allotted

180 days for next inspection, shows the hood is

approximately 8 months overdue for inspection.

Inspector McMahon also checked the front entrance steps.

Inspector McMahon informed me that no permits were on premise or on file for gas installation or building permits for additional vent duct system.

Due to no permits he asked plumbing inspector Frank Atchue to go the location.

Inspector Atchue relayed the following information to me: During the week of October 28, 2103 the gas was to be shut off because of work being done at Elm Street without permits.

When I came back from vacation I checked with

NSTAR and was told they were refused entry two times the week of 28-November 1, 2013. I explained to Mike Nicoloro, Deputy Commissioner of Inspectional Services, what was going on and to get me into 178 Elm Street to lock off the meters to the building.

Mike went to the building and I asked him to call me once he was in and I would contact NSTAR gas to meet us there.

Once we were all on premise, I asked

NSTAR gas to lock off the meter to the building

because there were no permits. I spoke with an

employee at 178 Elm and told him to hire a

plumber and have them come see me at the

inspectional Services Department.

On November 4, 2013 a plumber showed up for a permit to have the gas turned on for heat and hot water. I tripled fee him and I told the

plumber to retest all gas pipes and when done, call for re-inspection.

On the morning of November 14, 2013 the plumber came in for a gas permit for kitchen work. I told him to remove all gas piping to kitchen and redo.

December 18, 2013 the plumber called the office for inspection. I went and checked gas piping and gave final inspection.

There was no building card on for me to sign off on so I called Dave Byrne, Senior Building Inspector, and asked if there was a building permit at this address and he said no.

Without a card I could not sign off when left for vacation I told Dave Byrne that everything was ok on my end.

Mr. Atchue supplied me with documentation of the NSTAR shut-off attempts, the gas permits

and the triple fee document.

And this for the board to see.

An update from Inspectional Services inspector, Peter McLaughlin, dated January 2, 2014, states that the building application for 178 Elm Street was received but no permit has been issued due to missing information on the application.

Please note the building permit has now been issued dated January 13, 2014. All other work has been completed and approved including the front stairs fixed.

Pertaining to the noise nuisance complaints one of the residents stated that they call the police when the sound disturbs them.

I collected the CAD call complaints placed since the complaint was made and noted that on 5 of the complaints the time that the

police were called was after the establishment's allowable closing hour of 11:30 p.m. on

Thursdays, Fridays and Saturdays and 10:00 p.m.

on Sundays.

An inspection of the establishment with Deputy Commissioner, Michael Nicoloro, regarding safety issues took place on January 16, 2014 at approximately 1:15 p.m.

While on premises, I noted there were two electronic gaming devices in the bar area. One was placed on the bar and I took pictures to show that it had options to play poker and 21.

Another machine was on a table and in the process of being played by a gentleman. I noted that the game he was playing had 51 credits and the screen motion was comparable to a slot machine.

I asked to speak to the manager or

president of the Casa Do Beneficia establishment and was told by a gentleman that he was out of the country until the next day.

This gentleman stated that I could give him the information. I explained to the representative of the club that the gaming devices are not allowable due to them having the option of poker, 21 and slot machine style which is a game of chance not skill.

I told him the machines must be unplugged and removed. He unplugged the machines while I was on premise.

I also informed him that I would return and re-inspect to see that they have been removed. Gave the gentleman my card to give to the president of the Casa Do Beneficia so that he could call me when he returned from his trip.

When I returned to the office, I checked

the Casa Do Beneficia file to be sure that the annual "Affidavit of Compliance: Entertainment" document had been signed. This document states that the gaming devices are for entertainment only and not games of chance, including but not limited to, poker machines.

Detective Kevin Donari assisted me with the inspection on January 16,2014.

At approximately 7:20 p.m., Det. Donari and I entered the bar area and noted the machine that had been on the table had been removed, but that gaming device on the bar was plugged back in and playable.

The vice president, Fernando, was on premise and I asked him, why was one machine still operating and he explained that he had removed them both and while he was cleaning on the second floor someone must has put it back on

the bar.

As he was speaking, he unplugged the machine again.

Please note the vice president did take a further step to ensure the machine could not be used by disconnecting the plug completely from the machine.

I gave the vice-president my business card and told him to have the president call me when he returned the next day.

On Wednesday January 22, 2014, I was told by Deputy Commissioner, Michael Nicoloro, the Case Do Beneficia had been shut down due to health code violations.

When Inspector Fowler and I met to discuss the violations, I mentioned installation of the grill and deep fryer without permits.

Inspector Fowler informed me that she had

documented the installation violation on May 28, 2013 and had informed the establishment to cease and desist usage of the equipment until proper permits had been obtained.

Inspector Fowler informed me she had spoken with the president, Tony Pires, and she was going to meet with him to re-inspect Casa Do Beneficia on January 23, 2014.

I asked if she would let me know the time she was meeting the president so the Fire

Inspector, Tom Cahill, and I could meet at the premise to inspect.

Also on Wednesday, January 22, 2014, our office received an e-mail from Fire Inspector Tom Cahill inquiring about whether they are a licensed establishment, what the allowable occupancy is, to be able to determine whether or not the building requires a sprinkler system.

I emailed Fire Inspector Cahill the information he requested. Informed him that an inspection was taking place the morning and he asked if he could check the premise as well.

We met at the premise on Thursday, January 23, 2014 at 10:00 a.m.

The president, Tony Pires, had not arrived yet, but the bartender, Queila Oliveira and the vice president, Fernando were on premise to assist with the inspection.

As Inspector Fowler re-inspected the health code violations, Fire Inspector Cahill checked the premise and I waited to speak with the president about the gaming device violation.

At this time would you like Captain Cahill to mention the rest?

CHAIR ANDREA JACKSON: Yes.

State your name for the record, Captain.

FIRE CAPTAIN TOM CAHILL: Captain Tom Cahill, Cambridge Fire.

We were notified through Inspectional
Services that the system had been installed
without a permit. And at the same time we were
notified by Gorham Fire Appliance, who was the
installation contractor. They had called us
reluctantly to get an inspection. They told us
that the owners, or the president, did not want
an inspection. That they weren't required to
have an inspection because it was a private
club.

Gorham is regulated by the State Fire Marshal's Office. And risks the suspension of their license to operate within the State. So that's not a chance that they were willing to take. They did call us.

We informed them it needed to be

inspected. And I also inquired if it was tied
into a fire alarm system.

We went back and four a week and a half.

My understanding was that he was talking to the club and it was determined -- they had determined that they didn't feel they needed a fire alarm system.

I disagreed. As the authority having jurisdiction, we felt that because of the size of the club and the location of the kitchen, that they did require a fire alarm system.

As this was all being hashed out within our office. I was notified by Inspectional Services. I went down with Ms. Boyer that morning and was able to do an inspection of the entire premise and found numerous fire code violations.

I noticed that there was no fire

protection system. And according to Mass General Law 148, they were required. With an occupancy over 99, they are required to have a fire protection system. They didn't have one in place.

The fire doors on the second and third floor were not operable. I had to practically use most of my body weight to open the door against the panic guard. You couldn't push them as designed.

The second floor doors, when you open them, there were wires hanging. The door would only open at best a foot and a half. There were cables wires coming down restricting exit onto the fire escape. And that's if you were able to open that door.

From the third floor there was caution tape blocking your descent down the stairs.

I didn't go further down the stairs. I didn't know whether that was to keep people from coming up or it was a certified fire escape. And so I didn't go further than that.

There's a room on the second floor. It looks like the ceiling collapsed. It was full of debris. That's where I had cited the improper storage of combustible and flammable materials.

The second and third floor both put on shows, it appears, there's a stage. I was looking for flammable ratings for the draperies.

I noticed piles of candles recently used. Space heaters on the second floor.

And as a result of the installation of the hood, there were major penetrations going through from the basement to the first and from the first to the second floor. Big enough to slide a body in between.

Due to all these concerns, I cited the club for four of them, which I believe Ms. Boyer read. I can re-read them.

It was failure to keep means of ingress/egress and exits clear for \$100.

Improper storage of combustible and flammable materials for \$100.

Failure to maintain fire smoke barriers for \$100.

And failure to maintain a fire protection system for \$100.

This was issued in person, and at that time we determined that until all of these concerns were rectified the establishment would remain closed.

Later on that evening, after my meeting, with Mr Pires, which occurred at about 10:30 in the morning, I received an email at about 8:00

p.m. that night that the second floor was being
used. There were approximately 15 people on the
second floor.

I did not respond. Ms. Boyer was there. There was a police officer there.

I asked her to rely the message they need to come back in our office the following morning.

Mr. Pires came into the office he said there was no more than five people.

I had been told the night before there were up to 15 people.

And at that point, I issued the cease and desist until the Licensing Board had an opportunity to review what we had found.

They were also cited at that time an additional \$100 for failure to follow orders issued by the Fire Marshal or the head of the Fire Department to eliminate dangerous and

hazardous conditions.

I do have copies of a report that I had given Mr. Pires with the first citation as well as a copy of the second citation of the cease and desist for failure to follow orders.

ANDREA BOYER: If I may add, the cease and desist order from the Police and from License Commission to back up the Fire Department had been hand-delivered.

POLICE COMMISSIONER ROBERT HAAS: To the manager of record?

ANDREA BOYER: To Mr. Pires. He was actually in the office and we handed it to him.

CHAIR ANDREA JACKSON: He's not the manager of record?

ANDREA BOYER: No, he's not the manager of record.

CHAIR ANDREA JACKSON: At any time during

of this, have you seen the manager of record?

ANDREA BOYER: I had not.

POLICE COMMISSIONER ROBERT HAAS: Have you ever seen the manager of record on site when you were there?

FIRE CAPTAIN TOM CAHILL: No, sir.

POLICE COMMISSIONER ROBERT HAAS: Have you been able to directly communicate with the manager of record at this time?

ANDREA BOYER: I have not.

Mr. Pires has been the one that's been calling me.

CHAIR ANDREA JACKSON: In regards to the second disciplinary matter, you went back to the club and found they were still open?

ANDREA BOYER: Yes.

There were approximately 18 students dancing. I spoke with the dance teacher, Eanna,

and asked if she was aware that the building was not supposed to be open. She stated she was not aware. I told her that I would find the president of the club and speak with him about it.

I left the building and called to see if

Detective Kevin Donofrio and Detective Brian

Hussey who were on shift. Both Detectives have

been assisting me on this case and I wanted Det.

Donofrio and Det. Hussey to concur that the

building was in use and assist me in closing the

building in accordance with the cease and desist

order.

They were available so I asked them if they would meet me at the establishment.

While I was waiting for the Detectives, I noticed other individuals entering the establishment.

Since the dance club was already in session, I was under the impression that they may be going into the bar area. I waited for the Detectives to arrive. The Detectives and I entered the building at approximately 9:15 p.m.

Both Det. Donofrio and Det. Hussey checked the dance room area and noted the dance class. They then accompanied me to the bar area where we noted approximately 12 patrons in the room.

I asked the bartender if the president,

Mr. Tony Pires, was available. She stated he was

and went to the kitchen to get him. I asked Mr.

Pires why he was open. And he stated that he

spoke with the fire inspector and was under the

impression that it was ok to be open.

I asked him when he spoke with the fire inspector and he said this morning.

I stated that I had received an email from the Fire Inspector Tom Cahill in the afternoon stating the following need to be corrected and inspected before the establishment could reopen.

CHAIR ANDREA JACKSON: Captain Cahill, you didn't tell them that they could open during that time?

FIRE CAPTAIN TOM CAHILL: No, ma'am.

That was clear 10:30 that morning that they were closed.

ANDREA BOYER: That's the end of my report.

CHAIR ANDREA JACKSON: Thank you.

I would like hear from representatives of the club.

We don't have any further questions for you, Captain Cahill, or Ms. Boyer, but I don't

want you to leave. I'm sure we'll have
questions.

If you could please sit closer so the microphone can pick you up.

Good evening.

Please state your name for the record and how you are affiliated with the club.

ANTONIO PIRES: My name is Antonio

A-N-T-O-N-I-O. Last name P-I-R-E-S.

CHAIR ANDREA JACKSON: You are the

president of the club?

ANTONIO PIRES: Yes.

CHAIR ANDREA JACKSON: If you can state

your name for the record spelling your last name.

DAVID BRANDAO: David Brandao

B-R-A-N-D-A-O. Manager of record.

CHAIR ANDREA JACKSON: So let me start first with you.

How do you pronounce your last name?

DAVID BRANDAO: Bran-DOW. B-R-A-N-D-A-O.

CHAIR ANDREA JACKSON: Were you present at all during any of the times that either Ms.

Boyer or Captain Cahill were at the establishment?

DAVID BRANDAO: No, I was not.

CHAIR ANDREA JACKSON: And are you typically at the club when it is open?

DAVID BRANDAO: Yes.

CHAIR ANDREA JACKSON: But on the days that -- several of the days that they happened to be there, you were not present?

DAVID BRANDAO: No. Because I get out of there 5:00, 6:00 in the afternoon. They came when I was not there at this time. I'm aware they had been there. I was informed every time they been there.

CHAIR ANDREA JACKSON: Mr. Pires, I'll hear from you in regards to the violations that we heard.

Could you address them, please.

ANTONIO PIRES: Well, the violations --

CHAIR ANDREA JACKSON: All of them.

So safety violations.

Operating after hours.

ANTONIO PIRES: All the violations are -we are approved with everything. Everything is
signed off. We have everything with permits and
all the permits are signed off by the Health
Department. Building inspector. And the
Electrical and Plumbing Inspectors.

We changed the -- of the building from 199 to 99.

CHAIR ANDREA JACKSON: You what?

ANTONIO PIRES: We changed the --

CHAIR ANDREA JACKSON: You changed the occupancy of it?

ANTONIO PIRES: Yes.

CHAIR ANDREA JACKSON: Ms. Watson, did we receive anything?

ELLEN WATSON: We did not.

CHAIR ANDREA JACKSON: We have not received anything in our office.

ANTONIO PIRES: I think -- what they call it? Inspectional Services yesterday. And I showed to Captain Thomas Cahill yesterday when we get a site inspection.

And I like I say, all the issues are resolved. Inspected and signed off.

I was -- this took place with machines and stuff like that, I thought I was under the impression we have entertainment machine, video machine on the license.

That's what it was. But we have $\ensuremath{\mathsf{--}}$ I was at fault on that part.

CHAIR ANDREA JACKSON: I'm sorry, what?
You were --

ANTONIO PIRES: We have video entertainment games on our license, so I thought it was okay with that. But, you know, it is not.

CHAIR ANDREA JACKSON: Even though it is clear on the form that gaming is not permissible?

ANTONIO PIRES: It was just videos. Like all those of games. On that machine, it is also a poker game. That's something can be removed.

All the machines, they we remove anyway.

FIRE CHIEF GERALD REARDON: The point is, someone signs every year that you don't have them.

ANTONIO PIRES: We play poker, but they don't pay off it.

FIRE CHIEF GERALD REARDON: Someone signs that we don't do this every year, so that's not a truthful statement when they say you don't have them and you do.

DAVID BRANDAO: We have a license to have one video game in the club, so we are under the impression we can use it.

The license says we have one video game license, which you can see that is there. One video game.

FIRE CHIEF GERALD REARDON: It can't be gambling.

CHAIR ANDREA JACKSON: The license is clear that it says for entertainment purposes only and are not gambling devices. Not gambling devices, including, but not limited to, poker

machines and castle games when they are games of skill. Not games of chance and that no monetary pay-off, prize or other compensation is produced from these games or machines. And then it is signed under the pains and penalties of perjury.

But you can't say you didn't know.

POLICE COMMISSIONER ROBERT HAAS: And you are the one that signed this?

ANTONIO PIRES: I think I did sign that, yes, when I renew the license.

CHAIR ANDREA JACKSON: So that's great that everything is fixed.

But I want to get back to how we even got to this point.

ANTONIO PIRES: I think the reason we get to this point, we replaced all the stoves and stuff in the kitchen.

So what happened, we had fryolator,

that's true, and we in the process to put new hood system because it wasn't required last year for the building inspection.

And I was under the impression -- I'm a full licensed contractor. I was under the impression that the electrician and plumber pulled the permits.

And I was surprised they didn't pull the permits. I told them to pull the permits. And I thought they settled all this process.

And I hire a contractor to put a new hood at the time because the kitchen was closed at the same time.

So he came over here, and that was a person I talked to, to the Building Department, the type of permits we need to do the hood. So the company pulled that permit and they applied for another permit. I don't know which it was.

I asked them, Do we any need another permit?

They said, No. You guys can start the job. You can do it.

And my surprise is on the end when they asked me for a building permit. And so I come over here myself and I pull a building permit because everybody knows me. I pull permits in City of Cambridge for almost 30 years. You know, building permit was not a problem.

I was under the impression they pulled the permit when they first -- electrician, plumber did the job. And it was not pulled.

FIRE CHIEF GERALD REARDON: Well, if you are a contractor, you know what a permit looks like?

ANTONIO PIRES: Yeah, but I didn't see a permit from them because it was -- the plumber and electrical they didn't have permits on the

site. They use the building permit.

But I also told on the building -
Inspectional Services, You all set. You guys

don't need anymore permits. You need this and
that.

So once they say with building permit, I have to come here and talk to, you know, whoever was on the counter and apply for a permit, for building permit.

FIRE CHIEF GERALD REARDON: I mean, you guys are running the gamut here between structural, exits, health, entertainment.

ANTONIO PIRES: Like the doors and stuff like that, we don't use the third floor. We are not going to use them at all because I send a letter to the Inspectional Services saying we are going to close that floor 100 percent so can lower it to 99 percent.

FIRE CHIEF GERALD REARDON: How many

people are allowed on the first floor?

ANTONIO PIRES: First -- there's the basement, first, and second.

FIRE CHIEF GERALD REARDON: So the bar area?

ANTONIO PIRES: 50.

And 49 on second floor.

FIRE CHIEF GERALD REARDON: The second floor, you are going -- are you going to use the second floor as a bar as well as?

ANTONIO PIRES: No. Office and meeting room. It's like a room twice as big as this.

FIRE CHIEF GERALD REARDON: So you really don't need -- that's an occupancy. You don't need -- a liquor license wouldn't apply to the second floor.

ANTONIO PIRES: No.

FIRE CHIEF GERALD REARDON: You are

looking for 50 for the basement?

ANTONIO PIRES: Yes.

FIRE CHIEF GERALD REARDON: And did

Inspectional Services give you the square footage

calculation of how many people? There's a

standard.

ANTONIO PIRES: They did. They told me first floor is 50 people, I think.

And the second floor for the office and the meeting room is 49.

FIRE CHIEF GERALD REARDON: So this is just strictly for occupancy and then you have to deal with us as far as the license, liquor license, goes and that's a different thing. It says 58 for the bar area.

ANTONIO PIRES: Okay.

CHAIR ANDREA JACKSON: Is there anything

on the sprinkler system?

FIRE CHIEF GERALD REARDON: Yes. It is over 100.

Again, you have to understand, the way the law reads, they list it as a nightclub law as a result of the tragic fire that happened in Rhode Island.

You don't have to be a nightclub to fall under this.

So if you have reduced lighting, a bar, any kind of dance area, less than normal windows or exits in the place, it comes under that law.

I don't want you to think that it only applies to a nightclub itself.

Most of the establishments in Cambridge come under that category.

ANTONIO PIRES: But they -- also state on

the letter that I wrote within 3 months we are going to install new fire alarm systems on the two floors. Right now there's nothing there.

FIRE CHIEF GERALD REARDON: There's the nightclub law which requires sprinkler systems.

And then you certainly need a fire alarm system.

Any kind of occupancy, regardless whether it is a private club, or otherwise, still has to have a fire alarm system.

I guess I'm a little worried here. It seems like -- don't take offense to this, but it doesn't seem like a lot of people took this seriously because there's so much here.

It is not one or two items. You run the whole gamut.

ANTONIO PIRES: Like two months ago was like the big room was a mess and ceiling collapsed because the pipes froze on third floor.

We don't use them. We have like big space
heaters on the ceiling. Both pipes, the water
heater -- the hot and cold water, they broke, so
it was a mess from the third floor down right
down to the first. So the ceiling collapsed.

And the reason when the Health Department was there, I told them -- the reason for that was the insurance company come down and check everything. So we clean everything already because they said they are not going to pay anything. Might as well clean everything.

We put ceiling back and Captain Thomas take a look yesterday and probably saw. And we do everything possible to comply. We apologize for that.

We worked with everybody and the neighbors. This is something out of control for a little. I don't know why. We always work with

neighbors.

Like people complain about noise. They call me on my text message and I show the police department all the time. They complain about people going in the back of the house like 4:00 in the morning. I thought it was like probably homeless. We put a gate on the front to stop when the club is closed. I close the gate so nobody goes in.

FIRE CHIEF GERALD REARDON: Is there a rear exit that exits into that back?

ANTONIO PIRES: Yes.

FIRE CHIEF GERALD REARDON: And do you have a proper panic bar on it?

ANTONIO PIRES: Yes.

FIRE CHIEF GERALD REARDON: Do you have an alarm on it so that it goes off when someone opens it?

ANTONIO PIRES: No.

FIRE CHIEF GERALD REARDON: I'm going to require you to have a local alarm that goes off on that so that the bartender knows someone went out the back door.

Because you are not licensed to be having alcohol or even smoking out in the backyard.

ANTONIO PIRES: They don't go outside with the alcohol.

FIRE CHIEF GERALD REARDON: Well, somebody is going out back and making noise.

ANTONIO PIRES: Smoke.

FIRE CHIEF GERALD REARDON: They shouldn't go out that exit. Period.

You're not licensed to have outdoor entertainment or outdoor anything.

That's part of your problem.

ANTONIO PIRES: The problem is right

there because they go outside and smoke and talk.

FIRE CHIEF GERALD REARDON: The bartender is supposed to be paying attention in terms what he's doing. He or she can't always watch the door.

You put a local alarm on it, alarm goes off, and then if somebody opens the door, you know they went out there and someone can turn around and correct it.

CHAIR ANDREA JACKSON: How do you address the allegation of operating after the hours?

I know Ms. Boyer mentioned there were different calls to the police in terms of noise.

ANTONIO PIRES: Well, I don't know if that can be called after hours. They say it is 11:58.

What happens is, we close every time.

Whatever the time is. If it's 11:30, we close 11:30. We close then. If we have a live band, then they have to disassemble the band and that's probably what it comes.

When the call comes, there's no music. I don't know if it shows in the report. There's no live music in the report. The bar was closed.

We were in the process of leaving.

CHAIR ANDREA JACKSON: Ms. Watson, what are the current operating hours?

ELLEN WATSON: Sunday through Wednesday until 10:00.

Thursday through Saturday through 11:30.

POLICE COMMISSIONER ROBERT HAAS: So I'm looking through some of the CAD entries and you still had functions going on past the closing hours when you were permitting to be open.

I'm trying to figure how you can explain

that. You had people inside the club still. Did you have any function going on?

ANTONIO PIRES: No function. After hours, like I say, if you (sic) close at 11:30, we close the bar at 11:30. The band --

POLICE COMMISSIONER ROBERT HAAS: There's some evidence that people were outside smoking and stuff.

There's also some indications there was a family function going on past the closing hours.

ANTONIO PIRES: We don't rent the hall or anything up there. It is almost over year.

POLICE COMMISSIONER ROBERT HAAS: So if people were inside the club after the officers got there --

ANTONIO PIRES: Like I say, the band is being disassembled and they are leaving and they

leave before 12:00. But they have to disassemble the band to leave. But the bar is closed at that time. Every time the officers went there after 11:30, the bar was 100 percent closed and no alcohol being served.

FIRE CHIEF GERALD REARDON: If they have an 11:30 license, do they have to stop serving at 11:00?

ANDREA BOYER: Not a half-hour before.

At 11:30 they have to stop, and they have a half-hour after closing hour to police all the bottles and glasses. The music has to be off at 11:30.

CHAIR ANDREA JACKSON: Do you have any questions?

POLICE COMMISSIONER ROBERT HAAS: No.

CHAIR ANDREA JACKSON: Do you have any additional questions?

FIRE CHIEF GERALD REARDON: Yes.

Quickly.

Do you have a dumpster that belongs to the club?

ANTONIO PIRES: We have a company, it comes twice a week. We have a five big barrels.

I don't know how many gallons. 200 gallons.

FIRE CHIEF GERALD REARDON: Lids and all that?

ANTONIO PIRES: Everything.

They in the back. They against the back fence. They cover everything. That's where they are.

CHAIR ANDREA JACKSON: Are there any members of the public that would like to be heard on this matter, if you could signify raising your harm please.

Anyone else here who would like to be

heard on this matter?

If I could ask you gentlemen to sit to the side so I can have members of the public come up.

ANDREA BOYER: There was an email sent to me to be read on the record from a resident.

ELLEN WATSON: (Reading email): Here is a rundown of the issues we have experienced living in close proximity to Casa de Beneficia (178 Elm Street).

Constant noise, there are loud nightclub parties every Friday & Sunday evening at the club, the music lasts until about 1 a.m.

When we complained to the president of the club Tony, he promised no more parties but continued to have one the very next week.

We have gotten threats from Tony & and other people at the club, when we call the police

we are told Do not threaten us with the police, we will fight, and you will lose.

On top of the music, there is constant screaming, shouting, and fighting at all hours of the day. The shouting is loud enough that it wakes the infant that lives in our building and scares the other children (and adults, including myself) in the building. This happens at all hours of the day (1 a.m. 2 a.m., 3 a.m., 9 a.m., 11 a.m., 3 p.m., 8 p.m., 11 p.m., etc, etc.

The club also hosts a dance class during the week days at night, which is also very loud and disruptive. I have talked to the instructor Eanna, and she was very rude/non receptive to keeping the noise/music/shouting down.

I spoke to Tony about this around a year ago and he promised me he would cancel the classes, this has not happened.

To combat the noise from the shouting and music we have invested in fans and white noise machines, sound reducing curtains, insulating our windows, but they do not mask the sounds.

Trash is a major issue, during the warmer months there is a population explosion of rats and mice, we often see them in their yard running around and have multiple dead rats on our property/our side of the fence.

As for the trash, it is not common to see bags of trash laying out in their yard not in cans.

Sometimes drunk patrons throw up near the fence, not only does it smell, but it also leaks under.

Also, people have passed out in the back, we have even seen people sleeping/passed out on the fire escapes in back of the club.

(saying they would cancel the class and not following through, telling us there would be no Saturday parties and the very next week having a Saturday party) I don't feel as though they would be willing to change (at least not for long) and only placate people into allowing them to carry on as they are (as I said, we call the police multiple times in a night during the very loud weekend parties and never get any relief).

When we directly complain to Tony, he says parties will end by 11 p.m., but they continue to go on until 12:30-1 a.m. (again with the lies).

I do need to mention how much quality of life has improved since their temporary shutdown.

The residents with the young baby/toddler have remarked how much better their children are

sleeping, and the learning/academic performance of their older child has improved.

They also are not afraid of the scary people yelling outside (since there have been no fights or shouting the past few weeks with the shut down).

My own work performance has improved as well, since I work shift work, I understand the day time world in Cambridge is noisy, but I have not even needed my white noise machines and I feel more well rested as well. My husband, a student, is also able to work more at home since it is quiet (which is great for a younger married couple such as us!), he is able to focus better, along with other benefits that come from a peaceful environment.

CHAIR ANDREA JACKSON: Good evening.

Please state your name for the record spelling

your last name.

CHEYENNE MCCARTER: C-H-E-Y-E-N-N-E M-C-C-A-R-T-E-R.

HARRIS MCCARTER: Harris, H-A-R-I-S, McCarter.

CHEYENNE MCCARTER: We live together.

HARRIS MCCARTER: Are we just addressing the trash or all our concerns?

CHAIR ANDREA JACKSON: Go for it.

Address it all.

me that we have two daughters, that we have lived at 192 Elm Street for 20 years, and our daughters have had friends that come and sleep over who have stopped coming to sleep over at house because of the scary noises on the street in front of our house that their friends were not used to hearing the kinds of drunken disorderly

behavior that was going on.

And on one occasion a kid was so freaked out her mother had to come take her home in the evening.

Another thing is, I feel like there's no -- there's no judgment about how much liquor is served and to whom.

And like they were describing in the letter of seeing people passed out, it feels like they just keeping serving and serving liquor.

There's a wet shelter on Sidney Street and it seems like there are people, alcoholics, that manage to wind their way down to Elm Street.

At the Elm Street there's a Redemption

Center and they collect cans all the way down and they get money for them down at the Redemption

Center and go to the club.

And then they proceed to be served

alcohol until they are completely inebriated.

And here is a picture of two of them completely passed out in my driveway.

And they are so passed out, that the police -- I called the police. The police, you know, kicked them a little to get them to wake up. The police knew them by name and they had to like forcibly -- these guys were not easy to wake up. They were out cold.

CHAIR ANDREA JACKSON: I'm sorry, can you pass it around. I'm visually challenged with the glasses.

DAVID BRANDAO: That doesn't mean they have served in the club.

CHAIR ANDREA JACKSON: If you can address your questions to me.

HARRIS MCCARTER: Can I comment on this question whether they were served in the club?

I cannot speak whether these two
particular guys were served in the club. But it
is not uncommon for me to see very visibly
intoxicated people stumbling out of the alleyway
beside the club. And the only place they could
be coming from on that little sidewalk beside the
club is from the club bar.

CHEYENNE MCCARTER: The average establishment would not serve these guys after a certain point.

Which is absolutely clearly related to the club, and that is, when I went over there when there was a loud party and I asked them to be quiet.

And after I left, one of the people in the club followed me and saw which house I went to and I heard banging outside and I found him banging my fence and he cracked it.

CHAIR ANDREA JACKSON: This is someone you saw leaving the club?

HARRIS MCCARTER: He followed me out of the club.

with respect to the trash, there's absolutely, there are no appropriate lids on the trash. It is packed way too full for lids to prevent access to the trash. And I often see trash bags with telltale rips and tears in them that come from rodent teeth.

DPW so many times -- I don't know if the pictures are on this phone or not. But I have taken pictures of the trash because it is so utterly disgusting. On Wednesdays -- is Wednesday one of your days?

ANTONIO PIRES: No.

CHAIR ANDREA JACKSON: Please address

your question through me.

CHEYENNE MCCARTER: Thursday is the regular trash pick-up days.

In any case, on Wednesdays there's these big barrels in the club, trash spilling out in bags, and plastic bags of trash on the ground, and cardboard boxes. And it is just totally a rat party invitation and totally disrespectful to the neighborhood.

The other things is that I have teenage daughters who walk home from school and are scared when they have to walk by some of these guys.

They cross the street and they feel uncomfortable. Especially as they have become older and they are walking home alone and they are teenagers, they feel especially threatened.

And have talked about feeling like they are being

looked at in a sexual way that makes them especially uncomfortable.

And that neighborhood is zoned as a residential neighborhood. So I don't understand why. Within a block there's a school and the Cambridgeport School. And they are serving hard alcohol. And they really don't have any regard for even just the basic limits that were set that we heard about reported here. You know, they were told not to do something or shut down, or whatever, then you come back the next day and they are could go the same thing.

It is an obvious blatant disrespect for the rules and neighborhood and being a good neighbor. And we have lived with it for 20 years. I see no reason why they should have a liquor license and I think they are irresponsible. And I don't know what else --

what else can we say?

CHAIR ANDREA JACKSON: In regards to the photograph you showed us with people sleeping, did you see them come from the club? Or are you assuming they came from the club?

CHEYENNE MCCARTER: I'm assuming. But I have seen those guys around for years. I have seen them sleeping in the park at the end of the block. They are inebriated in my neighborhood continuously. That's like their spot.

CHAIR ANDREA JACKSON: I understand that.

I understand that's a problem for the

neighborhood. But I think it may be slightly

unfair to blame it on the club unless you have

seen them come from the club.

CHEYENNE MCCARTER: Carlos is a guy -- do you know Carlos?

CHAIR ANDREA JACKSON: Again, put your

questions do me.

CHEYENNE MCCARTER: There's a man named

Carlos who is a severe alcoholic. And I have

seen him come from the club and I know he's a

club regular. And he is drunk all the time when

I see him. And, fortunately, he's a friendly

drunk. It's still very disturbing. He's a very

ill man and he's definitely severely intoxicated

from the club and wanders around the street and

the neighborhood.

And my daughter is definitely scared of him. And in fact, there's that time that

Savannah thought one of them was starring at her in a weird way and got very scared and we had a police officer come to the house actually because she felt like somebody from the club who was drunk was starring at her in a way that really scared her. She was about 14-years-old and we

had a police officer come to the house because she felt so scared.

I felt like we needed to sort've help her feel more comfortable going out of the house.

CHAIR ANDREA JACKSON: Anything else you would like to add?

HARRIS MCCARTER: Just that although we don't know in the case of that photograph, I want to emphasize what I said earlier, I've had numerous occasions which I have seen inebriated people coming out of the club and hang go out in front of it.

It's common place in the warm weather.

CHEYENNE MCCARTER: If I find the trash pictures, I'll show you.

CHAIR ANDREA JACKSON: Thank you for coming in. I appreciate it.

CHEYENNE MCCARTER: Thank you.

CHAIR ANDREA JACKSON: Anyone else here from the public that would like to be heard on this matter?

Sir, please state your name for the record.

KEVIN KEEGAN: Kevin Keegan, K-E-E-G-A-N.

I live at 190 Elm Street behind the McCarters.

Again, we have also lived in Cambridge, we have owned this house for 20 years now. 20 years this year.

And not so long ago, like 2005 there was a parking lot, the club had a parking lot, which the club -- whoever opened the lot sold it off and condominiums were built and we have a little more of a buffer zone than some of the other neighbors, so we don't hear a lot coming from the club now because of the structure in the middle between us.

But we do see everything the McCarters are seeing about the trash.

They do have -- it looks like they attempted to have adequate trash receptacles but that's definitely not the case because of the mountain of trash on the street on the given pick-up day.

As far as the public intoxication, okay,

I do have -- it's gone on for a long time, okay,

and you they may say they don't have these

homeless folks that are down at the park, or

whatever, going into their place and that's not

true because I have seen this trio of folks that

hang out down the park and end up sleeping at the

park. I have seen them go down that same

alleyway that leads to the club entrance.

It was one of the December snowstorms, the second one, the next day later I was coming

down Elm Street with my son and we're stopped behind another car and a lady come out of the club, this had to be about 3:30. It was still light out.

It had to be 3:00 or 3:30 in the afternoon. And this lady comes out of the club and she was so intoxicated she was trying to get across the street and fell very hard in between two cars and she got up. She started making a phone call in the middle of the street and she ended up coming up to me and asking me what street she was on. She was completely -- I don't know how she was standing up.

And she actually -- I think she was calling 911 because she was asking for an ambulance to come to Elm Street.

I recognize some of the gentlemen here from the neighborhood and I gotta say, I'm sure

the club had good intentions in mind having a private club where gentlemen can come after work and have a few drinks and socialize. It has gone way past that.

And you know, I have never had a problem with any of these gentlemen here and they have always been cordial to the neighbors and stuff.

But some of their other patrons are

not -- there's numerous fights that break out

outside of the club. A lot of vulgarity being

thrown out waking the family up.

I have a 12, 13-year-old on numerous occasions they get woken up. We live in the middle of the block. Remember, we have a little bit of a buffer zone. But there's still those indications that we have issues.

And earlier on when these gentlemen bought the club, because it was owned by somebody

else when we first moved there, they did meet
with the neighborhood to kind've hear some of the
neighborhood concerns about loud music and stuff,
and that's where they agreed to close down
certain hours?

But that being the case, they haven't always followed that. And early on, we would call -- the neighbors would call the police.

And we had Ms. Boyer, who actually facilitated some of the conversations with the club regarding the issues. And that went pretty well.

But shortly thereafter, the club was playing loud music and the stuff would overflow into the street and the police would have to be called.

It got to a point where personally I felt it was, Oh, well, this is the way it is going to

be because we call the police but stuff still happens. I'm done calling anybody and whatnot.

And it is just after hearing all the stuff that's going on here, I just feel they don't care about that neighborhood.

They don't care what they are doing to the neighborhood as far as the patrons that they are welcoming into their club, this private club, that -- I understand the regulars being members of the club. But the ones going in there, they are just there for the cheap alcohol.

And it is very concerning to me to see the building become so dilapidated. They try to do some gardens and spruce it up a little bit.

There's a lot of work there. And I don't think there's a lot of respect from the club to the neighborhood.

Since the two weeks they have been closed

down, like that letter said, it has been completely peaceful on the street.

And one thing I noticed and my neighbors have noticed is that the parking has come back to normal.

Ever since they sold the lot they had on Elm Street, everybody has been parking on street, and whether people just leave their cars there overnight and walk home or whatever, there's hardly any parking on the street. I just thought it was because of all the restaurants around.

But this last two weeks it is refreshing to be able to go home after work or come home after picking my kids up from their sports activities and having five or six spots open on the street in your general area.

And a lot is attributed to the club being closed down. So that's another aspect of this as

well.

One thing I don't understand, and I know they have had their liquor license for a long time, I don't understand how being in such a residential neighborhood, and there's no commercial things around there for at least a block-and-a-half, to have a residential neighborhood have to deal a full liquor license on a regular basis is just mind boggling to me.

And I don't know if they are grandfathered in. I really would wish that would be revisited again because I think that having a full liquor license there is just asking for trouble.

And there are people that are shady-looking characterize. I'm not saying they are bad or anything. But they are shady-looking. And they are coming out of the club at all hours.

And as far as the ending time of the club, I beg to differ. The club does not shut down when they say they shut down.

So that's it.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: No.

CHAIR ANDREA JACKSON: Thank you.

Anyone else here would like to be heard on this matter?

Please come forward.

HOPE TOMPKINS: Good evening, my name is

Hope Tompkins, T-O-M-P-K-I-N-S. And I'll be very

quick. I'm at 198 Elm Street. I'm a little more

insulated from the club than the other people who

have spoken.

But I'm aware of the trash issues. Of loud vulgarity. And of occasional fights.

I also am very aware of the difficulties of parking in the neighborhood.

That's all.

I just really wanted to add my voice to the other complaints.

CHAIR ANDREA JACKSON: Thank you for coming in.

Anybody else?

Good evening. State your name the record.

JEFF DAVIS: Jeff Davis, D-A-V-I-S.

My wife and I are new homeowners and we have been in our house just over a year now.

We actually have the distinct pleasure of being right next door to the club. We are 184 Elm Street.

And in that time, and I have been to a few clubs in my life so I know what clubs are, you know, and the sounds are all about. And it is certainly a lively atmosphere, oftentimes during the week, and especially weekends.

And there have been numerous times, more than I can count at this point, where my wife has been woken up 1:00, 2:00, 2:30, sometimes midnight, in the middle of the night, with disturbances, whether it be arguments, fights, car screeching in the street. All kinds of vulgarities.

But I would say the most disturbing instance for me I had dear friends of mine visiting from overseas, they were staying with us in our basement, it is about 2:00 in the morning, and I was awoken to a sound of someone rattling my trash cans in the back.

To give you an idea, we have a parking lot that is parallel or right next to the club, and through our parking lot we keep our trash and recycling in the back of house. We have a detached townhouse in a condo unit.

And there was someone at my unit, at my house, on my trash can, unfortunately, right near where my guests were staying.

And, you know, I'm a city boy. I am very comfortable with -- I know the sounds and things you can tolerate. But certain things are not acceptable.

I have a wife at home expecting a child and I have friends over, and it is uncomforting to know the home, a place we look to call home, that anyone can feel unwelcome in my home or uncomfortable in my home.

I immediately got up and walked outside,

and I tried to catch the gentleman in the act but I saw him running back to the front of the club as they were leaving to join their friends and their merrymaking. This is 2:00 in the morning.

I didn't approach the gentleman. I didn't escalate the situation. But I was, let's just say, I was very frustrated and disturbed by what happened and it is a violation. I felt a violation of my privacy. A violation of our home.

We have other neighbors. The ladies in our condominium association. We also have a young family that moved in a little shortly before us who have a newborn. She's about six-months-old, and this incident happened right between -- it is no more than an eight-foot passageway between the two buildings. And then the child sits -- the bedroom is like right on

the other side of my trash cans.

really -- I don't have concern for myself. But I feel compelled to action. I don't know what else I can do. A few phone calls or conversations with neighbors, but if there's some kind of reasonable solution so we can have peace in the neighborhood, I would appreciate it.

I would echo the comments of the neighbors before me. It has been more peaceful and it feels like a residential neighborhood should feel.

That's all I have to say. Thank you.

CHAIR ANDREA JACKSON: Thank you.

Any questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

CHAIR ANDREA JACKSON: Thank you.

Any other comments?

One of the guys that was in my driveway and another time I found urinating in my driveway.

And he was so inebriated that when I told him to stop, he just didn't pay attention.

CHAIR ANDREA JACKSON: Thank you.

Anyone else here?

I thought I saw another hand raised in the back?

No?

So Mr. Pires, how do you address that?

How do you address your neighbors?

And it is troubling to me as the Chair of this Commission to hear the testimony that I have heard and it doesn't sound as though they have been very good neighbors.

ANTONIO PIRES: We tried to be good

neighbors to them, but I don't think we can blamed for homeless. They go in the trash in the neighbor's yard. Of the area, it's an area that anybody knows is homeless everywhere.

That's one the reasons we put a gate on the alley to prevent them going in the backyard at 4:00 in the morning on the summertime.

CHAIR ANDREA JACKSON: But let's talk about the noise coming from the club. The trash from the club. People leaving the club. Loud. Intoxicated. Fighting.

ANTONIO PIRES: We can't prevent that. We come to some solution to work both ways.

CHAIR ANDREA JACKSON: What type of solution do you have in mind?

ANTONIO PIRES: I, to be honest, I'm not there during the day because I work until 2:00 in Boston.

When they put the trash out, I didn't see it.

I'll make sure I will take care of that.

And if the barrels are not enough, I will

definitely get more. I will take care of that

problem with the trash and make sure all trash

goes inside the containers where it is supposed

to go.

The noise, if the public has problem, we stop the music. That's not a problem with that.

If that's what they are looking for, no loud music.

FIRE CHIEF GERALD REARDON: Who is allowed in the club?

ANTONIO PIRES: Members. And if you are a -- if a member takes a guest, then you are welcome.

FIRE CHIEF GERALD REARDON: A guest has

to be with a member?

ANTONIO PIRES: Yes.

CHAIR ANDREA JACKSON: How many guests can a member bring in?

ANTONIO PIRES: Supposed to be one or two. A member goes with his wife and a friend too.

FIRE CHIEF GERALD REARDON: Would you want to live next to this place?

ANTONIO PIRES: I don't think it is a bad place.

FIRE CHIEF GERALD REARDON: I'm not saying it is a bad place or bad people but --

ANTONIO PIRES: I don't know. There was the problem before the people moved there. If there's -- we can resolve both ways. I'm over here to resolve the problems and --

FIRE CHIEF GERALD REARDON: I guess the

problem I have a little bit here is that you have so many problems for such a long time. And you would think you would be able to get a handle on this.

I guess you have to convince us tonight if you think -- so far, this track record, all the violations, it is not one or two. It is not one or two items. There's a litany of items here.

You have to turn around and convince us that somehow all these promises you made in the past you can handle them.

ANTONIO PIRES: I definitely gonna handle it and I will stop the music.

CHAIR ANDREA JACKSON: When you say stop the music, what does that mean?

ANTONIO PIRES: Like I say, we have live music on the Sundays and Friday nights. We are

not gonna have that anymore. We'll stop that 100 percent. That avoids all the noise problem.

And I don't know how I'm gonna fix the homeless because it is something I cannot control in the streets. But if he goes inside the club, I will kick him out.

FIRE CHIEF GERALD REARDON: First of all, if someone is going in the club already impaired --

ANTONIO PIRES: We don't serve them, sir.

Like I said, sometimes you cannot measure, they
okay and then they go dizzy or whatever. But if
they are drunk, we don't serve them even if he's
a member.

FIRE CHIEF GERALD REARDON: Do your bartenders have training?

ANTONIO PIRES: We have bartenders there all the time.

FIRE CHIEF GERALD REARDON: Do all the bartenders have training? But sometimes does someone fill --

ANTONIO PIRES: We just have two bartenders.

CHAIR ANDREA JACKSON: And they have been to 21 Proof training?

ANTONIO PIRES: I think they did once, yes.

DAVID BRANDAO: Two years ago they did.

I was there for the past 30 years, I see people come and cross Elm Street all the time, homeless in my backyard. They sleeping and urinating. But don't mean they come from the club. They can come from anyplace. They buy from the liquor store in Cambridge and go all over the place. In the parking near the club, you go in the summertime, you see ten or 15

people sleeping there and the police in Cambridge knows that.

CHAIR ANDREA JACKSON: I understand that piece. But I think my concern -- I'm not blaming the homelessness on you or the club, and I'm not blaming intoxicated people sleeping in the park on the club.

But what I am concerned about is testimony that I'm hearing in terms of people coming out from the club and they are clearly intoxicated. That's my concern.

DAVID BRANDAO: I know you are right.

ANTONIO PIRES: That's something, I promise, I will take care.

CHAIR ANDREA JACKSON: I want to hear how you will take care of it.

ANTONIO PIRES: Like I said, first of all, I gonna make responsible if you are a

member, if you bring a guest, you are responsible for your guest.

CHAIR ANDREA JACKSON: That's something that should be happening already, not sitting here tonight.

ANTONIO PIRES: I will enforce that. If you notice any people that are over limit, not over limit, or on the limit, stop 100 percent.

No excuse from nobody. That's it.

DAVID BRANDAO: We put a gate to stop people going back. We do everything we can.

neighbors. Whatever I can do it, I will do it to stop the music and stop the noise. Like I said, the events upstairs was something I give to them for community to learn how to dance, South America dance, and they don't pay nothing to the club, but I stop that.

So second floor will be used for meetings and office space. And we are gonna use the bar, obviously, we have to survive. I definitely enforce people with extra glass of wine gonna stop drinking.

FIRE CHIEF GERALD REARDON: What time do you open during the day?

ANTONIO PIRES: 8:00.

FIRE CHIEF GERALD REARDON: 8:00 in the morning?

ANTONIO PIRES: Yes.

FIRE CHIEF GERALD REARDON: Is that necessary?

ANTONIO PIRES: Because 8:00 in the morning, like I said, they go there and have expresso because it is something Europeans like have to drink.

I don't think the noise problem is in the

morning. It's more at night from the music.

One of the problems is the back door is an old metal door. And if you people allow me to have music, I have to change that and do something about to prevent the sound going out. That's one of the problems.

FIRE CHIEF GERALD REARDON: You told me you are not going to do music.

ANTONIO PIRES: We are not going to. In case --

FIRE CHIEF GERALD REARDON: You have to control that back door.

In the warm weather and stuff when that door opens, the noise gets amplified all over the place, and the city noise gets quieter, even though your place didn't get louder, it is heard louder and farther because it travels farther.

So leaving back doors open, is just -

DAVID BRANDAO: There's not gonna be no music.

ANTONIO PIRES: That door is closed all the time. But I think it's not insulated enough.

FIRE CHIEF GERALD REARDON: People should be inside your establishment, and if there's no smoking there, there's no smoking there. That is it.

ANTONIO PIRES: We are going to stop them going outside in the backyard. We are going to stop the music, and I'll take care of the trash issue and the trash company and make sure there's trash barrels, enough to resolve the trash issue.

CHAIR ANDREA JACKSON: So you open at 8:00 and you have members in at 8:00. Who is there at 8:00 to let them in?

ANTONIO PIRES: Directors. Or the girl that works there in the morning.

CHAIR ANDREA JACKSON: I'm sorry, sir, you need to come to the table and give me you name for the record.

JOSE PERERRA: My name is Jose Pererra.

CHAIR ANDREA JACKSON: Please spell you name.

JOSE PERERRA: J-O-S-E P-E-R-E-R-A.

CHAIR ANDREA JACKSON: And your affiliation with the club?

JOSE PERERRA: I'm the president. The boss of the members.

The club is made with the members, and the members get somebody to represent the members. He represents the club. And I represent all the members in the club.

And the club is two purposes: To serve

the members, and the community. We elect the Brazilian people to use the thing for the dance classes without charging. We have a Jewish committee that go every weekend on Saturdays, breakfast. We let them use the property.

We know the club -- we got to survive, we gotta pay the mortgages and taxes and bills and everything. We have to make money. We don't charge for the Jewish community. Not even for the Brazilian dance classes.

All the members, they have use to the classes, all the parties we do, we don't charge to the members. They free to use.

One thing we sell, if they are going to get a party, they gonna drink wine and beers, you got to buy it through us. We have to pay our taxes and everything.

And we are here to help the community.

Not to stop them. We have been there since 1993, 1994, 1995. I have been there since then.

If any neighbors need for any time to use the club or get any problems, they are free to talk to Tony. As the president, we are here to help. Not to be disturbing people. We are club in the community. It is to help. If anybody needs any help, that's what we are there for.

If any time they say you gotta shut down or stop the music, we there to help. It is not to cause any problems.

When they come inspection everything, we tried to do everything to make a safety place.

That's we tried to do.

And I hear people complain they move through the neighborhood, we are like in the middle of the neighborhood. That club was there before we buy from the (inaudible), for over 50

years.

We understand if we get -- the Brazilians got the dancing class, after dancing class, they go in the basement, they like to dance, they put the music a little loud, and Friday and Sundays they have the free club to practice their dancing classes. We don't charge anything. We not doing. Of course we take advantage of it. We sell them the food and the drinks. It is the way you support the club. We pay the mortgage. We pay the taxes and everything, but we give free to them.

If we can do for the other community or for the neighbors, if any reason they would like to use the club, that's what we are there for.

Like the same thing we do for the Jewish community, they go there every Saturday and they have a room where their own lock, they keep all

the books and everything to do the service. What more can we do to keep the club open?

If the city or the inspectors ask for anything we have to do, we will do it. If they ask us to shut down the noise, we will shut down. Because the City of Cambridge and the United States, you can't smoke in public place. If people there smokes, we cannot tell, You can't smoke no more. You have to go outside and smoke. Sometimes they go in the back using the back door they start talking loudly, and say, You cannot smoke here in the back or smoke in the street. The people in the front of the building is gonna complain because the people smoke and talk in the front. What else can we do?

If you guys have any idea, we here to do.

We are not here to create any problem. We are

here to do the best we can for our neighbors, for

our community. Not Portuguese only because it is a Portuguese club. We have the Brazilians, The Jews. Everybody. Tell us what to do and we're here to do it.

That's all I have to say.

POLICE COMMISSIONER ROBERT HAAS: In response to your comment, you are responsible for the conduct of your patrons coming and going to the club.

So if they conduct themselves in a way that is loud and obnoxious and using profanities, you are generating a responsibility for that noise, and you have responsibility to control the conduct of your patrons as they come and go from the club, particularly given the fact your club is located in the middle of a residential neighborhood.

But it sounds to me that you are saying

that you don't have a responsibility.

JOSE PERERRA: Yes, we do.

We try to tell the patrons keep it down.

Sometimes I did myself, go in the backyard and the people sit there, I say, If you don't shut up, I kick you out of there. And I turn my back and they start talking loud again. I go back again.

Sir, you live with people, we all know, we live with people, you tell them one minute, and you turn your back, they do the same thing again.

The case of the homeless, we no serve any drinks. I be there everyday 8:00 in the morning.

POLICE COMMISSIONER ROBERT HAAS: How do you become a member of the club?

JOSE PERERRA: I'm one of the founders.

I come in the club in 19 --

POLICE COMMISSIONER ROBERT HAAS: No-no. What is the criteria to become a member of the club?

JOSE PERERRA: I'm Portuguese. I'm the friend of a club in Portugal and we decided to open a House of Benifica. First we opened in Broadway in Cambridge. I forget the number. And after Broadway in Cambridge, we -- there's a club still on that property, and we buy the property and move it in there because one thing we do is not the single club. It is a big club in Portugal. Any time -- one penny we make we belongs to Benifica Portugal. We all members.

POLICE COMMISSIONER ROBERT HAAS: So, in other words, one of the criteria is you have to be of Portuguese-descent to be a member?

DAVID BRANDAO: You don't have be

Portuguese to be a member.

JOSE PERERRA: Everybody can be a member.

POLICE COMMISSIONER ROBERT HAAS: My question is: How do you become a member of the club?

ANTONIO PIRES: You have to fill out the application.

JOSE PERERRA: Sir, can I explain that to you? If you give me permission. If you know anybody in the club, you say, I like to be a member of that club. Like, you talk to me, you say, I like to be a member of that club. We talk about, I take you in and it only costs \$30 a year to be a member of the club.

But to be in the board of directors of the club you have to be a member of Benifica in Portugal.

CHAIR ANDREA JACKSON: Mr. Pires, going

back to you, and I would like you to answer the question: How does one become a member of the club? You said it is to fill out an application?

CHAIR ANDREA JACKSON: What is asked on the application?

ANTONIO PIRES: Yes.

ANTONIO PIRES: It has to be approved by somebody already a member.

FIRE CHIEF GERALD REARDON: Sponsor them.

ANTONIO PIRES: Proposed by another member.

CHAIR ANDREA JACKSON: How many members do you have?

DAVID BRANDAO: 300.

ANTONIO PIRES: They don't pay all of them. Like 120 pay the dues.

JOSE PERERRA: People don't pay, they can't --

POLICE COMMISSIONER ROBERT HAAS: They are no longer members once they don't pay the dues.

JOSE PERERRA: After three years.

ANTONIO PIRES: You have to wait three years.

POLICE COMMISSIONER ROBERT HAAS: So right now there's 300 on the rolls and only 120 pay the dues?

ANTONIO PIRES: Yes. After three years they don't pay, they are gone.

JOSE PERERRA: They tell them to pay. If you don't pay, we gonna take you out of there.

POLICE COMMISSIONER ROBERT HAAS: So during the course of the last year, you had 34 police responses to the club. And I'm giving you the benefit of the doubt because I can't tell if they are in the hours you are permitted to stay

open until 10:00 or 11:30.

Because there are clearly nine instances that are well past closing time. Some of them going to 5 minutes after midnight. Midnight. 1:14 in the morning. These are all music complaints.

So, theoretically, there should be no music playing after 11:30.

ANTONIO PIRES: But events stop at 11:30.

POLICE COMMISSIONER ROBERT HAAS: Then why are we getting music complaints at quarter to 1, 2:00 in the morning?

ANTONIO PIRES: 2:00 in the morning is kind've --

POLICE COMMISSIONER ROBERT HAAS: Why are we getting music complaints?

ANTONIO PIRES: Well, like we have several, I'm pretty sure, several reports there too, one day, 8:00 afternoon (sic), people that call, you know, the loud music.

POLICE COMMISSIONER ROBERT HAAS: The other complaints are before your closing time so I'm not disputing that.

I'm saying to you there's nine instances here clearly past your closing time where there's music playing that officers verified there's music playing and the people there are very cooperative and said they will shut the music off. It is way too late having the music playing at that point in time and the police shouldn't have to come to have you shut the music off.

ANTONIO PIRES: I don't recall any day 1:00 or 2:00, that I know, no. I wasn't there personally at that time.

POLICE COMMISSIONER ROBERT HAAS: I'm telling you nine times here.

ANTONIO PIRES: I know. Like I said, I was not there those dates. And the days I was there, the music stopped 11:30 and the neighbors texted me and maybe -- but they stopped around that time and everybody leaves.

FIRE CHIEF GERALD REARDON: What the Commissioner is saying to you is these are documented cases where police officers went and we have reports on them. Obviously, it is happening more than you know.

ANTONIO PIRES: Like I said, we are gonna stop the music so all those noise complaints will go away 100 percent.

POLICE COMMISSIONER ROBERT HAAS: We are 20 years into this and we're still getting these complaints.

ANTONIO PIRES: I'll be honest, lately we have more music than before. I think that's the

problem with this. And I can blame myself on this. But I think it was a wrong step. I definitely -- there will not be any live music in the basement again.

FIRE CHIEF GERALD REARDON: It is admirable you are trying to help the community but at the same time, if it is going to undermine the ability of a club to function, then you have to rethink this.

JOSE PERERRA: We have Brazilians have a dancing class in the small hall in the first floor, the people have classes until 11:00. And after 11:00, the class finish, they come out and -- they keep enjoying because it is early Friday, Saturdays, and Sundays. That's the music we can hear because we say, Don't go. Same thing we have the Jewish community, they have service and in the morning they start 8:00 in the morning

every Saturday with a bunch of kids, they use the all the promise, and the kids come in the streets, it is 8:00 in the morning. It is earlier in the morning, but they bring the kids, the people all can make noise, but we do a service. We not even charge them.

CHEYENNE MCCARTER: It is not 8:00 a.m.

JOSE PERERRA: The Jewish comes every Saturday 8:00 in the morning. There's a lot of people. They use the first floor.

POLICE COMMISSIONER ROBERT HAAS: The complaint is after-hours noise.

JOSE PERERRA: After-hours noise, it's only the dancing classes. The dance class supposed to stop 11:00. And we have go in the basement because we have after the classes with

POLICE COMMISSIONER ROBERT HAAS:

Regardless what the activity is, you are responsible for closing the club at a certain hour and stop the music at a certain hour and you are not doing that.

ANTONIO PIRES: We are going to do. I promise that.

We are going to close the classes. We are going to.

POLICE COMMISSIONER ROBERT HAAS: You are not managing the club if it is this difficult and you say you can't control it.

ANTONIO PIRES: We are going to control it. We are going to control it and stop those live bands once and for all.

The classes, the dance class, if that be problem, you know, they use regular CD player. But if that's the case, we'll stop it. It is not a problem to stop.

CHAIR ANDREA JACKSON: How long have you been president of the club?

ANTONIO PIRES: Six years.

CHAIR ANDREA JACKSON: During that six years have you had any other prior discipline?

ANTONIO PIRES: I never.

CHAIR ANDREA JACKSON: Has the club had any other prior discipline?

ANTONIO PIRES: I don't remember that, to be honest.

ELLEN WATSON: 2001. 2005. And 2006.

POLICE COMMISSIONER ROBERT HAAS: Tell us what were those violations by --

ELLEN WATSON: I'm sorry?

Can you tell us what the actions were on the Commission for that violations?

ELLEN WATSON: Disciplinary matter placed on file in 2001 for loud music. Loud patrons in

the parking lot and no staff member taking action to improve situation.

A three-day license suspension held in abeyance for six months for noise complaints in 2005.

Roll back of hours as a result of an agreement with the License Commission due to a disciplinary matter in 2005, a fight outside of the club and the manager being intoxicated indicated when the police arrived.

A three-day license suspension in 2006 for failure to have the manager and staff attend 21 Proof training. And fire code violations that had not been resolved.

POLICE COMMISSIONER ROBERT HAAS: That three-day suspension was served?

ELLEN WATSON: I believe so, yes.

ANTONIO PIRES: It was.

CHAIR ANDREA JACKSON: Come to the front please.

Again, state your name for the record.

KEVIN KEEGAN: Kevin Keegan, K-E-E-G-A-N.

You know, I knew what's been going on in the club. But after hearing the laundry list of issues this time around, and you know, what the club perceives as being community friendly, listen to that laundry list of complaints and allowing people to go in there and do their dancing free of charge, which is fine and dandy, but afterwards, you mentioned they go downstairs. Are any of them members? Are they members? Or, are they people that you let use the club but you are benefiting from allowing them to come down stairs to eat and drink because that's what they like to do?

CHAIR ANDREA JACKSON: Are they members?

ANTONIO PIRES: Yes.

CHAIR ANDREA JACKSON: So the people coming in for the dance class that you say come in free of charge, they are members?

ANTONIO PIRES: They are members.

KEVIN KEEGAN: That laundry list of stuff, it bothers me.

There's a Jewish community to teach children in there. By that laundry list, it sounds like the building is completely deplorable.

And I find it concerning there's actually kids in there with a laundry list like that. That, I find that totally unacceptable. I just -- that frustrates the hell out of me.

CHAIR ANDREA JACKSON: Sir, please direct your questions to the Chair.

JOSE PERERRA: You --

CHEYENNE MCCARTER: Can I say something?

CHAIR ANDREA JACKSON: Not at this time. Thank you.

KEVIN KEEGAN: There are other things that I didn't bring up the first time around that I got wrapped up in what I was hearing here. But the urination, and the thing, yes, we live in the city, it happens all over the place, but I know I for a fact after coming down Elm Street one evening, I came down Elm Street, could not find parking spots, had to park on Lincoln Street, a block-and-a-half from the street where I live. I had to carry one of my kids back to the yard. As I was going down Elm Street, I see patrons leaving the club.

The male patron leaving the club, as we were coming back around to come down to my walkway, he was urinating in the yard, and if I

wasn't holding my kid, I probably would have the police called on me because I was furious and he apologized up and down and this and that. But it is totally unacceptable this can happen from your patrons at your establishment.

So that's all I've to say. Thank you.

CHAIR ANDREA JACKSON: Thank you.

Captain Cahill and Ms. Boyer, do you have anything to add?

ANDREA BOYER: Not at this time.

FIRE CAPTAIN TOM CAHILL: I would like to make sure that of the fire code violations that I mentioned that we get certification on the fire escapes.

I would like -- the City Inspectional

Services or the Fire Department does not certify

fire escapes. That's a private company that

would need to come and certify that.

I would like certification of the panic hardware.

That, again, it is something we can verify is in place but whether or not it meets the required resistance to opening and closing as it's supposed to.

The fire alarm system, they had mentioned that they were willing to install that fire alarm system, I don't believe that's an option from our office.

We, again, as being the authority having jurisdiction, had required them to install a fire alarm system that they had presented they were willing to do that over the course of the next three months. That's not an option from our office.

And I would also in addition to this like a knox box installed, which is a device to get us

in the building in the event of an emergency.

Those are the four things that the Fire Department would like to see.

POLICE COMMISSIONER ROBERT HAAS: What is a knox box?

FIRE CAPTAIN TOM CAHILL: What is a knox box? It is a box that is mounted on the exterior of the building in the event of an emergency so we can get in the building.

POLICE COMMISSIONER ROBERT HAAS: It is a lock box?

FIRE CAPTAIN TOM CAHILL: It is called knox, K-N-O-X. But it is a lock box.

And with this gate -- it that had been mentioned in an email. But the gate that they installed to keep people out is key-only so you need a key to get out.

CHAIR ANDREA JACKSON: If there was a

fire in the back, how do you get out?

FIRE CAPTAIN TOM CAHILL: You need

someone to let you out of that gate.

POLICE COMMISSIONER ROBERT HAAS: And the

third recommendation was?

FIRE CAPTAIN TOM CAHILL: The fire alarm system is a requirement.

Not a recommendation.

FIRE CHIEF GERALD REARDON: Especially where it is a basement location.

FIRE CAPTAIN TOM CAHILL: Exactly.

So certification of the fire escape.

Certification of the panic hardware.

Fire alarm system tied into the new Ansul system is a requirement.

And I would like to see a knox box.

CHAIR ANDREA JACKSON: Thank you.

JEFF DAVIS: I have a question.

CHAIR ANDREA JACKSON: For one minute.

JEFF DAVIS: I will be less than a minute.

JEFF DAVIS: Jeff D-A-V-I-S.

I want to clarify that in all my
eyewitness accounts of patrons outside of the
club after hours, altercations, things like that,
in fact, in one instance there was a bag vomit
left on my tree not 15, 20 feet from the club.

These have all been well-to-do middle-aged, between 16-to-30-something young adults. They are not homeless people.

I have a garden I have been trying to keep up front on the street side. And you know, I see some of the homeless folks, I see them regularly. It is not the home folks I'm seeing after hours. I want to be clear.

The gentleman urinating on the back of my

house at two in the morning was very much in his twenties. And similar to my neighbor Kevin, I refrained because for fear of me being taken away by the police.

And not only the events but these are -the dancing absolutely happens. And in the
summertime they open the window, so at 11:00 at
night you can imagine what that sounds like.

So there's that.

I have a wife that's a licensed architect who can visible tell from the outside that the building is not safe.

And lastly, there are a myriad of events that are happening from -- and I have participated in a Mexican Quinceanera and I know there are various family functions that can happen in the Latino communities.

And I've noticed visible signs of these

types of parties happening. I don't know if there's booze involved but there are lots of people and there's lots of cars backing up, and again, the noise after hours, this is on Sunday, Saturday, Thursday. You name it.

That is all I have to say. Thank you for your time.

CHAIR ANDREA JACKSON: Thank you.

FIRE CHIEF GERALD REARDON: Do you allow anyone to bring alcohol into the establishment?

ANTONIO PIRES: No.

FIRE CHIEF GERALD REARDON: That's pretty well policed?

ANTONIO PIRES: Never was allowed.

CHAIR ANDREA JACKSON: The third item we need to address is whether or not we find them in violation.

I make a motion that we find them in

violation.

I could be here for another 40 minutes listing everything. But specifically of operating after hours, gaming devices, health code violations, fire code violations.

FIRE CHIEF GERALD REARDON: ISD.

CHAIR ANDREA JACKSON: Inspectional Services violations.

I move that we find them in violation of everything I just stated.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIR ANDREA JACKSON: All in favor signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: It is approved.

We now need to talk about discipline.

And I need you to understand that tonight

we could revoke your liquor license.

I'm not necessarily convinced that it is being managed at all.

I'm troubled by the testimony that I have heard this evening and you should be as well.

Clearly, based on the testimony I heard this evening, you are not being good neighbors.

And it may not be necessarily your intent to do harm to your neighbors. But that's being the end result.

And I'm very concerned about it. We're talking, there are families and children. People who are having to see people urinating in your yard. I'm sure if it was your house, you wouldn't want to see it or hear it either.

I need you to convince me right now as to why we should not revoke your license.

ANTONIO PIRES: Well, like I said, we

will do everything to work with the neighbors.

CHAIR ANDREA JACKSON: What is everything?

ANTONIO PIRES: We are going to stop the music 100 percent. That's one problem we are going to resolve the noise problem.

We are going to -- I'll make sure I send the bartenders to certification and we'll stop serving anybody who shows any influence of alcohol. And we are gonna close in time.

There's no five minutes more allowed more or less. It will be -- 11:30 will be 11:30.

FIRE CHIEF GERALD REARDON: I would suggest that you send something to the membership, a very stern letter, that this club is going to lose its license if we don't police ourselves and don't do the right thing.

They have to be responsible for the

guests they bring. They have to be responsible members themselves.

The people who are serving can't be friendly to so-and-so to have one more glass of whatever.

I have been doing this a long time. I understand the street population. They know me by name and I know them by name, which is sad. We are not blaming this all on you. There's clearly other issues here that are clearly your issues.

JOSE PERERRA: After this, we gonna have a meeting with the club with all the members and tell everything that happened here and what they have to do if we want to keep the club alive.

ANTONIO PIRES: He represents all the members. I'm going to set up a day and a meeting with everybody. All the members they have to

come. And we are explain the rules in relation to the club. Whoever who does not follow the rules is out of the club.

DAVID BRANDAO: One thing we can do is stop the music completely. No more music. We close on time, so I think we should be fine.

FIRE CHIEF GERALD REARDON: I can tell you, if you can't keep your time, you will be fined because if you come back here again --

ANTONIO PIRES: We do 100 percent to work with the neighbors. I can give my phone number to any one of them. Most of them they probably do have. But if there's any problem, call me and I work with everybody. If there's anything to bother them, let me know.

Like I said, I work in a hotel in the Boston from 5:00 in the morning to 2:00. I'm there all the time. I like to know what is going

on so I can act and react to all the problems.

POLICE COMMISSIONER ROBERT HAAS: So what assurances do we have that we're not going to find serious safety code violations like the inspectors found?

ANTONIO PIRES: The safety code violations were addressed.

you sure you are not going to -- you are not going to find yourselves back in the situation, and it shouldn't take an inspection to uncover the safety code violations, so you don't put your members and people at risk?

ANTONIO PIRES: I will check everything every week. I promise.

Right now we are going to close the floor, the third floor, because the -- it is unused by anybody. But I walk everything and I

will check everything.

Like I say, if there's anybody in the neighborhood that feels uncomfortable with anything, let me know, please, so I can take care of the problem right away.

CHAIR ANDREA JACKSON: Ms. Boyer, what date was the club closed?

ANDREA BOYER: January 23rd.

CHAIR ANDREA JACKSON: What day did you find they were still open?

ANDREA BOYER: On the 27th of January.

CHAIR ANDREA JACKSON: January 27 they were still open?

ANDREA BOYER: Yes. That would've been the 28th.

CHAIR ANDREA JACKSON: It has been since the 28th technically that they have been closed?

ANDREA BOYER: I would say that.

CHAIR ANDREA JACKSON: So today would make it effective two weeks they have been closed.

I'm going to make a long motion, follow me.

I move -- in terms of discipline I move that we issue a four-week suspension. Two weeks as time served.

One additional week to be served, and that fourth week to be held in abeyance for one year and with the restrictions of the four items as outlined by Captain Cahill, that there's no live music, that they have address the trash issue, that the manager and all of your bartenders attend 21 Proof training within the next two months, and that we will review this again in six months, or we'll have you back here again if there's another complaint in terms of

revoking your license.

Is there a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All in favor

signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Sir, are we clear?

You have one more week which you will serve your suspension. You have another week that we're going to hold in abeyance for a year. Which means that if you are back here again, we are going to have a problem. Are we clear?

ANTONIO PIRES: Yes.

CHAIR ANDREA JACKSON: Bartenders are to attend 21 Proof training as well as your manager.

You are going to address your trash.

No music.

ANTONIO PIRES: Yes.

POLICE COMMISSIONER ROBERT HAAS: And the four recommendations that Captain Cahill recommended.

Certification of the fire escape.

The knox box.

Panic device.

CHAIR ANDREA JACKSON: Knox box and fire alarm.

POLICE COMMISSIONER ROBERT HAAS: And the fire alarm system. We want it certified it is safe.

ANTONIO PIRES: It was certified already.

POLICE COMMISSIONER ROBERT HAAS: You need to provide that proof to Captain Cahill.

ANTONIO PIRES: We will do that.

POLICE COMMISSIONER ROBERT HAAS: No use of the back door at all. Right?

You put a panic device on that back door so people can't go in and out of that back door.

JOSE PERERRA: Can we use it like an emergency exit?

POLICE COMMISSIONER ROBERT HAAS: Only.

ANDREA BOYER: Specify also no smoking in the back.

CHAIR ANDREA JACKSON: And no smoking in the back.

I hope that we are very clear.

FIRE CAPTAIN TOM CAHILL: Through the Chairman we would like to put a time frame on the installation of a fire alarm system.

CHAIR ANDREA JACKSON: You know better than me. I could say next week.

ANTONIO PIRES: On the letter I submit we will do that because we have to get a contractor in the next two months.

CHAIR ANDREA JACKSON: 3-month time

frame, is that suitable?

FIRE CHIEF GERALD REARDON: 90 days.

ANDREA BOYER: Make sure they pull

permits.

CHAIR ANDREA JACKSON: Yes, Ms. Boyer.

POLICE COMMISSIONER ROBERT HAAS: You understand you come back here in six months all this has to be done, right, or you are going to be in violation again?

ANTONIO PIRES: Yes.

CHAIR ANDREA JACKSON: You are all set

here.

Thank you everybody for coming in.

ELLEN WATSON: Is Horizon Bus Line

Company here?

No.

DISCIPLINARY: LIZZY'S, LLC

ELLEN WATSON: The next item is disciplinary.

Lizzy's, LLC, Joshua Velazquez, manager, holder of an alcoholic beverages restaurant license at 635 Cambridge Street due to failing to complete the renewal process for your 2014 alcohol and common victualer licenses January 28, 2014. It is alleged that you were operating during this time being unlicensed.

CHAIR ANDREA JACKSON: Good evening.

Please state your name for the record and your association.

ELIZABETH CANNON: Elizabeth C-A-N-N-O-N. Half manager, half owner of Lizzy's, LLC.

JOSHUA VELAZQUEZ: Joshua

V-E-L-A-Z-Q-U-E-Z.

HAIR ANDREA JACKSON: So it is my

understanding that you failed to complete the renewal process for your 2014 alcohol common vic license, and, yet you were still open. Can you address that allegation, please?

ELIZABETH CANNON: Most definitely can.

We were not absolutely aware that we had not complied. I know that it is difficult for all the different departments of the Cambridge City Licensing to talk to each other and for everybody to know what is going on with everybody else but Josh can explain better because he was the one who is actually in charge of running most of these payments back and forth and pieces of paper back and forth.

But I will tell you, honestly, every step of the way, we would ask, You are all set?

Yes, you are.

We don't need to do anything with anybody

else?

No. You are all set.

So I know it is frustrating for your guys
to have us come here and take up your time, so
one of the things I was hoping maybe we could
facilitate being here for the different
departments of the licensing system here, to
maybe have a like --

CHAIR ANDREA JACKSON: When you say different departments of licensing, what are you referring to?

ELIZABETH CANNON: There's the liquor license -- I'll let him explain who he went to when. There's different actual people in the departments.

JOSHUA VELAZQUEZ: I made an error in December. I dropped off information to the License Commission, which should have gone to the

Building -- not Building. The Inspectional Services.

Come January 4, we got a call and visit from Officer Headly regarding our noncompliance.

So I talked to him and it was a Saturday.

And he said, We'll have to shut you down with a cease and desist for the 7th, I believe.

And I said, That's fine. I'll take care of what I need to.

When I got to the restaurant that Monday, there was a sign from the Inspectional Services for the cease and desist posted on the door.

Not the License Commission.

So I went down and dealt with what I needed to deal with with Inspectional Services.

And was under the assumption everything was taken care of.

I was wrong.

This was -- I'll take full responsibility, obviously, that I should have known the proper route. I was just under the assumption, without malicious intent, I wasn't trying to pull one over on anyone, and once I was informed that we needed to go back to Licensing,

CHAIR ANDREA JACKSON: But after January
4 when you got the cease and desist, were you
still open?

ELIZABETH CANNON: Not until he actually paid what he thought he was supposed to pay for the cease and desist. That's the problem.

He went and paid it.

I immediately went back.

Then, We're all set? We can reopen?

And I was there for that.

Yes. You are all set. You can reopen. It's good. You have done what you need to do.

Okay. Great.

And that's where our confusion comes in.

And this is actually, I think, the fourth time we had confusion when we say to either Chris in

Inspectional or somebody -- in Licensing, or somebody in Inspectional, So we're all set?

Everybody has what they need?

Everybody has what they need.

Okay. Great.

And then, unfortunately, we're incorrect.

There's somebody who needs some other fee paid or some other piece of paper submitted.

And it is not because we're trying to be sneaky and be open when we're not supposed to be.

FIRE CHIEF GERALD REARDON: It is like three incidents that --

ELIZABETH CANNON: Yes.

FIRE CHIEF GERALD REARDON: ISD, License

and Fire.

ELIZABETH CANNON: And actually sometimes DPW.

FIRE CHIEF GERALD REARDON: That's if you have an outside patio area.

ELIZABETH CANNON: Okay, which we did have an issue when we did have a patio. There was confusion between DPW and --

FIRE CHIEF GERALD REARDON: Because you have an all alcohol license, by law you have to turn around and revisit the certificate of occupancy. Under the State law, the Fire Department, ISD, we have to go through that.

ELIZABETH CANNON: So those two separate visits?

FIRE CHIEF GERALD REARDON: Before they can issue a license. You have to satisfy all the other requirements that the legislature puts

forth. That's kind've like it in a nut shell.

CHAIR ANDREA JACKSON: Is this the first time that you had this issue? My understanding is the same thing happened before in 2013, for the 2013 renewal, is that correct?

JOSHUA VELAZQUEZ: We submitted it late.

ELIZABETH CANNON: Slightly different

issue.

ELLEN WATSON: They paid it last year as well.

ELIZABETH CANNON: It was -- because of different reasons but most because we were unaware it was due.

CHAIR ANDREA JACKSON: What are your current operating hours?

JOSHUA VELAZQUEZ: They are 4:00 until 1:00 a.m. Tuesday through Saturday.

And then Sundays we do brunch from 11:00

to 6:00, and I know this is an issue as well. I was unaware if we cut our hours back we would have to get approval from the commission. I could understand if we were trying to get a later license. That would be logical to me. I just didn't even think about it.

Brunches weren't doing so well and we decided it be better to cut our losses.

CHAIR ANDREA JACKSON: Is this the first time Lizzy's is before the board for a violation?

Any other prior discipline?

ELLEN WATSON: I believe it is.

ELIZABETH CANNON: Two years ago.

ELLEN WATSON: I'm sorry.

POLICE COMMISSIONER ROBERT HAAS: What have you done for your own internal record keeping purposes to make sure you do the renewals in a timely fashion?

JOSHUA VELAZQUEZ: That's a matter of actually putting together a better database and having everything tied to our calendar.

POLICE COMMISSIONER ROBERT HAAS: Most renewals are done around the same time of year, though, right?

JOSHUA VELAZQUEZ: Right. And as I said, I assumed I was doing the right thing in December and I managed to screw up from there.

POLICE COMMISSIONER ROBERT HAAS: Okay.

ELLEN WATSON: Our office sends bills out in November.

aware of is he has been having massive issues.

He spent over two months in the last year and a half in the hospital, and I was here to deal the Inspectional Services and we had no written notice that we had gotten but that's entirely

possible that somebody in the staff didn't see it or it got thrown way when he was in the hospital. I'm trying to take care of my own business while he's in the hospital. I have one of our managers taking care and get all the mail to him. That doesn't mean necessarily every piece of mail got to him.

I'm not trying to make excuses. We are taking full responsibility for our errors.

The only thing I'm saying we have this continual hitch where we ask, Are we all set?

Does every department have what it needs? And we are often told that every department has what it needs when they don't.

POLICE COMMISSIONER ROBERT HAAS: We don't speak for other departments. They only speak for their own departments. There's no need for them to account for what DPW needs. When

they say they are all set, they are talking about from their perspective. From the perspective of the Licensing Commission, they are all set in terms of renewal of the alcohol license. You could have outstanding tax and they would never know about that.

have specifically asked Chris at certain times saying, So everybody has what they need? DPW has what they need? And Inspectional Services? And he'll be like, you know, everybody got what they needed.

POLICE COMMISSIONER ROBERT HAAS: He wouldn't know that.

CHAIR ANDREA JACKSON: He would not know that.

ELLEN WATSON: And he would not say that.

CHAIR ANDREA JACKSON: If he's saying you

are all set, you are all set as it relates to your license.

ELIZABETH CANNON: Okay. Here comes the confusion.

POLICE COMMISSIONER ROBERT HAAS:

Understand you have so many licenses here in the

City and for the License Commission and all the

other departments to maintain responsibility for

making sure that you are all set for your

licenses, it is unwieldily. There's no way to do

that.

It is up to the individual licensing holder to make sure they have taken care of the licenses. They send out bills. As you said, it may have gotten lost and things like that, but it's not like they say that it's up to you to figure out when you have to pay your license. They send you a bill for it and they are

expecting that you take care of that requirement.

So I want to be very clear that if you have that conversation again with ISD or DPW or License, and if they say they are all set, they are all set from their perspective, not another department's perspective.

FIRE CHIEF GERALD REARDON: And even on the Fire Department most of our inspections, a lot of them, are tied to State law and quarterlies and annuals that we have to report on.

So those are the three biggies. And Public Works also if you have outside patios.

Those are the ones that you have make sure you are all set with.

CHAIR ANDREA JACKSON: Ms. Watson, what was the issue in 2013?

ELLEN WATSON: They didn't have their workers' compensation.

ELIZABETH CANNON: That gets much more confusing. Because that was an issue wherein we were working as a license under Purgluses (phonetic) at that time still. And there was an issue where we thought we -- we paid ours, but then there had been an issue between Bob's coverage and our coverage and so that was that problem.

ELLEN WATSON: They didn't have the alcohol license yet.

CHAIR ANDREA JACKSON: And no prior discipline?

ELLEN WATSON: Correct.

CHAIR ANDREA JACKSON: I make a motion we find them in violation and just issue a warning and say --

POLICE COMMISSIONER ROBERT HAAS: Place the matter on file.

CHAIR ANDREA JACKSON: It is a separate motion.

FIRE CHIEF GERALD REARDON: After you guys hash it out, I'll second it.

CHAIR ANDREA JACKSON: I can withdraw my motion.

POLICE COMMISSIONER ROBERT HAAS: Whatever you want to do.

CHAIR ANDREA JACKSON: I'm looking more at a warning because I feel like nothing was addressed for the 2013. They received nothing. It wasn't brought before the Board for 2013.

And so I guess I'm looking more for a warning just to have something specifically on file that says you've got to get it together as it relates to paperwork.

POLICE COMMISSIONER ROBERT HAAS: I was thinking the same thing.

CHAIR ANDREA JACKSON: So I can finish?

POLICE COMMISSIONER ROBERT HAAS: Yes.

CHAIR ANDREA JACKSON: I make a motion that we find them in violation and we issue a warning. No further discipline. And just telling you, please get your paperwork in order.

ELIZABETH CANNON: Okay.

FIRE CHIEF GERALD REARDON: Seconded again.

CHAIR ANDREA JACKSON: All in favor signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

ELIZABETH CANNON: Thank you.

APPLICATION: YIHE GROUP HOLDINGS

ELLEN WATSON: Application Yihe Group
Holdings, LLC, has applied for a garage license
at 262 Monsignor O'Brien Highway for 56 parking
spaces and 560 gallons of gasoline in the tanks
of autos only.

CHAIR ANDREA JACKSON: Good evening.

ATTY SEAN HOPE: Good evening, Madam Chair and Members of the Commission.

For the record, Attorney Sean Hope. Hope Legal Law Offices.

I'm here on behalf of the Yihe Group

Cambridge Holdings, LLC. Also with the project

architect Jai Khalsa. The spelling is on the

card.

This is an application for a fuel storage license. This is the present Lechmere Car Wash on Monsignor O'Brien Highway abutting the Twin

City Plaza. This is an as-of-right project. It is a 100 percent residential project including 56 units, it is a 7-story structure with a 1-story of underground parking. And parking at grade.

The parking at grade and the underground parking are covered so they are both included as garage parking.

This was a for-design review at Community

Development. As an as-of-right project, we only

needed a certificate of compliance, so we

achieved that. We have applied for a building

permit and we are just seeking a garage license

for the premises.

I brought the architect here if there's any specific questions by either the Fire Chief or the Chair.

But this is -- there's no flammables

outside of the gasoline storage and no combustibles. This is not a lab building or any of the sort.

I will take any questions you have.

FIRE CHIEF GERALD REARDON: So 7 stories, what is the actual height?

JAI KHALSA (ARCHITECT): Under 70 feet.

FIRE CHIEF GERALD REARDON: I was going to take a wild guess at that. 68-and-a-half is the magic number that everyone likes to have.

You don't have any stand-by generators or anything else?

JAI KHALSA (ARCHITECT): There's a generator.

FIRE CHIEF GERALD REARDON: It is natural gas?

JAI KHALSA (ARCHITECT): Yes.

CHAIR ANDREA JACKSON: Any other

questions?

FIRE CHIEF GERALD REARDON: No.

This has already been reviewed. I make a motion to approve.

CHAIR ANDREA JACKSON: Second.

All in favor signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

ATTORNEY SEAN HOPE: Thank you.

APPLICATION: HOTEL MARLOWE

ELLEN WATSON: Cambridge Hotel, LLC, owner of Cambridge Lodging, LLC, d/b/a Hotel Marlowe, Richard Colangelo, manager, holder of an all alcoholic beverages hotel license at 25 Edwin Land Boulevard has applied to pledge said license. Applicant is also applying for a change of manager from Richard Colangelo to Joseph

Capalbo.

CHAIR ANDREA JACKSON: Good evening.

ATTORNEY ANDREW UPTON: Good evening Madam Chair and Commissioners. Andrew Upton representing the Kempton Hotel Group.

With me is Tom Consillio (phonetic), the director of engineering.

Our first request would be to continue the manager change hearing until March 4 because the manager found out, I believe, yesterday that he had a sudden death in the family and had to leave the State. We apologize for that.

But Tom works with him closely so if anyone has any questions or issues about that, he came along to validate that.

And the second thing we would like to do is to pledge the license as collateral for a loan from the Connecticut General Insurance Company.

It's in some ways it is a technicality it is a 20 million dollar loan and they are asking for collateral of a Cambridge liquor license, which I understand has value, but I don't believe has ever reached quiet that level.

So in this case --

FIRE CHIEF GERALD REARDON: For the record, this is a for value license that they hold?

ATTY ANDREW UPTON: Yes.

In this case what makes this one a little more complicated is, as opposed to a restaurant where the owner and the operator are the same person and typically pledge their license to a lender, in this case the owner is one entity, the management company, my client, the Kempton Hotel Group, is the holder the license, yet the loan would go to the owner because the owner owns the

building.

Typically the ABCC does not prefer to do it this way.

Our contention in this case is that the manager holds the license. The manager is the licensee. They hold the license in trust for the owner and under a management agreement with the owner, so should they leave the premise or have their management contract terminated for any reason, they would not retain the license.

They would have to give the license back to the owner.

So it is our argument that we hold the license in trust for the owner, therefore, the owner is entitled to take a pledge against that license.

And this is somewhat of an unsettled matter in terms of ABCC rules and regulations.

And what we would ask you to do here, if the board is comfortable, would be to approve this, and when it goes to the ABCC, they are likely to call for an informational hearing, so they may sort've establish a firm policy one way or another as to whether or not they are going to allow this. Because right now, it is sort've a gray area.

FIRE CHIEF GERALD REARDON: I guess it's a lot of trouble for a pledge of something that in no way comes anywhere close to the loan value.

ATTY ANDREW UPTON: And I had numerous conference calls with counsel for Connecticut General saying, You are lending us 20 million dollars. If we somehow default on this loan, you are going to be chasing after a lot of other stuff before the liquor license because it is

tiny a drop in the bucket. But somehow their protocol requires this.

FIRE CHIEF GERALD REARDON: So this liquor license that Kempton holds covers all the liquor establishments and the restaurants within the hotel, correct?

ATTY ANDREW UPTON: Yep. It is an innholder license.

FIRE CHIEF GERALD REARDON: So the restaurant and everybody else is running under this one license?

ATTY ANDREW UPTON: Yes. And room service. Yes.

FIRE CHIEF GERALD REARDON: Okay. I'm good.

CHAIR ANDREA JACKSON: You are good?

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

CHAIR ANDREA JACKSON: I always hate gray areas.

And I guess my thought process is that because it is -- if it is a gray area that -- and Ms. Watson, you may know better than I because you have been here longer, the ABCC would kick it back to us anyway.

ATTY ANDREW UPTON: We've advised both the management company and the lender that it is probably about 50/50 that the ABCC will let it go through.

But when I talked to the executive director of the ABCC, I suggested it and he said, We don't like but if you bring it up here, I'll put it before the full commission and we'll get it answered.

FIRE CHIEF GERALD REARDON: Is there any holding a lien on the operation of the hotel?

I guess I would understand it better if
the hotel and the property and then, obviously,
the company having the lien would want the liquor
license to acquire the property and continue to
run it as a revenue against their loan, but since
they're only get the liquor license and they
don't get control of the property, I guess it is
a little hard to decipher.

ATTY ANDREW UPTON: Right. And the liquor lines is so far down the chain.

FIRE CHIEF GERALD REARDON: Exactly.

But we have had other occasions where they wanted the liquor license in case the collateral, being the hotel and the operation, the debtor could take the whole operation and continue to run it against the debt because it had a license and liquor license and everything else as one entity.

But this is not the case so it's a little different, I guess.

ELLEN WATSON: Hotel liquor licenses in Cambridge are a little different because we don't value them the same we value restaurant licenses. If someone --

FIRE CHIEF GERALD REARDON: Yeah, but they are like an all encompassing license with the hotels.

It covers all the entities in the hotel versus each restaurant having their own.

ELLEN WATSON: We usually don't transfer them.

FIRE CHIEF GERALD REARDON: I don't have a problem. I just have trouble understanding sometimes.

ATTY ANDREW UPTON: This is not the clearest application ever, I will admit.

CHAIR ANDREA JACKSON: And based on that, I hate doing this, I would like to make a motion to continue it.

Director Lint is back in office tomorrow and I would like her to ask her to look into this and ask her to put it back on the agenda.

We have a decision hearing on --

ATTY ANDREW UPTON: The 27th at 10 a.m.

We would be glad to push it off until then, and if the executive director has questions or needs further information, I'm glad to talk to her to provide it.

CHAIR ANDREA JACKSON: I would like to make that motion.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIR ANDREA JACKSON: All in favor signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

Thank you.

CHAIR ANDREA JACKSON: Will you be ready to do the manager of record change at that time? Or do you still want March 4 for that well?

ATTY ANDREW UPTON: We prefer March 4th. We are going on the 27th for that but he's at a conference.

CHAIR ANDREA JACKSON: And I can always withdraw my motion and rescind it. Would you want us to hear both on the same date to make it easier for you? You don't have to necessarily come back for the decision hearing.

ATTY ANDREW UPTON: I would prefer to have this addressed as soon as possible because the covenant of loan have timelines on them. prefer to come back on the 27th.

CHAIR ANDREA JACKSON: That's fine.

Thank you.

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APPLICATION: THE AMES STREET DELI

ELLEN WATSON: Application Unspeakable,

LLC d/b/a the The Ames Street Deli, Joseph

Cammarata, manager, has applied for a new all

alcoholic beverages as a restaurant license at 73

The Ames Street.

The proposed hours of operation are 7:00 a.m. to 1:00 a.m. seven days per week with alcohol not to be sold before 8:00 a.m. Monday through Saturday and not before 10:00 a.m. on Sunday. The proposed seating capacity is 142.

CHAIR ANDREA JACKSON: Good evening.

Could you state your name for the record,

please.

TSEWEI LIM: My name is T-S-E-W-E-I. And last name is spelled L-I-M, for Michael.

DIANA KUDAJAROVA: My name is Diana.

D-I-A-N-A. And the last name is

K-U-D-A-J-A-R-O-V-A for Victor.

JOSEPH CAMMARATA: Joseph

C-A-M-M-A-R-A-T-A.

CHAIR ANDREA JACKSON: Thank you.

Tell us about your plans, please.

restaurant at 7 The Ames Street, which is the ground floor of the Broad Institute's new building. It is located on Ames Street between Main and Broadway. And we would like to open an operation that serves through meals a day from several different store fronts essentially.

It is one address, which we are dividing into two dining rooms.

One of which is a little more formal. It is a full sit-down restaurant. And one of is a

little more informal, which is a combination of a sandwich shop, a deli, and by night, when you are selling less deli food, a cocktail bar.

There will be a private dining room to be located on a mezzanine. The seating capacity of each of these pages is 41 for the private dining room. 40 for the more formal dining room. And about 60 for the bar.

CHAIR ANDREA JACKSON: How many for the bar?

TSEWEI LIM: 60.

For a total of 140.

FIRE CHIEF GERALD REARDON: This is all new space in that building?

TSEWEI LIM: That's right.

FIRE CHIEF GERALD REARDON: The private dining room, is that going to be somehow tied to use for that facility, Broad?

TSEWEI LIM: The private dining room -- all this is open to the public. We expect a certain amount -- we expect to be booking a certain amount but it is open.

CHAIR ANDREA JACKSON: Tell me about your experience with restaurant ownership.

TSEWEI LIM: Certainly.

Three years ago in September of 2010, my wife and I opened Journeyman located in Union Square in Somerville.

And we are chefs and owners. And we do pretty much everything from fixing the plumbing to bookkeeping. And we actually appeared in front of Mr. Upton for the Somerville licensing hearing.

And in December of 2011, we opened a bar adjacent to the restaurant. The spaces are connected. That bar is called Back Bar.

It is chiefly a cocktail bar but there's a substantial amount of food at the bar as well.

Joe has been our assistant manager at Back Bar since very soon after it opened and we have asked him to be manager of record for the new operation.

CHAIR ANDREA JACKSON: Would he still continue at Back Bar?

DIANA KUDAJAROVA: His full-time job will be at the new operation.

POLICE COMMISSIONER ROBERT HAAS: Your other restaurant and bar is still operational in Somerville?

DIANA KUDAJAROVA: That's correct.

POLICE COMMISSIONER ROBERT HAAS: What kind of alcohol do you serve at 8:00 in the morning?

DIANA KUDAJAROVA: We don't expect to

serve any.

POLICE COMMISSIONER ROBERT HAAS: When do you expect to serve alcohol?

DIANA KUDAJAROVA: We imagine there will be some demand for beverages with lunch.

Probably not cocktails but an occasional beer.

POLICE COMMISSIONER ROBERT HAAS: Would you want to amend your application?

DIANA KUDAJAROVA: Is there a good reason too?

POLICE COMMISSIONER ROBERT HAAS: If you are gonna serve alcohol at 8:00 in the morning, then expect to serve alcohol 8:00 in the morning.

TSEWEI LIM: I mean we don't expect to, but --

DIANA KUDAJAROVA: The menu will be available and there would be a person on staff that will be able to serve alcohol should someone order.

POLICE COMMISSIONER ROBERT HAAS: Our preference is, if your business plan is to serve alcohol with lunch and dinner, you modify your license to reflect that.

TSEWEI LIM: I beg your pardon?

preference -- if your preference or business plan is to serve alcohol during lunch and dinner and not during breakfast, that your license reflect that or your application reflect that.

TSEWEI LIM: We would certainly be happy to modify the application to reflect those hours.

POLICE COMMISSIONER ROBERT HAAS: We just can't give you flexibility to serve alcohol any time you want.

DIANA KUDAJAROVA: Sure.

FIRE CHIEF GERALD REARDON: You might've heard the previous applicant. You can't even contract your hours without changing them.

So if you advertise you are open 8:00 in the morning and it turns out three or four weeks from now it doesn't work out, you have to come back and modify.

Whatever it says on your license you have to be open.

You can't overextend and shorten it up without changing it, so just ask for what you need as opposed to going too large.

Because if you are caught not being open and you are advertise that your hours are open and you are not open, you are in a violation. So it's not just overextending but it is also truth in lending.

You need to have your hours be what be in

realty with what your business plan is.

DIANA KUDAJAROVA: Understood.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: In terms of delivery and trash, how does that work for you?

DIANA KUDAJAROVA: There's a loading dock that the Broad Institute has and we have an arrangement of sharing the loading dock.

There's a trash area and recycling area we are sharing with the Broad Institute.

POLICE COMMISSIONER ROBERT HAAS: Just to be clear about your alcohol license, I assume you want to keep it at 10:00 on Sunday mornings for brunch?

DIANA KUDAJAROVA: That's correct.

POLICE COMMISSIONER ROBERT HAAS: The other six days it would be 11 a.m. and 10 a.m. on

Sunday.

DIANA KUDAJAROVA: Okay.

FIRE CHIEF GERALD REARDON: So just run by the hours again.

The deli is the main hours it will be open? Or the deli and dining?

DIANA KUDAJAROVA: Both the deli and the dining room will be open at 7:00 for a take-out breakfast in the deli and a sit-down breakfast in the dining room.

CHAIR ANDREA JACKSON: What time is that?

DIANA KUDAJAROVA: 7:00 a.m.

POLICE COMMISSIONER ROBERT HAAS: And the private dining room will be available during that entire time as well?

DIANA KUDAJAROVA: Yes.

CHAIR ANDREA JACKSON: I would like the record to reflect that you received numerous

emails in support of your application as well.

Numerous emails, letters. You did a great

marketing job.

Do we have a sample menu included with the application?

ELLEN WATSON: Did you submit one?

DIANA KUDAJAROVA: I don't remember if we submitted one but we have one on-hand. We can give it to you right now. Sample menus.

TSEWEI LIM: (Forwarding menu.)

CHAIR ANDREA JACKSON: Is this menu any different from your other establishment? Are the menu items any different?

DIANA KUDAJAROVA: Yes, they are. I mean in style they are quiet similar, but our other establishments are only open for dinner, so the lunch and breakfast menus are new.

CHAIR ANDREA JACKSON: I think my only

concern is just that in terms of another all alcohol license in that area, I know there are a few other establishments that are close by that have full alcohol, so I always try to balance the need for another all alcohol in the same area.

I know you have Meadhall and further down I think it is Catalyst and Area Four around in that area. You got the Marriott Hotel. I'm trying to think what else is. Legals across the street.

ELLEN WATSON: Fuji on Third Street.

CHAIR ANDREA JACKSON: I wouldn't even count Third Street. If I was working in that area, that's a little bit more of a walk. But thank you.

TSEWEI LIM: Is this a concern you would like us to address?

CHAIR ANDREA JACKSON: Sure.

TSEWEI LIM: Just to make sure that I'm understanding you correctly, you are wondering why we are applying for an all alcohol license as opposed to a beer and wine license?

CHAIR ANDREA JACKSON: Yes.

applying for an all alcohol license is Back Bar is known chiefly as a cocktail bar. And in Somerville, we hold an all alcohol license and our bar manager at Back Bar, Sam, has been named Best of Boston twice in a row.

And so we are coming to this with a reputation for being a cocktail bar. With due respect to our competition, we don't believe --we believe Kendall Square has room for another bar that's focused chiefly on cocktails, and in fact, you may or may not know that Meadhall is

chiefly a beer bar, and Legal Seafoods is Legal Seafoods.

And we think the addition of a -- given Boston's reputation as a city with vibrant cocktail culture we think there's room for an establishment in Kendall Square that would put Kendall Square on the cocktail landscape in Boston.

CHAIR ANDREA JACKSON: Okay.

DIANA KUDAJAROVA: I would like to add.

If I may, when we started thinking about the project in Kendall Square, one of the first things we did, we have a lot of friends who work in Kendall Square, it was not much of a marketing campaign to get people to send supporting emails, our friends work at Google and other tech companies, and when we talked to them about what they would like to see, and when we talked to the

Board what they would like to see in that space, there was very much a demand for a good cocktail bar.

We certainly have access to excellent expertise on cocktails, but we also believe there's demand for a cocktail bar in Kendall Square.

FIRE CHIEF GERALD REARDON: So on your other establishment, what do you think the ratio to alcohol to food is?

DIANA KUDAJAROVA: The bar and restaurant?

FIRE CHIEF GERALD REARDON: Overall.

DIANA KUDAJAROVA: 50/50. The bar sells mostly alcohol with maybe ten percent food. And the restaurant serves most food.

TSEWEI LIM: Last time we did the numbers it was 20 percent.

DIANA KUDAJAROVA: 20 food.

JOSEPH CAMMARATA: 80 percent alcohol at Back Bar, and 65 percent cocktails and 15 percent beer and wine. It is certainly a destination for cocktails.

CHAIR ANDREA JACKSON: And everything's in order?

DIANA KUDAJAROVA: Yes.

FIRE CHIEF GERALD REARDON: How far is the build-out on this space?

TSEWEI LIM: How far from our current location?

FIRE CHIEF GERALD REARDON: How far along is the build-out construction of this space you are looking to rent?

DIANA KUDAJAROVA: The building is substantially complete but there's a lot of punch list.

We don't have access to the space.

FIRE CHIEF GERALD REARDON: The space, I assume, this space was just blank space, so you have to do a complete fit-out?

TSEWEI LIM: Yes.

FIRE CHIEF GERALD REARDON: It wasn't set up as a dining facility, it was just raw space?

DIANA KUDAJAROVA: Yes.

TSEWEI LIM: We are getting it as a black box. The Broad knew they were planning on putting a food service facility there and they made provisions for kitchen exhaust and so on.

FIRE CHIEF GERALD REARDON: Kitchen exhaust is a killer if that's not there.

What is your expectation of opening?

TSEWEI LIM: We are aiming for summer.

This is dependent when we are able to start building.

CHAIR ANDREA JACKSON: Any questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: Any questions?

Any members of the public that wish to be heard on this matter?

DAVID DOWNING: Hi. My name is David

D-O-W-N-I-N-G. I'm with Graffito SP,

G-R-A-F-F-I-T-O, and we're the brokers for Broad.

Unfortunately, nobody from Broad Institute could make it this evening. But I know they did write a nice letter of support.

 $\label{thm:eq:fire_constraint} \mbox{FIRE CHIEF GERALD REARDON:} \quad \mbox{You can tell} \\ \mbox{them what they missed tonight.}$

DAVID DOWNING: I will let them know.

So I just wanted to let you guys know we went through an exhaustive search to find a great local restaurant operator that was focused on food and cocktails and could operate the maximum

hours from the morning through the evening.

It was expressed by the Broad and their employees they would love to have something on their ground floor where people could go all hours of the day.

So these guys -- we started this over a year ago, this search for the right operator, and we've kind've just in the last month or so finally got a lease done.

And we are excited and the Broad's excited to get these guys up and running as soon as possible.

I know they are planning to occupy the building some time in the spring. It will be a big amenity not only to the folks living upstairs but the community in general.

And I'll let some members of the ECPT who came tonight say a little something.

Thank you.

JOE AIELLO: Good evening. My name is

Joe Aiello, A-I-E-L-L-O. I'm an executive board

member for the East Cambridge Planning Team and

an Kendall Square East Cambridge resident.

So on a personal note it will be great to have, and to back them up, to have a cocktail bar, because they said Meadhall is mostly beer.

Legal Seafoods is wine.

As a former bartender, having a place you can go for a speciality cocktail, nice vodka drinks, a daily Manhattan kind of thing, it will be a great thing to have in the area.

And I know that we have been busy as a board, so I do believe they are coming in front of our membership our next meeting on the 26th of February.

And a lot of letters of support came from

like Councilor Toomey and things like that from the ear.

Their reputation in Somerville is what we want to bring into our area, bring them into the East Cambridge Kendall Square family of people in our area.

That will be a big benefit for the community and people working in that building.

And what we are trying to do with the eventual Ames Street residential project going up and things like that, I think they will be a big help to boost what we want do for the neighborhood and that square.

Thank you.

POLICE COMMISSIONER ROBERT HAAS: The Board hasn't taken a formal vote on this?

JOE AIELLO: No. We've been backed up on courthouse boundary and a bunch of other things.

We'll get to them at our next meeting to have them come in and give a sample menu and stuff to us.

BARBARA BROUSSARD: Barbara Broussard, B-R-O-U-S-S-A-R-D.

We are busy at the East Cambridge

Planning Team. I have gone to their place in

Somerville. And I've called all my friends in

Somerville.

I will tell you, it is nice for someone my age to go have a Leechi martini. Fuji is my favorite on Third Street.

You know, someone my age doesn't want to have wine except with dinner. Having a cocktail with friends is a wonderful thing, and we have an a lot of neighbors who enjoy that. They will come on the 26th to meet the community.

I can tell you, we have worked very, very

hard to make Kendall a place. A place where everybody can go. And to have night life that makes me feel safe on the street. We are supportive.

CHAIR ANDREA JACKSON: Thank you.

I have questions for Mr. Cammarata.

Tell me your experience in terms of managing.

manager at a restaurant in South Boston,

Barlow's, before coming to Back Bar where I have

been a manager pretty much the whole time I have

been there. I was promoted a few months in.

FIRE CHIEF GERALD REARDON: How long has that been?

JOSEPH CAMMARATA: Two years.

And as far as the operations, ordering liquor and supplies and managing staff, training,

I have done it both places.

FIRE CHIEF GERALD REARDON: Has a liquor license been in your name at any other establishment?

JOSEPH CAMMARATA: It hasn't.

CHAIR ANDREA JACKSON: You know Cambridge is a little different. We require 21 Proof training.

JOSEPH CAMMARATA: I heard. We'll have the whole staff do it.

CHAIR ANDREA JACKSON: Okay.

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: Go for it.

FIRE CHIEF GERALD REARDON: Well, it is nice to have everybody come in and explain because we all have the issues about another liquor license in the area and to know that the Broad has kind of vetted this and the East

Cambridge Planning Team and so forth, and you don't have a lot of -- you will, but it is more of a business area versus abutters and so forth so I'm glad to hear everybody is pleased with this.

I make a motion to approve Unspeakable,

LLC doing business as The Ames Street Deli.

Joseph Cammarata as manager for a new restaurant,

all alcohol, 73 Ames Street for the proposed

hours as indicated that with the modification.

CHAIR ANDREA JACKSON: As it relates to alcohol.

FIRE CHIEF GERALD REARDON: As it relates to the alcohol.

And this is a no value, no transfer license.

CHAIR ANDREA JACKSON: Seconded.

All in favor signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: You are all set.

Thank you.

POLICE COMMISSIONER ROBERT HAAS: Good luck.

CHAIR ANDREA JACKSON: Then Horizon Bus Line.

So I can explain this one.

For Horizon Bus Line, the Board previously had voted to approve their operation for a shuttle seven days a week.

We subsequently received their agreement with MBTA for the use of Alewife Station. It is only Saturday and Sunday and seven days was never contemplated.

I think the confusion was with the company was that they believed they operate seven days a week somewhere else. They are only going to be at Alewife Station two days a week.

So I think it is in order -- it is more administrative that we rescind the prior vote and the --

POLICE COMMISSIONER ROBERT HAAS: Where is this on the agenda?

CHAIR ANDREA JACKSON: You have an old agenda.

FIRE CHIEF GERALD REARDON: I make a motion to rescind Horizon Bus Line's license for seven days a week.

CHAIR ANDREA JACKSON: Seconded.

All in favor signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

I make a motion that we previous Horizon Bus Line's application for service at Alewife

Station for Saturday and Sunday as agreed to by the Mass Bay Transportation Authority.

CHAIR ANDREA JACKSON: Seconded.

All in favor signify saying aye.

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

CHAIR ANDREA JACKSON: I make a motion adjourn.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIR ANDREA JACKSON: All in favor signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ELLEN WATSON: Ratifications --

CHAIR ANDREA JACKSON: I withdraw my motions.

ELLEN WATSON: We have ratifications.

Medallion #200, refinance, Anna Cab,

Inc., Debtor Commerce Bank, Creditor.

Medallion #33, refinance N&G Cb, Inc debtor, Progressive Credit Union, creditor.

Medallion #201, sale/transfer Keep it Cool, Inc. Seller, Betsaleel Cab, Inc. Buyer.

Medallion 201, finance.

Medallion #6, refinance, Randah Cab, Inc, debtor, Commerce Bank, creditor.

Medallion #238, refinance, Jelus Cab,

Inc, debtor Progressive Credit Union, creditor.

Medallion #25, refinance, BBJ Cab, Inc., debtor, Commerce Bank, creditor.

Medallion #228, refiance, Taxi

Technology, debtor Medallion Bank creditor.

Medallion #88, refinance, Shani Taxi,
Inc, debtor, Commerce Bank, creditor.

Medallion #45, refinance, Rodolphe Cab, debtor Commerce Bank creditor.

Medallion #117, refinance Andrew J. Cab,

Inc. Debtor Brookline Bank creditor.

Medallion #52, refinance, Christopher Cab debtor, Brookline Bank creditor.

CHAIR ANDREA JACKSON: Is there a reason why they tend to go to Commerce Bank.

FIRE CHIEF GERALD REARDON: It is the rate.

CHAIR ANDREA JACKSON: Is that what it is? I was wondering okay.

ELLEN WATSON: A couple of banks that qo -- do taxicabs.

POLICE COMMISSIONER ROBERT HAAS: Motion to accept.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIR ANDREA JACKSON: All in favor signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: Any other items?

Okay I'll make my motion adjourn.

FIRE CHIEF GERALD REARDON: Seconded.

CHAIR ANDREA JACKSON: All in favor

signify saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

(Whereupon the proceedings were concluded

at 8:51 p.m.)

ERRATA SHEET

INSTRUCTIONS: After reading the transcript of this hearing, note any change or correction to and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Sign and date this errata sheet (before a Notary Public, if required).

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I have read the foregoing transcript of the hearing, and except for any corrections or changes noted above, I hereby subscribe the transcript as an accurate record by me.

CERTIFICATE

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 11th day of February 2014.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public
My Commission expires:
February 2, 2017

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