

SAFETY SERVICES & LICENSES COMMITTEE

Regular meeting of the Safety Services and Licenses Committee was held on Monday, January 12, 2009 in the Council Chambers, City Hall, Cranston, Rhode Island.

I. CALL MEETING TO ORDER:

The meeting was called to order at 7:02 P.M. by the Chair.

Present: Councilman Richard D. Santamaria, Jr., Chair
Council Vice-President Terence Livingston, Vice-Chair (appeared at 7:10 PM)
Councilman Paul H. Archetto
Councilman Robert J. Pelletier
Councilwoman Michelle Bergin-Andrews
Council President John E. Lanni, Jr.

Also Present: Councilman Mario Aceto
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
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

II. MINUTES OF THE LAST MEETING:

On motion by Councilman Pelletier, seconded by Councilman Navarro, 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:

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

2195 Broad Street

No one appeared to speak.

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

IV. OLD BUSINESS: (Cont.)

***Emilia's Cuisine – to submit plans for fire alarm (now Lacascade) 280 Atwood Avenue
Alcoholic Class BV – (Cont'd From 12/1/08)***

Chief Gumbley stated that this establishment is in compliance with Fire Code.

On motion by Councilman Navarro, seconded by Council President Lanni, it was voted to remove this item from the agenda. Motion passed unanimously.

ORDINANCES:

10-08-14 Ordinance in amendment of Title 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Northview Avenue). Cont. 12/1/2008.

Chair asked that this Ordinance be removed from the agenda because it is now Ordinance 12-08-8.

On motion by Council President Lanni, seconded by Councilwoman Bergin-Andrews, it was voted to remove this Ordinance from the agenda. Motion passed unanimously.

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. 12/1/2008.

Chair indicated that there is no Traffic Report for this Ordinance and asked for a continuance.

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

V. PUBLIC HEARING

CLASS B LIMITED VICTUALLING ALCOHOLIC BEV. LIC. – NEW
Fabrizi's Fast Food 31-33 Gansett Ave.
Luigi Fabrizi

Luigi Fabrizi appeared to speak.

Chief Gumbley stated that on December 8, 2008, plans were picked up and work is in progress for new fire alarm system.

V. PUBLIC HEARING (Cont.)

CLASS B LIMITED VICTUALLING ALCOHOLIC BEV. LIC. – NEW (Cont.)

Fabrizi's Fast Food

31-33 Gansett Ave.

Luigi Fabrizi

City Clerk indicated that there is no site plan or diagram on file. There is a plan which was provided by applicant to her office and he was notified by the Clerk that it was not an accurate site plan and was asked to resubmit a correct plan.

On motion by Councilman Navarro, seconded by Council President Lanni, it was voted to continue this Ordinance to next month's meeting. Motion passed unanimously.

CLASS A RETAIL ALCOHOLIC BEV. LIC. – RENEWALS

People's Liquor Warehouse – Receiver requested to appear

No one appeared.

On motion by Councilman Navarro, seconded by Council Vice-President Livingston, it was voted to continue this Ordinance to next month's meeting. Motion passed unanimously.

ORDINANCES:

12-08-2 Ordinance in Amendment of Title 5.40.090 of the Code of the City of Cranston, 2005, Entitled "Hawkers and Peddlers Generally (Hawkers License)

No one appeared to speak in favor or opposed.

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

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)

No one appeared to speak in favor or opposed.

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

12-08-8 Ordinance in Amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, Entitled "Motor Vehicles and Traffic" (Through Trucking – North View Ave.)

No one appeared to speak in favor or opposed.

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

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

ORDINANCES: (Cont.)

12-08-9 Ordinance in Amendment of Chapter 10.12 of Title 10 of the Code of the City of Cranston, 2005, Entitled “Motor Vehicles and Traffic” (Julia St.-High School Ave. and Legion Way)

No one appeared to speak in favor or opposed.

On motion by Councilman Navarro, seconded by Councilwoman Bergin-Andrews, it was voted to recommend approval of this Ordinance. Motion passed unanimously.

12-08-10 Ordinance in Amendment of Chapter 10.40 of Title 10 of the Code of the City of Cranston, 2005, Entitled “Motor Vehicles and Traffic” (No Parking – Springwood Street)

No one appeared to speak in favor or opposed.

On motion by Council Vice-President Livingston, 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

Pontiac Food Mart
Ameer Ali

527 Pontiac Avenue

No one appeared to speak.

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

Shree Maa of RI
Sheetal Patel

480 Pontiac Avenue

Sheetal Patel appeared to speak.

On motion by Council President Lanni, 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

Hi-Noon Restaurant

1574 Elmwood Avenue

Quan Dao

Quan Dao appeared to speak.

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

Fabrizi's Fast Food

31-33 Gansett Avenue

Luigi Fabrizi

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

Brews Brothers Café Inc.

935 Park Avenue

Joseph Mathieu

Joseph Mathieu appeared to speak.

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

VII. TRAFFIC ENGINEER:

None.

VIII. SHOW CAUSE HEARING:

Sharx Bar & Grill

505 Atwood Avenue

John Mancini, Esq., appeared to represent applicant. Jay Santiago, General Manager, appeared to speak.

Chair stated that a few months ago, this establishment applied for an Entertainment License. At that meeting, then Chairman Lanni, asked the representative from the establishment, who is not present this evening, if this was going to be a nightclub. The answer was no, it was going to be a banquet hall. At that time, the Committee approved the Entertainment License. Chair indicated that he received a call from an adjacent property owner stating that he gave written approval for this establishment to use his parking lot for parking for the nightclub, which is not true. On the Planning and Zoning documents, it was stated that Dr. Carpentier, the adjacent property owner, did give permission for use of his property for parking. Much to the Committee's surprise, this is not a banquet hall.

VIII. SHOW CAUSE HEARING: (Cont.)

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

505 Atwood Avenue

Attorney Mancini stated that there are two issues: 1) question of whether it is a nightclub or a banquet hall, and 2) parking and variances that applicant ascertained. The concept is a banquet facility similar to what the 1025 Club does, what Balls Sports does and 39 West does. This establishment does have bands and the band is part of the banquet hall. It operates as a banquet hall with a full menu. Parking variance was sought. That variance was granted with no conditions. There are two notes at the bottom of the map, one describes hours of operation and Pittsburgh Paints is closed when Sharx is open. At the time, there was an agreement that the parking would be shared between Dr. Carpentier and Sharx.

Chair asked Attorney Mancini if this is in writing. Attorney Mancini stated, no. Chair stated that he has been told by the Traffic Engineer time and time again, that there has to be a letter on file and he has to approve it. Attorney Mancini stated that there was a verbal agreement. His client will put back the barrier and fence between the two parking lots, which will not allow Dr. Carpentier to use his client's parking lot. There will also be valet service. Chair indicated that the establishment will be losing approximately 15 spaces by placing the barrier back. He questioned how this will be addressed. Attorney Mancini stated that they will find suitable property for the 15 spaces his client will be losing. Councilman Livingston asked who removed the fence. Attorney Mancini stated that he is not sure.

Mr. Kirshenbaum referred to the statement made by Dr. Carpentier at the December 4, 2008 meeting. Mr. Kirshenbaum indicated that this license was granted with a precondition of verbal agreement with Dr. Carpentier. He asked how many spaces Sharx has. Attorney Mancini stated, right now, they have 39. Mr. Kirshenbaum stated that establishment has 39 spaces and additional 15 was needed to meet the Zoning Code. He feels Sharx cannot operate an Entertainment License since they do not have a Zoning variance for the amount of spaces they have.

Council Vice-President Livingston asked where the document is showing that there is a variance. Attorney Mancini stated that he does not have the approval, but that is a public document. The variance his client sought was for a deficiency in parking. Council Vice-President Livingston asked how long the agreement with Dr. Carpentier was for. Attorney Mancini stated that it does not have any terms, it was a verbal agreement.

Council President Lanni read testimony given to the Zoning Board when applicant applied for a variance.

VIII. SHOW CAUSE HEARING: (Cont.)

Sharx Bar & Grill (Cont.)

505 Atwood Avenue

Councilman Navarro motioned to suspend Sharx's Entertainment License until an agreement is reached and approved with another property owner for applicant to use for parking.
Under Discussion:

Chair stated that he is extremely disappointed on the way this applicant misrepresented this Committee. The applicant did not have an agreement with Dr. Carpentier and that troubles him.

On motion by Councilman Navarro, seconded by Councilman Pelletier, it was voted to revoke the Entertainment License issued to Sharx in September and applicant is welcomed to re-apply and start the process if he wishes. Motion passed unanimously.

Discussion took place on the breakdown capacity. Chief Gumbley stated that the breakdown capacity is 115 for one room and 113 for the other room.

Mr. Kirshenbaum stated that Club 505 is not to be utilized at all.

Attorney Mancini asked what the start date is on the revocation. Mr. Santiago stated that there are a few events coming up that have been booked. Council President Lanni stated that he introduced the Entertainment License and by revoking this license at this point and not allow time to use the facility as a restaurant, is not the spirit of his idea of the creation of an Entertainment License. He does not want to put this establishment out of business, but he does feel they need to start the process of applying for a variance all over again.

Chair asked why the parties that have been already booked can't go into Sharx. Mr. Santiago stated that Sharx does not have the capacity to handle the parties.

Chair indicated that the Expansion of Service permit also needs to be acted on, since that runs with the Entertainment License.

On motion by Councilman Navarro, seconded by Council Vice-President Livingston, it was voted to revoke the Expansion of Service Permit. Motion passed unanimously.

The Police Department was asked to monitor this establishment.

VIII. SHOW CAUSE HEARING: (Cont.)

Powers Pub

2190 Broad Street

Jennifer Powers and Andrea DeFelippo appeared to speak.

Council Vice-President Livingston stated that he and the Major did meet with the neighbors to address their concerns regarding this establishment. Since the initial problems and the meeting with the neighbors, things have settled down.

Major Blackmar stated that he met with the business owners and they have been trying to address most of the issues and he has not received any more calls from residents since. The Police Department will keep checking on this business.

Melissa and Don Centracchio, owners of property at 23 Avon St., which is directly next door to this business, appeared to speak. Mrs. Centracchio stated that since the Police was called and the neighbors met with the Major and the business owner, it has been quieter then before, but her concern is for the warmer weather, when patrons go outside.

Council Vice-President Livingston stated that he thinks the owners understand that if something happens in the future, their license can be revoked, suspended or they can be fined. The owners are willing to work with the neighbors and the City to rectify the problems.

Mrs. Centracchio stated that she, along with other neighbors, were never notified of a liquor license being applied for at this location. City Clerk confirmed that Mr. and Mrs. Centracchio are on the list of people who were notified of that hearing.

Council President Lanni asked how many complaints the Police Department has received. Major Blackmar stated that there have been a few, he does not have a number, but since he met with the neighbors and the business owners, he has not received any more complaints.

On motion by Council Vice-President Livingston, seconded by Councilman Navarro, it was voted to continue this item for three months. Motion passed unanimously.

Guayacan Lounge

349 Dyer Avenue

Chair indicated that applicant has requested a continuance.

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

IX. POLICE DEPARTMENT:

None.

X. FIRE DEPARTMENT:

None.

XI. LICENSE RENEWAL APPLICATIONS:

USED CAR LICENSE – RENEWAL (APPLICANT REQUESTED TO APPEAR)

Ted's Wholesale Specialist d/b/a Calder Street Auto – 2 years 121 Calder Street
William Grady

Paul Richstrom appeared to speak. No one appeared to oppose.

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

AUTO REPAIR RENEWAL – (APPLICANT REQUESTED TO APPEAR)

Ted's Wholesale Specialist d/b/a Calder Street Auto 121 Calder Street
William Grady

Paul Richstrom appeared to speak. No one appeared to oppose.

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

VICTUALLING LICENSE – RENEWAL

<i>Deli Express</i>	Pontiac Avenue
<i>Dunkin Donuts</i>	8 Chapel View Blvd.
<i>Borders</i>	190 Hillside Road
<i>Pizza Hut</i>	1112 Reservoir Ave.
<i>Papa Gino's</i>	624 Reservoir Ave.
<i>D'Angelo's</i>	875 Reservoir Ave.

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

19-HOUR LICENSE – RENEWAL

Temple Sinai 30 Hagen Avenue

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.)

DANCE HALL LICENSE – RENEWAL

Rhodes on the Pawtuxet

60 Rhodes Place

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

LEASING OF MOTOR VEHICLE – RENEWAL

Enterprise Rent a Car

333 Niantic Avenue

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

USED CAR LICENSE – RENEWAL

Nemo Auto Sales – 2 years 2008-2009; 2009-2010

1400 Cranston Street

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

SECONDHAND LICENSE – RENEWAL

Eve in Paris

2 Gansett Avenue

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

XII. RHODES ON THE PAWTUXET:

Schedule of Events for January and February 2009

Actual Number of Attendees from December 2008

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

The meeting adjourned at 8:40 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees