

CITY OF WARWICK
FRANK J. PICOZZI, MAYOR

CHARLES BENSON
Chairman

MICHAEL GILBERT
Vice Chairman

JAMES PAOLUCCI
Clerk



POLICE DEPARTMENT
99 Veterans Memorial Drive
401-468-4200

FIRE DEPARTMENT
111 Veterans Memorial Drive
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BOARD OF PUBLIC SAFETY
Warwick, Rhode Island 02886

BOARD OF PUBLIC SAFETY
June 13, 2023
6:00 p.m.
BOARD OF PUBLIC SAFETY ROOM
SECOND FLOOR, POLICE HEADQUARTERS

MINUTES

At 6:00 p.m. the Board of Public Safety opened its meeting for Tuesday, June 13, 2023. Present were Fire Chief Peter McMichael, Assistant Fire Chief Jason Umbenhauer, Police Chief Brad Connor, Chairman Charlie Benson, Vice Chairman Mike Gilbert, Clerk Jim Paolucci, Assistant Solicitor Wyatt Brochu, and Recording Secretary Lisa Ferolito.

1. Call to Order – Board Chairperson
2. Roll Call – Board Clerk

At 6:01 p.m. the Board opened the Fire Session.

FIRE DEPARTMENT
REGULAR SESSION

1. The fire session minutes of the Board of Public Safety meeting held on Tuesday, May 23, 2023 to be submitted for approval.

ACTION: Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

2. Chief Peter McMichael to recommend transfers, promotions, and retirements. Names to be presented at the meeting.

Resignation request of Firefighter Timothy O'Reilly effective Sunday, June 4, 2023. Firefighter O'Reilly was appointed to the department on June 5, 2022.

Resignation request of Firefighter Jack Charbonneau effective Sunday, June 4, 2023. Firefighter Charbonneau was appointed to the department on June 5, 2022.

Resignation request of Firefighter Cody DeOliveria effective Sunday, June 4, 2023. Firefighter DeOliveria was appointed to the department on June 5, 2022.

Resignation request of Firefighter Malaki Palmer effective Sunday, June 4, 2023. Firefighter Palmer was appointed to the department on June 5, 2022.

The following appointments took effect Sunday, June 11, 2023:

Recruit Harrison Armstrong to Firefighter Grade 3
Recruit Mitchell Bendokas to Firefighter Grade 3
Recruit Michael Dandurand to Firefighter Grade 3
Recruit Nicholas DeJesus to Firefighter Grade 3
Recruit Devin Lannan to Firefighter Grade 3
Recruit Ryan McGovern to Firefighter Grade 3
Recruit Mason Savaria to Firefighter Grade 3

ACTION: Chairman Benson made a motion to approve all of the above. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

FIRE DEPARTMENT EXECUTIVE SESSION

- 1.** The Board of Public Safety may convene into Closed / Executive Session to discuss, take possible action, and/or vote pursuant to the relevant requirements of R.I. General Laws § 42-46-5(a) Subsection (1) matters of personnel - job performance, character, or physical or mental health, regarding: George Carberry, application for disability retirement pension benefits. Discussion and/or Potential action, announcement and/or vote(s) from Executive Session and/or Open Session concerning George Carberry, application for disability retirement pension benefits.

ACTION: Chairman Benson made a motion to approve this disability pension. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

At 6:05 pm the Board entered its Police session.

Detective Christian W. Vargas from the First Platoon, Detective Division. Criminal Investigation Unit to the First Platoon, Special Operations Group.

ACTION: Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

3. Colonel Brad Connor to recommend retirements and resignations; names to be submitted and discussed at the meeting.

ACTION: There was no action taken, as there were none to discuss this evening.

LICENSES AND PERMITS

All licenses are subject to receipt of all required paperwork, all State and Local permits, and compliance with all stipulations, rules and regulations as required by the Board of Public Safety.

1. Liquor License (Class BV – NEW)
Liliana Maya
Neza, LLC
Neza Mexican Restaurant
5 Prince Street

Chairman Benson: Class BV, which is that one? Is that beer and wine, or is that full?

Recording Secretary Ferolito: That's full.

Chairman Benson: Okay, that's full, okay. Did you get your certificate of occupancy yet?

Ms. Liliana Maya: Yes.

Chairman Benson: You don't have to give it to us, we're just wondering.

Vice Chairman Gilbert: If you have it and you want to show it, that's fine.

Ms. Maya: No, no, I don't have it. I have only the insurance.

Chairman Benson: The certificate of occupancy is pending, right?

Mr. Maya: All of the paperwork - -

Ms. Maya [Interposing]: It's pending, yeah.

Chairman Benson: Okay, you know you can't, you're not open now are you?

Mr. Maya: Not yet, no.

Chairman Benson: You know you cannot open until - -

Mr. Maya [Interposing]: Yeah, I was told to try to get everything put together.

Chairman Benson: Okay. We do have some people that open without it, so. You'll be back here if that's the case.

Mr. Maya: Yeah, we wanted it opened before Cinco de Mayo, but licensing, the fire department, issues like that.

Chairman Benson: Okay. Do you guys have any questions?

Clerk Paolucci: What was this used for previously? The previous use of the building, can you tell us more about it?

Mr. Maya: Before it was a breakfast place.

Chairman Benson: Was that Pat's?

Recording Secretary Ferolito: Paula's.

Chairman Benson: It's right across the street from the other breakfast place.

Recording Secretary Ferolito: Cozy Grill.

Clerk Paolucci: So, it's on Warwick Ave, with access on the side street? Is the access to the property on Warwick Avenue or is it on the side street?

Mr. Maya: Yeah, on the side street.

Vice Chairman Gilbert: Um. Have you had a chance to meet any of the neighbors in the surrounding properties? Are there any houses that abut any side of your property?

Mr. Maya: No.

Vice Chairman Gilbert: No, there's no houses, or no, you haven't met the neighbors?

Mr. Maya: We haven't met the neighbors.

Vice Chairman Gilbert: Do you plan on having live entertainment at some point in the future?

Ms. Maya: Maybe in the future, but not right now.

Mr. Maya: Right now we're more concerned with getting it opened.

Chairman Benson: How many seats?

Ms. Maya: It's like 55, 60.

Vice Chairman Gilbert: What were the proposed hours of operation again? I may have missed it when I reviewed the packet.

Ms. Maya: From Monday to Thursday, 11:00 a.m. to 10:00 p.m.; and Friday and Saturday 11:00 a.m. to 11:00 p.m.; and Sunday, we close at 9:00 p.m., so 11:00 a.m. to 9:00 p.m.

Chairman Benson: So you're never open later than 11:00 p.m.?

Ms. Maya: Uh, no. For now, no.

Vice Chairman Gilbert: Have you had, owned any businesses previously that involve a liquor license, or serving alcohol?

Ms. Maya: No, this is our first one.

Mr. Maya: We have different ones. We have California Taco Shop.

Ms. Maya: But we don't have no liquors.

Mr. Maya: Yeah, but there's no beer or wine.

Vice Chairman Gilbert: Do you have any plans to either get yourselves TIPS certified or certify any of your employees that are required in terms of serving alcohol? Is that something that you're going to incorporate into your plans?

Mr. Maya: Some of them, people who we are trying to employ, already have their certification.

Vice Chairman Gilbert: Okay.

Chairman Benson: It would be a good idea that everybody does it, just, it will save you a lot of hassles in the future. Anything Jim?

Clerk Paolucci: [Inaudible].

Chairman Benson: Yeah, all right.

ACTION: Colonel Connor recommended approval pending building, fire, and liquor liability insurance. Chairman Benson made a motion to approve pending building, fire, and liquor liability insurance. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

2. Holiday Sales (Transfer)

Sunil Patel
Ram Jalaram, Inc.
d/b/a Buttonwoods One Stop
190 Buttonwoods Avenue

ACTION: Colonel Connor recommended approval pending building, fire, and Rhode Island Department of Health approval. Chairman Benson made a motion pending building, fire, and Rhode Island Department of Health approval. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

3. Holiday Sales (New)

Stephen Lyons
Antiques & Interiors, LLC
103 Glenham Avenue, #1&2

ACTION: Colonel Connor recommended approval pending building, fire, city and state taxes. Chairman Benson made a motion to approve pending building, fire, city and state taxes. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

4. Second Hand Dealer (New)

Stephen Lyons
Antiques & Interiors, LLC
103 Glenham Avenue, #1&2

ACTION: Colonel Connor recommended approval pending building, fire, city and state taxes. Chairman Benson made a motion to approve pending building, fire, city and state taxes. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

5. Holiday Sales (New)

Hooked Up Bait & Tackle
42 Bay Avenue

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

6. Second Class Victualer (New)

Hooked Up Bait & Tackle
42 Bay Avenue

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

7. Holiday Sales (New)

Ahmed Eldakroury
Bader Market, Inc.
425 West Shore Road

ACTION: Colonel Connor recommended approval pending building, fire, city and state taxes and Rhode Island Health Department approval. Chairman Benson made a motion to approve pending building, fire, city and state taxes, and Rhode Island Health Department approval. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

8. Second Class Victualer (New)

Ahmed Eldakroury
Bader Market, Inc.
425 West Shore Road

ACTION: Colonel Connor recommended approval pending building, fire, city and state taxes, and Rhode Island Health Department approval. Chairman Benson made a motion to approve pending building, fire, city and state taxes, and Rhode Island Health Department approval. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

9. Game of Chance/Raffle

Cendy Gonzalez
Warwick PAL Lacrosse
June 19, 2023
Chelo's, 2225 Post Road

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

10. Game of Chance/Raffle

Christine McDermott
Providence Jewelers Club
June 20, 2023
Harbor Lights, 150 Gray Street

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

11. Game of Chance/Raffle

Officer Russell Brown
Warwick PAL
June 30, 2023

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

12. Game of Chance/Raffle

Officer Russell Brown
Warwick PAL
June 30, 2023
Meadowbrook Lanes, 2530 Warwick Ave.

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

13. Game of Chance/Raffle

Jonathan Grantham Hirons
RI Friends of NRA
September 1, 2023
62 Hagerstown Road

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

14. Live Entertainment (Outside)

Robert DelBonis
Renegades
June 18,25
4:00 p.m. – 10:00 p.m.

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

15. Live Entertainment (Outside)

Robert DelBonis
Renegades
July 2,9,16,23,30
4:00 p.m. – 10:00 p.m.

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

16. Live Entertainment (Tent)

Matthew McIntosh
Warwick Hope Assembly of God

425 Sandy Lane
June 17, 2023
5:30 p.m. – 8:00 p.m.

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

17. Live Entertainment (Outside)

Melissa Talevi
Light on the Bay
6 Bay Avenue
Various Dates in June, 2023

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

18. Live Entertainment (Inside)

Melissa Talevi
Light on the Bay
6 Bay Avenue
Various Dates in June, 2023

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

19. Live Entertainment (Outside)

NYLO Providence Warwick
400 Knight Street
June – December, 2023

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

20. Live Entertainment (Inside & Outside)

Ronald Manfredo
Oakland Beach Volunteer Fire Co.
645 Oakland Beach Avenue
July – August, 2023
1:00 p.m. – 7:00 p.m.

ACTION: Colonel Connor recommended approval pending building. Chairman Benson made a motion to approve pending building. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

21. Live Entertainment (Outside)

Wil Gregersen
Warwick Public Library
600 Sandy Lane
July 11, 2023 (rain date July 18, 2023)

ACTION: Colonel Connor recommended approval pending Parks & Recreation approval. Chairman Benson made a motion to approve pending Parks & Recreation approval. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

22. Private Detective (Renewal)

Roland Daigle
Hawk Investigations

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

23. Food Peddler (MFE)

Daniel Armbruster
Papa Grande Food Truck

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

24. Vendor (Food)

Alex Maddalena
Big Feeling, LLC230
Event at Proclamation Brewery
June 24, 2023
12:00 p.m. – 6:00 p.m.

ACTION: Colonel Connor recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

25. Parade

Leslie Walaska Baxter
Warwick Neck Improvement Association
4th of July Parade
July 4, 2023
8:00 a.m.
Starting & Ending at Aldrich Mansion

ACTION: Colonel Connor recommended approval pending traffic. Chairman Benson made a motion to approve pending traffic. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

26. General Peddler (Fireworks)

Keystone Novelties, LLC
2470 Warwick Avenue

ACTION: Colonel Connor recommended approval pending fire. Chairman Benson made a motion to approve pending fire. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

27. General Peddler (Fireworks)

Keystone Novelties, LLC
10 Quaker Lane

ACTION: Colonel Connor recommended approval pending fire. Chairman Benson made a motion to approve pending fire. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

28. Discussion with Mr. Elias Farhot of Top of the Bay Restaurant, 898 Oakland Beach Avenue, regarding the serving of a minor at the establishment. Possible action taken.

Colonel Connor: That brings us to number 28 in regards to an incident that occurred on May 7th, where an underage, a 20 year old female was served what we believe were three martinis at Top of the Bay and later left the establishment and was involved in a disturbance. You have Mr. Farhat here today to discuss.

Chairman Benson: Did you want to - -

Mr. Elias Farhot [Interposing]: Well I was very shocked when the officer came in and informed me of this incident. Apparently, we investigated and it was like somebody that was sitting with their family on the table. It kind of like, you know, slipped. But, the server did not remember that she served her. I don't know if the other adults on the table ordered the drinks and she had, but I don't think she had two or three drinks. We're not sure exactly what she had, but she, I mean, she looked older. We're not a place that has every had any issues like that in 17 years. This is my first time coming in front of the Board with an incident like that. All my staff are TIPS certified. We just completed two sets of orientations and training, including alcohol. My handbook, that everybody signs on, has a clear drinking policy, or alcohol service policy. I'm not sure how that slipped the system. I've never ever had any issues like that, nor are we geared towards any underage drinking. We don't promote alcohol. We're more like an older clientele restaurant, family. So, I don't know how that - -

Vice Chairman Gilbert [Interposing]: What did your investigation consist of to try to get to the bottom of what happened?

Mr. Farhot: At first we didn't know who she was or where she was sitting, but we were able to pinpoint based on the look that the officer came in and described. It was a girl that, you know, came in and started talking to the server about having a job there. She has been bartending for 10 years, so that could have probably thrown the server not to card her. Plus, she looked older. She was sitting with her grandmother and other family members, so it kind of got lost in the shuffle. I believe that the server, who is TIPS certified and very mature, professional lady that does this job on the side, that she probably did not card her.

Chairman Benson: Okay. A couple of things. You know, you said she looked older. It doesn't matter. You should be carding people if they look 40.

Mr. Farhot: That's the policy that we have.

Chairman Benson: Okay.

Vice Chairman Gilbert: Did the girl look 40?

Mr. Farhot: I mean, according to the server, she looked like it, and when she said ten years of bartending experience; she had like big hair, big eyelashes. She thought she was like close to 40. I did not see her because I was working in the kitchen at that time.

Chairman Benson: There's some inconsistencies between what you're saying and the police report. The police report states, I guess the server originally said that she must have looked at her ID and then back tracked and stated she only served the alcoholic beverages to her grandmother. The grandmother says no, she never served beverages to her, it was to the 20 year old. It was a little concerning when we first got this because, you know, we remember the night. We had just given you the liquor license, and I know there was a lot of people who were against that, and we kind of stood up for you.

Mr. Farhot: It was only one person that was against it.

Chairman Benson: Yeah, we know. Um, is this girl still employed by you, the server?

Mr. Farhot: She is. I had many thoughts, but she is an excellent worker. She is a lady in her probably upper 50's. She has been working for me for at least eight years. She's done a great job. This is the first incident ever. I had a conversation with her. We documented it. She offered to resign, but I did not accept her resignation until we see what happens. She is a very responsible person.

Vice Chairman Gilbert: Do you have cameras and closed circuit, you know?

Mr. Farhot: I don't have cameras inside the restaurant.

Vice Chairman Gilbert: So you spoke to the server, and did she tell you the same information that she told the officer when you initially talked to her?

Mr. Farhot: No, she didn't remember at first. We tried to, it was like that first week that we opened. It was a little overwhelming and we had a lot of stuff going on. So, between getting things settled; first she didn't remember, but we tried to ask as many people if they had seen her, and apparently we found out that she did talk to the bartender about getting a job and the server, and that's how we remember her, from trying to get a job, not as a customer.

Chairman Benson: Do you have any questions, Jim?

Clerk Paolucci: I mean I can see where you're at with the; she comes in with the family, and the server may have assumed that the family wouldn't allow the child to drink if they were under age. Probably, among other adults, she just assumed, but you can't just assume.

Mr. Farhot: I totally agree.

Clerk Paolucci: Parents that want to serve their kids drinks.

Mr. Farhot: I totally agree. We don't tolerate that. We're very strict. You're talking about someone who is well known about not drinking or not a big fan of alcohol. I never promote that in my restaurant. My staff knows it, very clearly.

Chairman Benson: After this incident, did you speak with the staff about - -

Mr. Farhot [Interposing]: Yes, I did. We were more stricter on IDing than a normal establishment, to the point that it annoyed some people. We have to do what we have to do.

Chairman Benson: Well, if you go to the Civic Center, or whatever it is now, you know they're going to card everybody. Maybe you need to put up a sign or something that says, "If you look under 50, we're carding you." At least they'll be aware of it as they go forward.

Vice Chairman Gilbert: Chief, any idea if there was any sort of time delay between when the initial call came in for this young lady that got arrested, in terms of a time delay from when she left the restaurant until when she got arrested? Is that information available?

Colonel Connor: No, I don't have; I do have that the time of being served was on the 4th of May, and then the time of this report was on the 7th. It looks like they conducted a follow-up two to three days later, to explain how they were trying to figure out who this girl was. I should note, too, that she was about just about a month away from her 21st birthday; not that that makes an excuse.

Vice Chairman Gilbert: Do we know what she was arrested for that triggered this investigation?

Colonel Connor: Disorderly conduct, I believe. I believe it was a domestic incident.

Chairman Benson: Um, it's not only the fact of service under age, obviously, but the servers need to know; and I know some people can hold it better, but, um if she was that intoxicated later on - -

Mr. Farhot [Interposing]: The problem was that she wasn't intoxicated. I brought the dining room manager, but she doesn't remember her being intoxicated. That's why we were caught off guard. We're really cautious. If someone is intoxicated, we go out of our way to make sure they get home safe, but we don't like to get to that point anyway. We're strict on alcohol. We don't overserve at all.

Chairman Benson: Well it would kill me. A chocolate martini and two expresso martinis, I would be on the ground.

Colonel Connor: I would fall asleep or wake up.

Laughter is heard.

Vice Chairman Gilbert: What, if any, corrective action have you taken or are you taking with this employee, or at your restaurant since this incident?

Mr. Farhot: Well, we had a sit down talk with the employee and gave her a written warning. We've implemented a stricter policy on carding. Anybody who looks 50 is carded, not 40; which became annoying to certain guests, but we had to do what we had to do. We don't want another incident, of course. One that happened in 17 years kind of threw everybody off, and put everybody on edge. But, we don't certainly want another one at all. It blew my mind to hear about that story.

Chairman Benson: Yeah. Well one of the things for me that, you know, it's not as cut and dry because the police report is a little bit, um, it's not quite as cut and dry as it looks like they served somebody.

Mr. Farhot: Nobody was sure - -

Chairman Benson [Interposing]: And even the grandmother. I think the two of them were there alone, but the grandmother couldn't remember if she carded her. She did say she did not serve her. Like, they didn't give the grandmother the drinks and she gave them to her. They did serve the girl, but, but it's a little bit conflicting - -

Dining Room Manager [Interposing]: She was asking us for a job, saying that she had been a bartender for over ten years. She looked like she could be 30 years old. I didn't question it. But, the waitress did card her. I don't know if she payed close enough attention to it at the time, because we were talking about giving her a job as a bartender, and she was with her grandmother.

Mr. Farhot: She didn't even end up applying after all.

Dining Room Manager: Right? Right.

Vice Chairman Gilbert: So why would the server tell the officer that she only served to the grandmother and not to the young lady? If she carded her, if that's true, that she carded the guest, why would she then make that statement to the police?

Dining Room Manager: I don't remember her saying that, and I was there when the police man came in.

Mr. Farhot: I mean I'm not sure if she was confused at first. It was a confusing situation. We didn't know who she was at first. It took us a few hours to talk to many staff on that night and figure out. Like I told you. They don't remember her as a customer, they remember her as an applicant.

Vice Chairman Gilbert: Did you take a look at the bill? Do you have copies of the credit card receipt or the bill that would verify if those drinks were served?

Mr. Farhot: I don't have a copy of the bill. I can probably look into that.

Vice Chairman Gilbert: I'm curious if that was part of your investigation. That's why I'm asking.

Mr. Farhot: No, we pinpointed it to the server.

Dining Room Manager: Two drinks were served.

Clerk Paolucci: Were they sitting at the bar, or at the table?

Mr. Farhot: No, in the dining room, at the table. They came in for dinner.

Chairman Benson: Well, we take the underage serving very seriously, obviously we have to. I know you do too. You know, I can understand from the way you're speaking tonight that you do. You know, you closed for a while, opening again; so it's a big deal for you.

Dining Room Manager: We told everybody that if they look younger than your parents, card them.

Chairman Benson: There's a lot of confusion in the report.

Vice Chairman Gilbert: Yup.

Vice Chairman Gilbert is heard whispering to Chairman Benson.

Chairman Benson: Okay. I think because there's confusion, um, we're not normally going to do this, to be honest with you, but because there's a little confusion and there's no way sure way to tell exactly what happened, I think what you did with the employee was right, we don't want to see her fired. Don't ever want to see that to anybody. So, what we're going to do in a minute; we're going to vote to give you a warning. Um, but if it happens again, it will be a substantial fine, because you have had the warning.

ACTION: Chairman Benson made a motion to issue a verbal warning. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

29. Discussion with Mr. Jesus Berrio of Negative Split Sports Massage, 2893 Post Road, regarding his operating without a certificate of occupancy. This item was continued from the May 23, 2023 meeting.

ACTION: This item was not discussed as Mr. Berrio supplied a copy of his CO to the Licensing Division before the meeting.

30. Discussion with Corine Devine of Ollie's Pub, 941 West Shore Road, regarding a fight that took place at her establishment after hours. Possible action taken.

Colonel Connor: This surrounds an incident on April 16th where we were called to that establishment at 2:16 a.m. for a fight that occurred. The officers on scene determined no arrest was made, however, they

noted that the people were still inside the pub after the required closing time, which was why Ms. Devine is here today.

Steven Devine: Is it okay if I speak on behalf of my wife?

Chairman Benson: Okay, sure.

Mr. Devine: Um, the bar definitely wasn't open. Um, the altercation happened outside. What ensued through the whole matter was there was a gentleman we allowed to come back into the pub, Eric, who is a very good person, he had a bad night like a year ago, and he verbally accosted the girl and I wouldn't let him in until he apologized to her. A year's time went by, yada, yada, yada; the whole story and things seemed to cool off and he's a very liked person in the business and he's a very liked person around the whole city, to be honest with you. He had a bad night, I guess. Him and his wife were fighting and she actually called the bartender and said don't serve him, don't serve him, whatever; when he walked there. He lives like five houses up the road. When she tried to shut him off, he got upset and said some things, and then we threw him out. So, after a year's time, I spoke to the bartender. I said, Amanda, would you mind if we let Eric come back in. She goes no, I would like an apology. I said of course, we'll work on getting there. Let's just get him in. So he started coming in. He would never go in on the nights that she's working, just out of respect to her, and he didn't want to have no problems. He's a good friend of ours, like I said, so he definitely respects us and everybody in there. So, he was there on Saturday night to pick up his wife, because she was working, if needed. She didn't end up having to work, so he came in. He just got back from driving the Lynch's from the airport in Boston, so he hadn't had anything to drink. He showed up there and that girl ended up showing up there with her boyfriend, because it was her birthday, who was a bartender of ours. So, now, this just wasn't good. She wanted an apology. She was hell bent on getting an apology and she left. But her boyfriend stayed there and talked to him about it, and it was his birthday. And Eric said, and I have people to corroborate the story, it's your birthday, let's just have a good time. Let's just relax before closing time, you know. Let's get a beer, whatever, They were in there actually making peace. Well she walked in there right around 1:00, 1:05 and that was it. She's like Eric, not Eric, Rob come with me right now. Like pulling him by the hair kind of thing. Got him out of there. So, the bar closes, 1:20, all drinks off the thing, 1:30 get everybody out, we try and do the best we can with that. We do the best we can. Sometimes we have some people that had too much to drink and you've got to kind of ease them through, and you don't want to create a problem. I'm embarrassed to be here, because I take safety very seriously. We took over head break hotel, the place used to be called. It was not a good place. I got rid of the whole entire clientele in that place to get normal people in there. That's what we've achieved. Every now and then, you've got a random incident that happens, and you know, this is one of those nights. Literally, they go out back. I have tenants that live upstairs. They hang out back. The bartender, the DJ was back there, the person that cooks, the person who does the trash, his wife, and Gina, who Eric came to pick up. Well they were sitting in the back and then they were also told by the girl Victoria, who lives on the second floor, that those people were in the parking lot. So, they didn't want to like leave. And I'm not saying they would've left. Normally they hang out there for a good half hour, relaxing. Sometimes the tenants are down there, because they were in the bar as well. That's their backyard, you know. It's tough when you have commercial, business kind of set up. I've got four apartments up above and they look at that like it's their backyard. So, needless to say, this gentleman was getting yelled at by his girlfriend to go defend her honor and go get that apology, or, you know, take care of Eric. So, now he's literally sitting there

with his arms crossed, and it was my cousin who DJ'd, his wife who helps him and she helps to cook, and we've got the kid that does the trash, and then we have Michaela, who was speaking to the officer. She was the lead bartender, and Gina, who's husband was accosted verbally, physically by this gentleman were there. So now anyway, this fight broke out; they'd been gone for a long time, they came back. Literally came back there. They're sitting in the back and he's standing on the side of him trying to egg him on, saying he wants him to apologize to his girlfriend, who stayed in that parking lot. He stayed there with his arms crossed, and from what I was told, he started talking to Eric's wife like he imagined like he was talking to his girlfriend. That's where Eric stood up, and that's right when this gentleman Rob attacked him, and that was outside in the back. It wasn't in the bar. They were actually having a good time in the bar. They weren't having any altercations. She saw they were having fun, and that did not go too well with her. Respectfully so, I understand. She wanted an apology, but that wasn't the night to get it. Eric was trying to, you know, defer the situation and keep it calm. He wasn't drinking at all, Michaela wasn't drinking at all, Gina, his wife, wasn't really drinking because she was there to work, you know. My cousin's DJing. So, the only people that were buzzed out was Rob and his girlfriend Amanda, our bartender, who is no longer with us. He's not allowed in the bar either. It's sad. Great employee, but you know, it was a bad night. And, they literally, I think they actually left their car there. They had somebody come pick them up, because I believe the police report, or a customer of ours heard on the scanner that the car was still in the parking lot with the plate number they were looking for. I guess some older lady or something, they said, picked them up. I think it was her aunt.

Colonel Connor: If I could interject.

Mr. Devine: Yeah, of course.

Colonel Connor: We don't really need to know the story behind the argument. We either of you on scene that evening?

Mr. Devine: We were not.

Colonel Connor: Okay, so my officer interviewed Michaela Caffrey, who was the bartender, and she gave him a statement that indicated that Rob came into the bar intoxicated, began the argument, and then punched Eric Paul. So that's what we have for information. This happened at 2:00, probably anywhere between 2:10 and 2:16 - -

Mr. Devine [Interposing]: It was exactly at 2:10.

Colonel Connor: Okay, so if she's indicating that they were in the bar that this happened, then the incident didn't happen outside in the back. Regardless, if it happened outside, you still are in violation of your liquor law license, if you are on the property after hours, okay?

Mr. Devine: Okay.

Colonel Connor: We can move on from here. We don't need to know who was fighting, why they were fighting, especially if you weren't a witness at the scene.

Mr. Devine: I know there was nobody back there drinking. I know they go back there, they smoke cigarettes, they're relaxing, you know.

Clerk Paolucci: You weren't there. You lead me to believe that you were right out there with them a few minutes ago.

Mr. Devine: Well, no, I have it on camera. You know what I mean? I watched it.

Vice Chairman Gilbert: Did you bring anything to present to the Board tonight that would corroborate what you're saying. Do you have any witness statements from your tenants?

Mr. Devine: I could get witness statements, I could get everything. I would probably seek a lawyer or something, to make sure I don't incriminate other people that aren't here or anything of that nature. You know what I mean, it was an altercation, a physical altercation, but it was more of a hair pulling and a swing and miss kind of thing. I have the video. I don't have a problem showing you gentlemen at all. I don't know if that's legal, can I do that legally?

Chairman Benson: Again, we don't care what happened in the fight, it's meaningless to us. You're here because it says in the police report that it should be noted, from the officer, this incident occurred inside of Ollie's Pub after the required closing time. The bar was still in operation during this time, and did commit a violation against the liquor law. So, if you're open at 2:10 a.m. - -

Mr. Devine [Interposing]: Yes.

Chairman Benson: There's a problem.

Mr. Devine: I would not be open at 2:10 a.m., I would not be.

Chairman Benson: You were that night. Everybody was there at 2:10 a.m. Whether you're open or not, there's activity going on. It's one thing if there's one person in there cleaning up - -

Vice Chairman Gilbert [Interposing]: Yeah, I just have a question relative to that. Did anyone from the bar that night call in to the police department and ask for an extension?

Mr. Devine: No.

Vice Chairman Gilbert: Call in to the officer in charge and tell them that there would be a few people inside cleaning up, staff, after 2:00 a.m.?

Mr. Devine: Well we always have people in there cleaning.

Vice Chairman Gilbert: But you understand there's a requirement - -

Mr. Devine [Interposing]: To be there 'til 1:30 a.m.?

Vice Chairman Gilbert: Correct. So you kind of recited the ordinance earlier in terms of closing time, everyone out of the building, and are you also aware there is a procedure. If you needed extra time for a clean-up, and one of your employees was mopping the floor a little bit late. You call into the police department and notify, hey I'm going to have a cleaning crew, two people, can I have permission for an extension? Yes, I'll give you 15 minutes, so by say 2:15 a.m. - -

Mr. Devine [Interposing]: Yeah.

Vice Chairman Gilbert: Did this happen that night?

Mr. Devine: It did not. I have done that before when I was having work done in the bar. I know exactly what you're referring to, yes. But, we've always pretty much gotten everyone out of there by 1:30 a.m.; whoever's working, the customers, we do the best we can.

Vice Chairman Gilbert: But this is 45 minutes later, is the point; 45 minutes later is when the officer responds, beyond 1:30 a.m. That's why we're talking about it.

Mr. Devine: I agree. I think that somewhere in what Michaela said, because there was an altercation; a verbal one inside the bar, when we were still open at legal time. The problem happened was out back. Like, they go out back, you know. A couple of tenants were out back. They were just hanging out. Then they found from the girl that lives on that floor that Amanda was still in the parking lot. So, they just hung out there. He ended up coming into the back area. That's where the altercation began.

Vice Chairman Gilbert: But this, just so we're clear, if you own a piece of property, the way you're describing it; that back area just outside the door is still on your property, correct?

Mr. Devine: It is.

Vice Chairman Gilbert: So, therein lies the issue that your bartenders and your staff that are on have a responsibility to clear out not only the inside of the establishment, but the premises as well. You can't allow them to sit out there and have a beer in the parking lot; or a cigarette and a beer, or whatever the case may be. You can't do that.

Mr. Devine: I didn't see any alcohol back there.

Vice Chairman Gilbert: But what I'm saying is, you're responsible for the property and the people that are there. They can't just come from inside and stand in the back lot and stay there until whatever time they want. They can't do that.

Mr. Devine: Of course. I've got neighbors right there.

Vice Chairman Gilbert: Correct.

Mr. Devine: They thanked me for what I've done to the place. It was a hell hole years ago, prior to when we bought it. It was Sullivan's Publik House, and then it was Village Corner Tavern. It was a tough place. I don't know if you guys are from Warwick for a long time, but I got all of those people out of there.

Chairman Benson: Well we also have a lot of, um., incident calls attached to this.

Mr. Devine: The 911 calls?

Chairman Benson: Yeah. A lot of them.

Vice Chairman Gilbert: Some of them are noise complaints; loud music.

Colonel Connor: There are directed patrols, too.

Chairman Benson: Yeah. Um, are you playing, first of all there's a decibel level. Are the doors open while this music is going on?

Mr. Devine: Sometimes it is, but we always try to get them closed. They know to do that, but, a lot of times when that front door opens it sticks to the wall. No one even knows. It doesn't make me happy, because on top of the noise level, the air conditioner running or the heat is on, and it's like nobody even notices. It's just kind of like, uh, you can't really see it from behind the bar neither. You've got to be sitting at the table right there.

Clerk Paolucci: They have devices to close the doors.

Mr. Devine: I should most definitely look into that. I agree 100 percent. I do have them. They all have them, because by law, fire code, I have to have the self-closing things, but when that thing gets wedged against the wall when they push it open, sometimes I have to get on my knees and yank that thing from underneath to get it to come closed, you know.

Chairman Benson: Well, you need to start doing something, because you're not here for this tonight; but if we keep getting all of these noise complaints, you're going to come back for the noise complaints, and we're not going to allow music in the place. So there's a decibel level, you know, outside. It's after 10:00 p.m. You may want to think about it. Is it a juke box or a DJ?

Mr. Devine: It could be a DJ, or we do acoustic music, or we do like the three piece bands and stuff. But, there's a couple locals around there that I told you I threw out of there. They're not the nicest people.

Chairman Benson: Are these DJs going until 1:00 a.m.?

Mr. Devine: Maybe 12:30 a.m. If it's busy they'll go, if there's still people there. But, usually they try and shut it down around 12:30 a.m., 1:00 a.m., absolutely.

Chairman Benson: Do you have a permit for the - -

Mr. Devine [Interposing]: Yes, we have a live entertainment permit, yup. It's for DJs and smaller bands. You know, I can't have no Renegades bands or nothing.

Chairman Benson: You've seen what we're talking about, closing times.

Mr. Devine: Yup.

Chairman Benson: I would suggest stopping the music earlier.

Mr. Devine: I will. To be honest with you, we're looking to actually open the place earlier and close it earlier, because we're getting old. Seven years in this racket; it's not an easy racket. We want a nice quiet place. Trust me. I try very hard, we work very hard. You can ask Corine. What we've been through in that place. We've gotten rid of people. I'm on your side. I don't know problems with anybody. I'm embarrassed to be here after all of the work I did and all of the people I got out of there. In the end, there's a problem, and I'm not going to deny that neither, but it's tough.

Chairman Benson: Like we said, we take it very seriously, serving minors; we take it very seriously serving after the time - -

Mr. Devine [Interposing]: Absolutely, we do too. Absolutely. We just had to have a 911 call there, like last weekend. Again, a person who lives right up the road came in there and just went into the bathroom and came out and like he's unresponsive laying on the ground. I'm like dude, get up. This kid weighs about 310 pounds. There was like three of us trying to lift him. We had some firefighters there, and they were playing with the open mic, and everything like that and said dude you've got to call. I'm like, I know. Then I called and they got him there and like - -

Chairman Benson [Interposing]: Okay. We don't need to know about that at all.

Vice Chairman Gilbert: Is there anything that you can show us; you indicated you had something on your phone. I don't know if you want to show us video of the altercation, if you have it. Anything that you want to show the Board.

Mr. Devine: Well, it shows the time. I just don't want to implicate anybody. Would you like to see it?

Chairman Benson: Well, if you think you have something that can defend what the police report is saying, you're open at 2:15 a.m. We're going to consider a fine.

Mr. Devine: Yup.

Ms. Devine: So you consider it on the property, even if it's outside.

Mr. Devine: Yes.

Chairman Benson: Right. It doesn't matter.

Clerk Paolucci: [Inaudible].

Chairman Benson: Right. The police report does say it was inside.

Ms. Devine: That was not inside.

Mr. Devine: But, I understand that the outside is considered the inside. What about, as far as my tenants that live there; are they allowed to be back there? Cause, like, they pay rent. That's like their backyard. I'm just only asking so that I know how to move forward from here. They do like to, when the bar closes
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Colonel Connor [Interposing]: Your tenants can go outside and smoke a cigarette at 2:30 a.m., 3:00 a.m., 4:00 a.m.; but when the occupants of the bar close. The owners, or the workers and then patrons exit the bar after closing time. If those people come down, they're part of that scene.

Mr. Devine: All right, so I just tell them, it's very easy, I'm going to tell them nobody hang out no more, just go home. Honestly, I didn't think I was in any violation of any law, because they just chill out in the back and then they go, you know. They stayed longer because that kid was in the parking lot, you know, getting egged on by that girl.

Chairman Benson: Well, maybe that's when you should have called the police, when that was starting.

Mr. Devine: I wish I was there, I really wish I was there. If I was there, that would have never happened anyway, you know. I'm pretty good at getting people out of there.

Clerk Paolucci: I understand that you have a pretty difficult time managing the time that you close and moving people along, so, my suggestion would be give last call at 12:45 a.m.

Mr. Devine: We already talked about that.

Clerk Paolucci: That way everyone is out of your establishment by 1:15 a.m., and if you run a little bit late, it's 1:20 a.m., not 1:30 a.m. and 1:35 a.m.

Chairman Benson: Do yourself a favor. You don't need this aggravation.

Mr. Devine: No, I don't.

Chairman Benson: If you stop serving at 12:30 a.m., you won't have this aggravation. If you stop the music by 11:00 p.m., you won't have this aggravation or the cost.

Mr. Devine: Well there's no benefit to serving people until 12:50 a.m. I understand that whole heartedly. I've always known that. We don't want to be there at night, so that's why you've got these things

happening, is because; you know, we were there probably the first five years, every single night. Every single night. You know, on the week nights, especially, taking care of business. Taking care of situations. After the COVID thing, you know you get tired. It's like we're going down.

Board members are heard whispering.

Chairman Benson: We're going to recommended a \$250 fine, and hopefully you'll take some of our advice here.

Mr. Devine: Absolutely.

Chairman Benson: You don't need to again. I would be really careful, like I said, it was not only that but we have a lot of incident calls for loud noise. So, somebody is complaining.

Mr. Devine: I know who's complaining. Renegades.

Chairman Benson: They keep complaining and they call the cops, and if we get enough complaints we'll take away any music at all.

Mr. Devine: I just wish there was a way to validate where that complaint came from, because I think that would solve a lot of complaints for noise for other clubs, like Sports Legends; probably now you have a problem with the Bottom Line getting a lot of loud noise complaints and stuff.

Chairman Benson: Yup.

Mr. Devine: I know where it comes from, everybody does. It's pretty tough to deal with that.

Vice Chairman Gilbert: But you can take some more proactive steps, just like we talked about some of them tonight, right. Making sure your doors are staying closed, maybe getting a sound meter yourself, and/or monitoring the noise that's coming from a couple houses on either side. You could be more proactive if you know complaints are coming in, and you need to make sure you train your staff so that they understand that 1:30 a.m. that establishment needs to be empty other than the employees and the employees only. If they're there beyond that period, there needs to be a call to the police department requesting an extension, the reason, and get permission. It can't just be that they stay and hang out. Clarify the property.

Chairman Benson: I think stopping the music earlier, if you have those people, they won't be hanging around taking their equipment out of there, which is going to make it even worse for you, because now there's even more people hanging around after 1:30 a.m.

Mr. Devine: Yup. We have the bands go off at 12:00 a.m. now, they shut down at 12:00 a.m. It used to be 'til 1:00 a.m. If there were a lot of people there, that's where we would get a loud noise complaint, you know what I'm saying? Like I said, I've always had a great communication with the police, or fire, whoever's there, and that's what I'm all about.

Chairman Benson: Okay.

ACTION: Chairman Benson made a motion to fine Ollie's Pub \$250, payable before the June 27, 2023 meeting. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

31. Discussion regarding Concealed Carry Permits.

Solicitor Wyatt Brochu: We're just bringing it into compliance, omitting references to need and having to demonstrate facts for proper reason. I think proper reason is self-defense, and really focusing on suitability. We can submit a final copy to you.

Colonel Connor: The only thing I would say, is for renewals, do you want to have them come in? And then we could make the exception for renewals; they don't have to appear in person.

Vice Chairman Gilbert: My recommendation would be no, unless you notice something in the review of the application, whether it's contact with the police, mental health issue, arrest, something like that that comes up.

Solicitor Brochu: The only other thing I would say, Chief, is maybe a certain number of renewals. Just to have a body show up, if it's been like 12 years or something.

Colonel Connor: Age too. Although I guess if they're showing up, they have - -

Solicitor Brochu: Right, they're qualified.

Chairman Benson: All right. So, you'll just present it to us at the next meeting for approval.

Colonel Connor: Yes.

ACTION: No action was taken as this was a discussion only.

At 6:59 p.m. the Board entered into Executive session.

At 7:01 p.m. the Board closed the Executive session and sealed the minutes.

**POLICE DEPARTMENT
EXECUTIVE SESSION AGENDA**

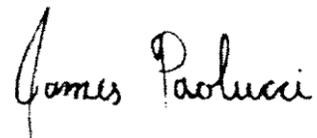
1. Board Business - Review, Discussion and/or Potential Action and/or Vote; Possible Motion(s) to convene into Closed/Executive Session; The Board of Public Safety may convene into Closed / Executive Session to discuss, take possible action, and/or vote pursuant to the relevant requirements of R.I. General Laws § 42-46-5(a) Subsection (3) regarding matters of security – Applications pursuant to R.I. General Laws § 11-47-11 and City of Warwick Ordinance Article

IV, Division 1, Sec. 6-72: Concealed Carry Weapon Permit. Discussion and/or Potential Action and/or Vote from Executive Session concerning the following Applications:

a. Applicant 1 – Request for Weapons Carry Permit (NEW - EXECUTIVE)

ACTION: Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

At 7:02 p.m., the meeting was adjourned.



James Paolucci, Clerk