

SAFETY SERVICES & LICENSES COMMITTEE

Regular meeting of the Safety Services and Licenses Committee was held on Monday, May 3, 2010 in the Council Chambers, City Hall, Cranston, Rhode Island.

I. CALL MEETING TO ORDER:

The meeting was called to order at 7:05 P.M. by the Chair.

Present: Councilman Richard D. Santamaria, Jr., Chair
Councilman Robert J. Pelletier
Councilman Emilio L. Navarro
Council President John E. Lanni, Jr.

Absent: Council Vice-President Terence Livingston, Vice-Chair
Councilman Paul H. Archetto
Councilwoman Michelle Bergin-Andrews

Also Present: Gerald Cordy, Deputy Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Major John Schaffran, 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 Council President Lanni, 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:

None.

IV. OLD BUSINESS:

HOLIDAY SALES LICENSE – NEW (Tabled 3/1/10, 4/5/10) - no one appeared
Petco #3705 10 Chapel View
Laura Molton

No one appeared to speak.

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

Jennifer Quinn appeared to speak to represent applicant.

IV. OLD BUSINESS: (Cont.)

HOLIDAY SALES LICENSE – NEW (Tabled 3/1/10, 4/5/10) - no one appeared
Petco #3705 (Cont.) 10 Chapel View
Laura Molton

On motion by Councilman Pelletier, seconded by Council President Lanni, it was voted to remove the above motion from the table. Motion passed unanimously.

No one appeared to oppose to this license application.

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

VICTUALLING LICENSE – NEW (Ratify the Action in April) – Tabled no show
C.F.C. Fried Chicken & Pizza 1099 Park Ave.
Mohammed Nasrat

No one appeared to speak.

City Clerk indicated that a letter was sent to the applicant advising him that his license would expire as of tomorrow if he did not appear at this meeting. Chair asked that the City Clerk send applicant a letter indicating that he is operating without a license.

Mohammed Nasrat appeared to speak. No one appeared to oppose.

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

V. MISCELLANEOUS BUSINESS

None.

VI. PUBLIC HEARING:

Ordinance 4-10-4 in amendment of Title 10, Ch. 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Bryant Rd. and Spring St.).

No one appeared to speak in favor or to oppose.

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

VI. PUBLIC HEARING: (Cont.)

AUTO REPAIR LICENSE – NEW

Mollo's Auto
Dino Mollo

441 Dyer Ave.

Joseph Manera, Esq., appeared to represent the applicant.

Dino Mollo appeared to speak. No one appeared to oppose.

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

VII. NEW LICENSE APPLICATIONS:

VICTUALLING LICENSE - NEW (Ratify the Action)

O'Brien's Park Place Café
Janelle O'Brien

935 Park Ave.

Janelle O'Brien 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. Motion passed unanimously.

The Water's Edge
Sayed Najem

2190 Broad St.

Mark Charleson, Esq., appeared to represent the applicant.

Sayed Najem appeared to speak and stated hours of operation to be 5:30 AM to 4:30 PM.

No one appeared to oppose.

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

New York Fried Chicken
Aisha Desinice

1542 Broad St.

Aisha Desinice appeared to speak. No one appeared to oppose.

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

VII. NEW LICENSE APPLICATIONS: (Cont.)

ITINERANT FOOD VENDOR LICENSE – NEW

Poppy's Kettle Corn

@Sunoco on Broad St.

Frank Rose

during Gaspee Days Parade

Frank Rose and **Steven Gilman** appeared to speak. No one appeared to oppose. Applicant stated he also wanted to sell at the Rhodes Car Show. Clerk stated the application was for Gaspee Days Parade only, that applicant should find out the date of the car show and submit a request to include that as part of this application.

Chief Gumbley indicated that applicant needs Fire approval for the tent.

Mr. Rose asked if license fee could be waived for veterans. Chair stated that this issue along with whether Fire approval has been obtained will be placed on the agenda for next month to address.

On motion by Councilman Pelletier, seconded by Council President Lanni, it was voted to approve this license application subject to Fire Department approval.

Wally's Dogs

@699 Park Ave.

Beth Glidden

Beth Glidden appeared to speak. No one appeared to oppose.

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

TEMPORARY STRUCTURE LICENSE – NEW

Poppy's Kettle Corn

@Sunoco on Broad St.

Frank Rose

during Gaspee Days parade

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

HOLIDAY SALES LICENSE – NEW

Moon Market

1478 Park Ave.

Zakira Kattan

Zakira Kattan appeared to speak. No one appeared to oppose.

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

VII. NEW LICENSE APPLICATIONS: (Cont.)

HOLIDAY SALES LICENSE – NEW (Cont.)

Francesca's Collections

100 Midway Rd.

Marybeth Fabiano appeared to speak. No one appeared to oppose.

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

BAZAAR LICENSE – NEW (Ratify the Action)

Central Cranston Crime Watch

363 Pontiac Ave.

May 2, 2010

Diana Gordon, 363 Pontiac Ave., appeared to speak. No one appeared to oppose.

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

VIII. TRAFFIC ENGINEER:

None.

IX. SHOW CAUSE HEARING:

None.

X. POLICE DEPARTMENT:

848 Park Avenue

Report on noise level – cont'd from April

Major Schaffran appeared to speak and stated that over the past month, the Police have conducted numerous checks, including noise meter readings at this establishment on various nights during the week. All those readings taken showed that the noise level was below what is allowed by Ordinance.

Chair asked what the highest reading was. Major Schaffran stated that on April 17th, reading was at 57.7.

Councilman Pelletier asked at what location the readings were taken. Major Schaffran stated that the readings were taken at various locations and they were pretty consistent. The higher readings were at the Park Ave. side, where the front door is located.

X. POLICE DEPARTMENT: (Cont.)

848 Park Avenue (Cont.)

Report on noise level – cont'd from April

Chair asked if there have been any other incidents other than noise at this location. Major Schaffran stated that there was one reported incident of a possible assault, which was allegedly on April 14th, but was not reported to the Police until the 17th and the person did not pursue it criminally, they just wanted it reported to the Police.

Chair indicated that he met with the Administration and the new Manager of 848 Park Ave. and the new Manager stated his vision going forward with regards to the business.

Sonny Charman, Manager of 848 Park Ave., appeared to speak and stated that he will be hiring a Sales Manager, who will start on May 24th. His vision is to book such events as bridal showers, such as the one they had last week, bar mitzvah's and sweet sixteen parties.

Councilman Pelletier suggested to Mr. Charman to work with the residents in the area and have a good repo with them and they will help the business succeed.

Councilman Navarro asked what the hours of operation are of the nightclub events taking place. Mr. Charman stated Tuesday through Saturday 5:00 PM to 1:00 AM and Wednesday they have Latino night. On Friday nights, they had International night and it was taking place on the first and second floor and previous Manager felt it did not generate enough traffic so it was moved only to the first floor. He has since terminated the promoter and there will be no more International night. On Saturday nights, they have a house DJ.

Councilman Navarro stated that he has a very big concern regarding ongoing continuation of nightclub atmosphere. This business is in a residential community and he is looking for this nightclub atmosphere to go away. He also indicated that there is a highway nearby. Mr. Charman stated he absolutely would like to keep Police detail for security and safety of the patrons.

Chair stated that he envisioned bringing in plays. He asked for status of whether this will happen.

Paul Plourde, co-owner of the establishment, appeared to speak and stated that it takes a while to build a performing arts center. The Moscow Circus did not do well. They also had a jazz concert of Newport quality that only drew 500. They have made progress, but it does not happen overnight. They have three contracts they have entered into: 1) a promoter from Philadelphia, who will bring in 25 shows the first year. This is a five-year contract; 2) a promoter who has brought in a couple of shows and have committed to bring in 20 shows in the first year; 3) this establishment has a theater in Massachusetts that do about 20 shows a year and is working to have some shows brought here. They are looking at having no less than 50 shows per year. Mr. Plourde asked for patience. The business is losing approximately \$40,000 per month. They have had to close the Café because of low traffic, but they will not give up. They did have discussions with Starbucks, but they weren't interested as it was not the right location.

X. POLICE DEPARTMENT: (Cont.)

848 Park Avenue (Cont.)

Report on noise level – cont'd from April

Councilman Pelletier indicated that this establishment does not have a marquee out in front of the building. He asked Mr. Plourde if this has been considered. Mr. Plourde stated that they have been before the Historic District Commission and have been approved and will be attending the Planning Commission meeting tomorrow and on May 12th, they will be before the Zoning Board of Review for the marquee.

Public Speakers:

Lori Sherman, 15 Hayward St., appeared to speak and stated that she also wants to see this business succeed. It is the nightclub she is opposed to. The clientele going there is getting more and more rowdy. It is not the upscale establishment that was intended for.

Ann Davis, 26 Norfolk St., appeared to speak and stated that the problem is noise late at night. The upscale martini bar is anything but that. The fights in the parking lots near the homes are very bad. Illegal parking problem at Hayward and Norfolk is problematic. As to the marquee, she believes it should be for the performing arts center only.

Female Resident of the area appeared to speak and stated that she has not heard anyone mention if anyone has approached the arts community to have local shows, local productions to be held in this venue. She suggested this to the owners of this club.

Chair stated that this business has free parking in the City Hall parking lot, why are people parking illegal on the side streets. Mr. Charman stated that the doorman does advise the patrons, but some do not listen.

Chair asked Police if temporary no parking signs can be installed. Major Schaffran stated that the Police Department is enforcing the illegal parking on the side streets. Chair indicated that management needs to re-iterate to the valet people that patrons not park on the side streets or they will be ticketed. Mr. Charman stated that along with the valet, he will place a sign at the door advising the patrons of where they can and cannot park.

Diana Gordon, 363 Pontiac Ave., head of crime watch organization for this area, appeared to speak and stated the following problems with this establishment: parking is awful; broken bottles and noise and urinating on residents' lawns. She presented a petition of the people who are opposed to a night club at this establishment. She also addressed the City Code and State Statute in regards to the noise. She stated that the residents have a right to feel safe and have peace in their neighborhood.

Chair suggested a three-month continuance and this establishment will be revisited at that time and if there is a problem between now and then, they will be called in for a Show Cause Hearing. In fairness to Mr. Charman, who has just been hired as Manager, he should be given a chance to make some changes for the good of the area and the business.

X. POLICE DEPARTMENT: (Cont.)

848 Park Avenue (Cont.)

Report on noise level – cont'd from April

Councilman Navarro stated that if there is a problem in the meantime, he will suggest fines be imposed, as well as suspension of license.

Chair asked the Manager that the noise level be toned down as the evening goes on. He also stated that in fairness, Mr. Charman did not cause this problem and asked that he be given a chance to fix it.

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

Praise Tabernacle

Report on noise level – cont'd from April

Major Schaffran reported on the noise readings taken at this location. He stated that Ordinance states that the decibel level between 7:00 AM and 10:00 PM be 55 or less, 10:00 PM to 7:00 AM, it be at 50 decibel. Officers did several checks. On April 15th, a reading was taken at 7:17 AM and it was between 49.4 and highest was 50.3. On April 18th, at 9:00 AM, the decibel was between 42.2 and up to 55.7 at some locations. At 11:30 AM, the same day, it was 51.7 and 53.1. On April 27th, at 8:00 PM, the levels ranged between 49.3 and 51.9.

Councilman Navarro asked how this establishment would be cited if they were over the decibel level. Major Schaffran stated that the person responsible would be cited in Municipal Court. Councilman Navarro stated that he will be setting up a meeting with the Church and he will advise them of these readings and he would like them sent to Municipal Court, since some of the readings were over the level provided for in the Ordinance.

Council President Lanni stated that if we are going to start sending people to Municipal Court, we would have to do it for Park Theatre and every other business in the City who exceeds the decibel level.

Chair suggested that Councilman Navarro indicate to the Church what the implications will be if they exceed the noise level. Councilman Navarro stated that he will meet with the Church and if needed, they will be asked to appear before this Committee next month.

XI. FIRE DEPARTMENT:

No business.

XII. LICENSE RENEWAL APPLICATIONS:

ITINERANT FOOD VENDOR LICENSE – RENEWAL

Operation Stand Down – carnival 6/3, 6/6, 2010 777 Garfield Ave.

Gill Ross appeared to speak.

Council President Lanni indicated that there have been fights at past events and asked Major Schaffran to comment regarding this. Major Schaffran stated that there have been issues with assaults and other activities related to this event in the past. They did have Police detail, but there still were incidents. They had nine detail officers at the last event.

Council President Lanni asked how many Police officers would be needed to operate this event safely if nine was not enough. Harold Ferra of Rockwell Amusements, appeared to speak and stated that there will be Police detail for this event. Major Schaffran stated that he would have to look at the plans and activities and certainly more than nine officers will be needed. Mr. Ferra stated that two years ago, they had five officers and the event was not held last year. The first year, there were nine. Major Schaffran referred to the 2008 detail report and there were five officers walking the grounds and four on traffic.

Chair stated that as to the amount of detail officers, that will be left up to the Major based on activities and past experience.

On motion by Council President Lanni, seconded by Councilman Navarro, it was voted to approve this license renewal application pending recommendation of the Major or Colonel as to how many detail officers are needed for the event based on past experience. Motion passed unanimously.

CARNIVAL LICENSE – RENEWAL

Operation Stand Down – carnival 6/3 – 6/6 777 Garfield Ave.

On motion by Council President Lanni, seconded by Councilman Navarro, it was voted to approve this license renewal application pending recommendation of the Major or Colonel as to how many detail officers are needed for the event based on past experience. Motion passed unanimously.

PEDDLER'S LICENSE – RENEWAL

K & S Novelty – 7 vendors
Benji's

29 Lauriston St.
369 Montgomery Ave.

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

CLASS F – 19 HOUR LICENSE

Temple Sinai – event May 1, 2010

30 Hagen Ave.

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

XII. LICENSE RENEWAL APPLICATIONS: (Cont.)

HOLIDAY SALES LICENSE – RENEWAL

Park & Shop Conv.

285 Park Ave.

MW Tux

508 Reservoir Ave.

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

SECONDHAND LICENSE – RENEWAL

MW Tux

508 Reservoir Ave.

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

ALL NIGHT LICENSE – RENEWAL

Cumberland Farms #1279

659 Reservoir Ave.

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

TEMPORARY STRUCTURE LICENSE – RENEWAL

Sonya's – event May 14-16, 2010

766 Oaklawn Ave.

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

XIII. MONTHLY SCHEDULES

RHODES ON THE PAWTUXET:

Schedule of Events for May and June 2010

Actual Number of Attendees

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

SHARX BAR & GRILLE d/b/a GRILL 505

Schedule of Events for the month of May 2010

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

XIII. MONTHLY SCHEDULES (Cont.)

El Tipico Restaurant *Schedule of events*

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 9:00 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

LICENSE APPROVED MAY, 2010

HOLIDAY SALES LICENSE

Petco #3705 Laura Molton	10 Chapel View
Moon Market Zakira Kattan	1478 Park Ave.
Francesca's Collections Marybeth Fabiano	100 Midway Rd.

VICTUALLING LICENSE

C.F.C. Fried Chicken & Pizza Mohammed Nasrat	1099 Park Ave.
O'Brien's Park Place Café Janelle O'Brien	935 Park Ave.
The Water's Edge Sayed Najem	2190 Broad St.
New York Fried Chicken Aisha Desinice	1542 Broad St.

AUTO REPAIR LICENSE

Mollo's Auto Dino Mollo	441 Dyer Ave.
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ITINERANT FOOD VENDOR LICENSE

Poppy's Kettle Corn Frank Rose	@ Sunoco on Broad St. during Gaspee Days Parade
Wally's Dogs Beth Glidden	@ 699 Park Ave.

TEMPORARY STRUCTURE LICENSE

Poppy's Kettle Corn Frank Rose	@ Sunoco on Broad St. during Gaspee Days Parade
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BAZAAR LICENSE

Central Cranston Crime Watch Diana Gordon May 2, 2010	363 Pontiac Ave.
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