

*(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 Tuesday, November 13, 2012 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  
Councilman Paul H. Archetto, Vice-Chair  
Councilman Michael V. Favicchio  
Council President Anthony J. Lupino

Absent: Council Vice-President Emilio L. Navarro  
Councilwoman Maria A. Bucci

Also Present: Carlos Lopez, Chief of Staff  
Marissa Campisani, Director of Constituent and Government Affairs  
Major John Schaffran, Police Department  
Deputy Chief, Steve McIntosh, 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 Councilman Archetto, seconded by Council President Lupino, 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:**

**IV. OLD BUSINESS:**

*Wal-Mart* –

1776 Plainfield Pike

Administration update on storage unit removal date & possible regulation

**Ms. Campisani** stated that she was advised by the Building Official that as of today, Wal-Mart were permitted for eight storage units and are down to seven. By Black Friday, they will be down to six and by January, they will be removing all of them.

**Council President Lupino** stated that he counted twenty two units at some point in time. This is not being a good neighbor. He would like a report back at next month's meeting.

**TOBACCO RENEWAL:**

**LaFrontera**

1522 Broad Street

Cont'd from 9/9/12

**Terence Livingston, Esq.**, appeared to represent the applicant and stated that his client is willing to pay the fee for fine.

**Chair** stated that this establishment will be fined \$200 to be paid to the Clerk's Office by the end of the month.

**Chair** stated that this matter is considered closed.

**CLASS BVICTUALLING LICENSE – NEW# \*BV 75**

**(Above cap -Council approval required) (Tabled 10/1 – no one appeared)**

**MINERVA INC D/B/A CHOP**

1460 Oaklawn Ave.

**Elizah Mahtos, Esq.** appeared to speak and stated hours of operation to be 11:00 AM to 11:00 PM Monday thru Thursdays and 11:00 AM to 1:00 AM Fridays and Saturdays. No one appeared to oppose.

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

**EL RETORNO RESTAURANT - # BV\*76 (cont'd from 10/1)** 1542C Broad Street

**Chair** stated that this license application has been withdrawn by applicant.

**IV. OLD BUSINESS: (Cont.)**

**SECONDHAND LICENSE – NEW (RATIFICATION FROM 10/1)**

*Delman Watch*

650 Oaklawn Ave.

No one appeared to speak in favor or to oppose.

On motion by Councilman Favicchio, seconded by Councilman Archetto, it was voted to approve this license application. Motion passed unanimously.

**VICTUALLING LICENSE – NEW (CONT'D FROM 10/1 – NO ONE APPEARED)**

*Minerva Inc d/b/a Chop*

1460 Oaklawn Ave.

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

**ORDINANCES:**

**4-12-5** Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Veh. & Traffic” (Brimfield Rd. and Amherst Rd. – Multi-Way Stop Intersections-Enumerated). *Referred Back from Council 6/25/2012.* (Cont’d from 9/17/2012 and 10/1) [\[click here to view\]](#)

**Chair** stated that this Ordinance is being withdrawn by sponsor.

**8-12-1** Ordinance in amendment of Title 10, of the Code of the City of Cranston, 2005, entitled “Motor Vehicles & Traffic” (Stop, Grace Street at Pond Street). (Cont. 9/17/2012 and 10/1 Traffic Report). [\[click here to view\]](#)

On motion by Councilman Favicchio, seconded by Councilman Archetto, it was voted to continue this Ordinance to next month’s meeting. Motion passed unanimously.

**9-12-5** Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Stop Fairfield Rd. with Summer St.). (Cont’d from 10/1) [\[click here to view\]](#)

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to continue this Ordinance to next month’s meeting. Motion passed unanimously.

**V. MISCELLANEOUS BUSINESS:**

**Little Caesar**

763 Reservoir Ave.

**Show Cause:** Noise, Loitering, Litter

**Chair** stated that this matter has been resolved and can be removed.

## **VI. PUBLIC HEARING:**

**ALL NIGHT – NEW LIMITED – Nov 23<sup>rd</sup>** Black Friday midnight opening  
*K-Mart* 296 Garfield Ave.

**Eric Smith**, Manager, appeared to speak.

**Council President Lupino** asked if there are any plans for extra security and safety measures. Mr. Smith stated, no, there will be three security guards on duty. Council President Lupino stated that he is not comfortable approving this without a plan in place to address the anticipated large crowd.

**Council President Lupino** asked Major Schaffran if the Police Department has any recommendations regarding security. Major Schaffran stated that one Police detail would be sufficient, since the Police Department is nearby. Council President Lupino stated that he would recommend two Police Officers since there are two entrances to the store. He also has not heard from the Fire Department on their recommendation.

**Councilman Archetto** asked if this establishment has ever had this event before. Mr. Smith stated, no, this has not been done before.

**Deputy Chief McIntosh** recommended Fire detail for accumulation of people in the parking lot. He indicated that he can meet with the Store Manager to discuss how to allow the people to enter and exit the building.

**Council President Lupino** asked what the capacity of the store is. Mr. Smith stated that he is not sure.

**Councilman Archetto** asked Mr. Smith if he has spoken to the neighbors regarding this license application. He is concerned that his constituents have not been given proper notification. City Clerk indicated that the abutters have been notified of this hearing.

No one appeared to oppose.

Council President Lupino motioned to approve this license application with two Police details paid for by the applicant and applicant promises to do a count to adhere to the number of people allowed into the building at one time.

**Chair** stated that he does not believe this Committee required Wal-Mart to have Police detail, when they applied for an All Night License. Why would we require one business and not another.

**Councilman Favicchio** stated that he would be in favor of the detail to ensure the safety of the people, mostly in the parking lot, since this business is near a highway.

Councilman Favicchio seconded Council President Lupino's motion. Motion passed on a vote of 3-1. The following being recorded as voting "aye": Councilmen Santamaria, Favicchio and Council President Lupino -3. The following being recorded as voting "nay": Councilman Archetto -1.

**VI. PUBLIC HEARING: (Cont.)**

**TRANSFER OF CLASS BV LIQUOR LICENSE – NEW**

**FROM:** *Chen Brothers Inc. d/b/a Royal Buffet* 272 Garfield Ave.  
*Zhen Chen & Suet Lua*

**TO:** *Royal Buffet & Grill Inc.* 272 Garfield Ave.  
*D/b/a Royal Buffet*  
**Donna Lau**

**Donna Lau** appeared to speak. No one appeared to oppose.

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

**FROM:** *Tony Papa's Restaurant Inc.* 39 Phenix Ave.  
**TO:** *Gabriel's Restaurant Inc.* 39 Phenix Ave.

**City Clerk** indicated that this was listed and acted on at last month's meeting. It is on the agenda this evening to correct an advertising deficiency. No one appeared to speak in favor or to oppose.

**FROM:** *King's Garden Restaurant Inc.* 90 Rolfe Square  
**TO:** *JLC Restaurant LLC* 90 Rolfe Square  
*d/b/a King's Garden Restaurant*

**Robert Murray, Esq.**, appeared to represent the transferor.

**Mark Buben, Esq.**, appeared to represent the transferee.

No one appeared to oppose.

On motion by Councilman Favicchio, seconded by Councilman Archetto, it was voted to approve this license transfer application. Motion passed unanimously.

**FROM:** *Nati Inc d/b/a El Tipico* 16 Gansett Ave.  
**Jose Ruiz – 100%**  
**TO:** *Nati Inc d/b/a El Tipico* 16 Gansett Ave.  
**Jose Ruiz- 49% Laura Suarez 51%**

No one appeared to speak in favor or to oppose.

On motion by Councilman Favicchio, seconded by Councilman Archetto, it was voted to table this license transfer application. Motion passed on a vote of 3-1. The following being recorded as voting "aye": Councilmen Favicchio, Santamaria and Archetto -3. The following being recorded as voting "nay": Council President Lupino -1.

**VI. PUBLIC HEARING: (Cont.)**

**FROM: JH Investments LLC d/b/a Ball's** 1150 Oaklawn Ave.  
**TO: 1150 Oak Bar & Grille LLC** 1150 Oaklawn Ave.

**Henry Ottaviano**, transferee, appeared to speak in favor. No one appeared to oppose.

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

**TRANSFER OF A CLASS A RETAIL ALCOHOLIC BEVERAGE LICENSE - NEW**

**FROM: Discount Liquor Shoppe of Cranston Inc.** 1294 Park Ave.  
**TO: Park Ave. Liquors LLC** 1294 Park Ave.

**Dave Beasoleil, Esq.**, appeared to represent the transferee. No one appeared to oppose.

On motion by Councilman Favicchio, seconded by Councilman Archetto, it was voted to approve this license transfer application. Motion passed unanimously.

**CLASS B ALCOHOLIC BEVERAGE LICENSE – NEW**

**\*\*above the cap needs full Council recommendation BV 77 / BV 78/BV 79**

**Thirsty Beaver Pub & Grub #77** 288 Atwood Ave.  
Jeffrey Quinlan

**Jeffrey Quinlan**, transferee, appeared to speak. No one appeared to oppose.

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

**Bonefish Grill LLC # 78** 2000 Chapel View.  
Joseph Kadow

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

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

**VI. PUBLIC HEARING: (Cont.)**

**Night Owl Restaurant Group LLC** 2195 Broad St.  
**D/b/a Basta on Broad #79**  
Alexander Guarino

**Chair** stated that due to some legal issues, this item will be continued.

**VI. PUBLIC HEARING: (Cont.)**

*Night Owl Restaurant Group LLC*  
*D/b/a Basta on Broad #79*  
Alexander Guarino

2195 Broad St.

**Alexander Guarino**, President, appeared to speak.

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to continue this item to next month's meeting. Motion passed unanimously.

**CLASS A LIQUOR LICENSE – RENEWALS**

*Cork & Brews Spirits Too*

2200 Broad Street

*Lev Enterprises Inc d/b/a Majestic Liquors*

1075 Park Ave.

*Gagnier Associates d/b/a Another Liquor Store*

311 Warwick Ave.

*C2TL Liquors d/b/a Capital Liquors*

811 Park Ave.

*Park Avenue Liquors*

1294 Park Ave.

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to take the above Renewals as a block. Motion passed unanimously.

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.

**CLASS B VICTUALLING LICENSE – RENEWAL**

*Royal Buffet & Grill Inc.*

272 Garfield Ave.

*Thirsty Beaver Pub & Grub LLC*

288 Atwood Ave.

*Nuevo Vallarta Inc. d/b/a El Tapatio*

355 Atwood Ave.

*Chelo's Beef Hearth of Cranston*

1275 Reservoir Ave.

*Lang's Bowlarama Inc.*

225 Niantic Ave.

*Fitz-Patricks Pub Inc .*

1145 Park Ave.

*Dean Nicholas Inc. d/b/a Campanella's*

930 Oaklawn Ave.

*JVP Enterprises Inc. d/b/a Grille on Comstock*

140 Comstock Pkwy.

*Gabriel's Restaurant Inc.*

39 Phenix Ave.

*848 Park Avenue Associates Inc.*

848 Park Ave.

*JLC Restaurant, LLC d/b/a King's Garden Restaurant*

90 Rolfe Square.

*Guayacan Lounge*

349 Dyer Ave.

*Bonefish Grill LLC*

2000 Chapel View

*Nati Inc. d/b/a El Tipico*

16 Gansett Ave.

*1150 Oak Bar & Grille LLC*

1150 Oaklawn Ave.

*Teas and Javas LLC*

2000 Chapel View

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to take the above Renewals as a block. Motion passed unanimously.

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.

## **VI. PUBLIC HEARING: (Cont.)**

### **CLASS B LIMITED ALCOHOLIC BEVERAGE LICENSE – RENEWAL**

*Pomodoro Grille LLC*

800 Oaklawn Ave.

*Piezoni's of Cranston*

40 Sock Crsrds.

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

### **CLASS D CLUB ALCOHOLIC BEVERAGE LICENSE – RENEWAL**

*Cranston Portuguese Club*

20 Second Ave.

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

## **VII. ORDINANCES:**

**10-12-1** Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles & Traffic" (No Parking Weekdays Sprague Ave.).

[\[click here to view\]](#)

On motion by Councilman Archetto, seconded by Councilman Favicchio, it was voted to recommend approval of the above Ordinance. Motion passed unanimously.

**10-12-2** Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles & Traffic" (Trough Trucking – Prohibited on America St., Back Street, Britton Street, Clemence Street, State Street, and Tweed Street).

[\[click here to view\]](#)

On motion by Council President Lupino, seconded by Councilman Archetto, it was voted to recommend approval of the above Ordinance. Motion passed unanimously.

**10-12-3** Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles & Traffic" (Ashley and Hazelton).

[\[click here to view\]](#)

**Chair** stated that this Ordinance has been withdrawn by the sponsor.

## **VIII. NEW LICENSE APPLICATIONS:**

### **CLASS F – 19 HOUR LICENSE (RATIFY THE ACTION)**

*Water's Edge – Event 10/5 and 10/17*

2190 Broad St.

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

**VIII. NEW LICENSE APPLICATIONS: (Cont.)**

**VICTUALLING LICENSE – NEW**

<i>Royal Buffet</i>	272 Garfield Ave.
<i>Thirsty Beaver</i>	288 Atwood Ave.
<i>JLC Restaurant LLC d/b/a King's Garden Restaurant</i>	90 Rolfe Square
<i>Bonefish Grille</i>	2000 Chapel View
<i>Basta on Broad</i>	2195 Broad St.
<i>1150 Oak Bar &amp; Grille</i>	1150 Oaklawn Ave.

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to approve all the above-listed license applications except for “Basta on Broad”. Motion passed unanimously.

On motion by Council President Lupino, seconded by Councilman Favicchio, it was voted to continue the application for “Basta on Broad”. Motion passed unanimously.

**PUBLIC ENTERTAINMENT CLASS I – NEW**

<i>Chelo's of Cranston</i>	1275 Reservoir Ave.
<i>Thirsty Beaver Pub &amp; Grub</i>	288 Atwood Ave.

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

**HOLIDAY SALES LICENSE – NEW**

<i>Lucky Mart LLC Sun 7AM- 9PM Mon – Sat 6AM-10PM</i>	880 Oaklawn Ave.
<i>Park Avenue Liquors LLC 9AM – 9:30PM</i>	1294 Park Ave.

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

**MASSAGE THERAPY LICENSE – NEW**

<i>Therapeutic Impressions</i>	75 Sock Cross Rd. – Suite 110
Kimberly Cook/Angela Perry-Place	

No one appeared to speak in favor or to oppose.

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

**MASSAGE THERAPY LICENSE – NEW**

<i>Back in Balance Inc</i>	75 Sock Crs Rd. – Suite 110
Michelle Neuner	

No one appeared to speak in favor or to oppose.

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

## VIII. NEW LICENSE APPLICATIONS: (Cont.)

### **FIREARMS' DEALER – NEW**

*RI Gunsmith & Reload*

101 Hazelton St.

Edward Pellegrino

**John Silvia, Esq.**, appeared to represent applicant.

**Edward Pellegrino and Edward Pellegrino, Jr.** appeared to speak.

**Attorney Silvia** stated that his client will only be doing repair and reconditioning of firearms in his home. He has received a Certificate of Occupancy permitting him to do this. He also has an alarm system tied into the Police Department. Any testing of firearms would not be done at this location, it would be done at a firing range. Any firearms he would work on he would pick up or have delivered by UPS. No customers would be coming to his home. He will not be doing any advertising for his business. It would be by word of mouth.

**Major Schaffran** stated that from the Police Department's standpoint, they have a great concern where there are firearms stored in residential areas.

**Attorney Silvia** indicated that his client also has a backup generator and video surveillance inside and outside the home. His client's intent is not to sell firearms.

**Solicitor Kirshenbaum** indicated that the Zoning Certificate on file states "repair" only, although in the file, there is a permit to make sales at retail. Attorney Silvia stated that the permit is for purchasing parts, not purchasing guns.

**Council President Lupino** stated that the application made by Mr. Pellegrino is for Firearms Dealer. He asked if the City has a Firearms Repair License. Solicitor Kirshenbaum stated that that would fall under a Miscellaneous License. Council President Lupino asked if applicant would have to reapply. Solicitor Kirshenbaum stated that the application can be amended.

**Council President Lupino** stated that what is not inconsistent is the applicant has received a permit from the State to make sales. If this Committee prohibits sales in Cranston, he questioned if the State supersedes the City.

**Councilman Favicchio** asked applicant if there will be any online sales. Mr. Pellegrino stated, no. Councilman Favicchio asked how many guns would be in the home at any given time. Mr. Pellegrino stated, three to four at a time. He also stated that he has his own personal collection of guns in his home of approximately twenty.

**Council President Lupino** stated that the last time this application was before this Committee he googled this business name. He asked Mr. Pellegrino what would come up if he googled his business name. Mr. Pellegrino stated that they had the website taken down he can't control what's on the internet. Council President Lupino stated that he is very concerned about approving this application because it is in a residential area.

**Chair** asked that the applicant apply for a Miscellaneous permit and clarify on the application that it is for repair only and not sales and it can be heard next month.

**IX. TRAFFIC ENGINEER:**

No business.

**X. POLICE DEPARTMENT:**

No business.

**XI. FIRE DEPARTMENT:**

**Lucky Mart LLC – underground storage** 880 Oaklawn Ave.

**Deputy Chief McIntosh** appeared to speak.

On motion by Councilman Favicchio, seconded by Councilman Archetto, it was voted to approve this license application. Motion passed unanimously.

**XII. LICENSE RENEWALS:**

**TOBACCO RENEWAL:**

**AAA GAS** 717 Park Ave

**Chair** stated that this item will be continued to next month's meeting.

**VICTUALLING LICENSE – RENEWALS**

<i>Rainbow Bakery</i>	800 Reservoir Ave.
<i>The Water's Edge</i>	2190 Broad Street
<i>Wal-Mart</i>	1776 Plainfield Street
<i>Del's</i>	298 Park Ave.
<i>Chelo's Beef Hearth of Cranston</i>	1275 Reservoir Ave.
<i>El Tapatio</i>	355 Atwood Avenue
<i>Lang's</i>	225 Niantic Avenue
<i>Fitz-Patricks Pub</i>	1145 Park Avenue
<i>Campanella's</i>	930 Oaklawn Ave.
<i>Grille on Comstock</i>	140 Comstock Pkwy.
<i>848 Park Avenue Associates</i>	848 Park Ave.
<i>Cranston Portuguese Club</i>	20 Second Ave.
<i>Guayacan Lounge</i>	349 Dyer Ave.
<i>El Retorno Restaurant</i>	1542C Broad St.
<i>Tipico Restaurant</i>	16 Gansett Ave.
<i>Domino's Pizza</i>	1360 Park Ave.
<i>Boulevard Pizza</i>	1031 Narr Blvd.

On motion by Council President Lupino, seconded by Councilman Archetto, it was voted to take the above Renewals as a block. Motion passed unanimously.

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

**XII. LICENSE RENEWALS: (Cont.)**

**PRIVATE DETECTIVE LICENSE – RENEWAL**

*Thomas Fitz-Simon*

59 Fairfield Rd.

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

**ALL NIGHT LICENSE – RENEWAL**

*CVS # 212*

*Ocean State Job Lot – for Black Friday only*

Reservoir Avenue  
1441 Elmwood Ave

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

**19-HOUR CLASS F – LIQUOR LICENSE – RENEWAL**

*Temple Sinai for event 12-1- 2012*

*St. Ann’s Church – event 11/16*

30 Hagen Avenue  
1493 Cranston Street

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

**PUBLIC ENTERTAINMENT LICENSE - RENEWAL**

*Garden City Art Festival*

100 Midway Road

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

**AUTO REPAIR LICENSE – RENEWAL**

*Dino’s Service Center*

265 Station Street

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

**EXPANSION OF PREMISE – RENEWALS**

*JHR Nightclub d/b/a Mardi Gras*

*Marchetti’s*

*PJ’S Pub*

1500 Oaklawn Ave.  
1463 Park Ave.  
1139 Pontiac Ave.

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

**HOLIDAY SALES LICENSE – RENEWAL**

*Pier 1 Imports*

1 New London Ave.

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

### **XIII. MONTHLY SCHEDULES:**

#### **RHODES ON THE PAWTUXET:**

##### ***Schedule of events for October and November 2012***

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

#### **TIPICO RESTAURANT & LOUNGE**

##### ***Schedule of Events for October and November 2012***

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

#### **PARK THEATRE**

##### ***No list submitted***

**Chair** stated that he had asked the City Clerk to contact this establishment indicating that they needed to provide list of events every month and if there were no events, they send notification stating that. They have not been cooperative. He in turn, asked the Fire Chief to speak to the Manager. The establishment has guaranteed that there will be a list provided for next month's meeting.

Council President Lupino motioned that if there is no list provided for next month, the establishment be called in for a Show Cause Hearing. Councilman Favicchio seconded the motion. Motion passed unanimously.

#### **EL TAPATIO**

##### ***Events for November 2012***

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

#### **CLASS B ALCOHOLIC BEVERAGE LICENSE – NEW (Cont.)**

**\*\*above the cap needs full Council recommendation BV 77 / BV 78/BV 79**

***Night Owl Restaurant Group LLC***

2195 Broad St.

***D/b/a Basta on Broad #79***

Alexander Guarino

**John DiBona, Esq.**, appeared to represent applicant and asked to be heard. He stated that he was not present in the room when motion to continue was taken earlier, since he was in Planning Commission meeting down the hall. He stated that he is not sure why this matter was continued. His client was planning to open on December 15<sup>th</sup>. Solicitor Kirshenbaum stated that according to the City Clerk, she received a message from the State of Rhode Island Tax Division that Department of Business Regulations considers this a transfer.

**Attorney DiBona** stated that he was not told about this until 5:30 today. His understanding was that since the previous business owner vacated the premises by Court Order, this was not considered a transfer. He asked when the State indicated that this was a transfer. City Clerk stated that her licensing clerk spoke to the Division of Taxation on Friday. She called them on Friday and left a voicemail, and again today but has not received a response.

**CLASS B ALCOHOLIC BEVERAGE LICENSE – NEW (Cont.)**

**\*\*above the cap needs full Council recommendation BV 77 / BV 78/BV 79**

*Night Owl Restaurant Group LLC*

2195 Broad St.

*D/b/a Basta on Broad #79*

Alexander Guarino

**Attorney DiBona** stated that his client has nothing to do with these issues.

**CLASS B ALCOHOLIC BEVERAGE LICENSE – NEW (Cont.)**

**\*\*above the cap needs full Council recommendation BV 77 / BV 78/BV 79**

*Night Owl Restaurant Group LLC*

2195 Broad St.

*D/b/a Basta on Broad #79*

Alexander Guarino

**Council President Lupino** asked if there is an active liquor license at this location by someone else as of today. Solicitor Kirshenbaum stated that there is an active license for an applicant who used to be at this location, who was evicted by the landlord. This license will expire December 1<sup>st</sup>.

**Attorney DiBona** stated that the Statute states that you have to have a location for a liquor license. He questioned what happens to the liquor license issued at this location. Solicitor Kirshenbaum stated that if the license holder does not transfer or renew by December 1<sup>st</sup>, it reverts back to the City.

**Council President Lupino** questioned if this Committee can approve this license effective December 1<sup>st</sup> as a new license. Solicitor Kirshenbaum stated that he would like to find if the State thinks this should be a transfer and reasons why. This is important. He suggested referring this to the full City Council on November 26<sup>th</sup>.

On motion by Councilman Favicchio, seconded by Councilman Archetto, it was voted to reconsider the previous motion to continue. Motion passed unanimously.

On motion by Councilman Favicchio, seconded by Councilman Archetto, it was voted to refer this license application to the full City Council on November 26<sup>th</sup> without a recommendation. Motion passed unanimously.

The meeting adjourned at 8:25 P.M.

Respectfully submitted,

Rosalba Zanni

Assistant City Clerk/Clerk of Committees