

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
May 23, 2023
BOARD OF PUBLIC SAFETY ROOM
SECOND FLOOR, POLICE HEADQUARTERS

MINUTES

At 6:08 p.m., the Board entered its regular session for Tuesday, May 23, 2023. Present were Assistant Fire Chief Jason Umbenhauer, Police Chief Colonel Brad Connor, Chairman Charlie Benson, Vice Chairman Mike Gilbert, Clerk Jim Paolucci, Assistant Solicitor Kerry Rafanelli, and Recording Secretary Lisa Ferolito.

1. Call to Order – Board Chairperson
2. Roll Call – See above.

FIRE DEPARTMENT
REGULAR SESSION

1. Assistant Fire Chief Umbenhauer to recommended the following promotions:

Private Ehren Smith to Rescue Lieutenant
Private Marc Lattinville to Rescue Lieutenant

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.

**POLICE DEPARTMENT
REGULAR SESSION AGENDA**

Board Business Police Department - Review, Discussion and/or Potential Action
and/or Vote:

1. The minutes of the Board of Public Safety meeting held on Tuesday, May 9, 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. Colonel Connor to recommend appointments, promotions, transfers and reassignments; names to be submitted and discussed at the meeting.

The following assignments/transfers took place on Monday, March 20, 2023.

Officer Katerina M. Athaide reassigned from the Third Platoon, Uniform Patrol Division/Field Training Officer Program to the Third Platoon, Uniform Patrol Division.

Officer Edmund F. Pierce, III reassigned from the Third Platoon, Uniform Patrol Division/Field Training Officer Program to the Third Platoon, Uniform Patrol Division.

Officer Alejandro J. Martinez reassigned from the Third Platoon, Uniform Patrol Division/Field Training Office Program to the Third Platoon, Uniform Patrol Division.

Officer Andrew J. Cretien from the Third Platoon, Uniform Patrol Division to the Second Platoon, Uniform Patrol Division.

The following reassignment will take effect at 0700 hours, Monday, May 22, 2023, with the provisional approval from the Board of Public Safety:

Sergeant Steven D. Moretti from temporary assignment Third Platoon, Uniform Patrol Division to the First Platoon, Uniform Patrol Division.

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

Request from Detective Mark E. Perkins to retire, effective Saturday, June 3, 2023, with a percentage rate of 75.00 percent. Detective Perkins was sworn in to the Department on Sunday, May 30, 1993.

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.

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)

Daniel Cyr
Captain's Resto-Bar
50 Waterfront Drive

Chairman Benson: Okay, starting tonight we've received the applications that we mentioned at the last meeting, so this helps us an awful lot. I had mentioned to the Board that I had been to the restaurant yesterday to check it out. I had some time. I was wondering why it was a new liquor license, versus a transfer. I found all that out. I have to say, it's a beautiful location. They really are raising the level over there. I was quite impressed. I asked about the outdoor entertainment, because that's usually a big thing. Um, they can explain it as well, but they mentioned that it's a little thing in the corner and it wouldn't create much of a problem. The one neighbor that was next door, I was informed that they come over and ask when they're going to be open. Do you guys have any questions for them?

Vice Chairman Gilbert: Did the previous establishment that was there, to your knowledge, did they have live music as well?

Mr. Daniel Cyr: Yes, they did things like karaoke, one man bands, two man bands, that kind of thing. That's what they did while we were there as guests. So, I put on the application "semi-amplified". I also made it clear that there's no big bands. One, we don't have the room for any big bands. The capacity, we have two bathrooms, so that's only 130 people max. Like you mentioned, the building that we lease from and the neighbor's building are both through Safe Harbor, so it's the same person, same venue. She's always over wondering when we're going to open, you're right. There's been a history there, and Safe Harbor as well. They do larger bands at that venue.

Vice Chairman Gilbert: Okay. Did the capacity change under the way you've configured the establishment with the seating?

Mr. Cyr: No, we kept the capacity the same. The indoor capacity is at 49. Then the outdoor capacity, like I said, we have the two bathrooms, so we have to be at 130. I believe we're at 126.

Vice Chairman Gilbert: The only other question I had is could you just tell the Board your background as far as running establishments, restaurants, bars, that type of thing.

Mr. Cyr: Um, we've been business owners since I was about 23 years old. I've been in management since I was 17 years old. So, I've had, and we've always had a business on the side, which we still have another business called Trojan Marine Services. That one is we [inaudible] at Safe Harbor, both at Cowesett and there, so we know most of the people there. We ground scratched a business called [inaudible]. We serve a fleet a trucks for the state of Vermont. We service 1,700 state vehicles there on site. We made the paper, and got credited for saving them over a million dollars. My mom, myself and my, I basically grew up in a food truck on my mom's hip, and right on through school. They were family businesses, that's what we've done. I joined the fire department in Roxbury, Vermont and I ran the kitchen there. Also, I was the first responder for the entire town. Every time they had events for food and that kind of stuff, that was me. I'm not a chef, by no means. However, I do have a chef on site that is. I'm not a master bartender, however, I do have a master bartender and mixologist. She is the uh, she owns the Rhode Island Bartender School. She's my bar manager. So, um, she runs the bar side of it, and I have a chef that runs the kitchen side of it. With that, I have [inaudible] through the State of Rhode Island for bartending and mixology. The same thing, we hooked up with Johnson & Wales for an internship program, which will start next school cycle. We've been delayed for so long. We were supposed to get a lot of the interns this year, but we just couldn't open in time unfortunately, because of the trouble. We're still having quite a bit of trouble getting a canopy over, on the patio.

Chairman Benson: Do you have anything, Jim?

Clerk Paolucci: I do. Are you going to be on site working yourself?

Mr. Cyr: All the time. I just had to change in the car. I'm there 'til 3:00 a.m.

Clerk Paolucci: And you know that we have a sound ordinance that you have to comply with? What's it, 58 decibels?

Chairman Benson: I think it's 70.

Colonel Connor: It's 60 that time of day.

Clerk Paolucci: The sound ordinance for semi-amplified music, you would need to; I think there's an app you can pick up on your phone.

Mr. Cyr: Just to check it?

Clerk Paolucci: Just to check it.

Mr. Cyr: Yeah, yeah. We have two boats there, so we can...and the music that I'm playing is of the, like, Jimmy Buffett, and James Taylor and the Beach Boys.

Woman in Audience (Mrs. Cyr?): Acoustic music.

Mr. Cyr: Right. I have a two man band that's supposed to be up this Sunday. Same thing. Acoustic. The other one plays the keyboard, so that's why I put semi. It's very hard to play the keyboard with no amplification, the definition of amplification. That's why I put semi. No large bands.

Clerk Paolucci: You'll just want to monitor that so that we don't have any calls coming in to the department here. Then we'd have to come back - -

Mr. Cyr [Interposing]: Yeah, we'll try to minimize that. So, yeah, I'd be curious about that app for sure. I would definitely like to find out where that is. I know like 86 decibels is like a Harley or something like that. I believe that's what it is, so I believe we'd be well under that.

Clerk Paolucci: And the time of the night it drops down - -

Vice Chairman Gilbert [Interposing]: Yeah, the sound ordinance is right around 60 until 10:00 p.m. and then I want to say it drops to a few decibels lower once you get past 10:00 p.m., so you should be aware of the sound ordinance. Some of the establishments in the city have used either sound engineers; they buy a sound meter themselves so they can check their decibels, just as a proactive measure. That's probably the number one complaint that we see.

Mr. Cyr: I heard about the whole Greenwich Bay - -

Vice Chairman Gilbert [Interposing]: Just in general with water, sound travelling across the water; it might not even be your immediate neighbor on the side of your business. It could be somebody across the harbor that maybe doesn't like the music playing at certain times of the day. You can't make every neighbor happy, but I just want you to be aware of the sound ordinance.

Mr. Cyr: I appreciate that. We can go out to the docks too. We have access to the water. The docks are right in front of the building to check. We don't even have to go on a boat.

Chairman Benson: Anything else?

Vice Chairman Gilbert: I have nothing.

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.

2. Outside Seating (New)

Daniel Cyr
Captain's Resto-Bar
50 Waterfront Drive

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.

3. Live Entertainment (Outside – New)

Daniel Cyr
Captain's Resto-Bar
50 Waterfront Drive
Friday and Saturday 6:00 p.m.- 9:00 p.m.
Sunday 4:30 p.m. – 7:30 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.

4. Outside Seating

Lucalino, LLC
Crow's Nest
288 Arnolds Neck Drive
May – December, 2023

Chairman Benson: We had actually kicked this over from last month, because what's been happening, and we've had a change in how the Board operates; we're getting a lot of these and we didn't quite know, I mean just to approve the outdoor seating, we needed to know where it's going to be, how many neighbors around, you know, what's going on. We're well familiar with the establishment. I was just wondering where will the outdoor seating part of it be?

Esther DeQuattro: It's already built. If you're looking at the building with you back to the water, it's on the right hand side.

Chairman Benson: Right hand side.

Ms. DeQuattro: And, um, there's a small bar and then some tables and chairs. It's a patio with a railing, and we've got 12 tables.

Chairman Benson: 12 tables, okay. And the seating capacity is 45?

Ms. DeQuattro: Yes.

Vice Chairman Gilbert: That patio, is that where you plan on doing the live entertainment?

Ms. DeQuattro: Yeah. Exactly. It's very similar to what they were saying. I'm picturing a guy with a guitar, or two people at the most. Acoustic, very chill. Nothing loud.

Chairman Benson: No amplifiers?

Ms. DeQuattro: No.

Chairman Benson: Okay. Um, I'm trying to remember. It used to be my mother's favorite restaurant. She's been gone for a while. Up in the back, are there neighbors?

Vice Chairman Gilbert: There's the railroad tracks.

Ms. DeQuattro: The railroad tracks.

Chairman Benson: Oh, the railroad tracks.

Vice Chairman Gilbert: Have you had any contact or heard from any of the surrounding houses that are in the general vicinity of the restaurant?

Ms. DeQuattro: No, because where we are, um, to the left is the bridge, and then there's an empty lot where they store boats, and the marinas across from us, and then to the right is the boat storage. So we don't have anybody immediately next to us.

Chairman Benson: Okay. Yeah, we're sorry we couldn't do it last night [sic], but we really needed to understand what it's going to be because this is, usually our biggest problem is noise complaints from people.

Ms. DeQuattro: We have an older clientele. It's an early restaurant. We're really looking to just enhance the outdoor seating with some music. Mostly like Saturday and Sunday afternoons, and early evenings.

Chairman Benson: You do have an older clientele. Do you have a handicapped section outside?

Ms. DeQuattro: Yes.

Chairman Benson: Do you have any questions?

Clerk Paolucci: I don't.

Chairman Benson: Do you have any questions?

Vice Chairman Gilbert: No questions.

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.

5. Live Entertainment (Outside)

Lucalino, LLC
Crow's Nest
288 Arnolds Neck Drive
May – 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.

6. Live Entertainment (Outside – Tent)

Lori Witham
Proclamation Ale Company
815 Jefferson Boulevard
“Daveapalooza 2023”
June 24, 2023
12:00 p.m. – 6:00 p.m.

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 seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

7. Second Class Victualer (New)

Sunil Patel
Ram Jalaram, Inc.
Buttonwoods One Stop
192-194 Buttonwoods Avenue

ACTION: Colonel Connor recommended approval pending building, fire, city and state tax, and Rhode Island Department of Health approval. Chairman Benson made a motion to approve pending building, fire, city and state tax, 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.

8. Game of Chance/Raffle

Ruth Napolitano
Friends of the Warwick Animal Shelter
Being held at 177 Service Ave
June 11, 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.

9. Private Detective (Renewal)

Richard E. DelMastro
Scorpeo Services, LLC

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. Kennel (New – Change of Ownership)

Vera McCartney
Destination Pet, LLC
d/b/a Bow Chicka Wow Town
27 Meadow Street

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

11. Palm Reader (New)

Sandra Miller
d/b/a Psychic Visions
101 West Natick Road

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

12. Vendor (General)

Ryan Holohan
Ryan's Concessions
Gaspee Days Parade
June 10, 2023

Badges To:

Ryan Holohan
Jonathan Rodriguez
Adam Ammar
Gabriel Purdy

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. General Peddler

Bill Williams
Phantom Fireworks
2465 West Shore Road
June 23, 2023 – July 4, 2023
10:00 a.m. – 9:00 p.m.

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

14. Peddler Badge

Renewal by Andersen
10 Reservoir Road
Smithfield

Badges to:

Jennie Twyman
Eman Abu-Auda
Janella Torres
Jacob Carpentier
Tyler Andrews
Joshua Kelly

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. Food Vendor (Gaspee Days)

Vincent Nelson
Vinnie's Fine Foods
May 27-29, 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.

16. Food Vendor (Gaspee Days)

Roger Pinard
J&J's Seafood
May 27-29, 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.

17. Food Peddler (New – MFE)

Kevin Palumbo
Mumsy's Ice Cream Delights

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. Food Peddler (New – MFE)

Malen UK
Angkor Boba Tea House

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. Food Peddler (New – MFE)

Ethan Farrell
Sunset Farm

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. Food Peddler (New – MFE)

Autumn Smith
Not Your Average Popcorn

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.

21. Bazaar

Ruth Napolitano
Friends of the Warwick Animal Shelter
May 13, 2023
2348 Post Road

Vendors

Patty G Photos
JJ's
Gammy's Treasurers
Heather Johnson
Veronica Huguenin
Emily Coronado
Classic Casuals
Harry's Candles & Knits
Hannah Chang
Deb's Saving Grace
Izzos Arts & Crafts
Imagined Designs
Simply Silver
Mini Masterpiece Accessories & More
Never Enough Purses
Karen Carpenter
Stitches with Love 365
Friends of the Warwick Animal Shelter
Mollies Coats of Love
Treasurers from Harley's Heart
Bruce Balemian
Tabby Kat Candles
DJ Charpentier
Treats My Dog Eats
KBelindabeauties
Naomi Gnomes
Ella Lucia Designs

359 Nausauket Road
Joann Knight
Geri Deangelis
Heather Johnson
Ravenfire Designs
Emily Coronado
Margaret Canstonguay
Donna Lynch
Hannah Chang
Deborah Lavigne
Susana Costa
Dianne Haritos
Alice Petrone
Elise Noelle Laliberte
Gloria Hole
Karen Carpenter
Natalia Giancaspro
Normand Lavoie
Denise Petrone
Rita St.Pierre
Bruce Balemian
Lori Dolan
DJ Charpentier
Jonathan Zanger
Belinda MacIntyre
Naomi Costa
Debi Miranda

Nature Photography
Off the Vine 45
KC Soaps
TNL Creations
Catherine Adams

Kathy Gudmundson
Robert Chevian
Kristin Culligan
Tina Lomas
Catherine Adams

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.

22. Arts & Crafts

Womens Expo
Crowne Plaza
May 21, 2023

Vendors

Linked LLC
Cindy Ko Photography
Tanya Ouhgrabka Life Coaching

Keera Albergana
Cynthia Irving
Tanya Ouhgrabka

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

23. Letter of information regarding the filming of Good Burger Two. This filming will be occurring at the Aldrich Mansion May 31-June 2. A Rhode Island Film Office permit has been issued.

ACTION: No action was taken, as this was just for informational purposes.

24. Request from Ariana Giacin of 21 Stanmore Road, for an exception to City Ordinance O-11-5, Sec. 4-11, which allows for housing no more than three dogs. Possible action taken.

Ms. Ariana Giacin: I now have only three.

Chairman Benson: Okay. We had an update from the dog officer. I know she stopped there last night, and you were getting another dog homed last night. We also have the email from you stating that last night the other dog went. So, you're in compliance at this point, so I think we had discussed fines, anyone?

Vice Chairman Gilbert: Not if they're in compliance.

Chairman Benson: We're not going to issue any fines or anything for having the dogs, because we get people in here that don't know that that ordinance exists. I would point out, I understand that the dogs aren't spayed or neutered.

Ms. Giacin: Nope. I have appointments set already.

Chairman Benson: Oh you do? Okay great. Because I was going to say, especially with Pits, you want to have them. But, there's an ordinance that's going through the process now that's going to require it anyway.

Ms. Giacin: Yup, their appointments are June 2nd and then the two babies that I have are June 3rd.

Chairman Benson: Okay. Then I think you're all. Did you want to - -

Man in Audience (Owner of Home): I'm here to object. They're out tenants in the process of being evicted; because they knew from February, when we applied for new insurance and so forth, Pitbulls were not allowed on our property. We gave them 60 days of trying to figure out however.

Chairman Benson: Okay. That's nothing for the Board to take up. That's a separate situation. We're only concerned about, in our view; you say they can't have Pits, and that's fine, and you can go through the eviction process. We only care about the number.

Owner: Okay. You do know that's a road with a business. I don't have fences to take care of three Pitbulls on that property. So, when we're giving them the okay that this is all right, if something happens what happens at that point.

Vice Chairman Gilbert: No. We're not giving them the "this is all right;" however the ordinance does not require the owners to have a fenced in yard. There are leash laws that they would have to abide by if they take the dogs out. If they let the dogs run free, and run off the property, that's obviously their responsibility as dog owners. So we're not blessing the fact that there's not a fenced in yard. We're not absolving them of their responsibilities as dog owners, nor can we involve ourselves in the civil matter that they have, according to you, they have maybe violated the terms of their lease. That's not the purview of the Board. The purview that we talked about tonight, that's on the agenda, was a request to possibly get an exemption to the three dog ordinance. They look like they've waived that, because now they're in compliance, and they found homes for the other dogs. So, as long as they stay within the ordinance, which is three dogs or less, there's no further action for us to be taking right now.

Chairman Benson: Now if the dogs ever get loose and there's a complaint from the neighborhood or something happens, then it could come before the Board again. That's a different matter and we would address that at that time.

25. Discussion with Mr. Jesus Berrio of Negative Split Sports Massage, 2893 Post Road, regarding his operating without a certificate of occupancy. Possible action taken.

Vice Chairman Gilbert: Can you tell us a little bit about - -

Mr. Berrio [Interposing]: Yeah, I started the process to get it all checked, but I didn't complete it because I'm a little confused. I don't own that building. The landlord owns the building, and there's

like six to eight people that rent rooms from that owner. I wasn't sure why I had to do that. But, if I have to do it, I'll just finish it. It's just the alarm and the fire.

Vice Chairman Gilbert: When did you open?

Mr. Berrio: September.

Vice Chairman Gilbert: Of 2022?

Mr. Berrio: Yeah. I only work at night and on the weekends, so I'm not there during the day. That's why I missed the guy that showed up, the Chief for the fire inspection. I work full time in Providence, so, I'll make time, but. It's just weird to me that I have to do that when there's other tenants in the same building. I don't know how that works. It's a house that's been turned into businesses. It's right on Post Road.

Chairman Benson: So, you're in the process of getting that now?

Mr. Berrio: I started it, yeah.

Chairman Benson: When did you start it?

Mr. Berrio: When I first opened. When I first signed up to open the business, my own business.

Chairman Benson: You started the process of getting a certificate of occupancy?

Mr. Berrio: Yeah, yeah. Plumbing got approved, a few things got approved.

Chairman Benson: And you haven't gotten it yet?

Mr. Berrio: No, because I didn't. I wasn't sure if I had to do it, because other people rent in the same building.

Vice Chairman Gilbert: Did you check with any of those tenants to see if they - -

Mr. Berrio [Interposing]: No because I'm here at night. I'm not there when they're there.

Vice Chairman Gilbert: When did you learn that you needed a CO, and you weren't in compliance?

Mr. Berrio: I didn't because I started the process because I wanted to do it the right way. When I looked at the City I saw that I needed to do it, so I started the process.

Vice Chairman Gilbert: So you had already started the business there? I'm confused.

Mr. Berrio: Yeah, yeah. I already paid the \$100 and I just have to have the alarm person, the fire person. But that's not my building.

Chairman Benson: Are those scheduled yet?

Mr. Berrio: No, they're not. I didn't finish that process.

Clerk Paolucci: You're renting that space, so you're responsible. The City needs to know what kind of business is being conducted in there. For example, if there's going to be a lot of people in there, they need to know where the exits are. So they need to inspect your space, even though the building is owned by the landlord. They still need to see - -

Mr. Berrio [Interposing]: Even though they saw. I'm a sports massage therapist upstairs. There's two regular massage therapists on the first floor.

Clerk Paolucci: Yeah, they need to see what's going on upstairs.

Mr. Berrio: So, oh okay. I'll just do it.

Chairman Benson: If they don't have certificates of occupancy, then they're going to get in trouble too.

Mr. Berrio: Yeah, I'll do what I have to do. I don't want to rock the boat. If you give me an extension, I will be able to call the numbers on there and set up appointments and do all that.

Chairman Benson: Well.

Vice Chairman Gilbert [Interposing]: So here's the concern that I think the Board, and I'm not going to speak for my fellow Board members; it's a safety concern. When you're operating a business without a certificate. That's where there's a fire and there's no alarm. You simply saying you didn't know you had to do it - -

Mr. Berrio [Interposing]: Well, I was confused because there's literally six to eight tenants, working businesses, mental health counselors and massage therapists there.

Vice Chairman Gilbert: Think about it like a mall with 40 or 50 stores. Everyone of those stores has to have a certificate; almost like it's their own little entity. That's the same situation where you are.

Chairman Benson: And I'm a little confused because you said you started it in September, because you wanted to do what was right, but then never went forward with it.

Mr. Berrio: I started, yeah, and then I - -

Chairman Benson [Interposing]: Did you at some point say well I guess I don't need this, and stop?

Mr. Berrio: Right. That's what I thought.

Chairman Benson: Why did you start in the first place?

Mr. Berrio: Because I didn't know if that was the right thing to do. I was confused. But now, I mean - -

Chairman Benson [Interposing]: All right, we're going to give you an extension to get it.

Mr. Berrio: Okay.

Chairman Benson: But you're going to have to, whatever you have to do, you're going to have to get it before the end of this extension. We'll gladly give you an extension here, but if you don't get this completed by the extension time, then the next step is we shut you down.

Mr. Berrio: No problem.

Chairman Benson: Until you get it. Um, how many meetings do we have in June, just one?

Recording Secretary Ferolito: Two.

Chairman Benson: Two, okay.

Recording Secretary Ferolito: I'm trying to look at that now.

Chairman Benson: When is the second meeting date?

Recording Secretary Ferolito: June is the 13th and the 27th.

Vice Chairman Gilbert: I think the only concern is him continuing to operate during that time frame without the CO. That's the predicament.

Mr. Berrio [Interposing]: Seems to me that there's an alarm in place. Everybody has a code. Everybody locks it. It's a business that's been there for over 10, 15 years with all of those people working there, so I'm not so concerned about safety. It's a running business with people there on Post Road.

Chairman Benson: Are people there during the day?

Mr. Berrio: Yes. Mostly during the day. All the clinicians - -

Chairman Benson [Interposing]: No, your business. Is anyone at your business?

Mr. Berrio: No. Not during the day. I work full time in Providence doing something else.

Clerk Paolucci: How many nights of the week do you work, and what are the hours?

Mr. Berrio: I work at night when I finish my regular job. I go from 5:30 p.m. to 9:00 p.m., and then on the weekends 9:00 a.m. – 5:00 p.m.

Chairman Benson: What do you do there?

Mr. Berrio: Sports massage.

Chairman Benson: Okay.

Clerk Paolucci: How many businesses are on the second floor of this building?

Mr. Berrio: Two more. The owner has a room and some other clinician, a mental health clinician.

Vice Chairman Gilbert: How long do you think you need?

Mr. Berrio: A month. Do you guys keep records of other COs in the same building?

Chairman Benson: We don't have access to it.

Vice Chairman Gilbert: The building department would have access to it.

Chairman Benson: Well if you give you, our next meeting is the; we've got two meetings in June, and there might be a little bit of disagreement on the Board here whether we give you the first meeting or the second meeting, but you're going to have to take the time. I know you work full time. You're going to have to take a day off to get down to the fire department and arrange for that. They need to come out there. Whoever it is you need to come out there has to come out there.

Clerk Paolucci: Depending on how long they take to act on this, but I would like to go with the first meeting if we could get fire and building out there; expedited out there.

Chairman Benson: How about this? How about if we, next meeting, if he doesn't have it he gives us a status as to the dates of the inspections. Does that sound good?

Clerk Paolucci: Yeah, and maybe Lisa could help with that.

Chairman Benson: We don't vote on this right, Kerry. This is just for discussion purposes only.

Assistant Solicitor Rafanelli: Yes, it's just for discussion.

Chairman Benson: How about if we do this. What's the first meeting?

Recording Secretary Ferolito: 13th.

Chairman Benson: June 13th, same time, 6:00 p.m. okay? You better try to get as much done as possible. Now, by that meeting, hopefully you'll have it. If not, because sometimes the inspections might take a week or so. We at least want to know the dates of the inspections. So, you need to go down to Licensing to find out what you need to have. If you don't have, if you have the certificate of occupancy by then you can just let them know. If you don't have it, we want to see you back here so we can see the dates of schedules. If you don't have anything scheduled by that time, we'll give you to the next meeting and then we're going to have to shut you down.

Mr. Berrio: Oh that's no problem.

Chairman Benson: Okay. Is that all right?

Mr. Berrio: That's fine.

Chairman Benson: So the next meeting is June 13th. Unless you have the certificate of occupancy, plan on being here with an update as to what the dates are.

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

ACTION: Ms. Devine was a no show this evening. Recording Secretary Ferolito did not receive the registered mail receipt. A new letter will be hand delivered to Ms. Devine with the date of the next meeting, June 13, 2023.

At 6:50 p.m. the Board entered Executive Session.

At 7:01 p.m. the Board sealed the minutes of the Executive Session and returned to open session to read the votes.

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 (RENEWAL - 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.

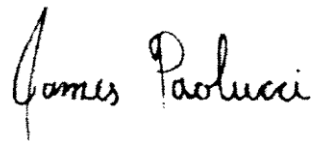
- b. Applicant 2 – Request for Weapons Carry Permit (RENEWEL - EXECUTIVE)

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.

- c. Applicant 3 – 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. this meeting was adjourned.

A handwritten signature in black ink that reads "James Paolucci". The signature is written in a cursive style with a large initial "J" and "P".

James Paolucci, Clerk