

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

SAFETY SERVICES & LICENSES COMMITTEE

Regular meeting of the Safety Services and Licenses Committee was held on Monday, August 1, 2011 in the Council Chambers, City Hall, Cranston, Rhode Island.

I. CALL MEETING TO ORDER:

The meeting was called to order at 7:10 P.M. by the Chair.

Present: Councilman Richard D. Santamaria, Jr., Chair (left meeting at 9:30 P.M.)
Councilman Paul H. Archetto, Vice-Chair
Councilman Michael W. Favicchio
Council Vice-President Robert J. Pelletier (left meeting at (9:05 P.M.)
Council President Anthony J. Lupino

Absent: Councilman Emilio L. Navarro

Also Present: Councilman Steven A. Stycos
Councilman James E. Donahue
Gerald Cordy, Director of Administration
Mark Capuano, Deputy Director of Administration
Captain Gerard Carnevale, Police Department
Captain Kevin Morris, Fire Department
Evan Kirshenbaum, Assistant City Solicitor
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

II. MINUTES OF THE LAST MEETING:

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed unanimously.

III. CORRESPONDENCE:

City Clerk indicated that Effendi's has withdrawn their Itinerant Food Vendor application and the Temporary Structure application and the applicant will not be present this evening.

IV. OLD BUSINESS:

SECONDHAND LICENSE – RENEWAL (4 MONTH REVIEW)

Tag Sale Treasures

2154 Broad Street

Captain Morris appeared to speak and recommended extending this license renewal application another 60 days in order for the plans provided by the applicant to be approved.

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to continue this license renewal application for 60 days. Motion passed unanimously.

V. MISCELLANEOUS BUSINESS:

Akid Daily Mart

1814 Broad Street

Hours of Operation and complaints

Jamal Akid appeared to speak.

Public Speakers:

Stephen Gilchrist, 200 Albert Ave., appeared to speak and presented handout of pictures and other documents. He stated the following concerns with this establishment: there is drug dealing on the corner of Broad and Columbia, increase in graffiti, broken beer bottles on people's lawns, speeding, loud music coming from cars waiting for people coming out of the store, urination on laws. The area residents are requesting that the Committee reduce the hours of operation from 11 p.m. to 10 p.m.

Kathy Daley, 182 Arnold Ave., appeared to speak and addressed the same concerns stated by Mr. Gilchrist.

Mark Schabel, Albert Ave., reiterated the same concerns as stated by Mr. Gilchrist and Ms. Daley.

Richard T. Bray, Committeeman Ward 1, District 1 and 2, appeared to speak and stated that Edgewood is getting to be known as the City that is not friendly to businesses. We can't continue to pick on businesses in the City and let businesses grow.

Joseph Sternberg, 185 Albert Ave., appeared to speak and stated concerns of trash and noise. This store attracts the wrong crowd.

Camille Cataldo, 195 Albert Ave., appeared to speak and stated the following concerns: homeless people hang around this business, drug dealing, loud music. This is all happening after 10 p.m.

Matt Gregory, 1291 Narragansett Blvd., appeared to speak and presented a handout. He stated that he works at this establishment at night and is there every day from 8 to 11 and he cleans up the area every night and there is no drug dealing going on. The graffiti is not on Akid's building, it is on the building next door. Mr. Akid's business is an asset to the community.

V. **MISCELLANEOUS BUSINESS: (Cont.)**

Akid Daily Mart (Cont.)

1814 Broad Street

Hours of Operation and complaints

Chair asked Captain Carnevale if there are any complaints on record with this business. Captain Carnevale stated that after last month's meeting, he checked into this and there has been not one call to the Police Department regarding this establishment. Period checks were done and nothing came up.

Mr. Akid stated that there is no drug dealing going on. The extra hour brings a lot of customers who work nights. He is only selling tobacco pipe now. The other drug paraphernalia, he will no longer be selling and he took it off the shelf.

Councilman Stycos asked what the reason is for changing the name. Mr. Akid stated that he owned All Mall Daily Mart and All Mall Dairy Mart, which caused a lot of confusion and he started having problems with deliveries and also with the Police.

On motion by Council Vice-President Pelletier, seconded by Council President Lupino, it was voted to continue the 11 p.m. hour extension with a review in 90 days. Motion passed on a vote of 4-1. The following being recorded as voting "aye": Councilmen Favicchio, Santamaria and Council Vice-President Pelletier -3. The following being recorded as voting "nay": Councilman Archetto -1.

2012 Sports Bar

1785 Cranston Street

Restrictions on Class B Alcohol License

Alleged operating without license July 22, 2011

Gregory Piccirilli, Esq., appeared to represent the applicant and asked what the nature of this hearing is. Last month, his client's license application was approved subject to no live band and a review in six months. On July 19th, he received a letter from the City Clerk stating that a DJ was not allowed, per the Committee. He has not seen what the prior licenses at this location provided and the City Clerk was not able to provide him with copies of prior licenses. On July 27th, he again received a letter from the City Clerk stating that on July 22nd his client had a DJ playing in the establishment. His client denies using a DJ. This was during St. Mary's Feast and other businesses in the area had music playing.

Solicitor Kirshenbaum stated that the evening this application came before this Committee, there was conflicting reports given by the applicant on the original application as to his criminal history and this was a concern to the Committee.

Council President Lupino referred to a letter sent to the applicant by the City Clerk and asked if this liquor license transfer has been issued. City Clerk indicated that the license has not been issued and applicant should not be operating.

Council President Lupino asked if establishment was open on July 22nd, as it is alleged. Attorney Piccirilli stated that it was not and will not be until the license is transferred. His client may have been in the building because they are still renovating.

V. **MISCELLANEOUS BUSINESS: (Cont.)**

2012 Sports Bar (Cont.)

1785 Cranston Street

Restrictions on Class B Alcohol License

Alleged operating without license July 22, 2011

Public Speakers:

Rene Bramble, 25 Bolton St., appeared to speak and stated that signs were up and establishment was charging for parking in the lot during the Feast. There was very loud music coming from inside the business.

Attorney Piccirilli stated that if Ms. Brambeault's statement is the extent of the evidence, he asked that Show Cause be rescinded.

Lisa Bessette, 160 Mendon Ave., Pawtucket, appeared to speak regarding the music and stated that they will be having a laptop computer that is going to be playing the music. On July 22nd, they were cleaning with a small radio in the bathroom. They were in the establishment all weekend cleaning. She does not understand why they are being pushed back. They are excited to come to Cranston. She and her partners have met with area businesses, as the Committee had suggested they do, and they are also excited for them to open their doors.

Council Vice-President Pelletier motioned to give applicant a stern warning not to operate without a license and come back in 60 days for review. No one seconded the motion.

On motion by Council Vice-President Pelletier seconded by Councilman Archetto, it was voted to continue the issuance of the transfer for 30 days.

Under Discussion:

Captain Carnevale stated that his understanding from the previous business owner is that there was going to be no DJ music. There would be no one controlling the music.

Councilman Favicchio stated that it would be very helpful to read the transcript of last month's meeting to see what was exactly stated and there is nothing on the table since the license has not been transferred.

Council Vice-President Pelletier motioned to amend the license to allow certain computerized music, such as Karaoke, jukebox, computer or any type of computer-generated music. No live bands and no live DJ. Councilman Archetto seconded the motion. Motion passed on a vote of 3-1. The following being recorded as voting "aye": Councilmen Archetto, Favicchio and Council Vice-President Pelletier -3. The following being recorded as voting "nay": Councilman Santamaria -1.

Council Vice-President Pelletier stated that, for the record, noise level is 65 decibels within 25 ft.

VI. PUBLIC HEARING:

TRANSFER OF CLASS B VICTUALLING ALCHOLIC BEVERAGE LICENSE – NEW

From: Guayacan Lounge

349 Dyer Avenue

Sergio Garcia

To: Garcia Lounge LLC

349 Dyer Avenue

Rosemary Garcia

Jeff Caffrey, Esq., appeared to represent the transferor and **William Devane, Esq.**, appeared to represent the transferee.

Council President Lupino asked if the transferor is related to the transferee. Attorney Devane stated, no.

No one appeared to oppose.

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to approve this license transfer application. Motion passed unanimously.

Council Vice-President Pelletier left the meeting at 9:05 p.m.

VII. ORDINANCES:

6-11-6 Ordinance amending Title 10.32 “Stopping, Standing and Parking on Certain Streets” (Stop, Heather Street at Brown Street). (Referred from City Council 7/25/2011)

Councilman Archetto asked for a continuance of this Ordinance, since there is no Traffic Engineer’s Report.

6-11-8 Ordinance amending Title 10.32 “Stopping, Standing and Parking on Certain Streets” (Seaview Ave. and Fort Ave.). (Tabled 7/11/2011)

Public Speakers:

Christopher DelSesto, 44 Seaview Ave., appeared to speak and stated that this Ordinance should be split into two separate sections.

Jim Doorley, 112 Fort Ave., appeared to speak and asked that this Ordinance be removed. Emergency vehicles have no problem getting down the street.

Carol Saracco, 52 Seaview Ave., appeared to speak and stated that “No Parking” on Seaving is not needed and the residents can monitor the situation and do not want this.

Chris O’Reilly, 11 Seaview Ave., appeared to speak and agreed with Ms. Saracco.

VII. ORDINANCES: (Cont.)

6-11-8 Ordinance amending Title 10.32 “Stopping, Standing and Parking on Certain Streets”
(Seaview Ave. and Fort Ave.) (Tabled 7/11/2011)

Captain Morris stated that the Fire Department went to this area and measured the street at the request of the Committee last month. Parking on both sides may cause problems for the rescue vehicles. This has not been an issue, but it may in the future. He is asking to continue on the one side parking. There is plenty of parking on one side.

Councilman Stycos stated that a meeting with the residents was held on July 26th at which meeting he asked for a vote of who supported this Ordinance as drafted. Sixteen people were in favor of doing something on the right angle turn and eleven people were in favor of doing nothing.

Councilman Stycos suggested the following amendment to this Ordinance: delete lines 25-27 and add: “Seaview Ave. easterly side between National Grid Pole #3 and 4; Seaview Ave. southerly side and westerly side from Fort Ave. easterly to the spot opposite National Grid Pole #4”.

Chair left meeting at 9:30 p.m.

Councilman Favicchio asked Captain Morris for his comments on Councilman Stycos’s suggested amendment. Captain Morris stated that the one time that both sides of the street have cars parked and one time the vehicle has to be moved by the rescue vehicle, it will cause huge problems for the Fire Department. We are looking at the future. If we can’t get our vehicles down the street to respond to an emergency, it could mean a loss of a life or home.

Councilman Archetto stated that as to the proposed amendment by Councilman Stycos, the amendment changes the essence of the Ordinance. He suggested the Ordinance be withdrawn and re-drafted.

On motion by Council President Lupino, seconded by Councilman Archetto, it was voted to deny this Ordinance. Motion passed unanimously.

VIII. NEW LICENSE APPLICATIONS:
PUBLIC ENTERTAINMENT CLASS I – NEW

Applebee’s

24 Midway Road

Jeffrey Michaelson, Esq., appeared to represent the applicant. No one appeared to oppose.

On motion by Council President Lupino, seconded by Council Vice-President Pelletier, it was voted to approve this license application. Motion passed unanimously.

PUBLIC ENTERTAINMENT CLASS II – NEW

Applebee’s

24 Midway Road

Jeffrey Michaelson, Esq., appeared to represent the applicant. No one appeared to oppose.

On motion by Council President Lupino, seconded by Council Vice-President Pelletier, it was voted to approve this license application. Motion passed unanimously.

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THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF CHAPTER 10.32 OF THE CODE OF THE CITY OF
CRANSTON, 2005, ENTITLED "MOTOR VEHICLES AND TRAFFIC"
(Seaview Ave. and Fort Ave.)

No.

Passed:

Anthony J. Lupino, Council President

Approved:

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 10.12, Section .040 entitled "No Parking on Certain Streets-Generally" by adding thereto the following:

Seaview Avenue, southerly and westerly sides, from Fort Avenue easterly and southerly to cul-de-sac and Seaview Avenue, easterly side, from National Grid pole #3 southerly to #4.

Section 2. Chapter 10.12, Section .570 entitled "Two Hour Parking-Generally" by deleting therefrom the following:

(Sea View Avenue, both sides, from Fort Avenue easterly and southerly to dead end).

Section 3. This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

City Solicitor

Date

City Solicitor

Date

Sponsored by: Mayor Fung and Councilman Stycos

Referred to Safety Services and Licenses July 11, 2011

VIII. NEW LICENSE APPLICATIONS: (Cont.)

PUBLIC ENTERTAINMENT CLASS II – NEW (Cont.)

St. Matthew's Church- event 8/20/2011

15 Frances Ave.

Rev. Victor Silva

Rev. Silva appeared to speak. No one appeared to oppose.

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to approve this license application. Motion passed unanimously.

VICTUALLING LICENSE – NEW

Razzle Inc.

1460 Oaklawn Ave.

Maureen Prigoni

Maureen Prigoni appeared to speak.

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to approve this license application. Motion passed unanimously.

ITINERANT FOOD VENDOR LICENSE – NEW

Effendi's (in Mardi Gras Plaza)

1255 Reservoir Ave.

Applicant was withdrawn by applicant.

TEMPORARY STRUCTURE LICENSE – NEW

Effendi's (in Mardi gras Plaza)

1255 Reservoir Ave.

Application was withdrawn by applicant.

St. Matthew's Church

15 Frances Avenue

Rev. Silva appeared to speak. No one appeared to oppose.

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to approve this license application. Motion passed unanimously.

19 Hour Class F Liquor License – new

St. Matthew's Church

15 Frances Avenue

Rev. Silva appeared to speak. No one appeared to oppose.

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to approve this license application. Motion passed unanimously.

VIII. NEW LICENSE APPLICATIONS: (Cont.)

HOLIDAY SALES LICENSE – NEW

Pontiac Food Mart

527 Pontiac Ave.

Omar Mukhtar appeared to speak. No one appeared to oppose.

On motion by Council Vice-President Pelletier, seconded by Council President Lupino, it was voted to approve this license application. Motion passed unanimously.

TOBACCO LICENSE – NEW

Pontiac Food Mart

527 Pontiac Ave.

Vice-Chair indicated that this was listed on the agenda in error.

IX. TRAFFIC ENGINEER:

No business.

X. POLICE DEPARTMENT:

Panchos Margarita's

280 Atwood Avenue

Show Cause (Cont'd from 6/5/2011, 7/11/2011)

Marco Tastellos, 273 Princess Ave., appeared to speak.

Captain Carnevale appeared to speak and stated that since the last meeting, there have been no incidents at this establishment and nothing has changed.

Solicitor Kirshenbaum stated that this item was before the Committee last month for open after hours and applicant was not present.

Mr. Tastellos stated that he was out of State and could not attend.

Captain Carnevale stated that there was drinking the two times the Police went to the establishment after hours. Mr. Tastellos stated that the employees were cleaning, but not drinking.

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to fine the applicant \$150 with a warning. Motion passed unanimously.

Mr. Tastellos stated that he already paid \$250 last week.

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to reconsider the above motion. Motion passed on a vote of 2-1. The following being recorded as voting "aye": Councilman Favicchio and Council President Lupino -2. The following being recorded as voting "nay": Councilman Archetto -1.

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted that the fine to the applicant be limited to \$250. Motion passed unanimously.

XI. FIRE DEPARTMENT:

Captain Morris presented two applications for storage tanks:

- 148 Atwood Ave.
- 1763 Broad St.

Captain Morris stated that Fire Department is requesting that Park Cinema be ordered to report on a monthly basis on their events similar to other venues, such as Rhodes on the Pawtuxet, so the Fire Department can determine if Fire detail is needed.

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to notify Park Cinema in writing requesting that they provide a monthly list of events for this Committee. Motion passed unanimously.

XII. LICENSE RENEWALS:

PUBLIC ENTERTAINMENT CLASS I – RENEWAL

Artists Exchange – event 9/25

50 Rolfe Square

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to approve the above license renewal application. Motion passed unanimously.

BUSINESS IN A TEMPORARY STRUCTURE – RENEWAL

Artists Exchange

50 Rolfe Square

Annunciation Greek Church – festival

195 Oaklawn Ave.

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to approve the above-listed license renewal applications. Motion passed unanimously.

ITINERANT FOOD VENDOR LICENSE – RENEWAL

Artists Exchange

50 Rolfe Square

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to approve the above license renewal application. Motion passed unanimously.

BAZAAR LICENSE – RENEWAL

Annunciation Greek Church

195 Oaklawn Ave.

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to approve the above license renewal application. Motion passed unanimously.

CLASS F – 19 HOUR LICENSE – RENEWAL

Annunciation Greek Church

195 Oaklawn Ave.

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to approve the above license renewal application. Motion passed unanimously.

XII. LICENSE RENEWALS: (Cont.)

VICTUALLING LICENSE – RENEWAL

Annunciation Greek Church

195 Oaklawn Ave.

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to approve the above license renewal application. Motion passed unanimously.

ALL NIGHT LICENSE – RENEWAL

Honey Dew Donuts

548 Reservoir Ave.

Dunkin Donuts

630 Reservoir Ave.

Garden Shell

1207 Pontiac Ave.

On motion by Councilman Favicchio, seconded by Council President Lupino, it was voted to approve all the above-listed license renewal applications. Motion passed unanimously.

BILLIARD TABLE LICENSE – RENEWAL

MT. Carmal Club

326 Union Ave.

On motion by Councilman Favicchio, seconded by Council President Lupino, it was voted to approve the above license renewal application. Motion passed unanimously.

AUTO REPAIR LICENSE – RENEWAL

Maaco

1452 Park Ave.

On motion by Councilman Favicchio, seconded by Council President Lupino, it was voted to approve the above license renewal application. Motion passed unanimously.

PRIVATE DETECTIVE LICENSE – RENEWAL

Francis Fitzpatrick

52 Lyndon Rd.

James Lynch

25 Ash Avenue

On motion by Councilman Favicchio, seconded by Council President Lupino, it was voted to approve the above-listed license renewal applications. Motion passed unanimously.

XIII. MONTHLY SCHEDULES:

RHODES ON THE PAWTUXET:

Schedule of Events for September and October 2011

Actual Number of Attendees April 2011

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to approve the above lists of events. Motion passed unanimously.

XIII. MONTHLY SCHEDULES: (Cont.)

SHARX BAR & GRILL:

Schedule of Events for June 2011- currently susp. Live entertainment – see list

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to approve the above list of events. Motion passed unanimously.

TIPICO RESTAURANT & LOUNGE

Schedule of events for August 2011

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to approve the above list of events. Motion passed unanimously.

License Status Report – see attached list.

The meeting adjourned at 10:05 P.M.

Respectfully submitted,



Rosalba Zanni
Assistant City Clerk/Clerk of Committees