

(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, 2016 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: Council Vice-President Richard D. Santamaria, Jr., Chair
Council Majority Leader Paul H. Archetto, Vice-Chair
Councilman Michael J Farina
Councilman Mario Aceto
Councilman Christopher G. Paplauskas
Council Minority Leader Michael W. Favicchio
Council President John E. Lanni, Jr.

Also Present: Jeffrey Barone, Director of Constituent Affairs
Captain Karen Guilbeault, Police Department
Sergeant Matthew Josefson, Police Department
Deputy Chief, Stephen MacIntosh, Fire Department
Christopher Rawson, City Solicitor
J. Patrick O'Neill, Assistant City Solicitor
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 President Lanni, 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/REPORTS:

Galaxie Restaurant

957 Reservoir Avenue

Notification of closure 7/1/2016 and request for extension pursuant to Code 5.12.060
to transfer to new location

Councilman Aceto asked if the applicant has to return the license to the City or if he gets to keep the license. Solicitor Rawson stated that he will have to research this.

On motion by Councilman Aceto, seconded by Council Majority Leader Archetto, it was voted to continue this item to next month's meeting. Motion passed unanimously.

IV. OLD BUSINESS:

None.

V. ADVERTISED PUBLIC HEARINGS (Including Ordinances)

AUTO REPAIR LICENSE – NEW

Ercilio's Electro Auto

173 Niantic Ave.

Ercilio Zejada appeared to speak and stated hours of operation to be Mondays thru Fridays 8:30-6:00, Saturdays 8:30-12:00 and closed Sundays. No one appeared to oppose.

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

VI. NEW LICENSE APPLICATIONS:

VICTUALLING LICENSE – NEW

California Taco MI – 11-11PM

716 Reservoir Ave.

Wendy Piedrasanta appeared to speak and stated hours of operation to be 11:00-11:00 seven days a week. She also stated that seating capacity is 25. No one appeared to oppose.

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

VII. TRAFFIC ENGINEER:

No business.

VIII. SHOW CAUSE:

SECONDHAND LICENSE (CONT'D FROM 7/11 – police investigation undergoing)

Continental Coin

1212 Park Ave.

Captain Karen Guilbeault appeared to speak and gave background on the investigation.

William Demitri, Esq., appeared to represent Debra and Mario Assante and stated that he was contacted by Ms. Assante last week and again today regarding this Show Cause. He stated that he is present on a very short notice today because he does not have any reports or detailed information regarding this issue. He asked that this be continued to the next meeting.

Councilman Aceto asked whether there is a State agency that checks these types of businesses to check their logs. Captain Guilbeault stated that there is and the Police Department contacted the Attorney General's Office and were told that they could not get involved because the applicant was not licensed by the State, which they should be. They would only require a State License only if they do precious metals. Mr. Assante is supposed to be dealing with precious metals, but when the Police went into the business, there were previous metals in the cases on display.

Council Minority Leader Favicchio asked what the Police Department's position is on this license. Captain Guilbeault stated that it needs to be revoked immediately. There is a long history of this applicant conducting this type of business in Johnston. There is a long history in the world of thieves that this is the place to go. Another reason that this needs to be revoked, if not today, immediately, because the applicant was not cooperative and he was adamant to the Police that he has been conducting this type of business the way he has been for years and he is not about to change that now.

Chair asked who Ron Kennedy is. Attorney Dimitri stated that it is Ms. Assante's husband. Chair indicated that on May 20th a certified letter was sent to him to report to this Committee on June 6th. Mr. Kennedy signed the certified mail and receipt was sent back to the Clerk's Office. This business was notified on June 1st of this Show Cause. He asked why the attorney was not notified earlier. Attorney Dimitri stated that he was representing Mr. Assante of the criminal charges.

On motion by Council President Lanni, seconded by Council Majority Leader Archetto, it was voted to suspend the license for this establishment until next month's meeting, Sept. 12th in order to give the attorney for the business opportunity to obtain information he needs from the Police Department and at the next meeting, based on what the Attorney states and what the Police Department states, the Committee will either revoke the license or make other decision. Motion passed unanimously.

Chair indicated that the doors to this establishment are to be closed and locked until the next meeting.

CLASS B VICTUALLING LIQUOR LICENSE

Red Lounge Restaurant

355 Dyer Ave.

Louis DeSimone, Esq., appeared to represent the applicant. Victor Delgadillo, Manager, appeared to speak.

Richard O'Leary, Senior Manager, of the apartments across the street from this establishment, appeared to speak.

Attorney DeSimone objected to public comment. He indicated that the case was brought by the Police Department and the City and not the public.

Sgt. Josefson appeared to speak and stated that since January of this year, the Police responded to this business for the following:

- Assault with arrest was made
- Three disturbances
- Police were there 14 times to check on people dispersing from the property
- Motor vehicle theft and a larceny report

Attorney DeSimone stated that he was not advised of none of these items.

Chair asked if the attorney can be provided with copies of the Police reports. Solicitor Rawson provided copies to Attorney DeSimone.

Councilman Farina stated that a few years ago, this Committee, with Guayacan Lounge, instituted Police Details on weekends for six months. This seemed to work. He asked what the Police Department's opinion is to do the same with this business. Captain Guilbeault stated that it might help if they could do that on a trial basis.

Councilman Aceto asked why the other partner is not present this evening. Attorney DeSimone stated that he is not required. He can have him attend if this Committee wishes him to be present.

Councilman Aceto asked how many parking spaces there are. Attorney DeSimone stated, approximately 20. Councilman Aceto asked what the seating capacity is. Attorney DeSimone stated, 106. Councilman Aceto asked if there is security at this establishment. Attorney DeSimone stated that a company is there who checks ID, but they do not patrol the parking lot.

Councilman Aceto asked what time the last call is made. Mr. Delgadillo stated that they announce last call at 12:30 and stop serving at 12:45. Councilman Aceto asked what time the building is cleared. Mr. Delgadillo stated that they start clearing the building at 12:50 and the building is normally cleared by 1:00 a.m.

Chair stated that the building should be locked at 1:00 a.m. and everyone should be out by 1:20 unless they run late and they call the Police Department to notify them that they are running late.

Councilman Aceto asked if there is video surveillance in the parking lot. Mr. Delgadillo stated, yes.

Mr. O'Leary stated that he is the Manager of Farmington Terrace and the residents of the apartments have concerns of loitering in the parking lot, public drunkenness, disturbing residents in the apartments. Attorney DeSimone objected to these statements because Mr. O'Leary was not present when these allegations occurred.

Chair asked Mr. O'Leary if he spoke to the tenants if they were going to attend. Mr. O'Leary stated that he spoke to approximately 20 residents and they were going to attend, but they were afraid of retaliation if they attended. He indicated that he can urge them to attend the next meeting.

On motion by Councilman Aceto, seconded by Councilman Farina, it was voted to require the Police Detail at this establishment on Thursday, Friday and Saturday nights and leave the times for the details up to the Police Department.

Under Discussion:

Captain Guilbeault stated that they can do an analysis of the times of the calls to make sure those times are covered for the detail.

Councilman Farina indicated that no one was willing to sign a petition or send an email. That would help this Committee to understand the residents' concerns. He agreed with Councilman Aceto regarding the detail there.

Council Minority Leader Favicchio asked if it is possible that the disturbances outside could be attributed to the other restaurants or bars in the area. Sgt. Josefson stated that it is possible. He indicated that most of the disturbances are from 10-2 and on Sundays more than Fridays.

Council President Lanni agreed with Councilman Aceto for Police Detail immediately and have another hearing in a month and if this Committee has to, it will continue with the detail.

On motion by Councilman Farina, seconded by Councilman Aceto, it was voted to amend the previous motion to continue this Show Cause hearing to next month's meeting with Police Detail based on the Cranston Police analysis of need. Motion passed unanimously.

Mardi Gras

1500 Oaklawn Ave.

Solicitor Rawson stated that there is an amount owed by applicant to the City for Police and Fire detail in the amount of approximately \$32,000. The City has filed a lawsuit for these fees. He indicated that a principal for this business dropped off a check this evening in the amount of \$5,000 and we anticipate getting the remainder in a payment plan.

Councilman Farina asked if the City is still providing detail. Solicitor Rawson stated, yes. Councilman Farina asked how aggressive the establishment will be in making these payments. Solicitor Rawson stated, approximately \$10,000 per month. Councilman Farina stated that he would be in favor of agreeing to giving this establishment time for a payment plan with condition that they are making the payments and continue this Show Cause hearing to next month's meeting for status update on the payments.

Councilman Aceto questioned why the Council was not made aware earlier that this establishment owed so much.

Council President Lanni asked what happens if this establishment goes bankrupt. Solicitor Rawson stated that we would become a creditor. Council President Lanni stated that we do not know what their business situation is like. This is a concern. Maybe we could place a lien on the property. He also indicated that this business was supposed to switch from bottlers to plastic and they still haven't done that. He stated that as a body, this Committee could call the applicant in to appear before the Committee.

On motion by Councilman Farina, seconded by Councilman Aceto, it was voted to issue a Show Cause Hearing for this establishment to address update on switching from bottles to plastic and update from Police Department on disturbances and overdue fees related to details. Motion passed unanimously.

IX. POLICE DEPARTMENT:

No business.

X. FIRE DEPARTMENT:

No business.

XI. LICENSE RENEWALS:

19 HOUR LIQUOR LICENSE – RENEWAL

St Mary's Church – event 9/17

1525 Cranston St.

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

EXTENDED HOURS LICENSE – RENEWAL

CVS – 24 hours

681 Reservoir Ave.

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

FIREARMS DEALER – RENEWAL

On Target Firearms

1 Gray Birch Dr.

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

XII. MONTHLY SCHEDULES:

GUAYACAN LOUNGE – LIST OF EVENTS JULY – SEPTEMBER 2016

(Submitted in June)

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

848 PARK THEATRE – LIST OF EVENTS MAY – OCTOBER 2016

(Submitted in June)

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

LEGENDS PUB & GRUB –list of events amended for July and August

(Submitted in July)

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

RHODES ON THE PAWTUXET – LIST FOR April 2016- Sept. 2016

(Submitted in May)

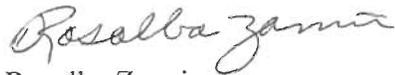
On motion by Councilman Farina, seconded by Council Minority Leader Favicchio, it was voted to approve the above list of events. Motion passed unanimously.

XIII. MISCELLANEOUS BUSINESS

None.

The meeting adjourned at 8:30 P.M.

Respectfully submitted,



Rosalba Zanni

Assistant City Clerk/Clerk of Committees