

SAFETY SERVICES & LICENSES COMMITTEE

Regular meeting of the Safety Services and Licenses Committee was held on Monday, April 6, 2009 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
Council Vice-President Terence Livingston, Vice-Chair
Councilman Paul H. Archetto
Councilman Robert J. Pelletier
Councilman Emilio L. Navarro
Councilwoman Michelle Bergin-Andrews
Council President John E. Lanni, Jr.

Also Present: Gerald Cordy, Deputy Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Major Ronald Blackmar, Police Department
Chief James Gumbley, Fire Department
Stanley Pikul, Building Official
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 Navarro, seconded by Council Vice-President Livingston, 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: Sharx Bar & Grill – discussion on appeal

Assistant Solicitor Kirshenbaum stated that there are two issues, one being pending litigation and he suggested continuing this item.

On motion by Council President Lanni, seconded by Councilwoman Bergin-Andrews, it was voted to continue this item to next month's meeting. Motion passed unanimously.

IV. OLD BUSINESS:

CLASS B VICTUALLING LICENSE

Basta CON T'D FROM 2/2/09 – Update on grease trap 2195 Broad Street

Joanne Micheletti

Building Inspector and Dir. Of Public Works requested to appear

Mr. Pikul appeared to speak and stated that he did an inspection on the grease traps and one other item is tie-in of vent through the roof and another inspections is scheduled for April 23, 2009.

IV. OLD BUSINESS: (Cont.)

CLASS B VICTUALLING LICENSE (Cont.)

Basta CON T'D FROM 2/2/09 – Update on grease trap

2195 Broad Street

Mr. Cordy referred to a letter from Veolia of events associated with March 28, 2008 event.

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin-Andrews, it was voted to set the money applicant owes to -0- and remove this item from the agenda.

Motion and second were withdrawn.

Chair questioned why the Committee is receiving this letter prior to this meeting. Mr. Cordy stated that since the Public Works Director is no longer employed by the City, he was just able to get this information together today.

Council Vice-President Livingston asked if the owner has been given this information.

On motion by Council Vice-President Livingston, seconded by Councilman Pelletier, it was voted to continue this item for one month and the owner of business is to attend the next meeting and be provided with information presented this evening prior to that meeting. Motion passed unanimously.

Park Theatre – cont'd from 2/2/09 – Status Update

848 Park Avenue

John DiBona, Esq., appeared to represent applicant and presented a handout of the timeline for this project. He stated that the applicant hopes that this timetable will be kept and he thanked the Committee for their patience in regards to this project.

On motion by Council Vice-President Livingston, seconded by Councilman Pelletier, it was voted to continue this item to the June meeting. Motion passed unanimously.

Powers Pub – cont'd from 1/12/09

2190 Broad Street

Chair indicated that due to his error, applicant is not present this evening, but he asked that any member of the public who would like to speak, will be allowed to address this issue.

Council Vice-President Livingston indicated that applicant has filed an application for outdoor seating, which will be heard at the May 4, 2009 meeting.

Chair stated that the hearing this evening will be just regarding the issue from the last meeting of complaints.

IV. OLD BUSINESS: (Cont.)

Powers Pub – cont'd from 1/12/09 (Cont.)

2190 Broad Street

Melissa and Donald Centracchio, 9 Durie Rd., Warwick, owners of 23-25 Aborn St., appeared to speak. Mrs. Centracchio stated that since the last meeting, the problems at this establishment have gotten a lot worse than they initially were. Police have been called almost every single weekend. Noise is unbearable for her tenants; there is continuous drinking and brawls outside and patrons urinating on her property. These disturbances are all on video, which has been provided to the Police. Loud music has also been unbearable. This is supposed to be a piano bar. Patrons do not leave the establishment until 1:30 – 1:45 A.M. and people that work there do not leave until 3:30 – 4:00 A.M. After doing some research, she stated that this establishment has a Class BV License and food needs to be served, but there is no kitchen and they do not serve food. According to people who have been at this establishment, they serve popcorn. Another issue she has is notification of the hearing. She presented a list of people who were to be notified and there are eleven people on this list that were not notified. Due to this, she feels that the granting of this license is not valid. Mr. Centracchio stated that an issue he has is the City was at the cap with the Class BV licenses and this establishment was granted a license exceeding the cap.

Ruth Spellman, a tenant of Mr. and Mrs. Centracchio, appeared to speak and stated that she took the January 23, 2009 videos of the disturbances outside and gave them to Major Blackmar. The owners of Powers Pub told the residents that she would have a door person and there was no door person and the Police had to be called due to a brawl. The business closes at 1:00 A.M., but the bartender stays in the building until 2:00 A.M. to 3:00 A.M. in the morning.

Nancy Costillo, 25 Aborn St., appeared to speak and stated that she has two teenage daughters and she is very concerned about what is going on at this business.

Sharon Flanagan, 23 Aborn St., appeared to speak and stated that this neighborhood has diminished since this bar opened. She echoed the statements made by previous speakers regarding the disturbances. She also stated that this is supposed to be a quiet piano bar, which is anything but.

Lawrence Strawman, 25 Aborn St., appeared to speak and echoed the statements made by previous speakers.

Chair stated that the applicant was to come next month for the outdoor seating application, but this will be changed to a show cause hearing. He asked Major Blackmar, for the next meeting, provide all the logged calls made to the Police Department regarding this business.

Councilwoman Bergin-Andrews motioned to have a special meeting prior to the next regular meeting so the residents don't have to wait another month.

Committee recessed to discuss date for special meeting.
Committee reconvened.

IV. OLD BUSINESS: (Cont.)

Powers Pub – cont'd from 1/12/09 (Cont.)

2190 Broad Street

Chair stated that show cause hearing will be held next Monday, April 13, 2009 at 6:00 P.M. and the owner is to be notified of this meeting.

On motion by Council President Lanni, seconded by Council Vice-President Lanni, it was voted to continue this hearing to a special meeting on Monday, April 13, 2009 at 6:00 P.M. for show cause. Motion passed unanimously.

AUTO REPAIR LICENSE – 6 MONTH REVIEW FROM 10/6/2008

Hero Auto Service

1650 Cranston Street

Robert Hero appeared to speak. No one appeared to oppose.

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

VICTUALLING LICENSE – NEW

Dad's Diner

871 Atwood Avenue

Anthony Arena (Tabled 3/2/2009 applicant did not appear)

Anthony Arena appeared to speak. No one appeared to oppose.

On motion by Council Vice-President Livingston, seconded by Councilman Pelletier, it was voted to remove this application from the table. Motion passed unanimously.

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

New York Halal Chicken

1542 Broad Street

Abdul Qayyeun (Tabled 3/2/2009 applicant did not appear)

Abdul Qayyeun appeared to speak. No one appeared to oppose.

On motion by Council Vice-President Livingston, seconded by Councilman Pelletier, it was voted to remove this application from the table. Motion passed unanimously.

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

V. PUBLIC HEARING:

ORDINANCES: ORDINANCE 3-09-2 in amendment of the City Council in amendment of Chapter 17.64.101 of the Code of the City of Cranston, 2005, entitled “Off Street Parking”

Councilman Navarro appeared to speak as a sponsor of this Ordinance and stated that the issue is of people parking on their lawns, which has become a big issue in his Ward.

Diana Gordon, 363 Pontiac Ave., appeared to speak and asked if this Ordinance is passed, where are people going to park if they are prohibited from parking on their lawn. Councilman Navarro stated that this is prohibiting people from parking on their lawn and instead park in their driveway.

Council President Lanni stated that we need to take a very hard look at this because this is addressing private property. He agrees that there needs to be input on how this issue can be handled.

Councilman Navarro stated that he would like more information from the Building Official regarding the Zoning with any suggestions and also a report from the Planning Department regarding the off-street parking issue.

Council Vice-President Livingston stated that he has a concern with this Ordinance because Edgewood has a lot of older homes with not enough parking spaces and residents park on their lawn and we have no overnight parking so he questioned where the residents are supposed to park. He asked that the Solicitor review this to see if we can prevent people from parking on their own property.

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin-Andrews, it was voted to continue this Ordinance.

Under Discussion:

Councilman Pelletier stated that he would be in favor of making an amendment adding language whereby residents make parking spot look like an actual parking spot.

Roll call on motion to continue passed unanimously.

**ALL NIGHT LICENSE – NEW
7 – ELEVEN**

1394 Plainfield Pike

Mary Clouten appeared to speak. No one appeared to oppose.

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

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

TRANSFER OF CLASS A RETAIL ALCOHOLIC BEVERAGE LICENSE – NEW

From : Damyanti Inc.

1219 Cranston Street

D/b/a Cranston Liquors

Ilesh Patel

To: AUM Shakti Inc

1219 Cranston Street

d/b/a Cranston Liquors

Satyam Patel/Piyush Patel

Satyam Patel appeared to speak.

Angelo Moretti, 37 Nottingham Dr., Hope, appeared to oppose. He stated that his complaint is parking. He owns Arlington Auto and the liquor store does not have one inch of parking for this business. All the patrons of the liquor store use his property for parking. He also owns three pieces of properties and the liquor store is right in the middle of his properties. He is constantly picking up bottles, cans and other trash from the liquor store. He has spoken to the Traffic Engineer and nothing is being done. He asked that someone from the City go to the area and check into this.

Maria Moretti appeared to oppose and stated that every time she and her husband have put up a building or done improvements, they have had to go through all kinds of permits and make sure there was handicapped parking. She asked where is the liquor store's handicapped parking. This license was given illegally years ago by the City of Cranston.

Council President Lanni stated that Mr. Moretti has spoken to former Councilwoman Paula McFarland and this liquor store has had "no parking signs" put up and there is on street parking. The liquor license has been there for twenty years and as far as he is concerned, it is grandfathered. You do not need handicapped parking for on street parking. The Traffic Engineer has looked at this and no recommendations have come out of his office.

Councilman Archetto stated that he did visit the area this weekend and he witnessed litter on Mr. Moretti's property and graffiti in the area. There is an issue of fairness here. His recommendation is we need some type of warning or oversight.

Councilman Navarro stated that he does not see himself voting against this license transfer application, since this is an existing business that has been there for over twenty years.

On motion by Councilman Navarro, seconded by Council Vice-President Livingston, it was voted to approve this license transfer application. Motion passed on a vote of 6-1. The following being recorded as voting "aye": Councilmen Santamaria, Pelletier, Navarro, Council Vice-President Livingston, Councilwoman Bergin-Andrews and Council President Lanni -6. The following being recorded as voting "nay": Councilman Archetto -1.

Chair asked applicant to be a good neighbor and try not to have his patrons park in nearby businesses and use on street parking.

VI. NEW LICENSE APPLICATIONS:

PRIVATE DETECTIVE – NEW

Isaias Najera - #486

44 Dunedin Street

Isaias Najera appeared to speak.

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

VICTUALLING LICENSE – NEW

Café Friends

1650 Elmwood Ave.

Gregory DiZoglio

Gregory DiZoglio appeared to speak.

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

Primo's

342 Budlong Road

Al Jacavone

Al Jacavone appeared to speak.

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

VII. TRAFFIC ENGINEER:

No business.

VIII. SHOW CAUSE HEARING:

Pontiac Getty

899 Pontiac Avenue

Elie Antoun *Violation of Zoning/Parking Site Plan Requirements*

AUTO REPAIR LICENSE

Pontiac Getty

899 Pontiac Avenue

Eli Antoun

Seth Perlmutter, Esq., appeared to represent applicant and asked for a continuance to the next meeting due to a notice sent to his client on March 30, 2009, which contains violation of 17.64.010. The notice does not specify what section of this Ordinance is being violated. Also on Friday afternoon, he received a call from his client stating that the Police were there and later a tow truck appeared and towed two vehicles off his property. He is unsure of what action the City is taking.

VIII. SHOW CAUSE HEARING: (Cont.)

Pontiac Getty (Cont.)

Elie Antoun *Violation of Zoning/Parking Site Plan Requirements*

899 Pontiac Avenue

AUTO REPAIR LICENSE

Pontiac Getty

Eli Antoun

899 Pontiac Avenue

Councilman Navarro stated that he, Administration and the Traffic Engineer has tried to work with the applicant as far as the maintenance of his property and he has an overabundance of cars, which violate the Code. He is consistently violating this. There has been no attempt to rectify the situation from what he has seen and the vehicles are not registered. The property looks like a junkyard. This is the main reason for the show cause.

Chair asked that the Building Official provide a list of the citations that have been issued and he asked the Administration and the Police Department to provide reports regarding the towed vehicles.

Mr. Pikul suggested that Attorney Perlmutter contact him and he will update him on what has transpired.

On motion by Council Vice-President Livingston, seconded by Council President Lanni, it was voted to continue this item Motion passed unanimously.

IX. POLICE DEPARTMENT:

No business.

X. FIRE DEPARTMENT:

Chief Gumbley presented an application for storage tanks at 535 Reservoir Ave.

AUTO REPAIR LICENSE – CONT'D FROM MARCH FOR INSP. FROM FIRE

Russo's Auto

549 Dyer Avenue

Chief Gumbley stated that applicant is not done yet with the fire alarm system. He suggested approving this license contingent upon completion of the plan.

On motion by Council Vice-President Livingston, seconded by Council President Lanni, it was voted to approve this license application pending completion of plan. Motion passed unanimously.

XI. LICENSE RENEWAL APPLICATIONS:

USED CAR LICENSE – RENEWAL

Mega Wheels Auto Sales

Quality Auto Sales

Classic Car & Van Sales

Moretti's Auto Sales

1568 Broad Street

222 Warwick Avenue

971 Cranston Street

510 Atwood Avenue

XI. LICENSE RENEWAL APPLICATIONS: (Cont.)

USED CAR LICENSE – RENEWAL (Cont.)

<i>Atlantic Auto Center</i>	616 Atwood Avenue
<i>Volare Motors</i>	1003 Park Avenue
<i>City of Cranston</i>	929 Phenix Avenue
<i>bEnterprise Rent A Car</i>	333 Niantic Avenue

On motion by Council Vice-President Livingston, seconded by Council President Lanni, it was voted to approve all the above-listed license renewal applications. Councilman Navarro abstained from voting on the license renewal application for the “City of Cranston”.

VICTUALLING LICENSE – RENEWALS

<i>Café Latte -3 years</i>	432 Atwood Avenue
<i>Dear Heart’s</i>	2218 Broad Street
<i>Mangia Mangia</i>	1606 Cranston Street

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

FLOWER VENDOR’S LICENSE – RENEWAL

<i>Alan Linsky- Easter & Mother’s Day</i>	135 Atwood Avenue
<i>William Santilli – Easter & Mother’s Day</i>	1500 Oaklawn Ave.
<i>Lucille Kelly – Easter & Mother’s Day</i>	1321 Cranston Street
<i>Anthony Lombardi- Easter & Mother’s Day</i>	280 Warwick Avenue
<i>Matt Olerio- April 10th - April 12th</i>	1563 Cranston Street, 1424 Park Avenue & 1369 Park Avenue

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

HOLIDAY SALES LICENSE – RENEWAL

<i>Garden Hills Fruit & Deli</i>	763 Oaklawn Avenue
<i>Men’sWearhouse & Tux</i>	508 Reservoir Avenue
<i>Lowe’s Home Improvement</i>	Garfield Avenue
<i>Park Avenue Shell</i>	1315 Park Avenue
<i>Easy RV Outlet Sales & Service</i>	1416 Park Avenue
<i>Casino Greenhouse</i>	640 Dyer Avenue
<i>Dollar Tree # 1794</i>	252 Garfield Avenue
<i>Public America</i>	905 Cranston Street
<i>Price Rite of Cranston</i>	1415 Elmwood Ave.
<i>Circuit City</i>	140 Hillside Road
<i>Borders Inc</i>	190 Hillside Road
<i>Chico’s Fashions</i>	64 Hillside Road
<i>AJ Seabra Supermarkets</i>	550 Pontiac Avenue

XI. LICENSE RENEWAL APPLICATIONS: (Cont.)

HOLIDAY SALES LICENSE – RENEWAL (Cont.)

<i>Pier 1 Imports</i>	1 New London Ave.
<i>Atwood Greenhouses</i>	700 Atwood Avenue
<i>Omaha Steaks</i>	1000 Chapel View Bd
<i>Sunny's Convenience</i>	1279 Cranston Street
<i>Northern RI Wireless</i>	1694 Plainfield Pike
<i>Pippin Orchard Nurseries</i>	1199 Pippin Orchard
<i>Dollar Tree #1794</i>	252 Garfield Avenue

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

Councilman Pelletier indicated that Circuit City has gone out of business.

SECONDHAND LICENSE – RENEWALS

<i>Men's Wearhouse & Tux</i>	508 Reservoir Avenue
<i>Easy RV Outlet Sales & Service</i>	1416 Park Avenue

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

PEDDLER'S LICENSE – RENEWALS

<i>Benji's Ice Cream</i>	369 Montgomery Ave
<i>Benji's Ice Cream</i>	217 Ohio Avenue
<i>Frank Notorianni</i>	560 Post Road

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

ALL NIGHT LICENSE – RENEWALS

<i>Honey Dew Donuts</i>	300 Atwood Avenue
<i>Honey Dew Donuts</i>	548 Reservoir Avenue
<i>Park Avenue Shell</i>	1315 Park Avenue
<i>AMF Bowling Centers d/b/a Lang's</i>	225 Niantic Avenue
<i>AMF Bowling Centers d/b/a Cranston Bowl</i>	1450 Elmwood Ave.
<i>Tim Hortons</i>	2174 Plainfield Pike
<i>Java Junkies d/b/a Tim Hortons</i>	1334 Park Avenue
<i>Fortini Ent. d/b/a Ocean State Mobil</i>	1282 Elmwood Ave.
<i>Miss Cranston Diner</i>	1224 Oaklawn Ave.

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

XI. LICENSE RENEWAL APPLICATIONS: (Cont.)

BILLIARD TABLE LICENSE – RENEWALS

Mt. Carmel Club

Legion Bowl

Cranston Portuguese Club

324 Union Avenue

661 Park Avenue

20 Second Avenue

On motion by Councilman Pelletier, seconded by Councilwoman Bergin-Andrews, it was voted to approve all the above-listed license renewal applications. Motion passed unanimously.

AMUSEMENT MACHINE LICENSE – RENEWAL

Cranston Veterans Memorial Ice Rink

900 Phenix Avenue

On motion by Council President Lanni, seconded by Councilwoman Bergin Andrews, it was voted to approve the above license renewal application. Motion passed unanimously.

ITINERANT FOOD VENDOR LICENSE – RENEWAL

Pawtuxet Village Farmers Market

@Rhodes on the Pawt

On motion by Council President Lanni, seconded by Councilwoman Bergin Andrews, it was voted to approve the above license renewal application. Motion passed unanimously.

TEMPORARY STRUCTURE LICENSE – RENEWAL

Pawtuxet Village Farmers Market- May – Nov 2009

@Rhodes on the Pawt

On motion by Council President Lanni, seconded by Councilwoman Bergin Andrews, it was voted to approve the above license renewal application. Motion passed unanimously.

AUTO REPAIR LICENSE – RENEWAL

Anderson Auto Body

AutoPaint RI

Airport Auto Radiator

Alex's Auto

American Performance Petroleum

Accu Auto Service Center

Andy's East Coast Speed

45 Hodsell Street

47 Stamp Farm Road

598 Atwood Avenue

866 Park Avenue

964 Cranston Street

1570 Elmwood Ave

1528 Elmwood Ave

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

PUBLIC ENTERTAINMENT LICENSE – RENEWAL

Miller's Crossings

43 Bald Hill Road

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

XII. RHODES ON THE PAWTUXET:
Schedule of Events for May and June 2009
Actual Number of Attendees from February 2009

On motion by Council Vice-President Livingston, seconded by Councilman Pelletier, it was voted to approve the above list of events. Motion passed unanimously.

ELTIPICO

City Clerk stated that a representative from ElTipico and his attorney are present, but are not listed on the agenda.

Major Blackmar stated that there have been no problems and applicant is providing the Police Department with list of events.

Chair stated that there was no need for applicant to attend this meeting if they complied with the Police Department and provided them with a list of events.

Mark Gershkoff, Esq., appeared to represent applicant and stated that he was informed by Kim, in the Clerk's Office, that this item was going to be heard this evening.

Jose Reis appeared to speak regarding the parking. He asked if the City needs something signed by the garage next door, whose parking he will use.

The meeting adjourned at 8:40 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees