

SAFETY SERVICES & LICENSES COMMITTEE

Regular meeting of the Safety Services and Licenses Committee was held on Monday, February 2, 2009 in the Council Chambers, City Hall, Cranston, Rhode Island.

I. CALL MEETING TO ORDER:

The meeting was called to order at 7:09 P.M. by the Chair.

Present: Councilman Richard D. Santamaria, Jr., Chair
Council Vice-President Terence Livingston, Vice-Chair (appeared at 7:11 PM)
Councilman Paul H. Archetto
Councilman Robert J. Pelletier
Councilwoman Michelle Bergin-Andrews
Council President John E. Lanni, Jr.

Also Present: Gerald Cordy, Deputy Director of Administration
Major Ronald Blackmar, Police Department
Chief James Gumbley, Fire Department
Evan Kirshenbaum, Assistant City Solicitor
Maria Medeiros Wall, City Clerk
Kimberly O'Brien, License Clerk
Heather Finger, Stenographer

II. MINUTES OF THE LAST MEETING:

On motion by Councilman Santamaria, 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:

None.

IV. OLD BUSINESS:

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

****Sharx Bar & Grill***

505 Atwood Avenue

Revocation of Expansion and Entertainment

Chair requested to go into Executive Session, but Attorney Mancini was present for Sharx and was requested to give an update before they went into Executive Session. Attorney Mancini explained that they will no longer be using the parking lot next door and are planning on putting up a fence to secure where there parking is for Sharx. He also stated that they plan to be implementing a Valet Service with United Parking and using the parking across Atwood Avenue at SASA Enterprises, where there is approximately 1 acre of land and he does have a written agreement from them for this plan. The valet service plan and their updated plans were available from Attorney Mancini.

IV. OLD BUSINESS: (Cont.)

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

**Sharx Bar & Grill (Cont.)*

505 Atwood Avenue

Revocation of Expansion and Entertainment

Council President Lanni expressed great concern about crossing a 4 lane highway for the Valet Service by employees, as well as the customers, if they need to get something out of their car once the car has been parked. He stated that he is not pleased at all about this new idea and does not care how much insurance the companies have to protect their employees and/or customers, he has a major issue with this valet parking.

Councilman Pelletier spoke to back-up Council President Lanni's opinion and stated that he feels this is a terrible, not safe alternative. He would feel more comfortable if they approached the businesses on Liberia Street instead of crossing Atwood Avenue.

Attorney Mancini explained their ideal plan to use the Liberia Street area as well as the parking already assigned to Sharx and SASA was approached to show that Sharx was making an effort to cooperate with the Committee.

Councilwoman Bergin-Andrews requested proof of only using SASA by Sharx customers and valet service stressing the fact to Attorney Mancini that she only wanted it used if at all by the valet service only and never the customers on their own. She asked how can Sharx guarantee that customers will not park there freely choosing, not to use the valet service. Attorney Mancini explained to her that they are advertising for free valet service and all customers coming to Sharx would know that the service is available so they do not need to worry about parking and that he is just echoing 39 West's valet service that they have currently implemented. Councilwoman Bergin-Andrews asked what the plan is for people who do not feel comfortable valeting their car. Some people do not like to give their keys out so they will want to park their own car so what do they have planned for them?

On motion by Chairman Santamaria, seconded by Council Vice-President Livingston, it was voted to go into Executive Session. Motion passed unanimously.

The Committee went into Executive Session at 7:21 P.M.

The Committee came out of Executive Session at 7:42 P.M.

On motion by Chairman Santamaria, seconded by Councilman Archetto, it was voted to come out of Executive Session and seal the minutes. Motion passed unanimously.

Chair then brought up the question to Attorney Mancini about if this facility is for a banquet facility 100% and Attorney Mancini stated it was not a nightclub, but was a banquet facility.

IV. OLD BUSINESS: (Cont.)

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

**Sharx Bar & Grill (Cont.)*

505 Atwood Avenue

Revocation of Expansion and Entertainment

Solicitor Kirshenbaum questioned Attorney Mancini about the nature of the expansion of Club 505; he had seen advertising as a nightclub, and raised the question of what they intended, a nightclub or banquet facility. **Attorney Mancini** stated that he did not represent Sharx in September 2008, so he could not comment on what was said at that meeting, but he does represent them now, and he can assure the Committee that they have no intentions of being a nightclub or advertising as one, only dinner/banquet facility. He encouraged the members to come and see that they were operating as a restaurant with banquet facility as well as entertainment is available and can respectively advise that a nightclub is not going to happen.

Attorney Mancini and **Solicitor Kirshenbaum** went into lengthy discussion about the difference between a nightclub and a banquet facility and their plans when they went for a variance allowed 56 parking spaces and with an open concert band versus a banquet they would bring in totally different numbers of customers. Solicitor Kirshenbaum raised more questions about the September 2008 meeting and Attorney Mancini suggested that Solicitor Kirshenbaum should address his client directly.

Jay Santiago, General Manager Sharx Bar & Grill, was questioned by Solicitor Kirshenbaum regarding variance concept of banquet or a nightclub and asked what kinds of entertainment they provide. Mr. Santiago stated that they have all different kinds of functions, live bands, DJ, private parties...etc... and sometimes private parties want to open the doors to the rest of the Sharx customers. Mr. Santiago was also questioned whether they have live bands when there is not a private party and he stated from time to time – Yes.

Major Blackmar was called upon for his professional opinion on the parking at SASA and he expressed major concerns with any parking plan that involves crossing Atwood Avenue, which is a major four lane highway. He explained that during the Santa Maria DiPrata Feast they have to have four police officers on duty on Atwood Avenue. Chief Gumbley was questioned about how the Fire Department has Sharx classified and he stated they have them classified as a nightclub, any facility with food, entertainment and primarily alcohol is classified as a nightclub.

Council Vice-President Livingston made a motion to revoke Sharx's Entertainment License and Expansion License for another month until owners come up with a parking plan that is suitable to the Committee. Councilman Archetto seconded the motion.

Under discussion:

Councilman Pelletier asked Mr. Santiago if they are still booking new events and Mr. Santiago stated that they are.

Solicitor Kirshenbaum stated that the Consent Order that was entered into following the January 12, 2009 meeting, there were to be no more booking of events until the applicant came back before the Committee this evening.

IV. OLD BUSINESS: (Cont.)

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

***Sharx Bar & Grill (Cont.)**

505 Atwood Avenue

Revocation of Expansion and Entertainment

Council Vice-President Livingston explained that he was outraged and there would be no more discussion and asked that a vote be taken to revoke these two licenses.

Roll Call was taken on motion to revoke the Entertainment License and the Expansion of Service License for another month. Motion passed unanimously.

Council Vice-President Livingston stated for the record and stressed to the Solicitor that there was to be no agreement for a Consent Order until the Committee's next meeting.

Basta (cont'd for update re: grease trap)

2195 Broad Street

Alcoholic Class BV (continued from 12/1/08)

Joanne Micheletti, 2195 Broad Street, appeared to speak and explained that all the work is done and approved. Chairman asked if she had any proof with her showing this and she explained that Mr. Insana and Mr. Nada had come out and approved everything, they only had to do one final installation by March 2, 2009. She has not heard anything from the Director of Public Works. She has called Mr. Sylvia several times and he has not returned any of her phone calls, therefore he is not aware that it is all set.

Council President Lanni stated that he is not happy that there is no one present from the City to testify as to whether or not this was true nor can he understand how we can call this applicant in for an update and no one from the City is here to respond to her comments.

Councilman Navarro spoke in regards to a memo from Anthony Sylvia regarding a sewer backup in March of 2008 and the memo stated it was from 2195 Broad Street and who was going to incur these costs to the City of Cranston. Ms. Micheletti explained that when she checked in on this last year she was told it was from a residential property on Park Avenue that caused this problem.

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin-Andrews, it was voted to continue this matter for one month and have the Director of Public Works present a full report on the incident from March 2008 along with a report from Tutela Engineering stating that 2195 Broad Street is in compliance. Motion failed on a vote of 3-4. The following being recorded as voting "aye": Councilmen Navarro, Pelletier and Santamaria -3. The following being recorded as voting "nay": Council President Lanni, Council Vice-President Livingston, Councilman Archetto and Councilwoman Bergin-Andrews -4.

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin-Andrews, it was voted to continue this matter for two months in order to give sufficient time to have Inspections and Public Works Director present. Motion passed on a vote of 4-3. The following being recorded as voting "aye": Council President Lanni, Councilman Santamaria, Council Vice-President Livingston, and Councilwoman Bergin-Andrews -4. The following being recorded as voting "nay": Councilmen Navarro, Archetto and Pelletier -3.

IV. OLD BUSINESS: (Cont.)

Basta (*cont'd for update re: grease trap*) (Cont.)
Alcoholic Class BV (continued from 12/1/08)

2195 Broad Street

Council Vice-President Livingston stated that the applicant is not to attend that meeting, unless notified by the City Clerk that the Public Works Director states there is a dispute. Councilman Navarro also asked that the Public Works Director provide proof of the back-up so the City can be reimbursed right away.

Park Theatre

848 Park Avenue

CLASS B VICTUALLING LICENSE – CONT'D FROM 12/1/2008

Attorney John DiBona, 145 Phenix Avenue, appeared to represent applicant and gave a brief explanation to the new members of the Committee on how his client was granted a Class BV license in 2002 and has been held due to a redevelopment project. He stated that the café is proposed to be opened on March 1, 2009 and they will be ready for a partial opening and the license can finally be issued. He had no summary on the rest of the project, but he did have a memo from Mr. Plourde stating that the rest of the work may possibly be done by 4/1/09.

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

Fabrizi's Fast Food

31-33 Gansett Ave.

Luigi Fabrizi

CLASS B LIMITED ALCOHOLIC BEV. And VICTUALLING LIC. – NEW (cont'd
from 1/12/2009)

Luigi Fabrizi, 107 Oxford Street, appeared to speak stating site plan is done and approved by the Traffic Engineer and he has begun to install the fire alarm.

Chief Gumbley stated that applicant has obtained a permit and has begun to install the fire alarm and should be done in one to two weeks and he recommended approval of this license subject to fire approval.

On motion by Chairman Santamaria, seconded by Councilman Pelletier, it was voted to approve this license subject to Fire Department approval. Motion passed unanimously.

IV. OLD BUSINESS: (Cont.)

People's Liquor Warehouse – Receiver requested to appear

CLASS A RETAIL ALCOHOLIC BEV. LIC. – RENEWALS (Cont'd from 1/12/09)

Attorney Joseph Keough Jr., Armistice Blvd., Pawtucket, appeared to speak on behalf of the Receiver regarding renewal of the Class A Liquor License and gave background information and stated that the Appeal is pending before the Department of Business Regulations (DBR). That Appeal is still pending and doesn't think that appeal should have any effect on whether or not the Renewal should be approved. City Clerk raised a fact to the Chair that there are two Renewals on the table at this point, one for 2008 and one for 2009. She also requested a copy of the Appeal to DBR, as there is no record of the Appeal in the file. Attorney Keough stated that he would forward a copy to the Clerk's Office.

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

Pontiac Food Mart

527 Pontiac Avenue

Ameer Ali

HOLIDAY SALES LICENSE – NEW (tabled 1/12/09 – applicant did not appear)

Ameer Ali, 527 Pontiac Avenue, appeared to speak and was questioned by Councilman Navarro on how he was going to handle the graffiti issue on that building and that he would like it addressed right away and every time it is done to discourage them from doing it over and over again. Mr. Ali stated that he has no problem with that and he indicated it had not been removed because of the cold weather and not good to paint. Councilman Navarro stated that it needs to be taken care of right away.

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

ORDINANCES:

10-08-15 Ordinance in amendment of Chapter 10.12 of Title 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Macklin Street). Cont. from 1/12/2009

Chairman Santamaria, sponsor of this Ordinance, stated that he is removing it at this time and will re-introduce it at a later time.

IV. OLD BUSINESS: (Cont.)

ORDINANCES: (Cont.)

12-08-7 Ordinance in Amendment of Chapter 10.04 of Title 10 of the Code of the City of Cranston, 2005, Entitled “Motor Vehicles and Traffic” (Penalties for Traffic Violations) –

Council Vice-President Livingston stated that he has amendments to the original fees in the introduced Ordinance and had distributed the proposed amendments. (See attached copy).

On motion by Council Vice-President Livingston, seconded by Council President Lanni, it was voted to amend this Ordinance accordingly.

Under Discussion:

City Clerk stated the matter would be advertised for public hearing at the February 23, 2009 full Council Meeting.

Roll call was taken and motion passed unanimously.

SHOW CAUSE HEARING cont'd from 1/12/2009:

Guayacan Lounge

349 Dyer Avenue

Chief Gumbley spoke to advise the committee that applicant is in compliance.

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

V. PUBLIC HEARING:

None

VI. NEW LICENSE APPLICATIONS:

PRIVATE DETECTIVE LICENSE – NEW

Thomas Underhill -#485

95 Sock. Cross Rds.

Major Blackmar spoke on the behalf of the Police Department and stated that the Police Department has no problems with this applicant.

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

VI. NEW LICENSE APPLICATIONS: (Cont.)

VICTUALLING LICENSE – NEW

Federal Hill Pizza

Vinny LoBuono

100 East Street

Attorney Robert Murray, 21 Garden City Drive, appeared to represent applicant and stated they were a pizza establishment under new ownership. Chief Gumbley spoke on behalf of the Cranston Fire Department and explained that they have one minor problem and could be corrected in 1- 2 weeks and Attorney Murray explained that this is no problem and they would cooperate with the Fire Department.

On motion by Council President Lanni, seconded by Council Vice-President Livingston, it was voted to approve this license application subject to Fire Department approval. Motion passed unanimously.

VII. TRAFFIC ENGINEER:

No Business.

VIII. SHOW CAUSE HEARING:

None.

IX. POLICE DEPARTMENT:

None.

X. FIRE DEPARTMENT:

Chief Gumbley presented two permits to install propane tanks, one at Federal Hill Pizza and the other at 72 Knight Street.

XI. LICENSE RENEWAL APPLICATIONS:

PRIVATE DETECTIVE LICENSE – RENEWAL

Joseph Matarese

90 Mollie Drive

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

XI. LICENSE RENEWAL APPLICATIONS: cont'd

SECONDHAND LICENSE – RENEWALS

<i>Roman Jewelers</i>	1000 Reservoir Avenue
<i>Antiques in the Attic</i>	363 Pontiac Avenue
<i>2nd Time Around Sports</i>	328 Atwood Avenue
<i>Yepremian Jewelers</i>	570 Reservoir Avenue
<i>GameStop 6145</i>	1000 Chapel View Blvd.
<i>Providence Diamond</i>	65 Hillside Road
<i>Post Road Guns</i>	2158 Plainfield Pike
<i>C B Truck Tire Services</i>	140 Farmington Avenue
<i>Christopher III</i>	151 Park Avenue
<i>Electronic Bargain Outlet</i>	1500 Oaklawn Ave.
<i>Palombo Atwood Antiques</i>	786 Atwood Ave.
<i>Schiff European Automotive Literature</i>	881 Dyer Ave.

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

HOLIDAY SALES LICENSE – RENEWAL

<i>GameStop 6145</i>	1000 Chapel View Blvd.
<i>Providence Diamond</i>	65 Hillside Road

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

GRAVEL BANK LICENSE – RENEWAL

<i>PJ Keating</i>	875 Phenix Ave.
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On motion by Councilman Pelletier, seconded by Council President Lanni, it was voted to approve this license renewal application. Motion passed unanimously.

FIREARMS DEALER LICENSE – RENEWAL

<i>Post Road Guns</i>	2158 Plainfield Pike
<i>Premium Firearms</i>	1860 Oaklawn Ave.

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

XI. LICENSE RENEWAL APPLICATIONS: cont'd

USED CAR LICENSE – RENEWAL

<i>Caravan Auto</i>	1185 Cranston Street
<i>Gershkoff Enterprises</i>	1085 Cranston Street
<i>Ranaldi Motors</i>	508 Atwood Avenue
<i>Park Avenue Auto Sales</i>	716 Park Avenue
<i>Dee Auto Village</i>	1171-1173 Park Avenue
<i>Passport Automotive Group</i>	85 Buldong Road
<i>Westview Auto Sales</i>	1141 Cranston Street
<i>Chestnut Hill Truck & Auto Sales</i>	21 Calef Street
<i>SASA Auto Sales</i>	550 Atwood Avenue
<i>Zink's Auto Sales</i>	173 Niantic Avenue
<i>R & S Auto Sales</i>	950 Wellington Avenue
<i>East Side Auto Sales</i>	2050 Plainfield Pike
<i>Culco</i>	1300 Park Ave.
<i>Dyer Ave. Motors</i>	454 Dyer Ave.

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 – RENEWAL

<i>Colbea Enterprises d/b/a Garden Shell</i>	1207 Pontiac Avenue
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On motion by Council Vice-President Livingston, seconded by Council President Lanni, it was voted to approve this license renewal application. Motion passed unanimously.

PEDDLERS LICENSE – RENEWAL

<i>Dels Lemonade (4 trucks)</i>	1260 Oaklawn Ave.
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On motion by Council President Lanni, seconded by Council Vice-President Livingston, it was voted to approve this license renewal application. Motion passed unanimously.

XII. RHODES ON THE PAWTUXET:

Schedule of Events for March and April

On motion by Council President Lanni, seconded by Council Vice-President Livingston, it was voted to approve these lists of events. Motion passed unanimously.

The meeting adjourned 8:44 PM.

Respectfully submitted,

Kimberly O'Brien
License Clerk