

SAFETY SERVICES & LICENSES COMMITTEE

Regular meeting of the Safety Services and Licenses Committee was held on Monday, June 1, 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
Council Vice-President Terence Livingston, Vice-Chair
Councilman Paul H. Archetto
Councilman Robert J. Pelletier
Councilman Emilio L. Navarro
Council President John E. Lanni, Jr.

Absent: Councilwoman Michelle Bergin-Andrews

Also Present: Councilman Paul Archetto
Gerald Cordy, Deputy Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Captain Robert Carnevale, Police Department
Chief James Gumbley, 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 Vice-President Livingston, 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 from Blue Moon for permission for outdoor seating at feast

Chair stated that, since there was an incident there last year, applicant will be having Police detail Friday, Saturday and Sunday. He questioned if they meet Fire Code. Chief Gumbley stated that as long as they do not block any entrances or have less than 50 people, there would be no problems.

On motion by Council President Lanni, seconded by Councilman Pelletier, it was voted to approve this request. Motion passed unanimously.

IV. OLD BUSINESS:

Park Theatre

Cont'd from 4/6/09

John DiBona, Esq., appeared to represent the applicant and stated that the reason for their presence this evening is:

1. to review status of the construction
2. obtain approval for transfer of the BV License Application
3. obtain approval for Entertainment License
4. obtain approval for Victualling License

Attorney DiBona asked that hearing and discussion on all of these matters be held at the same time. No one objected.

Attorney DiBona updated the Committee on the following:

- Status - construction is progressing and two temporary Certificates of Occupancy have been issued today. Today, they were hoping to have the permanent Certificate of Occupancy, but due to the Building Inspector having a medical emergency, it was not done. Mr. Cordy stated that the Building Official stated to him that they would continue with the temporary.

Council President Lanni asked that the Administration be made aware that the Committee approved the Liquor License in the past with the understanding that Certificate of Occupancy would be issued as each stage of the project was completed, not temporary Certificates of Occupancy.

Attorney DiBona further update the committee as follows:

- Transfer of Liquor License – a license was granted, but never issued. Entity on the original application was Park Ave. LLC and reason for this transfer is to have all licenses be held by the owner of the building. Chair asked for legal opinion. Mr. Kirshenbaum stated that he has no problem with that concept.
- Application for Entertainment License and Victualling License – the Entertainment License is for live shows, movies, theatre productions. Chair asked what the capacity is of the theatre. Attorney DiBona stated 1100, that is what was given by the Zoning Board of Review and 125 for café and 220 for restaurant.

On motion by Council Vice-President Livingston, seconded by Council President Lanni, it was voted to approve the transfer application, the Entertainment License and the Victualling License with the understanding that no licenses will be issued, the Committee is just transferring the names of the corporations.

Under Discussion:

Public Speakers:

Diana Gordon, 363 Pontiac Ave., appeared to speak and stated that she is concerned about the road condition, since this project started.

Councilman Navarro stated that he has received calls regarding the trench in the road. He questioned whose responsibility it is for that. Mr. Cordy stated that he made a note of this issue for the Highway Department to look at it.

IV. OLD BUSINESS: (Cont.)
Park Theatre (Cont)
Cont'd from 4/6/09

Roll call was taken on motion to approve Transfer application, Entertainment License application and Victualling License application and motion passed unanimously.

Powers Pub
Jennifer Powers
Show Cause Review

2190 Broad Street
Cont'd from 5/4/2009

Andrea DeFelippo and Jennifer Powers appeared to speak. Ms. Powers presented a recommendation from soundproofing company.

Chair asked Police Department if there are any reports regarding this business. Captain Carnevale stated that there have been no problems in the last month.

Public Speakers:

Sharon Flanagan, 23 Aborn St., appeared to speak and thanked the owners for being cooperative with the neighbors.

Ruth Spellman appeared to speak and stated that the Manager has been working with the neighbors and she also stated that she would like the opportunity to revisit this, if necessary.

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

Basta
Joanne Micheletti
Status report on grease trap issue – review and solicitor's opinion

2195 Broad Street
Contd from May 4, 2009

Chair stated that this item will be removed from the agenda since there is ongoing discussion being held between the Administration and the applicant.

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

Pontiac Getty
Eli Antoun
Show Cause & site plan review

899 Pontiac Avenue
(cont'd from 5/4/09)

Seth Perlmutter, Esq., appeared to represent the applicant.

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

IV. OLD BUSINESS: (Cont.)

El Tipico

16 Gansett Avenue

Jose Ruiz

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

Show Cause: Site Plan & Parking review for Entertainment license

Chair stated that at the request of the attorney, this item will be continued.

On motion by Council President Lanni, seconded by Councilman Pelletier, it was voted to continue this item. Motion passed unanimously.

4-09-2 Ordinance in Amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (So. Comstock Pkwy and Olney Arnold .Road) cont'd from 5/4/09 for traffic engineers report

Councilman Pelletier stated that he spoke to the Traffic Engineer and he is under the impression that in the Ordinance, it does not state "stop sign". In the past two weeks, he has installed two "slow curve" signs and he would like to continue this Ordinance for one month to see if these signs work.

On motion by Councilman Pelletier, seconded by Council President Lanni, it was voted to continue this Ordinance. Motion passed unanimously.

Chair asked Mr. Cordy to indicate to the Traffic Engineer to try to get reports to the Committee earlier, since the Committee received an e-mail from the Traffic Engineer regarding this Ordinance, late this afternoon. This does not give the Committee enough time to review these reports.

NEW LICENSE APPLICATIONS: Ratify the Action

HOLIDAY SALES LICENSE – NEW (tabled 5/4/09 – no one appeared)

Maxi Drug South LP D/B/A Rite Aid #6595

1011 Cranston Street

Michael Podgurski

No one appeared to speak.

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

NEW LICENSE APPLICATIONS: Ratify the Action

PETCO

10 Chapel View Blvd.

Jenn Quinn appeared to speak.

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

IV. OLD BUSINESS: (Cont.)

NEW LICENSE APPLICATIONS:

HOLIDAY SALES LICENSE – NEW (tabled 5/4/09 – no one appeared)

Spangles

53 Garden City Drive

Gail Meisner

No one appeared to speak.

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

TEMPORARY STRUCTURE – NEW (tabled 5/4/09- no one appeared)

Cranston Portuguese Club – *Event June 28*

20 Second Avenue

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

PUBLIC HEARING:

TRANSFER OF CLASS B LMTD TO CLASS B VICTLING - cont'd from 5/4

***Cranston House of Pizza LLC**

1791 Cranston Street

Colleen Mooney/Kathleen Azverde

***City Council approval required #70**

Colleen Mooney appeared to speak. No one appeared to oppose.

On motion by Councilman Pelletier, seconded by Councilman Navarro, it was voted to approve this license application with the restriction of no entertainment. Motion passed unanimously.

EXPANSION OF PREMISES – NEW –cont'd from 5/4

39 West Plaza LLC d/b/a 39 West

39 Phenix Avenue

Vincent DiNofrio

Vincent DiNofrio appeared to speak.

Mr. Kirshenbaum stated that he met with Mr. DiNofrio and spoke to former Major Blackmar and Chief Gumbley and Mr. DiNofrio was given the go ahead to order supplies needed for this expansion.

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

Under Discussion:

Councilman Pelletier asked Mr. DiNofrio if he will be supplying Police detail during the event. Mr. DiNofrio stated that during the Saint Mary's Feast, he will have detail for Thursday through Sunday of the week of the Feast.

Roll call was taken on motion to approve the above license application and motion passed unanimously.

V. PUBLIC HEARING:

TRANSFER OF CLASS A RETAIL ALCOHOLIC BEVERAGE LICENSE – NEW

FROM: God Bless Corp.

811 Park Avenue

d/b/a Capital Liquors

Jatish Patel

To: RKT Partners LLC

811 Park Avenue

d/b/a Capital Liquors

Leonard Mello

Robert Jacquard, Esq., appeared to represent the transferor and stated that on Saturday, he received a phone call from the broker who indicated that the buyer was experiencing financing problems and on a hunch, he went to the Town of Johnston and found out that this buyer has an application filed in Johnston for Class A License, which is in violation of State Law. This individual had two deals going on at the same time.

On motion by Council Vice-President Livingston, seconded by Councilman Pelletier, it was voted to remove this license transfer application from the agenda.

Under Discussion:

Frank Manni, Esq., appeared to represent the transferee, RKT Partners LLC and asked for a one month continuance so he can consult with Attorney Jacquard and his client to resolve this issue. Attorney Jacquard stated that there is nothing to resolve.

Motion to remove this license transfer application from agenda passed unanimously.

From: PLW Rt. 10

200 Garfield Avenue

d/b/a People's Liquor Warehouse

Peter Furness Receiver for PLW RT 10

To: Wines & More of RI, Inc.

125 Sockanosett Rd.

Andrew Annaldo

John DiBona, Esq., appeared to represent the transferee.

Joseph Keough, Jr., Esq., appeared to represent the Receivership and stated that currently, there is a appeal pending before the Department of Business Regulations. If this transfer is approved, that appeal will be withdrawn with prejudice.

Frank Fiorenzano, property manager of 200 Garfield Ave. property, appeared to oppose to this transfer. If this transfer is approved and not continued, it would be making Cranston a party to an illegal transfer. The applicant should ask for permission from Liquor Control for the sale of the license to Wine & More.

Joseph Larissa, Esq., appeared to represent the owner of the property. He stated that the Judge has to order this sale like he did last year when he authorized the sale to Cranston Wine & More and he asked for a one month continuance.

V. PUBLIC HEARING: (Cont.)

TRANSFER OF CLASS A RETAIL ALCOHOLIC BEVERAGE LICENSE – NEW
From: PLW Rt. 10 (Cont.) 200 Garfield Avenue
d/b/a People’s Liquor Warehouse
Peter Furness Receiver for PLW RT 10

To: Wines & More of RI, Inc. 125 Sockanosett Rd.
Andrew Annaldo

Mr. Kirshenbaum stated that he would like to hear from Attorney DiBona or the Receiver on whether they feel a correct Order from the Judge is needed.

Attorney DiBona stated that the Judge approved the transfer of this license in 2008.

Stephanie McConaghy appeared to represent the Receiver and stated that the funds are transferred, a report is generated of who will be paid and how much will be paid. She also noted that no further Order is needed from the Judge to transfer this license.

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

Under Discussion:

Council President Lanni questioned approximately how many creditors are out there. Ms. McConaghy stated approximately 50. Council President Lanni asked how long it would take for those creditors to be paid if this transfer is approved. Ms. McConaghy stated approximately two months.

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

Roll call was taken on motion to approve this transfer application and motion passed on a vote of 5-1. The following being recorded as voting “aye”: Councilmen Santamaria, Pelletier, Navarro, Council Vice-President Livingston and Council President Lanni -5. The following being recorded as voting “nay”: Councilman Archetto -1.

TRANSFER OF CLASS B VICTUALLING LICENSE – NEW
From: Park Theatre LLC 848 Park Avenue
Piyush Patel

To: 848 Park Avenue Associates LLC 848 Park Avenue
Piyush Patel

Discussion and vote on the above license application was held at the beginning of the meeting.

V. PUBLIC HEARING: (Cont.)

CLASS B LIMITED ALCOHOLIC BEVERAGE LICENSE – NEW
Hi-Noon Restaurant 1574 Elmwood Avenue
Quan Dao

No one appeared to speak.

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

VI. NEW LICENSE APPLICATIONS:

VICTUALLING LICENSE – NEW
Del's 106 Phenix Avenue
Bruce Delucia

No one appeared to speak.

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

848 Park Avenue Assoc., LLC 848 Park Avenue
Piyush Patel

Discussion and vote on the above license application was held at the beginning of the meeting.

McDonald's 1820 Plainfield Pike
Paul Farren

Terry O'Connor appeared to speak.

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

Athena's Restaurant 1482 Park Avenue
Athena Kounaris

Athena Kounaris appeared to speak.

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

VI. NEW LICENSE APPLICATIONS: (Cont.)

PRIVATE DETECTIVE LICENSE – NEW

Jody Pachomski - #487
100 Elena Street

Jody Pachomski appeared to speak.

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

ENTERTAINMENT LICENSE – NEW

848 Park Avenue Assoc., LLC
Piyush Patel

848 Park Avenue

Discussion and vote on the above license application was held at the beginning of the meeting.

RI Shriners

1 Rhodes Place

David Reilly appeared to speak and stated that this is for a car show.

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

EXPANSION OF PREMISE – NEW

Starz Bar & Grill- for feast July 2009

1458 Park Avenue

Ron and Donna Johnston appeared to speak.

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

Under Discussion:

Council President Lanni questioned if there will be Police detail. Mr. Johnston stated that he can if the Committee wishes. Council President Lanni stated that if there will be outside entertainment, he asked that the applicant tone it down at a reasonable hour. Chair indicated that the Committee would like the applicant to have Police detail.

On motion by Council Vice-President Livingston, seconded by Councilman Pelletier, it was voted to approve this license application with Police detail for Friday, Saturday and Sunday. Motion passed unanimously.

HOLIDAY SALES LICENSE – NEW

Capital Liquors
Leonard Mello

811 Park Avenue

This license application was removed from agenda.

VI. NEW LICENSE APPLICATIONS: (Cont.)

PEDDLER'S LICENSE – NEW

Scottie's Ice Cream

Charles Duffy

2065 Elmwood Avenue

Michael Grilli appeared to speak.

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

VII. TRAFFIC ENGINEER:

No business.

VIII. SHOW CAUSE HEARING:

No business.

IX. POLICE DEPARTMENT:

No business.

X. FIRE DEPARTMENT:

No business.

XI. LICENSE RENEWAL APPLICATIONS:

VICTUALLING LICENSE – RENEWALS

Rooster's Grill

High Stakes Restaurant

751 Park Avenue

1482 Park Avenue

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

TEMPORARY STRUCTURE LICENSE – RENEWAL

Sonya's for event June 6th & 7th

766 Oaklawn Avenue

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

USED CAR – RENEWAL

Stamas Auto & truck Center

1045 Cranston Street

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

XI. LICENSE RENEWAL APPLICATIONS: (Cont.)

AUTO REPAIR LICENSE – RENEWAL

Stamas Auto & Truck Center

1045 Cranston Street

Victor Cima & Sons

1335 Cranston Street

Central Truck Service

131 Fletcher Avenue

Mollo's Auto

1163 Cranston Street

Bautista Auto Repair

107 Fletcher Avenue

R & S Auto Sales and Auto Body

950 Wellington Ave.

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

AMUSEMENT MACHINE LICENSE – RENEWAL

Miller's Crossings

43 Bald Hill Road

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

BILLIARD TABLE LICENSE – RENEWAL

Miller's Crossings

43 Bald Hill Road

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

PEDDLER'S LICENSE – RENEWAL

Ocean State Concessions

321 Warwick Ave

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

BINGO LICENSE – RENEWAL

Hall Manor

70 Warwick Avenue

Joyce Pitts

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

PRIVATE DETECTIVE – RENEWAL

Thomas Luongo - #467

114 Hazelton Street

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

XII. RHODES ON THE PAWTUXET:

Schedule of Events for June, July and August 2009

Actual Number of Attendees April 2009

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

MISCELLANEOUS BUSINESS:

Councilman Navarro indicated that Councilman Pelletier, at previous meeting, had asked for a list of events from 505 Restaurant. He questioned why this is not being provided. City Clerk stated that she will check into this.

The meeting adjourned at 8:30 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

LICENSES APPROVED

HOLIDAY SALES LICENSE

Maxi Drug South LP
d/b/a Rite Aid
Michael Podgurski
1011 Cranston St.

TEMPORARY STRUCTURE LICENSE

Cranston Portuguese Club
Event for June 28, 2009
20 Second Ave.

TRANSFER OF CLASS B LIMITED TO CLASS B VICTUALLING LICENSE

Cranston House of Pizza, LLC
Colleen Mooney/Kathleen Azverde
1791 Cranston St.

EXPANSION OF PREMISE LICENSE

39 West Plaza, LLC
d/b/a 39 West
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