

SAFETY SERVICES & LICENSES COMMITTEE

Regular meeting of the Safety Services and Licenses Committee was held on Monday, January 8, 2007 in the Council Chambers, City Hall, Cranston, Rhode Island.

I. CALL MEETING TO ORDER:

The meeting was called to order at 7:00 P.M. by the Chair.

Present: Councilman John E. Lanni, Jr., Chair
Council Member Maria A. Bucci, Vice-Chair
Councilman Terence Livingston
Councilman Emilio Navarro
Councilman Jeffrey P. Barone
Council President Aram G. Garabedian

Also Present: Councilman Anthony J. Lupino
Councilman Richard D. Santamaria, Jr.
Major Ronald Blackmar, Police Department
Chief Richard Delgado, Fire Department
Thomas Dettore, Deputy Fire Chief
Vito Sciolto, 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 Navarro, seconded by Councilman Barone, 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: Letter re: Change of Corporation Name of Family RV Inc. to Easy RV Outlet Sales & Service, Inc.

This request will be ratified at the next meeting.

Letter from Millers Crossing re: Outdoor Seating

Mr. Miller appeared to speak. Chair stated that by law, requests for outdoor seating are required to be advertised and in this case, it was not. Due to this, this request will be placed on next month's agenda for consideration.

IV. OLD BUSINESS:

FIRE CODE VIOLATIONS HEARING - (Cont'd from 12/4/06)

Jeffrey Butler – Violations

@2212 Broad Street

Chief Delgado stated that he has spoken to the owner and he has been assured that he has all the materials needed to complete the job and the electrician verified this. The contractor has told him that this will be done between four to six weeks.

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to continue this item to the March meeting. Motion passed unanimously.

HOLIDAY SALES LICENSE – NEW - (Tabled 11/13/2006, 12/4/2006 – applicant did not appear)

CVS #1414

1195 Oaklawn Avenue

Rick Bowen

No one appeared to speak.

License application will remain tabled.

VICTUALLING LICENSE – NEW (Tabled from 12/4/2006 – applicant did not appear)

Dias Seafood

993 Oaklawn Avenue

Nelson Dias

No one appeared to speak.

License application will remain tabled.

V. ADVERTISED PUBLIC HEARINGS:

CLASS B VICTUALLING LICENSE – RENEWAL

Hons LLC d/b/a House of Noodle Soup

790 Reservoir Avenue

No one appeared to speak in favor or to oppose.

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

ALL NIGHT LICENSE – NEW

Penske Truck Leasing Corp.

Amflex Drive

Kevin Molloy

John Tweedie appeared to speak in favor. No one appeared to oppose.

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

V. ADVERTISED PUBLIC HEARINGS: (Cont.)

AUTO EPAIR LICENSE – NEW

Penske Truck Leasing
Kevin Molloy

Amflex Drive

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

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

SECONDHAND LICENSE – NEW

Twisted Sister, LLC
Cheryl Ward

926 Oaklawn Avenue

Cheryl Ward, 67 Ash Ave., appeared to speak. No one appeared to oppose.

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

TRANSFER OF CLASS A RETAIL ALCOHOLIC BEVERAGE LICENSE

From: People’s Liquor Warehouse – Cranston LLC

200 Garfield Avenue

d/b/a People’s Liquor Warehouse
Emily Haronian

To: People’s Liquor Warehouse – Route 37, Inc.

1138 Pontiac Avenue

d/b/a People’s Liquor Warehouse
Emily Haronian

No one appeared to speak in favor or to oppose.

On motion by Council President Garabedian, seconded by Councilman Barone, it was voted to table this license application. Motion passed unanimously.

VI. NEW LICENSE APPLICATIONS:

VICTUALLING LICENSE – NEW

McDonald’s
Stephen Walach

1099 Reservoir Avenue

Stephen Walach appeared to speak.

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

VI. NEW LICENSE APPLICATIONS: (Cont.)

VICTUALLING LICENSE – NEW (Cont.)

Al-Mall Pizza

Hammond El-Laham

41 Warwick Avenue

Hammond El-Laham appeared to speak.

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

VII. TRAFFIC ENGINEER:

No business.

VIII. POLICE DEPARTMENT:

SHOW CAUSE HEARING:

Class A **Cont'd from 12/4/06**

UNG Inc. d/b/a Park Avenue Liquors – A 05

1075 Park Avenue

Seth Perlmutter, Esq., appeared to represent the applicant. He asked that the motion before this board be dismissed. His client's tapes were destroyed prior to his client being served and there has been no evidence presented. He stated that his client keeps videotapes for a month or two. Due to this, his client is at a disadvantage, since he cannot provide any proof of who the employee was that allegedly sold alcohol to a minor or what the alleged customer looked like. Attorney Perlmutter indicated that his client has not had any prior incidents.

Major Blackmar stated that Detective Saccoccia, who was present the night of the incident, is present to answer any questions of what occurred.

Detective Paul Saccoccia stated that once a year, the State provides the Police Department with a survey with detailed guidelines, and designate which establishments the Police Department is to approach. There are minors who are used by the Police Department to go into these establishments to try and purchase alcohol. In this case, the minor was driven to the business, given \$20.00 bill and directed to purchase a six-pack of Bud Light or Coors beer. If he or she is asked for an identification, they are not suppose to lie. Detective Saccoccio stated that in this case, the minor went into the business and a short time later came out with a six-pack of beer and handed it to him and the minor was taken back into the police car. The Police Department is strictly directed that no warnings or citations be issued until the State-wide survey is concluded.

Councilman Barone asked how far into the survey the Police Department was when this incident took place. Detective Saccoccia stated that the business is notified a short time after the survey is completed if they violated the law.

VIII. POLICE DEPARTMENT: (Cont.)

SHOW CAUSE HEARING: (Cont.)

Class A **Cont'd from 12/4/06**

UNG Inc. d/b/a Park Avenue Liquors – A 05

1075 Park Avenue

Council President Garabedian asked Attorney Perlmutter if he has received the report from the Police Department of the details of the incident. Attorney Perlmutter stated, no.

Councilman Livingston asked detective Saccoccia how far away he was from the store, while the minor was in the store. Detective Saccoccia stated that he was extremely close because there was a juvenile involved. Councilman Livingston asked Detective Saccoccia if he could see the juvenile while he or she was in the store. Detective Saccoccia stated, no.

Major Blackmar stated that at the last meeting, the attorney for this establishment was told that if he wished to have a copy of the report, he could obtain it through a request of the Police Department. This request was not made.

Councilman Livingston asked Detective Saccoccia if the minor was provided with money to purchase the alcohol, and how much. Detective Saccoccia stated that the minor was provided with \$20 US money and came out with the alcohol and change from the \$20. Councilman Livingston asked Detective Saccoccia if he obtained a receipt. Detective Saccoccia stated, no.

Council President Garabedian questioned how long this applicant has had this license. Attorney Perlmutter stated less than one year, with no prior incidents. He also stated that he is asking for dismissal of this violation, since everything stated this evening is hearsay. He questioned, how do we know the juvenile did not have an identification and produced it.

Chair stated that the facts are, the minor did go into the store, the minor did come out of the store with liquor in a bag, which proves someone did make a sale in a bag. This is evidence that a purchase was made at this establishment. The applicant is getting a fair hearing and this is the second hearing this Committee is having on this matter.

Councilman Navarro asked if this is the first time that this particular minor has been used in this program. Detective Saccoccia stated that this person was new to this setup survey. This person went into numerous liquor establishments during this survey, but was refused sale at all, except at this particular establishment, and walked out.

On motion by Councilman Livingston, seconded by Council Member Bucci, it was voted to issue a \$500 fine.

Under Discussion:

Councilman Barone stated that he is going to vote no on this motion and agrees with the attorney because there is no receipt of sale and he does not know what the juvenile looks like. Maybe he or she does not look like they should be carded.

VIII. POLICE DEPARTMENT: (Cont.)

SHOW CAUSE HEARING: (Cont.)

Class A Cont'd from 12/4/06

UNG Inc. d/b/a Park Avenue Liquors – A 05

1075 Park Avenue

Council President Garabedian stated that if this Committee approves imposing a fine to this establishment this evening, it is approving a system that is not a good system.

Councilman Livingston stated that this Committee should not be approving the process being used in the survey, because he finds the Detective credible.

On motion by Council Member Bucci, seconded by Councilman Livingston, it was voted to move the question. Motion passed on a vote of 4-2. The following being recorded as voting “aye”: Councilmen Lanni, Livingston, Navarro and Council Member Bucci -4. The following being recorded as voting “nay”: Councilman Barone and Council President Garabedian -2.

Roll call was taken on motion to impose \$500 fine to be paid within 30 days and motion passed on a vote of 4-2. The following being recorded as voting “aye”: Councilmen Lanni, Livingston, Navarro and Council Member Bucci -4. The following being recorded as voting “nay”: Councilman Barone and Council President Garabedian -2.

Class BV

7- Letters Inc., D/B/A Billy’s Frosted Mug

594 Reservoir Avenue

William Simpson appeared to speak. Major Blackmar stated that on two occasions the Police Department has been at this establishment and found people inside the building after closing time. There was no evidence of liquor being served at that time or liquor on the bar. On the first occasion, the Police were not allowed in, but the second time, they were. State Law states that people have to be out of the building by 1:30 A.M. and both times it was after 1:30 A.M.

Chair asked Mr. Simpson what he intends to do to correct this problem. Mr. Simpson stated that he has had a meeting with his staff and everyone is aware that they have to be out of the building by 1:25 A.M. He has also met with the Major and has reviewed the requirements.

Major Blackmar suggested that the Committee issue the applicant a stern warning, since Mr. Simpson did call him right away after the citation was issued, to see what he could do to rectify this and cooperated fully.

On motion by Council President Garabedian, seconded by Councilman Barone, it was voted to issue a warning to the applicant. Motion passed unanimously.

IX. FIRE DEPARTMENT:

No Business.

X. LICENSE RENEWAL APPLICATIONS:

VICTUALLING LICENSE – RENEWAL (Ratify the Action)

Hons LLC

790 Reservoir Avenue

Quyem Lee

On motion by Council Member Bucci, seconded by Councilman Barone, it was voted to approve this license renewal application. Motion passed unanimously.

Minh-Hai Restaurant

1096 Park Avenue

Minh-Hai

On motion by Council Member Bucci, seconded by Councilman Barone, it was voted to approve this license renewal application. Motion passed unanimously.

Taco Bell

1076 Reservoir Avenue

David Lockwood

On motion by Council Member Bucci, seconded by Councilman Barone, it was voted to approve this license renewal application. Motion passed unanimously.

Parkside Steak & Wings

285 Park Avenue

Hagop Khatchadourian

On motion by Council Member Bucci, seconded by Councilman Barone, it was voted to approve this license renewal application. Motion passed unanimously.

VICTUALLING LICENSE - RENEWALS

Karen's Place

1864 Broad Street

Karen Nichols

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

ALL NIGHT LICENSE – RENEWAL –(Ratify the Action)

Wal-Mart Stores

1776 Plainfield Pike

Michael Gadigian

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

X. LICENSE RENEWAL APPLICATIONS: (Cont.)

USED CAR LICENSE – RENEWAL (Ratify the Action)

Westview Auto & Truck Sales 1141 Cranston Street
Albert Testa

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

Hillside Auto & Truck Sales for March '07-March '08 44 Gansett Avenue
Eddie Cabral

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

Nemo Auto Sales 2 years 3/06-3/07and 3/07-3/08 1400 Cranston Street
Vincent Volpe

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

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

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

Dyer Avenue Motors 454 Dyer Avenue
Frank Andrade

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

SECONDHAND LICENSE - RENEWAL

Easy RV Outlet Sales & Service 1416 Park Avenue

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

Eve In Paris 2 Gansett Avenue

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

SUNDAY SALES LICENSE – RENEWAL

Easy RV Outlet Sales & Service 1416 Park Avenue

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

XI. ORDINANCES PUBLIC HEARINGS:

10-06-1 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 2005, entitled "Vehicles and Traffic" (Violation of posted tonnage - Marine Drive). Referred from 12/18/06 council meeting

On motion by Council President Garabedian, seconded by Councilman Barone, it was voted to table this Ordinance. Motion passed unanimously.

XII. RHODES ON THE PAWTUXET:

November Actual Number of Attendees

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to approve this list of events. Motion passed unanimously.

Schedule of Events for January 2007 & February 2007

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to approve this list of events. Motion passed unanimously.

XIII. MISCELLANEOUS BUSINESS

*Cranston Police Dept., Fire Dept. and Inspections
Report on **Jimmy D'S**

1785 Cranston Street

Chair asked Chief Delgado to speak regarding this issue. Chief Delgado stated that Deputy Chief Dettore will speak regarding this issue. Deputy Chief Dettore stated that the Fire Department has been working with the owner of this property, Mr. Testa, since 2005 because this property was not in compliance. Since that time, the Fire Department has been working with three different business owners. When Mr. D'Angelus, the current business owner, took over, there was a question of how this building was going to be used, if it was going to be used as a nightclub or a restaurant. The capacity was reduced from 197 to 138 people, 10% for lack of fire alarms and 10% for lack of sprinklers. This was reduced because this establishment became classified as a nightclub. Over 150, nightclubs require sprinklers. The owner was asked to submit a plan showing sprinklers and municipal fire alarm system. Deputy Chief Dettore stated that the owner, on Friday, told him that he was going to appeal for a variance before the Board of Appeal and Review. He will check tomorrow to see if he has applied for this variance. This is on a quick track, which means the applicant could get a hearing within possibly two months.

XIII. MISCELLANEOUS BUSINESS (Cont.)

*Cranston Police Dept., Fire Dept. and Inspections **(Cont.)**
Report on **Jimmy D'S**

1785 Cranston Street

Chair stated that his concern is this should be acted on immediately, since applicant is operating this establishment as a nightclub with a restaurant license. According to the Building Inspector, they have installed additions to the property without a permit.

Carlo Testa appeared to speak and stated that his father owns the property and he is representing him this evening. He stated that there is a pull system inside the building, which was all that was required when his father purchased the property. He also stated that he has a Certificate of Occupancy from 2002. Chair stated that, per the City Solicitor, this Committee should not take any testimony. This should be done at a Show Cause Hearing. A date will be set for this hearing.

The meeting adjourned at 8:10 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

LICENSES APPROVED JANUARY, 2007

ALL NIGHT LICENSE

Penske Truck Leasing Corp.
Kevin Molloy

Amflex Dr.

AUTO REPAIR LICENSE

Penske Truck Leasing Corp.
Kevin Molloy

Amflex Dr.

SECONDHAND LICENSE

Twisted Sisters, LLC
Cheryl Ward

926 Oaklawn Ave.

VICTUALLING LICENSE

McDonald's
Stephen Walach

1099 Reservoir Ave.

Al-Mall Pizza
Hammond El-Laham

41 Warwick Ave.