

(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, May 5, 2014 in the Council Chambers, City Hall, Cranston, Rhode Island.

I. CALL MEETING TO ORDER:

The meeting was called to order at 7:00 P.M. by the Chair.

Present: Councilman Richard D. Santamaria, Jr., Chair
Councilman Mario Aceto, Vice-Chair
Council Majority Leader Paul H. Archetto
Councilwoman Sarah Kales Lee
Council Minority Leader Michael W. Favicchio (arrived at 7:35 P.M.)
Council Vice-President Michael J Farina
Council President John E. Lanni, Jr.

Also Present: Gerald Cordy, Director of Administration
Jeffrey Barone, Director of Constituent and Government Affairs
Captain Gerard Carnevale, Police Department
Deputy Chief, Stephen MacIntosh, Fire Department
Michael Glucksman, 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 Aceto, seconded by Council Vice-President Farina, 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:

Mr. Harvey Michaels complaint dated Feb 12, 2014 re: Kings Garden Restaurant

Chair stated that he thinks this is more of a civil suit between the person and the business. Chair asked Solicitor's opinion. Solicitor Glucksman stated that he recommends referring this matter to the Legal Department.

IV. OLD BUSINESS:

VICTUALLING LICENSE – NEW (tabled 4/7/14 – no appearance)

The Power Bar (inside LA Fitness) 8AM – 8PM

200 Hillside Road

Sad Jaswal appeared to speak. No one appeared to oppose.

On motion by Council Vice-President Farina, seconded by Council Majority Leader Archetto, it was voted to approve this license application. Motion passed unanimously.

Kattan Market 6AM – 11PM

120 East Street

Nancy and Mohamad Kattan appeared to speak. No one appeared to oppose.

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

HOLIDAY SALES LICENSE – NEW (tabled 4/7/14 – no appearance)

Phantom Fireworks – 10 AM – 9 PM

1400 Oaklawn Ave.

No one appeared to oppose. Application remains tabled.

PUBLIC ENTERTAINMENT LICENSE – NEW (tabled 4/7/14 – no appearance)

First Shot LLC

1669 Cranston St.

Paul Troia appeared to speak. No one appeared to oppose.

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

GUNSMITH REPAIR LICENSE – RENEWAL – (contd 4/7/14 for location clarification)

RI Gunsmith & Reload

101 Hazelton St.

City Clerk indicated that applicant does now have a commercial location for gun sales but have renewed his previous license that permitted him to do limited repair at this location, which is his home, with Police Department's approval. There are no retail sales at his home.

On motion by Council Vice-President Farina, seconded by Council Minority Leader Favicchio, it was voted to approve this license renewal application. Motion passed unanimously.

ITINERANT FOOD VENDOR – RENEWAL (contd 4/7/14 applicant to appear)

Ocean State Concessions @ Lowe's

9 Drowne St.

Joe Boisvert appeared to speak.

Chair stated that the City Council has recently passed an Ordinance where an Itinerant Food Vendor has to be 1,000 feet from an established business. This location does not comply with the Ordinance.

Mr. Boisvert stated that he has been at this location for almost eleven years.

Chair asked how far away this location is from another business. City Clerk stated that she had checked with the Tax Assessor and he was definitely within 1,000 feet from both the Chinese Restaurant across the plaza and Texas Roadhouse though by a short distance. She does not recall the exact distances but can check for her notes.

Councilman Archetto stated there should be a grandfather provision for over ten years or a waiver, and inquired what the distance was from Wendy's. The City Clerk indicated that there is no provision in the Ordinance addressing grandfather rights or any waivers though that had been discussed in Committee.

Council President stated they had to uphold the ordinance at this point. The **Chair** stated that they can't be within 1,000 feet; the City has to protect small businesses. **Chair** indicated to Mr. Boisvert that he cannot stay at this location.

V. **MISCELLANEOUS BUSINESS:**

None.

VI. **PUBLIC HEARINGS (including Ordinances):**

ALL NIGHT LICENSE – NEW

Coffee Bean Express

1111 Cranston St.

Jeff Aloisio appeared to speak and stated that all the baking is done at night and he sells to customers at the drive thru, which is open 24 hours. He also stated that there are five other coffee shops in the City that are open 24 hours. Chair stated that some of those are under the grandfather clause.

Council Majority Leader Archetto asked how many years Mr. Aloisio has been at this location and how long he has been open 24 hours. Mr. Aloisio stated that he has been operating this business for approximately eight years and operating all night.

Council President stated he would not be supporting this. **Council Vice President Farina** stated that he will be against all 24 hours license in Cranston, that this is not Providence.

On motion by Councilwoman Lee, seconded by Council Majority Leader Archetto, it was voted to approve this license application. Motion failed on a vote of 1-5. The following being recorded as voting "aye": Councilwoman Lee -1. The following being recorded as voting "nay": Councilman Santamaria, Aceto, Council Majority Leader Archetto, Council Vice-President Farina and Council President Lanni -5.

Chair indicated to applicant that he can stay open until 2:00 A.M. only.

Wendy's

110 Garfield Ave.

Harvey Bennett appeared to speak.

Council President Lanni stated that he feels 24-7 is not Cranston. We want to keep Cranston a suburban community.

Mr. Bennett stated that his hours will be 10:00 A.M. to 4:00 A.M. He will be closed 4:00 A.M. to 10:00 A.M.

City Clerk clarified that State Law allows a Victualling License holder with no liquor to be open until 2:00 A.M. Under the City's local Ordinances, the City can allow an establishment to be open beyond 2:00 A.M. by holding an All Night License, which does not mean they have to stay open all night.

On motion by Councilman Aceto, seconded by Councilwoman Lee, it was voted to approve this license application. Motion passed on a vote of 4-3. The following being recorded as voting "aye": Councilman Aceto, Councilwoman Lee, Council Majority Leader Archetto and Council Minority Leader Favicchio -4. The following being recorded as voting "nay": Councilman Santamaria, Council Vice-President Farina and Council President Lanni -3.

Clerk presented Committee with a list of businesses that are open all night.

Councilman Aceto stated that looking at the list, some of these businesses are coffee shops.

Chair asked that the Clerk provide the Council with the hours that these businesses are open all night.

Councilman Aceto stated that to be fair to Coffee Bean, he asked that this business be allowed to come before this Committee in a month or so until the Committee can clarify this.

Council President Lanni stated that this list is not complete because there are only three coffee shops and the remainder are gas stations and CVS. He agrees that this list need to be clarified.

****TRANSFER OF CLASS B LTD. TO CLASS B FULL LIQUOR LICENSE – NEW**

(Above cap requires recommendation to Full Council)

Franco Brothers Inc
d/b/a Nino's Pizza

500 Atwood Ave.

Joseph Manera, Esq., appeared to represent applicant. Peter Franco, applicant, also appeared to speak. No one appeared to oppose.

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

TRANSFER OF CLASS B VICTUALLING LICENSE – NEW

From: Christopher's

1458 Park Ave.

To: Legends Pub & Grub

1458 Park Ave.

Richard Hiehem appeared to speak. No one appeared to oppose.

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

AUTO REPAIR LICENSE – NEW

The Garage

90 Liberia St. - Unit 3

Brandon Anderson appeared to speak. No one appeared to oppose.

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

SECONDHAND USED CAR LICENSE - NEW

Intown Auto Sales & Service

11 East Josephine St.

George Gregorian, owner of 75 Lucy St., appeared to oppose to this license application and stated that he has a concern with traffic.

Christopher Petrarca, Esq., appeared to represent Mr. & Mrs. Jose Tavares, owners of 503-505 Niantic Ave., who are also opposed to this license application. He also stated that there is a majority of people in this neighborhood who object to this application.

Jose Tavares appeared to oppose to this license application and stated that he is concerned about traffic, smell or odors coming from this business. His wife is a cancer survivor and chemical smell concerns them. He also stated that there are rats in the area.

Wilfredo Hernandez, applicant, appeared to speak and stated the hours of operation to be Mondays thru Fridays 10:00 A.M. to 6:00 P.M., Saturdays and Sundays 12:00 Noon. to 6:00 P.M. He also stated that he will be just selling cars.

Council Majority Leader Archetto stated that the street is not that wide and two-way traffic is very difficult to maneuver. He indicated that when applicant is test driving, he will be hampering a lot of people who live in this area.

Kevin Rocha, owner of property, appeared to speak and stated that this property has been vacant for three years. This has been a hardship for him. As to the rat problem, the rats are coming from Mr. Tavares's home.

Attorney Petrarca stated that the neighbors do not know what type of vehicles the applicant will be selling. This makes a difference because the quality of people he will be attracting concerns the neighbors.

Chair asked how many vehicles the applicant will have. Mr. Hernandez stated approximately 8-11.

Council Vice-President Farina asked if this property is zoned for a car lot. City Clerk indicated that the Zoning Board granted a variance for a used car lot since 1996.

Frank Lorenza, 18 Spectacle St., appeared to oppose to this license application.

On motion by Council Vice-President Farina, seconded by Council Minority Leader Favicchio, it was voted to approve this license application. Motion passed on a vote of 6-1. The following being recorded as voting "aye": Councilmen Santamaria, Aceto, Councilwoman Lee, Council Minority Leader Favicchio, Council Vice-President Farina and Council President Lanni -6. The following being recorded as voting "nay": Council Majority Leader Archetto -1.

SECONDHAND LICENSE – NEW

Treasure Brokers

228 Atwood Ave.

Linda Cody, applicant, appeared to speak and stated hours of operation to be Mondays thru Saturdays 10:00 A.M. to 8:00 P.M. and Sundays 12 Noon to 5:00 P.M. No one appeared to oppose.

On motion by Council President Lanni, seconded by Council Vice-President Farina, it was voted to approve this license application.

VII. ORDINANCES:

None.

VIII. NEW LICENSE APPLICATIONS:

FLOWER VENDOR LICENSE – NEW (Ratify the Action)

Matt Olerio – for Easter

1635 Cranston St.

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

VICTUALLING LICENSE – NEW (Ratify the Action)

Maria's Pizza & Wings – hours Sun – Sun 10- 10 PM

949 Pontiac Ave.

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

VICTUALLING LICENSE – NEW

Legends Pub & Grub – hours 11 AM – 1AM

1458 Park Ave.

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

NG Babbas – hours 6AM – 9PM

397 Dyer Ave.

Aff, Emka appeared to speak.

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

PEDDLER'S LICENSE – NEW

Moo Mobile

12 Alderbrook Dr.

James Ianelli appeared to speak.

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

HAWKERS LICENSE – NEW

Moo Mobile

12 Alderbrook Dr.

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

Mr. Ianelli asked for clarification of a Peddler License and a Hawker License. City Clerk stated that a Hawker parks on a public right of way with a truck. A Peddler moves mainly with a cart.

HOLIDAY SALES LICENSE – NEW

Mac's Food Store – hours 5AM – Midnight

983 Oaklawn Ave.

No one appeared to speak.

On motion by Council Vice-President Farina, seconded by Councilwoman Lee, it was voted to table this license application. Motion passed unanimously.

MASSAGE THERAPY LICENSE – NEW

Urbad Massage Therapy

845 Oaklawn Ave.

Georgina Kawak appeared to speak.

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

IX. TRAFFIC ENGINEER:

None.

X. POLICE DEPARTMENT:

None.

XI. FIRE DEPARTMENT:

None.

XII. LICENSE RENEWALS:

PEDDLER'S LICENSE – RENEWAL

Benji's Ice Cream – 2 trucks

47 Manton Ave.

Palagi's Ice Cream

55 Bacon St.

New England Lemonade - 2 trucks

45 Gage St.

Del's – 4 trucks

1260 Oaklawn Ave.

On motion by Council Vice-President Farina, seconded by Councilman Aceto, it was voted to approve all the above-listed license renewal applications as a block. Motion passed unanimously.

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

ITINERANT FOOD VENDOR – RENEWAL

Del's

1260 Oaklawn Ave.

On motion by Council Vice-President Farina, seconded by Councilman Aceto, it was voted to approve the above license renewal application. Motion passed unanimously.

HAWKER'S LICENSE – RENEWAL

NE Lemonade

45 Gage St.

On motion by Council Vice-President Farina, seconded by Councilman Aceto, it was voted to approve the above license renewal application. Motion passed unanimously.

LEASING OF MOTOR VEHICLES – RENEWAL

East Side Collision Center

2050 Plainfield Pike

On motion by Council Vice-President Farina, seconded by Councilman Aceto, it was voted to approve the above license renewal application. Motion passed unanimously.

AMUSEMENT MACHINE LICENSE – RENEWAL

McShawn's Pub

1336 Cranston St.

On motion by Council Vice-President Farina, seconded by Councilman Aceto, it was voted to approve the above license renewal application. Motion passed unanimously.

BILLIARD TABLE LICENSE – RENEWAL

2012 Sports Bar

1785 Cranston St.

On motion by Council Vice-President Farina, seconded by Council Minority Leader Favicchio, it voted to approve the above license renewal application. Motion passed on a vote of 5-2. The following being recorded as voting “aye”: Councilman Aceto, Councilwoman Lee, Council Majority Leader Archetto, Council Minority Leader Favicchio and Council Vice-President Farina -5. The following being recorded as voting “nay”: Councilman Santamaria and Council President Lanni -2.

HOLIDAY SALES LICENSE – RENEWAL

Blooming Mad

1745 Broad St.

Gamestop - #2349

286 Garfield Ave.

Gamestop - #6145

1000 Chapel View

Pier 1 Imports

1 New London Ave.

Price Rite of Cranston

1415 Elmwood Ave.

Rite – Aid

570 Pontiac Ave.

Rite – Aid

1011 Cranston St.

Rite – Aid

250 Atwood Ave.

Rite – Aid

548 Dyer Ave.

Omaha Steaks

1000 Chapel View

On motion by Council Vice-President Farina, seconded by Council Minority Leader Favicchio, it was voted to approve all the above-listed license renewal applications as a block. Motion passed unanimously.

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

VICTUALLING LICENSE – RENEWAL

Primo’s

342 Budlong Rd.

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

SECONDHAND LICENSE – RENEWAL

Manhattan Gold Buyers

166 Atwood Ave.

2nd Time Around

330 Atwood Ave.

On motion by Council Vice-President Farina, seconded by Councilwoman Lee, it was voted to approve all the above-listed license renewal applications as a block. Motion passed unanimously.

On motion by Council Vice-President Farina, seconded by Councilwoman Lee, it was voted to approve all the above-listed license renewal applications. Motion passed unanimously.

USED CAR LICENSE – RENEWAL

*Volare Motors
Dyer Ave Motors*

1003 Park Ave.
454 Dyer Ave.

On motion by Council Vice-President Farina, seconded by Councilwoman Lee, it was voted to approve all the above-listed license renewal applications as a block. Motion passed unanimously.

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XIII. MONTHLY SCHEDULES:

RHODES ON THE PAWTUXET:

Schedule of events for April through June 2014 submitted in April

PARK THEATRE:

Schedule of Events for 2014 submitted in APRIL

GUAYACAN LOUNGE:

Schedule of Events for April and May 2014 submitted in April

The meeting adjourned at 8:40 P.M.

Respectfully submitted,



Rosalba Zanni
Assistant City Clerk/Clerk of Committees