

## **SAFETY SERVICES & LICENSES COMMITTEE**

Regular meeting of the Safety Services and Licenses Committee was held on Monday, October 5, 2009 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 Richard D. Santamaria, Jr., Chair  
Councilman Terence Livingston, Vice-President (appeared at 7:10 P.M.)  
Councilman Paul H. Archetto  
Councilman Robert J. Pelletier  
Councilman Emilio L. Navarro  
Councilwoman Michelle Bergin-Andrews  
Council President John E. Lanni, Jr.

Also Present: Gerald Cordy, Deputy Director of Administration  
Evan Kirshenbaum, Assistant City Solicitor  
Major John Schaffran, Police Department  
Chief James Gumbley, Fire Department  
Pat Quinlan, City Council Legal Counsel  
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 Archetto, 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 641 Food & Spirits Inc. advising new d/b/a Suite Restaurant & Lounge**

**Chair** stated that they need to obtain an Entertainment license as their capacity is now 106.

### **IV. OLD BUSINESS:**

**Powers Pub (cont. from 9/8/09- for Solicitor's opinion)** 2190 Broad Street  
Jennifer Powers

**Solicitor Kirshenbaum** stated that the issue presented is whether Powers Pub has acquired grandfather rights for outdoor seating. He read from a chronology for this business, which is in their file. He then read a legal opinion.

**IV. OLD BUSINESS: (Cont.)**

**Powers Pub (cont. from 9/8/09- for Solicitor's opinion)**  
Jennifer Powers (Cont.)

2190 Broad Street

On motion by Councilman Archetto, seconded by Council President Lanni, it was voted to accept the Solicitor's opinion. Motion passed unanimously on a roll call vote.

**Chair** stated that grandfather rights does not apply due to the legal opinion.

**Nancy Van der Veer, Esq.**, of Edwards, Angell, Palmer & Dodge, appeared to represent application and stated that they reserve right to appeal this opinion and asked for a copy of the Solicitor's legal opinion.

**Pontiac Getty (cont. from 6/1/09 – applicant did not appear)** 899 Pontiac Avenue  
Eli Antoun

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

**Councilman Navarro** stated that in the last few months, he has seen significant improvements in the way this applicant is operating this business and he seems to be abiding by Ordinance and City Codes in the City. He asked that this be removed from the agenda. No one objected.

**Praise Tabernacle Church (cont. from 9/8/09 – no show)** 251 Magnolia Street  
**Discussion of Community Concerns**

**Major Schaffran** stated that through September and August,, Police were assigned on a regular basis patrolling this area and issuing various violations regarding parking problems and Police will be continuing on a regular basis to enforce the parking problems.

**Pastor Allen Pangburn** appeared to speak and stated that a week ago Thursday, Colonel Palombo met with him and walked the area and the Colonel made some suggestions to him and he then spoke to neighbors and some suggestions Colonel Palombo made was park the buses on a different spot instead of the street and he also asked if valet parking could be done, but some of the people do not want their cars parked too far away. Pastor Pangburn stated that Colonel Palombo also asked if he could relay to the church members to be cordial to the neighbors. They are also looking at an alternative meeting place.

**ORDINANCES: (Cont. from 9/8/09)**

**7-09-6** Ordinance in amendment of Title 5.12 of the Code of the City of Cranston, 2005, entitled "Alcoholic Beverage Licenses" (Expansion of Service Grandfather Provision).

**Chair** asked that this Ordinance be continued to the November meeting.

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

**ORDINANCES: (Cont. from 9/8/09) (Cont.)**

**7-09-7** Ordinance in amendment of Title 5.64 of the Code of the City of Cranston, 2005, entitled “Business Licenses and Regulations” (Public Entertainment Grandfather Provision).

**Chair** asked that this Ordinance be continued to the November meeting.

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

**8-09-1** Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Chestnut Hill Ave. and Laurel Hill Ave.).

No one appeared to speak in favor or to oppose.

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

**8-09-2** Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (West Blue Ridge and Summit Dr.).

No one appeared to speak in favor or to oppose.

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

**8-09-3** Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Garland Ave. and Spenstone Rd.).

No one appeared to speak in favor or to oppose.

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

**8-09-4** Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Davis Ave. and Summer St.).

No one appeared to speak in favor or to oppose.

On motion by Councilman Navarro, seconded by Council Vice-President Livingston, it was voted to amend this Ordinance as, recommended by the Traffic Engineer, as follows: line 24, amend .020 to “030” and add after the word “entitled”, add “Multi-Way Stop 10.32.030”. Motion passed unanimously.

**IV. OLD BUSINESS: (Cont.)**

**PRIVATE DETECTIVE – RENEWAL (Cont. from 9/8/09**

***Donald Cesserretti***

109 Thunder Trail

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

**FIREARMS DEALER LICENSE – (Status update on Federal License – Per  
Councilman Pelletier)**

***On Target Firearms***

1 Gray Birch Drive

**Michael Marcello**

**Councilman Pelletier** stated that he is still waiting for his FFL and ATL license.

On motion by Council Vice-President Livingston, seconded by Council Member Bergin-Andrews, it was voted to continue this item to next month's meeting. Motion passed unanimously.

**V. PUBLIC HEARING:**

**ALL NIGHT LICENSE – NEW**

***Wal-mart Stores Inc,***

1176 Plainfield Pike

**Michael Gadigian**

**Michael Gadigian** appeared to speak and stated that this license would be just for the months of November and December and this should have been listed as a renewal and not a new license. This is only for the day after Thanksgiving to open at 12:01 to allow people to come in out of the cold. No one appeared to oppose.

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

**TRANSFER OF CLASS BV ALCOHOLIC BEVERAGE LICENSE – NEW**

**FROM: 7- Letters Inc.**

594 Reservoir Avenue

**d/b/a Billy's Frosted Mug**

**Lisbeth Simpson**

**TO: The Frosted Mug Inc.**

594 Reservoir Avenue

**Anthony Reis**

**Robert McCaffrey**

**George Cappello, Esq.,** appeared to represent the applicant.

**Councilman Navarro** asked if the Fire Department would have to inspect this business even though it is the same operation. Chief Gumbley stated that it is not typically done in this process.

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

**TRANSFER OF CLASS BV ALCOHOLIC BEVERAGE LICENSE – NEW (Cont.)**

**FROM: 7- Letters Inc.**

594 Reservoir Avenue

**d/b/a Billy's Frosted Mug**

**Lisbeth Simpson**

**TO: The Frosted Mug Inc.**

594 Reservoir Avenue

**Anthony Reis**

**Robert McCaffrey**

**Council President Lanni** asked if the Police Department does BCI checks on the owners if they are new applicants. City Clerk stated that copies of all applications, which are change of owners, are sent to the Police Department for BCI check. Council President Lanni asked if this has been done for this applicant. City Clerk stated that she does not see any notations from the Clerk in the file, but she will check with her. If there is a problem with BCI check, this is usually indicated on the application by the Police Department. Major Schaffran stated that his copy of the application states there is no BCI problem.

No one appeared to oppose.

On motion by Council President Lanni, seconded by Council Member Bergin-Andrews, it was voted to approve this license transfer application. Motion passed unanimously.

**ODRINANCES –**

**9-09-1 Ordinance of the City Council in Amendment of Title 10 Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Chester & Urbana).**

**Chair** asked that this Ordinance be continued to next month's meeting. No one objected.

**9-09-2 Ordinance of the City Council in Amendment of Title 10 Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic”(Holland & Curry).**

**Chair** asked that this Ordinance be continued to next month's meeting. No one objected.

(Chair left the meeting at 7:30 P.M. and Council Vice-President Livingston, Vice-Chair, presided)

**VI. NEW LICENSE APPLICATIONS:**

**PUBLIC ENTERTAINMENT LICENSE – CLASS II – NEW (Ratify the Action)**

*The Good Earth*

1800 Scituate Avenue

**John Holscher** appeared to speak. No one appeared to oppose.

On motion by Council President Lanni, seconded by Council Member Bergin-Andrews, it was voted to approve this license application. Motion passed unanimously.

**CLASS F- 19 HOUR LIQUOR LICENSE – NEW (Ratify the Action)**

*The Good Earth*

1800 Scituate Avenue

**John Holscher** appeared to speak. No one appeared to oppose.

On motion by Council President Lanni, seconded by Council Member Bergin-Andrews, it was voted to approve this license application. Motion passed unanimously.

**PEDDLER’S LICENSE – NEW**

*Wolfe Novelties- new driver*

140 Vancouver Ave.

Jay Tucker

**Marshall Gordon**, owner of Wolfe Novelties, appeared to represent the applicant. No one appeared to oppose.

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

**VICTUALLING LICENSE – NEW**

*All Occasions by Gini*

1285 C Park Avenue

Virginia Nani

**Virginia Nani** appeared to speak.

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

*Billy’s Frosted Mug Inc.*

594 Reservoir Avenue

Antonio Reis

On motion by Council President Lanni, seconded by Council Member Bergin-Andrews, 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:**

**Chief Gumbley** stated that this month, the Fire Department sent out four warnings for false alarms this month.

**XI. LICENSE RENEWAL APPLICATIONS:**

**VICTUALLING LICENSE – RENEWAL**

<i>Burger King #4131</i>	1177 Pontiac Ave.
<i>Burger King #10760</i>	200 Phenix Ave.
<i>Burger King #476</i>	996 Park Avenue
<i>A &amp; J Bakery</i>	1458 Park Avenue
<i>Albanese's Delizioso</i>	1288 Oaklawn Ave.
<i>Boston Market</i>	185 Sock. Crsrds.
<i>Edgewood Market Pizza &amp; Deli</i>	1043 Narr. Blvd.
<i>Dyer Mart</i>	500 Dyer Avenue
<i>Athena's Restaurant</i>	1482 Park Avenue
<i>Del's</i>	300 Park Avenue
<i>Johnny Rockets</i>	2 Chapel View Blvd.
<i>Primo's</i>	342 Budlong Road

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

**TEMPORARY STRUCTURE – RENEWAL**

<i>Sonya's – sale in Oct.</i>	766 Oaklawn Avenue
<i>Leyden Trees – for Xmas Trees</i>	1000 New London Ave.

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

**PRIVATE DETECTIVE LICENSE – RENEWAL**

<i>Thomas Fitz-Simon</i>	59 Fairfield Road
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On motion by Councilman Navarro, seconded by Council President Lanni, it was voted to approve this license renewal application. Motion passed unanimously.

**XI. LICENSE RENEWAL APPLICATIONS: (Cont.)**

**SEPTAGE HAULER'S LICENSE – RENEWALS**

*See List*

On motion by Councilman Pelletier, seconded by Council Member Bergin-Andrews, it was voted to approve this list of license renewal applications. Motion passed unanimously.

**19 HOUR LIQUOR LICENSE – RENEWAL**

*St. Ann's Church- event 11/20*

1493 Cranston Street

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

**BOWLING ALLEY LICENSE – RENEWAL**

*AMF Bowling Centers*

1450 Elmwood Ave.

On motion by Councilman Pelletier, seconded by Council Member Bergin-Andrews, it was voted to approve this license renewal application. Motion passed unanimously.

**AUTO REPAIR LICENSE – RENEWAL**

*Distinctive Auto Body*

164 Fountain Avenue

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

**HAUNTED HOUSE LICENSE – RENEWAL (Ratify the Action)**

*Rejoice in Hope Youth Center*

804 Dyer Avenue

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

**XII. MONTHLY SCHEDULES**

**RHODES ON THE PAWTUXET:**

*Schedule of Events for November 2009*

*Actual Number of Attendees September 2009*

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

**XII. MONTHLY SCHEDULES (Cont.)**

**SHARX BAR & GRILLE /d/b/a GRILL 505  
Schedule of Events for October & November**

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

**Councilman Pelletier** stated that since we are going into the Winter, this establishment will not be having any events and asked that this be removed from the agenda. Solicitor Kirshenbaum objected to removing this from the agenda. Chair stated that this item will be kept on the agenda.

The meeting adjourned at 7:40 P.M.

Respectfully submitted,

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

LICENSES APPROVED OCTOBER, 2009

VICTUALLING LICENSE

All Occasions by Gini  
Virginia Nani 1285 C Park Ave.

Billy's Frosted Mug, Inc.  
Antonio Reis 594 Reservoir Ave.

TRANSFER OF CLASS BV ALCOHOLIC BEVERAGE LICENSE

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PUBLIC ENTERTAINMENT LICENSE – CLASS II

The Good Earth 1800 Scituate Ave.

CLASS F-19 HOUR LIQUOR LICENSE

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PEDDLERS LICENSE

Wolfe Novelties 140 Vancouver Ave.  
Jay Tucker