

## **SPECIAL SAFETY SERVICES & LICENSES COMMITTEE**

A Special meeting of the Safety Services and Licenses Committee was held on Tuesday, February 10, 2009 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 6:40 P.M. by the Chair.

Present: Councilman Richard D. Santamaria, Jr., Chair  
Councilman Robert J. Pelletier  
Councilwoman Michelle Bergin-Andrews  
Council President John E. Lanni, Jr.

Absent: Council Vice-President Terence Livingston, Vice-Chair  
Councilman Emilio L. Navarro  
Councilman Paul H. Archetto

Also Present: Gerald Cordy, Deputy Director of Administration  
Evan Kirshenbaum, Assistant City Solicitor  
Major Ronald Blackmar, Police Department  
Chief James Gumbley, Fire Department  
Anthony Sylvia, Director of Public Works  
Maria Medeiros Wall, City Clerk  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Heather Finger, Stenographer

### ***Executive Session RIGL 42-46-5(a)(2) Pending Litigation***

#### ***Sharx Bar & Grill***

505 Atwood Avenue

Revocation of Expansion and Entertainment

**John Mancini, Esq.**, appeared to represent Sharx Bar & Grill Club 505, and stated that at the last meeting, there were concerns regarding parking agreement established at that point. He stated that his client has secured parking for one year period at property located at 535 Atwood Ave. between 6 pm and 1 am and there are approximately 20 spaces available. They have provided the City a revised site plan, which depicts the parking spaces and dimensions at the applicant's location and 535 Atwood Ave. property. They also have obtained a certificate of insurance. His client will not utilize the property, Dr. Carpentier's property, which is to the right of this establishment and will utilize valet services.

**Councilman Pelletier** stated that in the past, the applicant stated that there originally was a fence between his property and Dr. Carpentier's property, which was removed. He asked Attorney Mancini if his client will be re-installing this fence, as was stated at a prior meeting. Attorney Mancini stated, yes, his client will find a way to re-install the fence.

**Mr. Sylvia** stated that if this Committee approved this this evening, he suggests that it be approved subject to his approval of the plan certified by a professional registered engineer. Attorney Mancini asked for ten day's time to obtain an engineer's approval of the plan. The Committee agreed to give applicant until the March meeting for approval of this plan.

**Assistant Solicitor Kirshenbaum** questioned if there would be any change in Police detail. Attorney Mancini stated that this has been consistently occurring on Friday and Saturday nights. Major Blackmar stated that at this time, the Police Department agrees to keep police detail as is and is not opposed to the parking agreement. Chief Gumbley stated that the Fire Department has no objections to this parking plan.

**Chair** questioned the pending lawsuit. Attorney Mancini stated that he has signed dismissal for the lawsuit.

**Michael Lepizzera, Esq.**, attorney representing the City, appeared to speak and stated that he has a signed dismissal of the lawsuit and indicated that a motion in Court needs to be filed.

**Robert Murray, Esq.**, appeared to represent Dr. David Carpentier, Carpentier LLC, and stated that he will consent to the dismissal if all defendants are part of the dismissal. His client was an innocent property owner and will be left in the litigation. This is fundamentally unfair. Chair addressed Attorney Murray and stated that the original complaint came from his client that started all this. This is between his client and Sharx. Attorney Murray stated that his client is not looking to bring suit against the City. His client was brought into this by Sharx and would like to be taken out of this by Sharx.

**Assistant Solicitor Kirshenbaum** stated that this Committee is charged to keep the residents of the City safe and should not act as a Court, that can be handled by the Courts.

**Jay Santiago**, owner of Sharx Club 505, appeared to speak.

On motion by Councilman Pelletier, seconded by Council President Lanni, it was voted to reinstate the Entertainment and Expansion Licenses preconditioned on the applicant having parking agreement as presented to the Committee and if it is not adhered to, it shall automatically be voided if aid agreement is terminated.

The meeting adjourned 7:00 PM.

Respectfully submitted,

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees