

SAFETY SERVICES & LICENSES COMMITTEE

Regular meeting of the Safety Services and Licenses Committee was held on Monday, April 5, 2010 in the Council Chambers, City Hall, Cranston, Rhode Island.

I. CALL MEETING TO ORDER:

The meeting was called to order at 7:05 P.M. by the Chair.

Present: Councilman Richard D. Santamaria, Jr., Chair
Council Vice-President Terence Livingston
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 John Schaffran, Police Department
Chief James Gumbley, Fire Department
Pat Quinlan, City Council Legal Counsel
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

II. MINUTES OF THE LAST MEETING:

On motion by Councilman Pelletier, 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:

IV. OLD BUSINESS:

HOLIDAY SALES LICENSE – NEW (Tabled 3/1/2010) – no one appeared
Petco #3705 10 Chapel View
Laura Molton

No one appeared to speak in favor or to oppose.

On motion by Council President Lanni, seconded by Councilwoman Bergin-Andrews, it was voted to table this license application. Motion passed unanimously.

V. **PUBLIC HEARING:**

CLASS B VICTUALLING LICENSE – NEW *(Above the cap- needs full Council Recommendation)

Christopher's Cranston Deli
Robert Coleman

1458 Park Avenue

Robert Coleman appeared to speak.

Council President Lanni asked who the previous business was that had the liquor license at this location. Solicitor Kirshenbaum stated, Tributes, who never renewed their license and the license therefore lapsed. Council President Lanni stated that if Tributes let their license lapse, there should be a license available. Research should be done before sending this applicant to the full City Council.

Council President Lanni asked Mr. Coleman if there is going to be entertainment. If there is, he would need to apply for an Entertainment License. Mr. Coleman stated that he is not planning to have any entertainment.

Councilwoman Bergin-Andrews asked that the City Clerk provide the Committee a list of how many liquor licenses are out there and how many the Council can give out.

Solicitor Kirshenbaum stated that motion should be to approve this license on the premise that we are under cap and if not, it go to the full City Council.

No one appeared to oppose.

On motion by Councilman Pelletier, seconded by Councilman Navarro, it was voted to approve this liquor license application. Motion passed unanimously.

AUTO REPAIR LICENSE – NEW

Accu Tech Auto Service
Stephen Burns

21 Calef Street

Stephen Burns appeared to speak.

Primo DePetrillo, owner of property, appeared to speak. No one appeared to oppose.

On motion by Councilman Pelletier, seconded by Councilwoman Bergin-Andrews, it was voted to approve this license application. Motion passed unanimously.

V. PUBLIC HEARING: (Cont.)

CLASS A RETAIL ALCOHOLIC BEVERAGE – TRANSFER – NEW

FROM: *D & M Liquors Inc.* 1 Starline Way
d/b/a Alpine Wine & Spirits
Dennis/Patricia Plante

TO: *NOT FADE AWAY, INC.* 1 Starline Way
d/b/a Alpine Wine & Spirits
Thomas/Donna Jackman

Mark Liberati, Esq., appeared to represent the applicant. No one appeared to oppose.

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

CLASS A RETAIL ALCOHOLIC BEVERAGE – TRANSFER – NEW

FROM: *PJS LIQUORS INC.* 1358 Plainfield Street
d/b/a Scungio's Classic Liquors
Joseph Scungio

TO: *GJ CORPORATION* 1358 Plainfield Street
d/b/a Classic Liquors
Elie Nehme

John DiBona, Esq., appeared to represent the transferor. Frank Manni, Esq., appeared to represent the transferee. No one appeared to oppose.

On motion by Council President Lanni, seconded by Councilwoman Bergin-Andrews, it was voted to approve this license transfer application. Motion passed unanimously.

EXPANSION OF PREMISE – RENEWAL

Balls Sports Bar & Grille – yearly event May 30 1150 Oaklawn Ave.

Chair indicated that applicant is to apply on a yearly basis.

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

ORDINANCES

3-10-02 Ordinance of the City Council in Amendment of the Title 10.32 of the Code of the City of Cranston, 2005, Entitled “No Parking” (Broad & Narr. St).

No one appeared to speak in favor or to oppose.

On motion by Councilman Pelletier, seconded by Council President Lanni, it was voted to recommend approval of this Ordinance. Motion passed unanimously.

VI. NEW LICENSE APPLICATIONS:

HOLIDAY SALES LICENSE – NEW

Cardi's Furniture Mattresses

40 Sockanosset Crsrd.

Susan Halvarson

Susan Halvarson appeared to speak. No one appeared to oppose.

On motion by Councilman Pelletier, seconded by Councilwoman Bergin-Andrews, it was voted to approve this license application. Motion passed unanimously.

848 Park Ave. Associates

Chair indicated that there are members in the audience, who have asked to address issues regarding 848 Park Ave. Associates. He and Council President Lanni have agreed to allow them to address the Committee and this item will be placed on the agenda for next month's meeting. He will allow Ms. Gordon to address the Committee at this time and if other members of the public wish to address this issue, it can be addressed at the end of the agenda.

Diana Gordon, 363 Pontiac Ave., appeared to speak and presented a letter with signatures of area residents who are concerned with the operation of 848 Park Ave. Martini Bar. Some of the concerns or complaints are: loitering of club patrons around the area residences and on private property during and after club hours; littering by club patrons; vehicles owned by club patrons parked illegally in private parking lots and driveways.

Chair asked that copies of the documents presented by Ms. Gordon be provided to Major Schaffran, in order for the Police Department to address the concerns.

VICTUALLING LICENSE- NEW

Dunkin Donuts

2148 Broad Street

Justin Ferreira

Jonathan Ferreira and Justin Ferreira appeared to speak. **Terry Fracassa**, co-tenant, also appeared to speak in favor.

Jonathan Ferreira stated that the Dunkin Donuts will be in a gas station and there will be no seating.

Councilman Pelletier asked if there will be enough space in this gas station. Mr. Fracassa stated, yes. This will be a dunkin express. The only items being sold are beverage, donuts and bagels and there will be no cooking.

No one appeared to oppose.

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

VI. NEW LICENSE APPLICATIONS: (Cont.)

VICTUALLING LICENSE- NEW

Spardello's Top of the Hill Deli
Kent Spardello

407 Laurel Hill Ave.

Kent Spardello appeared to speak. No one appeared to oppose.

On motion by Councilman Pelletier, seconded by Councilwoman Bergin-Andrews, it was voted to approve this license application. Motion passed unanimously.

Christopher's Cranston Deli
Robert Coleman

1458 Park Avenue

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

SEPTAGE HAULER LICENSE – NEW

Macamaux Septic Pumping
Gilbert Macamaux

Wyoming , RI

Gilbert Macamaux appeared to speak. No one appeared to oppose.

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

VICTUALLING LICENSE- NEW (Ratify the Action)

C.F.C friend Chicken & Pizza
Mohammed Nasrat

1099 Park Avenue

No one appeared to speak.

On motion by Councilman Pelletier, seconded by Councilwoman Bergin-Andrews, it was voted to table this license application. Motion passed unanimously.

Chair asked that a stern letter be sent to the applicant tomorrow indicating that this license was ratified and they were to appear this evening.

VII. MISCELLANEOUS BUSINESS – DISCUSSION

Praise Tabernacle

Park Avenue

Councilman Navarro stated that this is a concern brought up by the neighborhood. Research needs to be done because there seems to be some type of entertainment going on at this Church. He also stated that they use smoke machines and the Fire Department has been called there.

VII. MISCELLANEOUS BUSINESS – DISCUSSION (Cont.)

Praise Tabernacle (Cont.)

Park Avenue

Irene Jernquist, 235 Magnolia St., appeared to speak and stated that all she hears is the drums from her house. There are still problems with parking. The Police go to the area, but they drive by and ask the people to move their cars and not ticket them. The City needs revenues, they should ticket the cars. This goes on every night of the week and they start at 6 pm until 9-10 pm. She has lived in this neighborhood for approximately twenty years and there was a Church there before, but since this Church moved here, it has gotten really bad. The problems started approximately three to four years ago.

Solicitor Kirshenbaum asked if the music and noise is associated with any kind of religious event. Ms. Jernquist stated that she does not know.

Chair asked Chief Gumbley to address the smoke machines mentioned by Councilman Navarro earlier. **Chief Gumbley** stated that his concern is that the smoke machines may set off smoke alarms.

Solicitor Kirshenbaum stated that we need to find out the Church's religious events and their proprietary events.

Council President Lanni stated that this is a very delicate matter and we cannot question religion. His concern is whether the Church is renting it to others.

Councilman Navarro stated that the reason this issue is listed on the agenda is in no way to deny religious freedom. The reason is to get information from representatives from the Church on what kind of events are going on there. This is to address concerns of the neighbors.

Paul Phillips, Esq., 91 Friendship St., Providence, appeared to represent the Church. He stated that this Church has been at this location for fifty years and the current Pastor has been at this Church for ten years. He stated what the Church's activities are:

- four services on Sundays – 8:30 a.m., 1:00 p.m., 2:30 p.m. and 6:00 p.m.;
- Wednesdays there is a service from 7:00 p.m. to 9:00 p.m.
- Thursdays from 7:00 p.m. to 8:30 p.m. there is a teen activity. This is designed to keep kids off the street. There are no dances or concerts.

Kevin Breka and **Leo Morales** appeared to represent the Church.

Mr. Breka stated that smoke machine is no longer used. As to the Thursday teen activity, there is also a minister who ministers the teens. The Church feeds homeless people. They have buses that go out to feed the homeless. The Church has volunteer ministry security, who make sure the teens get to their homes when they get out of the even on Thursdays.

Council Vice-President Livingston asked if there have been any incidents, such as fights where security is needed. Mr. Breka stated, no.

VII. MISCELLANEOUS BUSINESS – DISCUSSION (Cont.)

Praise Tabernacle (Cont.)

Park Avenue

Attorney Phillips stated the following additional events at the Church:

- On Wednesdays there is a computer training for homeless and unemployed;
- On Saturdays, once a month, homeless women are invited for such things as a make-over;
- On Sundays, at 2:30 p.m., homeless are invited to service.

Councilman Archetto stated that the neighbor has stated that there is noisy music on Saturdays. What is this music for? Mr. Breka stated that there may be practices going on for services on Sunday. It may be early morning or in the evening on Saturdays.

Councilwoman Bergin-Andrews asked how many teens usually attend on Thursday teen activity. Mr. Breka stated, up to 70. He does not know exact number. Councilwoman Bergin-Andrews asked what the age groups are of the teens. Mr. Breka stated that it varies. Some attend with adults. Councilwoman Bergin-Andrews asked how many people the Church holds. Mr. Breka stated approximately 225. Councilwoman Bergin-Andrews asked how much parking the Church has. Mr. Breka stated that parking is mainly on-street. People are bussed in for the 2:30 services. After everyone is off the buses, buses are moved. There is one bus that drops the teens off on Thursday's event.

Councilman Pelletier asked how the Church is funded. Mr. Breka stated that it is funded by members of the Church, 100% donations. Some of the food they use to feed the homeless is also donated.

Councilman Navarro stated that he was called to the area last Sunday due to noise complaint. He was standing outside and could hear the drums outside that Church. He asked what is going on there and if amplifiers are used. Mr. Breka stated that the Church has various music they it plays. This is a Christian Church. If there is music after the service, it could be for practices for one of the upcoming services.

Councilman Navarro indicated that there is a noise Ordinance and if this persists, he will ask the Police to go out with the noise meters to address this. He would like to see a list of all events happening at this Church. The Committee needs to know what events are taking place and when instruments are involved.

Councilman Pelletier asked representatives from the Church if they have looked at other areas outside this neighborhood to set up this Church. Attorney Phillips stated that this Church has been at this location for 100 years. They are there as a good community member and the Church has never had any violations.

Council Vice-President Livingston suggested that Councilman Navarro meet with the Church and the neighbors to see if there is a solution that they could all agree on.

Council President Lanni stated that the Church has been there for 100 years, way before any homes were there, and we have to take that into consideration. As to the music, everything they do has to do with the Church, which is freedom of religion.

VII. MISCELLANEOUS BUSINESS – DISCUSSION (Cont.)
Praise Tabernacle (Cont.)

Park Avenue

Councilman Archetto questioned if practices could be done at other locations. Mr. Breka stated that when holding events, they go to Cranston High School East or the Civic Center. As to the practices, he does not know.

Councilman Navarro asked the Major to address the parking violations. He requested that any calls regarding noise in that area, decibel readings be done.

Major Schaffran requested that Lt. Brothers be involved in the meeting with the Church, the neighbors and Councilman Navarro, since he is the Lieutenant for that area.

Councilman Navarro stated that he will coordinate a meeting with the Board of Directors of the Church, the Major, Lt. Brothers and the neighbors.

VIII. TRAFFIC ENGINEER:

No business.

IX. SHOW CAUSE HEARING:

No business.

X. POLICE DEPARTMENT:

No business.

XI. FIRE DEPARTMENT:

No business.

XII. LICENSE RENEWAL APPLICATIONS:

HOLIDAY SALES LICENSE – RENEWAL

General Nutrition Center

Casino Greenhouse

Bahra's Market

Dollar Tree #1794

Papy R Us

Atwood Greenhouses

Tedeschi's Greenhouses

Price Rite of Cranston

Bel Terra Landscaping

Garden Hills Fruit & Deli

Sunny's Convenience

1000 Chapel View
640 Dyer Avenue
987 Oaklawn Avenue
252 Garfield Avenue
6 Midway Road
700 Atwood Avenue
47 Church Street
1415 Elmwood Ave.
1199 Pippin Orchard
763 Oaklawn Avenue
1279 Cranston Street

XII. LICENSE RENEWAL APPLICATIONS: (Cont.)

HOLIDAY SALES LICENSE – RENEWAL

Diamond Creative Eye
Shree Ma of RI
R.E.I
A Pea in the Pod

39 Phenix Avenue
480 Pontiac Avenue
22 Chapel View Blvd.
14 Hillside Road

On motion by Councilman Pelletier, seconded by Council President Lanni, it was voted to approve the above-listed license renewal applications, except for ***Bahra's Market***. Motion passed unanimously.

Councilman Pelletier stated that after speaking with the City Clerk this morning, she recommends not approving this license and continuing it until he can get a legal opinion on this. The reason is applicant is violating the credit card agreement forcing customers to charge a minimum amount in order to use a credit card.

Council President Lanni stated that if this is the case, most of the people on this agenda are violating the law. This is done by a lot of establishments.

Solicitor Kirshenbaum stated that if this is the case, he recommends referring this to a body that regulates these types of transactions, such as the Attorney General. This Committee just licenses the establishments. He recommends approving the licenses and if they are in violation, file a claim with the Attorney General.

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

USED CAR LICENSE – RENEWALS

Classic Car & Van Sales
Stamas Auto & Truck Center
Cullco
Chestnut Hill Truck & auto
Auto Mart Inc
Jay Motors
D & M Auto Sales
Hillside Auto
Atlantic Auto Center

971 Cranston Street
1045 Cranston Street
1300 Park Avenue
21 Calef Street
1108 Park Avenue
420 Atwood Avenue
178 Phenix Avenue
44 Gansett Avenue
616 Atwood Avenue

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

XII. LICENSE RENEWAL APPLICATIONS: (Cont.)

ITINERANT FOOD VENDOR'S LICENSE – RENEWAL

<i>Moose's</i>	@1300 Oaklawn Ave.
<i>Pawtuxet Village Farmers Market</i>	@ 1 Rhodes Place
<i>Ocean State Concessions</i>	@ Lowe's – Garfield Avenue
<i>Del's</i>	1260 Oaklawn Ave.
<i>St. Mark's Church</i>	9 Garden Court

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

TEMPORARY STRUCTURE – RENEWALS

<i>Moose's</i>	@1300 Oaklawn Ave.
<i>Pawtuxet Village Farmers Market</i>	@1 Rhodes Place
<i>St. Mary's Feast Society</i>	15 Phenix Avenue

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

HAWKER'S LICENSE – RENEWAL

<i>Ocean State Concessions</i>	321 Warwick Ave
<i>Papa Pasquale's</i>	181 Arnold Avenue

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

PEDDLER'S LICENSE – RENEWAL

<i>Del's – 4 trucks</i>	1260 Oaklawn Ave.
<i>Mike's Ice</i>	East Greenwich, RI

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

VICTUALLING LICENSE – RENEWAL

<i>Dunkin Donuts</i>	235 Atwood Avenue
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On motion by Councilwoman Bergin-Andrews, seconded by Councilman Pelletier, it was voted to approve the above-listed license renewal application. Motion passed unanimously.

19 – HOUR CLASS F - LIQUOR LICENSE – RENEWALS

<i>St. Mark's Church – Event June 19</i>	9 Garden Court
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On motion by Council President Lanni, seconded by Councilman Pelletier, it was voted to approve the above-listed license renewal application. Motion passed unanimously.

XII. LICENSE RENEWAL APPLICATIONS: (Cont.)

BAZAAR LICENSE – RENEWAL

St. Mark's Church

9 Garden Court

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

PUBLIC ENTERTAINMENT CLASS II – RENEWAL

St. Mark's Church

9 Garden Court

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

FLOWER VENDOR LICENSE- RENEAL (Ratify the Action)

Lucille Kelly- for Eater

1332 Cranston Street

James Olerio

1561-1565 Cranston St.

William Santilli

1300 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.

FLOWER VENDOR LICENSE – RENEWAL

Lucille Kelly – for Mothers Day & Memorial Day

1332 Cranston Street

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

CANDLELIGTH PROCESSION – RENEWAL

St. Mary's Feast Society

15 Phenix Avenue

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

PARADE LICENSE – RENEWAL

St. Mary's Feast Society

15 Phenix Avenue

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

FIREWORKS LICENSE – RENEWAL

St. Mary's Feast Society

15 Phenix Avenue

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

XII. LICENSE RENEWAL APPLICATIONS: (Cont.)

CARNIVAL LICENSE – RENEWAL
St. Mary's Feast Society

15 Phenix Avenue

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

XIII. MONTHLY SCHEDULES

RHODES ON THE PAWTUXET:
Schedule of Events for May 2010
Actual Number of Attendees January 2010

On motion by Councilwoman Bergin-Andrews, seconded by Council President Lanni, it was voted to approve the above lists of events. Motion passed unanimously.

SHARX BAR & GRILLE d/b/a GRILL 505
Schedule of Events for the month of April 2010

On motion by Councilwoman Bergin-Andrews, seconded by Council President Lanni, it was voted to approve the above list of events. Motion passed unanimously.

El Tipico Restaurant

On motion by Councilwoman Bergin-Andrews, seconded by Council President Lanni, it was voted to approve the above list of events. Motion passed unanimously.

848 Park Ave. Associates (Cont.)

Jeff File, owner of Park Ave. Auto, appeared to speak and stated that patrons of the Martini Bar use his parking lot. He has spoken to the manager of the Martini Bar and to people in City Hall and nothing is being done. His business is being severely impacted and something needs to be done. He is losing business because when his customers are leaving their car after he closes, if the lot is full, they do not leave the car and go somewhere else to have their car repaired.

Council President Lanni suggested to Mr. File to get a tow company to tow the cars that do not belong there and also try posting signs indicating that unauthorized vehicles will be towed at owners' expense. This may solve the problem.

848 Park Ave. Associates (Cont.)

Chair asked Administration to contact the manager of 848 Park Ave. Associates and ask him to address the parking with his patrons and not park in Park Avenue Auto's lot.

Lori Sherman, 15 Neward St., appeared to speak and stated that Tuesdays through Saturday nights from 9:00 P.M. until 1:30 A.M., there is loud music, cars blocking her driveway, littering her lawn and loitering. The neighbors were never told there was going to be a club at this location.

Councilman Navarro asked that the Police Department do meter readings at this establishment. He asked the Major how this would be handled. Should the neighbors call the Police when the music is loud or can the Police automatically go out there. Major Schaffran stated that they will check various times during the week.

Chair asked that the Police report back on this establishment and also on the noise meter readings at Praise Tabernacle Church.

Katherine Gagnon appeared to speak and stated that the perception of this business was it was going to be a high-end martini bar. Her concern is patrons vomiting on the neighbors' lawns, parking and blocking of driveways. These homes are very close to each other. The neighbors are very happy that the Park Theatre is finally opened after years of being closed and the neighbors have put up with years of construction of this business but this has become quite excessive.

Council President Lanni stated that he was on the Council back in 2002 when construction started at this business. The Council was never told it was going to be a night club. They were led to believe it was going to be similar to Providence Performing Arts Center, which he felt would revitalize Rolfe Square. To see what is happening now is such a disappointment to him personally.

Chair stated that this issue will be placed on next month's agenda and the business will be monitored in the meantime. If necessary, there will be a show cause hearing next month.

The meeting adjourned at 9:00 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

LICENSES APPROVED APRIL, 2010

CLASS B VICTUALLING LICENSE – NEW

Christopher's Cranston Deli 1458 Park Ave.
Robert Coleman

AUTO REPAIR LICENSE – NEW

Accu Tech Auto Service 21 Calef St.
Stephen Burns

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Thomas/Donna Jackman

From: PJS Liquors, Inc. 1358 Plainfield St.
d/b/a Scungio's Classic Liquors
Joseph Scungio

To: GJ Corporation 1358 Plainfield St.
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Susan Halvarson

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Gilbert Macamaux