

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

SAFETY SERVICES & LICENSES COMMITTEE

Regular meeting of the Safety Services and Licenses Committee was held on Monday, December 5, 2022 in the Council Chambers, City Hall, 869 Park Ave., Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 6:10 P.M. by the Chair.

Present: Councilman Richard D. Campopiano
Councilwoman Aniece Germain (appeared at 6:40 p.m.)
Councilwoman Lammis J. Vargas
Councilman Matthew R. Reilly (appeared at 6:20 p.m.)
Council Vice-President Robert J. Ferri
Councilwoman Nicole Renzulli, Chair
Council President Christopher G. Paplauskas

Also Present: Councilman John P. Donegan
John Verdecchia, Assistant City Solicitor
Stephen Angell, City Council Legal Counsel
Rosalba Zanni, Acting City Clerk
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Councilman Campopiano, seconded by Council President Paplauskas, it was voted to approve the minutes of the last meeting and they stand approved as recorded. Motion passed unanimously.

I. COMMITTEE BUSINESS MATTERS CARRIED OVER

Huy Hoang, LLC d/b/a Pho Sai Gon & Bar
(Cont. from 11/14/22 for status update)

1106 Pontiac Ave.

Solicitor stated that this establishment had an issue approximately one year to 18 months ago with regard to an underage patron being served alcohol and there was a serious accident. After that, they were disciplined, they were brought before this Committee and there were various conditions imposed upon them in terms of letting them operate again and out of

abundance of caution, he brought this to the attention of the Committee because it was on for renewal at the last meeting. He did contact Major Patalano just to see if there had been any other issues whatsoever there and he was told, categorically, that there were no problems so there is no reason why that license should not be renewed from a legal standpoint.

No action taken.

VICTUALLING – NEW

La Bandera Bistro (Yanelby Santos) New Owner
(Cont. from 11/14/2022)

407 Laurel Hill Ave.

This item was discussed and vote on with the Liquor License application.

II. PUBLIC HEARINGS and/ or NEW MATTERS BEFORE THE COMMITTEE

A. PUBLIC HEARINGS

AUTO REPAIR LICENSE

EZ Glass & Tow
(Mayra Heredia)

987 Cranston St.

On motion by Councilman Reilly, seconded by Councilwoman Vargas, it was voted to approve this license application.

Under Discussion:

Barrida Torres appeared to speak and stated hours of operation to be Monday thru Friday 8-5 and Saturday 8-12.

No one appeared to oppose.

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

CLASS BV LIQUOR LICENSE

La Bandera Bistro LLC
(Yanelby Santos)

407 Laurel Hill Ave.

Clerk asked that if this license is approved, it be made subject to TIPS Certificate and liability insurance.

Chair asked Solicitor if there is any concern of approving this subject to TIPS Certificate and liability insurance. Solicitor stated that this is the same exact issue faced with last month. He was under the impression that all requirements have been met tonight and it does not seem like that has happened and for all the reasons Attorney Angell gave at the last meeting, you can't really delegate granting authority and, unfortunately, if applicant is not meeting every requirement, legally, he would counsel against doing that, unfortunately.

Ms. Santos stated that there was a list that she was supposed to follow and in that list, she even went this morning into the Clerk's Office and asked if there was anything else that she would be responsible for or possibly missing at all and from what she completed from the list, she did not see that it was TIP Certificate that she was supposed to bring in today because that would have been done prior.

Attorney Angell stated that as a point of clarification, this is a business formation issue. Under RI Law, there is a general principle. A list of requirements to be filed with a license is no substitute for knowledge of what is required for an applicant for a Liquor License in all of the operational legal compliance issue that may touch upon someone operating a restaurant or a bar. The Municipality nor the Secretary of State's Office, with respect to setting up a business entity. It is a bare bones bare minimum that does not speak to every operational aspect as to the requirements of a business. What is required with respect to Liquor Licenses to ensure that establishments' bartenders are properly trained.

Councilwoman Vargas stated that whether or not, before having applicant come before the Committee, she asked if there is any information on the City side that could be provided to applicants. She asked if the Clerk's Office could possibly provide a checklist to applicants of items they need when applying for any type of license. Attorney Angell stated that much like a Court Clerk, there are rules and regulations in place that prevent Clerks from wading into the unauthorized practice of law and really that is what this is. The Victualling License can be granted this evening. There is no problem with that. It does not have to be a package.

Clerk stated that when the Clerk's Office gives out applications, whether it is a Victualling License, a Liquor License or any type of license, we do provide applicants with a checklist and it is their responsibility to fulfill that. She also indicated that this applicant applied on October 20th for the Liquor License.

Council Vice-President Ferri indicated that applicant can go online and take the test for the TIPS Certification in 48 hours and she would have the certification.

On motion by Council President Paplauskas, seconded by Council Vice-President Ferri, it was voted to continue this license application.

Under Discussion:

Councilwoman Vargas asked if there is any way we can call a Special Safety Services meeting prior to the regular Council meeting for this month to address this. Chair stated that she does not have a problem with that. She stated that if there are no objections, she would like to call a Special Safety Services meeting for December 19th at 6 pm. Council President Paplauskas stated that he is fine with this, but he does not think it needs to be an hour since this would be the only agenda item. A half hour would be fine, but would leave it up to the Chair. Chair stated that she thinks that that is fine.

Council President Paplauskas motioned to amend his prior motion to continue this to a Special Safety Services meeting on December 19th at 6:30 pm. Council Vice-President Ferri seconded the motion. Motion passed unanimously.

B. NEW MATTERS BEFORE THE COMMITTEE

SEPTAGE HAULER LICENSE

Hometown Pumping (Ryan Morehead)

6 Springbrook Rd.
Foxboro, MA

Arthur Dooley appeared to speak via Zoom.

No one appeared to oppose.

On motion by Councilman Reilly, seconded by Council President Paplauskas, it was voted to approve this license applicant. Motion passed unanimously.

VICTUALLING LICENSE

Dos Mundos Restaurant LLC (Nary Vann)

1 Starline Way.

No one appeared to speak in favor or to oppose.

On motion by Council President Paplauskas, seconded by Councilman Campopiano, it was voted to **continue this license application**. Motion passed unanimously.

Iconic Eats (Andre Savage)

1418 Plainfield Pike

Andre Savage appeared to speak. No one appeared to oppose.

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

III. TRAFFIC ENGINEER

No Business.

IV. SHOW CAUSE

Food and Fuel (Cont. from 11/14/22)

837 Cranston St.

Solicitor stated that this is a matter that has been continued two or three times. This is the matter of business establishment that was selling tobacco to underaged customers. There were a series of violations that were issued by the Cranston Police Department and those violations were sent to the Municipal Court for judgment there and as of last month, the business owner entered into essentially a plea bargain or plea agreement whereby they admitted to two, three, possibly four of the violations. They were fined a fairly hefty amount, approximately \$2,500. In addition to that, the Municipal Court Judge imposed a 30-day suspension of their tobacco license. That suspension took effect December 1st. He contacted Sergeant Sweeney, who testified before this Committee and also before Municipal Court. She was the Officer in charge of compliance checks not only for Food and Fuel but for various establishments

throughout the City. He can assure that she is on this. This is at the top of her radar screen and he confirmed this with her on Friday and she will keep him posted and he will obviously will keep everyone here posted if there are any additional issues with the Food and Fuel. As he indicated last time, speaking on behalf of the Administration, he was satisfied with the disposition that took place at the Municipal Court. He is not asking for any additional sanctions on any of their other licenses or additional penalties from the Committee. He thinks that they received a fairly stiff sanction at the Municipal Court. It s within the discretion of this Committee if this Committee wanted to impose any additional punishment, you certainly can. It is within your discretion to do so, but he does not think it is necessary especially in light of the fact that they are being watched like a hawk by Sergeant Sweeney. His position would be that the Committee just take a vote to essentially the matter would just pass from the docket pending what happens in the future.

Chair asked, when those 30 days are up, as long as they were not found to have any further violations by Detective Sweeney, would their license just be automatically reinstated through the Municipal Court? Solicitor stated that at the end of 30 days, the license will take legal effect once more. If they violate in the interim, then a new violation would issue and we would have, at the Committee's behest, we would have another Show Cause hearing and depending on when the timing of that hearing, they may get reinstated for a very short period of time and then get suspended again.

On motion by Council Vice-President Ferri, seconded by Councilwoman Germain, it was voted to adopt and take notice of the Municipal Court decision on this business. Motion passed unanimously.

V. POLICE DEPARTMENT

No Business.

VI. FIRE DEPARTMENT

No Business.

VII. LICENSE RENEWALS BEFORE THE COMMITTEE

AUTO REPAIR LICENSE

Central Truck

131 Fletcher Ave.

EXTENDED HOURS LICENSE

Joe's Kwik Marts LLC

Sellia Group LLC d/b/a McDonald's

473 Reservoir Ave.

923 Cranston St.

FIREARMS DEALER LICENSE

On Target Firearms

1 Gray Birch Dr.

MASSAGE THERAPIST LICENSE

*Face & Body by Diane
Kati Hersey LMT*

960 Reservoir Ave.
155 Park Ave.

PRIVATE DETECTIVE LICENSE

Stephen Quartino #504

2080 Phenix Ave.

VICTUALLING LICENSE RENEWALS

*Bistro Café
Cranston Little Caesars LLC
Joe's Kwik Marts LLC
Joseph Pizzeria
Naz's Halal
Pontiac Food Mart
Sellia Group LLC d/b/a McDonald's
Superior Bakery*

160 Atwood Ave.
763 Reservoir Ave.
473 Reservoir Ave.
1860 Broad St.
636 Pontiac Ave.
527 Pontiac Ave.
923 Cranston St.
1234 Oaklawn Ave.

On motion by Council Vice-President Ferri, seconded by Councilman Reilly, it was voted to take all the license renewal applications as a block. Motion passed unanimously.

On motion by Councilman Reilly, seconded by Councilwoman Germain, it was voted to approve all the license renewal applications as a block. Motion passed unanimously.

VIII. MONTHLY SCHEDULES

HISTORIC PARK THEATRE

None.

RHODES ON THE PAWTUXET

No action needed.

CRANSTON STADIUM

None.

IX. MISCELLANEOUS:

PUBLIC ENTERTAINMENT LICENSE- Reinstatement of License

401 Night Life LLC d/b/a Pregame Lounge

349 Dyer Ave.

Solicitor stated that as the Committee is well aware, we had two Executive Sessions in addition to another hearing on this matter. It dates back to March of this year and at that time, there were two licenses which were before the Committee. One was the Liquor License for the

Pregame Lounge and the other was the Entertainment License for Pregame Lounge. The Liquor License was revoked by this Committee and that decision was appealed to the Department of Business Regulations. The Department of Business Regulations reinstated that license, however, that decision had and has no effect on the Entertainment License which is a completely separate and distinct license. He was in touch with Attorney Hemond, who is present this evening and if he would like to come up to the podium, it is up to him, but he had reached out to him about having a full hearing as opposed to the emergency hearing that we did have back in March and he believes it was April 1st when the Committee rendered its decisions. That was on an emergency basis so to afford Attorney Hemond's clients full due process. He and Attorney Hemond reached an agreement whereby rather than rehashing the entire evidentiary record all over again, what they did was they stipulated to and they admitted as an exhibit as part of this record everything that took place at DBR in terms of testimony in terms of submissions, documents, videos and they were each given an opportunity to supplement that record with other submissions which we thought would support our respective cases. Attorney Hemond submitted a memorandum and he submitted additional reports which he thinks were part of the record. He believes the record is complete, the Committee has before it and has had before it for some time now all of the information which it needs to render a decision in this matter. The request from Pregame Lounge is that the BV license be not renewed because it was revoked back in April. The request that the petitioners are making is that the Committee reinstate the Entertainment License so the motion that would need to be made by a sitting member of the Committee would be either a motion to reinstate with a second in a vote or a motion to deny the reinstatement of the Entertainment License and keep it in a revoked status. Once that vote is complete, depending on how that vote goes, he would have one other request he would like to make of the Committee in terms of a decision, a written two page decision, that he drafted.

Attorney Hemond appeared to represent Pregame Lounge and stated that he understands that there is already a written decision so he won't take much of the Committee's time on this issue. He stated that if the license was reinstated, he believes he proposed some conditions in his memorandum, but they would be more than willing to have a discussion with the Council about how we might be able to put some conditions in place to make the Committee comfortable and try to earn back the trust of the Council. DBR did overturn the sanction found not that the discipline was not excess. It just found that there was no violation of the terms and conditions of the operation of the establishment. That was a decision the City did not appeal, so to him it would seem inconsistent to not have appealed that decision, said there was no violation and then impose a sanction on the Entertainment License, which enjoys heightened protection because it involves the First Amendment of the Constitution, not a privilege like you have here with a Liquor License. He hopes everyone can work together to find a workable solution, but he understands the Council has to do what it thinks is best.

On motion by Council President Paplauskas, seconded by Councilman Campopiano, it was voted to deny the reinstatement of the Entertainment License for Pregame Lounge.

Under Discussion:

Councilman Donegan stated that he is not a member of this Committee, but he is the Representative on the Council for that part of the City and, as we all know, we have an Oath and a duty to uphold the public safety, welfare and health of our constituents and the general

residents within the City. The issues emanating from this location or vicinity is something that was quite frequent in the past whether it was issues of noise, vandalism, public drunkenness, disorderly conduct, incidents of weapons and firearms or COVID health violations. In his experience as Representative from this area and with the history of this establishment, he does not feel that reinstating the Entertainment License would be in the best interest of our City. He is in support of the motion, although he cannot vote on it and urged his colleagues to vote in the affirmative to deny the reinstatement of the license.

Chair asked Solicitor if there is a timeline if this is denied, can the applicant come back during certain period of time and apply for this license again and what is the precedence here. Solicitor stated that he is not aware of any timeline. Once a license is revoked, basically the applicant or the license holder, in his opinion, now has the status of any other person who does not possess a license and if they wanted, a year or year and a half from now, they wanted to obtain an Entertainment License, they would have to reapply, at which time, he would image the sitting Committee at that time could consider it. If this Committee, in its discretion, wanted to place some type of time limitation on this, he does not see why the Committee couldn't do that. It is in the powers and your discretion to do that.

Attorney Angell stated that the motion on the floor is to deny the reinstatement. If the Council wishes to deny the reinstatement and indicate that the applicant can reapply six months or after, then this Committee can do that. He also thinks it would be wise that part of the motion state that the written decision that Mr. Verdecchia has been directed to write, be adopted and that the Chair of this Committee be directed to affix her signature to that decision. He would recommend that Council President Paplauskas withdraw his motion so it can be reformed and begin again particularly as to the signature on the decision so if the Council decides to do anything with the six months, that would have to be included in the motion, but he thinks the motion itself should include a statement that you are directing the Chair to sign that decision on behalf of this Committee and to have it issued forthwith.

Chair stated that she personal would not have an issue with denying the reinstatement of this license with the conditions of the applicant being able to apply six months from now because the business would still be open, they still have a Victualling License and they still have a Liquor License. She imagines that they are still going to have music played there, but would hope there would not be entertainment happening when they do not have an Entertainment License, but if there are spot checks and they are violating that and there are no other issues, then perhaps it would be something we could at least revisit.

Solicitor stated that after consulting with Attorney Angell, there is nothing to prevent them from re-applying in a month from now or two months or three months from now, so he is not sure what utility framing the motion and adding a time constraint would really accomplish because they can do it anyway and based on his discussions with Attorney Hemond, he thinks it is probably moot anyway because he does think there is probably going to be an appeal on this and that will take place a lot sooner than four, five or six months.

Roll call was taken on motion to deny the reinstatement and motion passed unanimously.

Solicitor asked for a motion to adopt written decision and have Chair's signature affixed therein and Clerk will then also endorse it and it can become part of the official record.

On motion by Council President Paplauskas, seconded by Councilman Campopiano, it was voted to adopt written decision and have Chair's signature affixed therein and Clerk will then also endorse it and it can become part of the official record. Motion passed unanimously.

MOBILE FOOD ESTABLISHMENT

West Shore Coffee Bar LLC (Richard Laporte) – NEW

2291 West Shore Rd.

No action needed.

- **PRESENTATION**

None.

- **ADJOURNMENT**

The meeting adjourned at 7:00 p.m.

/s/ Rosalba Zanni
Acting City Clerk