

SAFETY SERVICES & LICENSES COMMITTEE

Regular meeting of the Safety Services and Licenses Committee was held on Monday, August 3, 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
Councilman Terence Livingston, Vice-President
Councilman Paul H. Archetto
Councilman Robert J. Pelletier
Councilwoman Michelle Bergin-Andrews
Councilman Emilio L. Navarro

Also Present: Gerald Cordy, Deputy Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Acting Colonel Marco Palumbo, Police Department
Captain Robert Carnevale, Police Department
Deputy Chief Richard Storti, Fire Marshall, Fire Department
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 Pelletier, seconded by Council Member Bergin-Andrews, 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:

None.

Chair indicated that Ordinances 7-09-2, 7-09-3 and 7-09-4 listed under “Public Hearings” were not advertised due to a computer problem. These Ordinances will be heard before the Ordinance Committee on August 13, 2009 at Cranston High School East Auditorium.

IV. OLD BUSINESS:

Sharx Bar & Grill – Solicitor report on appeal status (cont’d from 7/6))

Solicitor Kirshenbaum stated that this is proceeding through the Court system.

On motion by Councilman Pelletier, seconded by Council Member Bergin-Andrews, it was voted to remove this item from the agenda. Motion passed unanimously.

IV. OLD BUSINESS: (Cont.)

El Tipico

Jose Ruiz

Show Cause: Site Plan & Parking review for Entertainment license

16 Gansett Avenue

Cont'd 3/2/09, 4/6/09, 5/4/09, 6/1/09, 7/6

This matter was continued to next month.

On motion by Councilman Pelletier, seconded by Council Member Bergin-Andrews, it was voted to continue this item to next month. Motion passed unanimously.

6-09-9 Ordinance in Amendment of Title 8, Chapter 8.08 of the Code of the City of Cranston, 2005, Entitled "Fire Prevention Code" (Outdoor Fires Prohibited)

Councilman Navarro stated that this Ordinance is updating the current Ordinance on the books and would prohibit outside burning.

Deputy Chief Storti stated that the Fire Department does receive a lot of complaints regarding this issue and this Ordinance would help the Department.

Councilman Pelletier asked if this Ordinance also includes chimaneras. Councilman Navarro stated, yes. Councilman Pelletier asked if the Police Department is willing to enforce this Ordinance, including chimaeras. **Acting Colonel Palumbo** stated that every member of the Department is prepared to enforce every Ordinance of the City.

Public Speakers:

Debra Smith, 14 Concord Ave., appeared to speak in favor of this Ordinance.

Diana Gordon, 363 Pontiac Ave., appeared to oppose to this Ordinance and stated that people have a right to enjoy themselves. We are taking too many rights away from people.

Councilman Archetto asked that an amendment be made adding "habachis and woks", since there are a large number of Asians in his Ward, who use habachis and woks and also to exclude Fourth of July and Labor Day weekends.

On motion by Councilman Archetto, seconded by Councilman Navarro, it was voted to amend this Ordinance to add "habachis and woks. Motion passed on a vote of 5-1. The following being recorded as voting "aye": Councilmen Santamaria, Navarro, Archetto, Council Member Bergin-Andrews and Council Vice-President Livingston -5. The following being recorded as voting "nay": Councilman Pelletier -1.

On motion by Councilman Navarro, seconded by Councilman Archetto, it was voted to recommend approval of this Ordinance as amended. Motion passed on a vote of 5-1. The following being recorded as voting "aye": Councilmen Santamaria, Navarro, Archetto, Council Member Bergin-Andrews and Council Vice-President Livingston -5. The following being recorded as voting "nay": Councilman Pelletier -1.

V. PUBLIC HEARING:

****CRANSTON POLICE DEPARTMENT 2009 FEDERAL JUSTICE ASSISTANCE GRANT APPLICATION . Presentation by Lt. McAteer**

Acting Colonel Palumbo appeared to speak and explained this grant. He stated that monies from this grant will be used to replace seven cruisers.

Councilman Navarro asked if there is a deadline date when this grant is due. Acting Colonel Palumbo stated that it is currently pending. He is not aware of any deadline. Councilman Navarro asked if we have applied for this type of grant in the past. Acting Colonel Palumbo stated, no, this program, yes.

Councilman Pelletier thanked **Acting Colonel Palumbo** for putting this grant effort in.

Acting Colonel Palumbo noted that there are no matching funds for this program.

Chair also thanked Acting Colonel Palumbo.

FROM: CLASS B LIMITED ALCOHOLIC BEV. LICENSE-
LUIGI FABRIZI 31-33 Gansett Avenue
Fabrizi's Fast Food

TO: CLASS B LIMITED ACOHOLIC BEVERAGE LICENSE –
FABRIZI'S FAST FOOD, INC. 31-33 Gansett Avenue
Fabrizi's Fast Food
Luigi Fabrizi

Luigi Fabrizi appeared to speak. No one appeared to oppose.

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

FROM: CLASS B LIMITED ALCOHOLIC BEV. LICENSE-
FABRIZI'S FAST FOOD INC 31-33 Gansett Avenue
Fabrizi's Fast Food
Luigi Fabrizi

TO: CLASS B VICTUALLING ACOHOLIC BEVERAGE LICENSE –
FABRIZI'S FAST FOOD, INC. 31-33 Gansett Avenue
Fabrizi's Fast Food
Luigi Fabrizi

Luigi Fabrizi appeared to speak. No one appeared to oppose.

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

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

ORDINANCES:

7-09-2 Ordinance in Amendment of Title 10, Chapter 32.650 of the Code of the City of Cranston, 2005, Entitled “Motor Vehicles and Traffic”(Norfolk Street 2 hr. Parking).

7-09-3 Ordinance in Amendment of Title 10, Chapter 32.040 of the Code of The City of Cranston, 2005, Entitled “Motor Vehicles and Traffic” (RIPTA Park Ave.).

7-09-4 Ordinance in amendment of chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Hazelton St. and West View Ave.)

Above three Ordinances were referred to August 13, 2009 Ordinance Committee meeting.

VI. **NEW LICENSE APPLICATIONS:**

PAWN BROKERS LICENSE – NEW

Fifth Avenue Jewelers

Varujan Ayvazyan

6 Rolfe Square

Josh Ayvazyan appeared to speak in favor. No one appeared to oppose.

Chair indicated that if this license is approved, applicant needs to go before the Zoning Board of Review for a Special Use Permit before the license can be issued.

On motion by Council Vice-President Livingston, seconded by Council Member Bergin-Andrews, it was voted to approve this license application subject to approval from the Zoning Board of Review for a Special Use Permit. Motion passed unanimously.

FIREARMS DEALER LICENSE – NEW

Black Water Firearms

Michael Marcello

1 Gray Birch Drive

Michael Marcello appeared to speak.

On motion by Councilman Pelletier, seconded by Council Member Bergin-Andrews, it was voted to approve this license application.

Under Discussion:

Acting Colonel Palumbo stated that the address on the application is zoned residential. He asked Mr. Marcello how he plans to use this address. Mr. Marcello stated that this is just a mailing address. He will not be having customers go to this address and no stock will be held at this address purchase will be made via the internet.

VI. NEW LICENSE APPLICATIONS: (Cont.)

FIREARMS DEALER LICENSE – NEW (Cont.)

Black Water Firearms

Michael Marcello

1 Gray Birch Drive

Council Vice-President Livingston questioned what the requirements are for Federal Firearms and he asked for Solicitor's opinion. Solicitor Kirshenbaum stated that his understanding is that the applicant will act as an intermediate and will not be storing anything at this address.

Council Vice-President Livingston questioned if we could grant the license application contingent on ATF approval, because if ATF denies applicant, he would still have a license to operate in the City. Solicitor Kirshenbaum stated that this Committee can make this as a condition. Mr. Marcello stated that approval of the City license would satisfy ATF's needs. He cannot proceed with AFT Federal License without the City license and he does not foresee him being denied by ATF.

Councilman Navarro asked that once the applicant receives his ATF License, he provide a copy of that license to the City.

No one appeared to oppose.

On motion by Council Vice-President Livingston, seconded by Councilman Archetto, it was voted to approve this license application subject to Federal Firearms License being granted and a copy be provided to the City.

Under Discussion:

Council Vice-President Livingston suggested that the applicant come before this Committee in two months to give status update on whether he has obtained his Federal Firearms License.

Chair asked that applicant keep in touch with the Acting Colonel and the Clerk's Office on the process.

Motion to approve above license application passed unanimously.

Mr. Marcello asked that name of business be changed to "On Target Firearms". No one objected.

PRIVATE DETECTIVE – NEW

John Leyden III

43 Newbury Street

John Leyden appeared to speak. No one appeared to oppose.

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

VI. NEW LICENSE APPLICATIONS: (Cont.)

ITINERANT FOOD VENDOR – NEW

Moose's

Karen Musmucci

1300 Oaklawn Ave.

Karen Musmucci appeared to speak. No one appeared to oppose.

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

TEMPORARY STRUCTURE – NEW

Moose's

Karen Musmucci

1300 Oaklawn Ave.

Karen Musmucci appeared to speak. No one appeared to oppose.

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

PUBLIC ENTERTAINMENT LIC. CLASS II – NEW (RATIFY THE ACTION)

Wil. O Design – event 8/2/09

935 Park Avenue

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

PUBLIC ENTERTAINMENT LIC. CLASS II – NEW

Sharx Bar & Grill- outdoor event 8/29/09

505 Atwood Avenue

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

VII. TRAFFIC ENGINEER:

No business.

VIII. SHOW CAUSE HEARING:

Ardente's

Deborah Ardente

1785 Cranston Street

Joseph Ardente appeared to speak.

Chair stated that the liquor license was issued with no Entertainment. Applicant had Entertainment and they were called in by this Committee and told they could not have Entertainment. Saturday of St. Mary's Feast, there was Entertainment again. This is the reason for this Show Cause Hearing.

Mr. Ardente stated that at the time the license was issued with no Entertainment, he did not think it was forever. He asked for a little lenience because of the bad economy.

VIII. SHOW CAUSE HEARING: (Cont.)

Ardente's

Deborah Ardente

1785 Cranston Street

Councilman Pelletier asked what Mr. Ardente type of Entertainment he had the Saturday of St. Mary's Feast. Mr. Ardente stated that there was a Blues Band and a DJ and 25% of the funds going to Make a Wish Foundation and nothing else. Councilman Pelletier questioned a flyer of a Wet T-Shirt Contest was found being handed out. Mr. Ardente stated that he did not advertise that event, he had ESPN on TV, which showed a wet shirt contest.

Chair read from a flyer advertising this event at this establishment.

Diana Gordon, 363 Pontiac Ave., appeared to speak and stated that she does not see a problem with this business having Entertainment, as long as it is a band or a DJ and it is not too loud.

Council Member Bergin-Andrews stated to Mr. Ardente that at the last meeting his establishment was before this Committee, this Committee made it clear that he could not have any Entertainment at all. She asked Mr. Ardente if he has had Entertainment since that time besides the two that the Committee know about. Mr. Ardente stated that he has his own DJ system.

Solicitor Kirshenbaum asked Mr. Ardente if he was at the establishment the night of the advertised Wet T-Shirt Contest. Mr. Ardente stated, yes. Solicitor Kirshenbaum asked Mr. Ardente if there was a Wet T-Shirt Contest. Mr. Ardente stated, no.

Councilman Pelletier motioned to fine applicant for violating the Ordinance. No one seconded the motion.

Council Vice-President Livingston asked Solicitor if the DJ system is considered Entertainment.

Committee took a brief recess.

Chair indicated that, after a recess, applicant has come to an agreement of no more live entertainment and they will work with the neighbors and applicant has agreed to pay \$500.00 fine and no suspension.

On motion by **Council Vice-President Livingston**, seconded by Councilman Archetto, it was voted to fine applicant \$500.00 to be paid by September 1st. Motion passed unanimously.

Chair stated that applicant has also agreed to a neighborhood meeting, which he will schedule. He cannot have live entertainment, but can have computerized music and he has to keep Bolton Street open.

On motion by **Councilman Pelletier**, seconded by Council Member Bergin-Andrews, it was voted that applicant not have any live Entertainment. Motion passed unanimously.

VIII. SHOW CAUSE HEARING: (Cont.)

Powers Pub
Jennifer Powers

Broad Street

John Anderson, Esq., appeared to represent applicant.

Council Vice-President Livingston asked that this item be continued to next month because he told the neighbors that at the request of the applicant, this item would not be heard this evening. He asked that this be continued and there be no outdoor seating and door be closed during business hours until applicant has her hearing next month.

On motion by Council Vice-President Livingston, seconded by Councilman Archetto, it was voted to continue this item.

Under Discussion:

Attorney Anderson stated that there is no agreement and his client is present to proceed this evening. His client has a valid license.

Council Vice-President Livingston asked if this business had been told by the Committee that they needed to file an application for expansion. City Clerk stated that without the minutes she could not state unequivocally but that she believes they had been instructed to do so.

Attorney Anderson stated that his client was granted a license by this Council in January of 2008, prior to the Ordinance for expansion being adopted. He is not opposed to a continuance; he is opposed to a continuance with conditions without giving his client a hearing. He stressed that there was no agreement.

Chair indicated that he spoke to applicant and was told that they were not going to attend this meeting and would attend next month.

Solicitor Kirshenbaum stated that he as copied on e-mails from applicant to the Council and there was a deal. He stated to Attorney Anderson that his client may want a hearing now, but over the weekend, they did not want a hearing. There was an e-mail from applicant to the chair that they agreed with the conditions of this continuance. Solicitor Kirshenbaum read this e-mail from applicant to the Chair agreeing to removing the chairs from the sidewalk and closing the door during business hours and also agreeing to a continuance.

On motion by Council Member Bergin-Andrews, seconded by Councilman Archetto, it was voted to move the question. Motion passed unanimously.

Roll call was taken on motion to continue this item for one month and motion passed unanimously.

IX. POLICE DEPARTMENT:

No business.

X. FIRE DEPARTMENT:

Deputy Chief Storti presented an application for storage tanks at 1025 Park Ave.

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

XI. LICENSE RENEWAL APPLICATIONS:

TEMPORARY STRUCTURE – RENEWAL

St. Mary's feasts Society – sausage stand

15 Phenix Ave

For June – August and August – November

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

AUTO REPAIR LICENSE – RENEWAL

Pontiac Service Center

734 Pontiac Avenue

Hero Auto Service

1650 Cranston Street

D & M Tyre

178 Phenix Avenue

Harold Crook's Garage

10 Gansett Avenue

S & K AutoBody

1006 Cranston Street

Dyer Avenue Motors

454 Dyer Avenue

Ideal Auto body

1398 Park Avenue

Miracle Auto Sales

580 Reservoir Avenue

Joe & Sons Service

855 Atwood Avenue

Midas

525 Reservoir Ave.

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

BOWLING ALLEY LICENSE – RENEWAL

Lang's

225 Niantic Avenue

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

PUBLIC ENTERTAINMENT CLASS I – RENEWAL

Sharx Bar & Grill

505 Atwood Avenue

Annunciation Greek Church – festival

175 Oaklawn Ave.

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

BILLIARD TABLE LICENSE – RENEWAL

Pawtuxet Athletic Club

12 Aborn Street

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

XI. LICENSE RENEWAL APPLICATIONS: (Cont.)

HOLIDAY SALES LICENSE – RENEWAL

Crabtree & Evelyn
Sally beauty Supply Co.
Bob's Store

2 Midway Road
236 Garfield Avenue
1400 Oaklawn Ave

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

TEMPORARY STRUCTURE LICENSE – RENEWAL

Annunciation Greek Church (festival 9/11-9/13)

175 Oaklawn Avenue

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

CLASS F – 19 HOUR LICENSE – RENEWAL

Annunciation Greek Church (festival 9/11-9/13)

175 Oaklawn Avenue

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

BAZAAR LICENSE – RENEWAL

Annunciation Greek Church (festival 9/11- 9/13)
St. David's on the Hill

175 Oaklawn Avenue
200 Mesh. Valley Pk.

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

VICTUALLING LICENSE – RENEWAL

Annunciation Greek Church

175 Oaklawn Avenue

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

XII. MONTHLY SCHEDULES

RHODES ON THE PAWTUXET:

Schedule of Events for
Actual Number of Attendees

On motion by Councilman Navarro, seconded by Councilman Pelletier, it was voted to approve lists of events. Motion passed unanimously

XII. MONTHLY SCHEDULES (Cont.)

SHARX BAR & GRILL d/b/a GRILL 505
Schedule of Events for August 2009

On motion by Councilman Navarro, seconded by Councilman Pelletier, it was voted to approve the above list of events. Motion passed unanimously

The meeting adjourned at 9:00 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

LICENSES APPROVED AUGUST 3, 2009

TRANSFER OF CLASS B LIMITED ALCOHOLIC BEVERAGE LICENSE

From: Luigi Fabrizi 31-33 Gansett Ave.
Fabrizi's Fast Food

To: Fabrizi's Fast Food, Inc. 31-33 Gansett Ave.
Luigi Fabrizi

TRANSFER FROM CLASS B LIMITED ALCOHOLIC BEVERAGE LICENSE

Fabrizi's Fast Food, Inc. 31-33 Gansett Ave.
Luigi Fabrizi

TO: CLASS B VICTUALLING ALCOHOLIC BEVERAGE LICENSE

Fabrizi's Fast Food, Inc. 31-33 Gansett Ave.
Luigi Fabrizi

PAWN BROKERS LICENSE

Fifth Ave. Jewelers 6 Rolfe Square
Varujan Ayvazyan
Subject to Special Use Permit from the Zoning Board of Review

FIREARMS DEALER LICENSE

On Target Firearms 1 Gray Birch Dr.
Michael Marcello

PRIVATE DETECTIVE LICENSE

John Leyden III 43 Newbury St.

ITINERANT FOOD VENDOR LICENSE

Moose's 1300 Oaklawn Ave.
Karen Musmucci

TEMPORARY STRUCTURE LICENSE

Moose's 1300 Oaklawn Ave.
Karen Musmucci

PUBLIC ENTERTAINMENT LICENSE

Wil. O Design 935 Park Ave. PUBLIC
ENTERTAINMENT LICENSE

Sharx Bar & Grill 505 Atwood Ave.