



City of Cambridge

4.

IN CITY COUNCIL

March 24, 1997

COUNCILLOR DUEHAY
 VICE MAYOR BORN
 COUNCILLOR DAVIS
 COUNCILLOR GALLUCCIO
 MAYOR RUSSELL
 COUNCILLOR TRIANTAFILLOU

WHEREAS: The accompanying memorandum from Captain Lawrence Ferazani of the Cambridge Fire Department indicates that extremely dangerous fire and safety conditions exist at the Border Cafe in Harvard Square; and

WHEREAS: The accompanying decision to suspend the Border Cafe's license for three days has been made by the Cambridge License Commission; and

WHEREAS: The Cambridge Inspectional Services Department has received complaints concerning the emission of wood smoke from that restaurant's chimney which may be a violation of the city's ordinance; now therefore be it

RESOLVED: That the City Council go on record in favor of vigorous follow-up inspections of the Border Cafe on an on-going basis to ensure that it meets fire, safety and emission codes at all times; and be it further

RESOLVED: That the City Manager be and hereby is requested to direct the License Commission, in order to protect the public against serious fire and life safety hazards, to report to him and to the City Council that all hazards, that all precautions have been taken to correct all conditions reported by the Fire and Inspectional Services Departments; and be it further

RESOLVED: That the City Council express its concern to the Border Cafe's landlord, Harvard University, that there are life safety issues present at that location for which the landlord bears ultimate responsibility and that the City Council urges Harvard University to require its tenant, the Border Cafe, to conform to all city codes and regulations to the letter.

In City Council March 24, 1997
 Adopted by the affirmative vote of nine members.
 Attest:- D. Margaret Drury, City Clerk.

A true copy; *D. Margaret Drury*
 ATTEST:-
 D. Margaret Drury, City Clerk

#4,

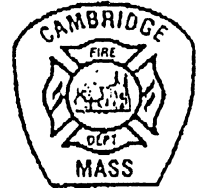


CITY OF CAMBRIDGE

FIRE DEPARTMENT

HEADQUARTERS

491 BROADWAY, CAMBRIDGE, MA 02138



KEVIN J. FITZGERALD
CHIEF OF DEPARTMENT

(617) 349-4921
FAX (617) 349-4912

WALTER J. ELLIS
ASSISTANT CHIEF

To: Cambridge License Commission

From: Captain Lawrence P. Ferazani

Subject: License Task Force Inspection
Border Cafe, 32 Church Street

On Friday November 1, 1996 as part of the City Managers License Task Force Inspection program, we conducted an inspection at the Border Cafe on 32 Church Street.

The following are a list of problems and violations encountered:

The entrance foyer from the street was blocked with people, making it impossible for patrons inside to safely exit the building in the event a fire. I had to maneuver through this crowded entry way to enter the restaurant.

On entry I found that patrons were backed up from the bar area to almost the entry way. In addition aisle spaces were blocked with people waiting to get to the bar. I immediately went to the basement area to access conditions there. I found patrons sitting at tables that were placed in front of unlighted exit signs. The tables were blocking a secondary egress. I instructed the manager to abate this hazardous condition. In response the manager asked if I would wait until the group sitting at these tables had finished eating. I agreed to wait, with the condition that he cleared the primary exit on the first floor. I told him that we would return to this area in a short period of time to re-inspect that area.

On inspection of the kitchen area, I found that grease had built up on the floors and the filters in the hood over the stove. I also found that a substantial amount of grease had built up on the sprinkler heads in the kitchen. I told him that this condition would retard the activation of these sprinkler heads in an emergency. He stated that he would have them cleaned. I also told him that because of the excessive grease condition on the floors and hood, that if there was an ignition source, the grease could flash and cause considerable headway in a fire situation.

The manager stated that he would correct this situation. We also found a number of emergency exit signs were unlighted.

The manager did clear the entrance doorway before we left. He also hung a sign outside the restaurant, instructed people to line up away from the front entrance way.

On return to the restaurant about thirty minutes later. The following conditions were observed. The entrance foyer was again crowded and now the area outside the entrance way was also blocked with people. We again had to instruct the manager to clear the area.

On inspection of the basement area, we found that the manager did have the table removed. We did count the patrons in the restaurant at this time and they were in violation of the occupancy permit by four people. The manager disputed our count.

In my thirty two years on the Cambridge Fire Department I have never observed such a lack of sensitivity to life safety as I have observed here. Because of this and the reoccurring violations at this restaurant, I recommend that they be called in for a hearing. I also recommend that the building department recalculate the occupancy load of this facility. The occupany should be calculated to the number of seated patrons at tables and no more than one row of patrons at the bar.

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CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

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

BENJAMIN C. BARNES
Chairman

CHIEF KEVIN J. FITZGERALD
Fire Department
Commission Member

CAPTAIN HENRY W. BREEN
Police Department
Commission Member

RICHARD V. SCALI
Commission Executive Officer

February 14, 1997

Robert M. Murphy
Church Street Creole Cafe, Inc.
d/b/a Border Cafe
32-38 Church Street
Cambridge, MA 02138

Re: Disciplinary Hearing Decision

Dear Mr. Murphy:

Please be advised that the License Commission has made a decision with regard to the hearing continued from December 10, 1996, and heard on January 7, 1997, due to a complaint from Fire Captain Lawrence P. Ferazani and Investigator Henderson Headley that on November 1, 1996, during Task Force Inspections, the front entrance foyer was blocked, aisles blocked with patrons waiting to get to the bar, basement exits blocked with tables, unlighted exit signs, grease on sprinkler heads, floors and filters of hood causing a fire hazard, no single file of patrons outside and overcapacity by 4 patrons. Also considered were the conditions set by this Commission in October, 1994 and the agreement with Chief Investigator Boyer dated June, 1995.

The Commission finds the following to be true after considering all the evidence submitted:

- 1) On November 1, 1996, the Task Force inspection team visited the Border Cafe as part of its regular rounds. Present were Fire Captain Lawrence Ferazani and License Investigator Henderson Headley.
- 2) The Fire Captain reported that he found the entrance foyer blocked with people, making it hard to maneuver through the crowd. Patrons were backed up from the bar area to the entry way.
- 3) The Captain went to the basement area. Patrons were seated at tables which were in front of an unlit exit sign. The tables were blocking a secondary means of egress. Also a number of exit signs were unlighted.
- 4) On inspection of the kitchen, the Captain found grease had built up on the floor and the filters in the hood. Also substantial grease had built up on the sprinkler heads.

5) The manager removed the tables from in front of the exit when the patrons left the tables and said he would correct the grease situation.

6) Upon return later in the evening, the entrance foyer was again crowded and the area outside the entrance way was also blocked.

7) The Fire Captain felt that there was a lack of sensitivity to life safety by the Border Cafe and a serious fire hazard.

8) The License Commission in October, 1994, granted an amendment to the Border Cafe's common victualer license for a 10 person waiting area and 25 non-alcoholic seats in the basement with the following conditions: That the non-alcoholic seats and waiting area be monitored by the staff and License investigators; that the sidewalk be free and clear of all patrons waiting to enter; that an orderly system of entrance be established such as lining up patrons and that a door person be instructed on each shift of the system.

9) The Border Cafe made an agreement with the License Commission in June, 1995, which became part of the records, to keep all stairways, aisles, and the bar area clear of all standing patrons due to previous complaints and disciplinary hearings. The agreement also specifies that the capacity is 279 seats and 10 standing and the Border Cafe will instruct their doormen to line patrons up on Palmer Street sidewalk during peak hours and place a sign in the window stating that patrons must stand in line to enter the Border Cafe.

10) Records of the Border Cafe's manager John Ruka, showed the number of patrons counted by him for the evening of November 1, 1996. At 6:30 pm., 25 persons were waiting, 7:00 p.m. 28 persons waiting, 7:30 pm., 75 persons waiting, 8:00 p.m., 45 persons waiting.

Therefore, the Commission finds, by a vote of 3-0, that you are in violation of conditions of your license and agreement with this Commission by not maintaining your seating capacity of 279 and standing of 10 persons only as well as being in violation of public safety and your lack of concern for public safety and your conditions. You are not allowed to have patrons standing in the aisles, on the stairways, or around the bar or to have patrons blocking the entrance. You most definitely had more than 10 persons standing if the Fire Captain could not maneuver through the crowd. Your own records indicate many more people than 10 waiting, in fact up to 75 at one point. This causes a serious fire safety hazard and is a serious threat to life safety. The Commission clearly has the authority to determine the occupancy of a restaurant and assign a number less than the building department according to Chapter 551 of the Acts of 1991. This Commission has

determined the number of seats and the number standing according to the needs of the establishment and the safety of the public.

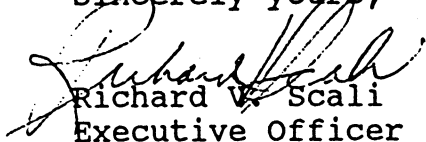
The Commission also finds that the grease build up on the sprinklers, floors, and hood as well as the unlighted exits signs and blocked exits, to be a serious fire safety hazard as well. These matters should be checked on a periodic basis and not be unattended until an inspection reveals such violations.

Therefore, the Commission has voted 3-0 to suspend your alcoholic restaurant license for (3) three consecutive days where one such day must be a Friday. If in the future, you continue to disregard these conditions and your agreement, the Commission will hold a hearing to reduce your capacity and occupancy.

This decision is made pursuant to M. G. L. c. 138, s. 12, 23, and Cambridge Liquor Regulations #1, 26, 28 and Chapter 551, of the Acts of 1991.

If you wish to appeal this decision you may do so to the Alcohol Beverage Control Commission within 5 days of receipt of this decision.

Sincerely yours,


Richard V. Scali
Executive Officer

cc: Benjamin Barnes, Chairman; Kevin Fitzgerald, Fire Chief; Henry Breen, Police Captain; Andrea Boyer, Chief Investigator; Captain Lawrence Ferazani; Gladys Gifford; Henderson Headley, Investigator; Thomas Bracken, Esq.; Kevin Crane, Esq.; ABCC; ✓John Moot; Scott Hayward, Harvard Real Estate

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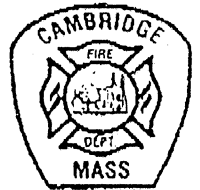


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February 14, 1997

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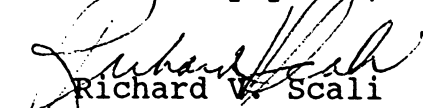
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This decision is made pursuant to M. G. L. c. 138, s. 12, 23, and Cambridge Liquor Regulations #1, 26, 28 and Chapter 551, of the Acts of 1991.

If you wish to appeal this decision you may do so to the Alcohol Beverage Control Commission within 5 days of receipt of this decision.

Sincerely yours,


Richard V. Scali
Executive Officer

cc: Benjamin Barnes, Chairman; Kevin Fitzgerald, Fire Chief; Henry Breen, Police Captain; Andrea Boyer, Chief Investigator; Captain Lawrence Ferazani; Gladys Gifford; Henderson Headley, Investigator; Thomas Bracken, Esq.; Kevin Crane, Esq.; ABCC; ✓ John Moot; Scott Hayward, Harvard Real Estate



City of Cambridge

4.

IN CITY COUNCIL

March 24, 1997

COUNCILLOR DUEHAY

WHEREAS: The accompanying memorandum from Captain Lawrence Ferazani of the Cambridge Fire Department indicates that extremely dangerous fire and safety conditions exist at the Border Cafe in Harvard Square; and

WHEREAS: The accompanying decision to suspend the Border Cafe's license for three days has been made by the Cambridge License Commission; and

WHEREAS: The Cambridge Inspectional Services Department has received complaints concerning the emission of wood smoke from that restaurant's chimney which may be a violation of the city's ordinance; now therefore be it

RESOLVED: That the City Council go on record in favor of vigorous follow-up inspections of the Border Cafe on an on-going basis to ensure that it meets fire, safety and emission codes at all times; and be it further

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RESOLVED: That the City Council express its concern to the Border Cafe's landlord, Harvard University, that there are life safety issues present at that location for which the landlord bears ultimate responsibility and that the City Council urges Harvard University to require its tenant, the Border Cafe, to conform to all city codes and regulations to the letter.

Born, Davis, Galluccio, Russell
Consent Order #4 Triantafillon CM-144

Councillor Duehay re: Dangerous fire and
safety conditions at the Border Cafe in
Harvard Square.

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In City Council March 24, 1997

ORDER ADOPTED