

CITY OF WARWICK

LESLIE WALASKA BAXTER
Chairwoman

JAMES PAOLUCCI
Vice-Chairman

THOMAS P. MCGOVERN
Clerk



BOARD OF PUBLIC SAFETY
Warwick, Rhode Island 02886

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POLICE DEPARTMENT – REGULAR SESSION

BOARD OF PUBLIC SAFETY ROOM
WARWICK POLICE HEADQUARTERS

February 9, 2016

MINUTES

At 7:30 p.m. the Board of Public Safety entered into its regular session. Present were Colonel Stephen McCartney, Chairwoman Leslie Walaska Baxter, Vice Chairman James Paolucci, Clerk Thomas McGovern, Assistant Solicitor Diana Pearson, and Recording Secretary Lisa Ferolito.,

1. The minutes of the Board of Public Safety meeting held on Tuesday, January 26, 2016, were submitted for approval.

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

2. Colonel Stephen M. McCartney to recommend transfers, reassignments, and retirements.

ACTION: There were no transfers, reassignments, or retirements for this meeting.

LICENSES AND PERMITS

3. Sandy Lane Gas & Tobacco – Operating without a License - Violation – January 27, 2016

As dictated by the officer:

“On 01/27/16, at approximately 1756 hrs., I, Officer Pacheco, was advised by Sergeant Valliere to make a licensing check of the Sandy Lane Gas & Smoke Shop located at 1015 Sandy Lane. The check was in reference to a Department memo, which was sent out via email, advising that at the Board of Public Safety meeting held on 01/26/16, it was determined that this business was operating without a license due to a tax issue, and needed to remain closed until the issue was resolved with the Tax Collector’s Office.

Upon arrival to the business, I noted it to be open with customers both inside and at the gas pumps. I then responded inside and spoke with a male, identified as Imad Melhem (DOB 10/12/76), who stated that he was the owner. Melhem stated that he was aware of the licensing issue, but stated that it was taken care of today. However, Melhem was unable to provide any proof from the Tax Collector’s Office stating that the issue was resolved. Melhem then contacted a male, whom he stated was his lawyer, who advised that they had been in contact with the Tax Collector’s Office today, and that the issued would be resolved in the morning.

Melhem and his attorney were advised that until the issue is resolved with proper documentation, the business needed to remain closed. Melhem and his cash register clerk, Rochelle Gallagher (DOB 08/08/59), were argumentative but closed the business and left the property.

A report was taken for documentation only.”

Colonel McCartney reads the information into the record.

Attorney Joseph Brennan: Good evening Madame Chairwoman and members of the Board; for the record, Joseph Brennan on behalf of Sandy Lane. There’s no excuse, I just want to give an explanation for it. I know that we had spoken and we had mentioned that if we could get everything all set they would send over the provisional license until the time that the payment plan was complete. That morning I was there at 9:00 a.m. at City Hall. Kyla wasn’t available until about, my recollection is about 1:00 p.m. I think it was, and we started going back and forth from that point. The problem that we ended up facing is that normally payment plans are generally about 25 percent, but in this case they asked for 50 percent. So, we were working with her to get it all set. I thought we were going to be all set on that afternoon. We weren’t. It kicked over until the next morning about 9:00 a.m. because of the requirement for the 50 percent deposit required them to seek funds from home, and they had to get money wired here. The way the time zones work it wasn’t, they were able to do that. So, there’s no excuse. I’m just here to give an explanation and ask the Board to give as low of a penalty as they can given the circumstance. Part of the reason for them remaining open, although they shouldn’t have, was to try to get that money as well so that they could come up with the money for the down payment for the payment plan.

Chairwoman Baxter: OK. The issue obviously is that an officer went in that at almost 6:00 in the evening. You were dealing with the tax office from 9:00 to 1:00. You know that when you guys left the meeting last time there was no license and that you weren’t to open until you got your provisional license from working something out with the Tax Assessor’s Office, which was not done until the 28th.

Attorney Brennan: Yes.

Chairwoman Baxter: OK. All right, as long as we're all clear with that. So, there was no license and you were, not you, you were operating without a license.

Attorney Brennan: Yes.

Chairwoman Baxter: OK. So, seeing now that this is your second violation offense and the last time you guys were in here we gave a written warning, we are going to issue a fine of \$100 payable by the next meeting.

ACTION: Chairwoman Baxter made a motion to fine the establishment \$100, payable by the next meeting on February 23, 2016. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

4. Liquor License (Class A - Stock Transfer) Haxton's Toll Gate Liquor, Inc.
d/b/a Haxton Liquors
1123 Bald Hill Road

Chairwoman Baxter: OK, would you like to speak?

Christine Baglioni, Esq.: Yes please. Good evening, my name is Christine Baglioni, and I represent the applicant, Haxton's Tollgate Liquor, Inc. Before you this evening is an application for license transfer. This is not occasioned by a third party transfer of the license; it's occasioned by what I would call estate planning. John Haxton is currently the 100 percent sole share-holder of the company. His two sons, Robert and Timothy, work in the business, and he intends to transfer shares to them and they will hold a minority stake in the company.

Chairwoman Baxter: OK, and there's no objections?

Colonel McCartney: Nothing else Madame Chair.

Chairwoman Baxter: OK great. Any questions?

Nothing is heard.

ACTION: Colonel McCartney recommended approval pending city and state taxes. Chairwoman Baxter made a motion to approve pending city and state taxes. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

5. Itinerant Vendor (Fireworks) Chris Cook, Keystone Novelties Dist. Inc.
d/b/a Keystone Fireworks
2677 West Shore Road
June 24, 2016 – July 5, 2016
9:00 a.m. – 9:00 p.m.

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

6. Itinerant Vendor (Fireworks)

Chris Cook
Keystone Novelties Distributors, Inc.
d/b/a Keystone Fireworks
1150 Bald Hill Road
June 24, 2016 – July 5, 2016
9:00 a.m. – 9:00 p.m.

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

7. Second Class Victualer – Midnight (New)

John Henry
Apponaug Girls Softball, Inc.
d/b/a Apponaug Girls Softball
300 Airport Road

ACTION: Colonel McCartney recommended approval pending approval from the State of Rhode Island Building Department, Health Department, and Division of Taxation. Chairwoman Baxter made a motion to approve pending approval from the State of Rhode Island Building Department, Health Department, and Division of Taxation. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

8. Second Class Victualer – Midnight (Corp. Change)

Michael Ashkav
4552 Post Road, LLC
d/b/a Ocean Food Mart
4552 Post Road

ACTION: Colonel McCartney recommended approval pending building, fire, and city taxes. Chairwoman Baxter made a motion to approve pending building, fire, and city taxes. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

9. Holiday Sales - (Corp. Change)

Michael Ashkav
4552 Post Road, LLC
d/b/a Ocean Food Mart
4552 Post Road

ACTION: Colonel McCartney recommended approval pending building, fire, and city taxes. Chairwoman Baxter made a motion to approve pending building, fire, and city taxes. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

10. Outside Seating (Tent)

Fat Belly's, Warwick Mall
255 Lambert Lind Highway
March 17, 2016
9:00 a.m. – 9:00 p.m.

ACTION: Colonel McCartney recommended approval pending building and tent inspection. Chairwoman Baxter made a motion to approve pending building and tent inspection. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

11. Outside Seating

David Miller
Shannon View Inn
1901 Post Road
March 17, 2016, 9:00 a.m. – 1:00 a.m.
March 18, 2016, 9:00 a.m. – 1:00 a.m.

ACTION: Colonel McCartney recommended approval pending building and tent inspection. Chairwoman Baxter made a motion to approve pending building and tent inspection. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

12. Live Entertainment (Outside/Tent)

David Miller
Shannon View Inn
1901 Post Road
March 17, 2016, 7:00 p.m. – 12:00 a.m.
March 18, 2016, 7:00 p.m. – 12:00 a.m.

Colonel McCartney: If you'll note the notes from last time, the Police Department went out and did traffic study of the surrounding streets, due to the fact that there was numerous complaints about the parking, so we added a detail in as a component. Once again, we'll add in a police detail again, and if the Board wishes, we will do another traffic study.

Chairwoman Baxter: OK. Would you like to speak Mr. Miller?

David Miller: Sure. I mean it's pretty much the same as we do every year.

Chairwoman Baxter: OK, and um, do the neighbors, I just happen to see a couple of the neighbors downstairs.

David Messier: The Colonel just addressed that, about the parking. The only thing I missed because my hearing isn't that good, is it til 1:00 a.m.? Is that when it's on there til?

Chairwoman Baxter: It says, Thursday, the outside seating is 9:00 a.m. to 1:00 a.m. and live entertainment outside 7:00 p.m. to 12:00 a.m.; and that's Thursday and Friday.

Mr. Messier: So they would be open until 1:00 a.m.?

Mr. Miller: We're open every night until 1:00 a.m.

Sharon Lupo: Is it usually that late?

Mr. Miller: Yes, it usually is.

Colonel McCartney: If I may, Madame Chair, if you look back in your notes from last year; if you want to use that as a historical presence here, the hours for March 17th the Board approved from 3:00 p.m. to 9:30 p.m.

Chairwoman Baxter: So that's Live Entertainment Outside Tent. Okay, so that was 3:00 p.m. to 9:30 p.m.

Colonel McCartney: I believe that was with Mr. Miller's concurrence also.

Mr. Miller: I believe that was the music only.

Chairwoman Baxter: That's for live entertainment. You're outside seating was until 1:00 a.m.

Mr. Miller: OK. Last time we didn't even hold the event because we lost our parking across the street. The Colonel did the traffic study and we had to cancel the event because we lost the large parking lot across the street.

Chairwoman Baxter: This was for the beer festival, not St. Patrick's, right?

Mr. Miller: Correct. So, being responsible we cancelled the event because we lost our parking.

Chairwoman Baxter: OK. Do you have parking across the street for St. Patrick's Day?

Mr. Miller: We do have parking, and for the Friday as well.

Chairwoman Baxter: OK. Now the live entertainment outside last year was just til, we have the 15th until 8:00 p.m. from 3:00 p.m. and the 17th until 10:00 p.m. Now we have 7:00 p.m. – 12:00 a.m. and 7:00 p.m. until 12:00 a.m. both nights. Right?

Mr. Miller: Right. Well you have to put something down so you have to start with a benchmark.

Chairwoman Baxter: Right. Yeah. Have you booked anybody yet for music?

Mr. Miller: Yes.

Chairwoman Baxter: Do you have a contract with them for hours to play yet?

Mr. Miller: No, it's pretty much decided after the meeting is how we do it. I mean if we go to 11:00 p.m. both nights; that would be perfect. Because we haven't had any complaints or problems since we readjusted.

Chairwoman Baxter: OK. Thursday, I know it is St. Patrick's Day, but it is a Thursday. Do you think you could do 10:00 p.m. that night?

Mr. Miller: Can I have 11:00 p.m. on Friday?

Chairwoman Baxter: Yeah.

Mr. Miller: OK. Deal.

Chairwoman Baxter: OK. So the parking situation is cleared up. Mrs. Lupo, how does everything sound to you?

Ms. Lupo: Sounds OK.

Chairwoman Baxter: Does anyone have any questions?

Vice Chairman Paolucci: On your band selection, I don't know if you've gotten to that point yet, but you know all lot of these issues can depend on the band you select or the crowd they draw.

Mr. Miller: We haven't had any disruptive people, or any arrests or complaints. We get the same two bands every year. Actually the one that I think is the loudest one changed sound people so they said they've toned down a lot, and I usually make them shut the bass off all together. They take the boom out of the bottom.

Chairwoman Baxter: That's a good idea.

Mr. Miller: But they have a new sound guy and they said he's better, so.

Clerk McGovern: And the tent is going to be set up in the same place it's been in the past couple of years?

Mr. Miller: Yes, correct. That is the plan.

Chairwoman Baxter: OK. Are there any other questions or comments from anybody? No, okay.

ACTION: Colonel McCartney recommended approval pending building, tent inspection, and three detail officers. Chairwoman Baxter made a motion to approve pending building, tent inspection, and three detail officers. The hours are March 17 – 7:00 p.m. – 10:00 p.m. and March 18 – 7:00 p.m. – 11:00 p.m. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

13. Game of Chance/Raffle

Joanne Wilkins
Winman Jr. High School PTO
575 Centerville Road
Drawings held March 1-31, 2016

ACTION: Colonel McCartney recommended approval. Chairwoman Baxter made a motion to approve. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

14. Game of Chance/Raffle

Pauline Pinto
Norwood School
Event to be held at K of C Hall
475 Sandy Lane
February 19, 2016
5:30 p.m. – 9:30 p.m.

ACTION: Colonel McCartney recommended approval. Chairwoman Baxter made a motion to approve. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

15. Game of Chance/Raffle

Dora Arsenault
RI Speech Language Hearing Association
Event to be held at Crowne Plaza
801 Greenwich Avenue
March 5, 2016
8:00 a.m. – 4:00 p.m.

ACTION: Colonel McCartney recommended approval pending Rhode Island State Police approval. Chairwoman Baxter made a motion to approve pending Rhode Island State Police approval. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

16. Game of Chance/Raffle

Lori Silvestri
Ryan Quirk Medical Fund
Event to be held at Chianti's Restaurant
195 Old Forge Road
March 28, 2016
6:00 p.m. – 11:00 p.m.

ACTION: Colonel McCartney recommended approval pending Rhode Island State Police approval. Chairwoman Baxter made a motion to approve pending Rhode Island State approval. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

17. Private Detective (Renewal)

Patricia Anne McArdle
1643 Warwick Avenue

ACTION: Colonel McCartney recommended approval. Chairwoman Baxter made a motion to approve. Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

18. Private Detective (Renewal)

Dean S. Durning
d/b/a Accurate Investigations, Inc.
Box 6847, Warwick

ACTION: Colonel McCartney recommended approval. Chairwoman Baxter made a motion to approve. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

19. Discussion with the owners and tenants of Shore Line Pizza – 745 West Shore Road (Continued from Tuesday, January 26, 2016).

Colonel McCartney reads the above information into the record.

Colonel McCartney: I believe the owner of the building is also here tonight. He was also requested to come in so that we have a much better understanding of the whole relationship and the issues and the problems here that hopefully can get resolved.

Chairwoman Baxter (to Christopher Rodrigues – Business Owner): Okay. Just let me ask a quick couple of questions. What is the address of the pizza restaurant, 745?

Christopher Rodrigues: Yes.

Chairwoman Baxter (to Jessica Leonard – Residential Tenant): What is the address of your front door to go upstairs?

Jessica Leonard: 747

Chairwoman Baxter (to Mr. Rodrigues): What is the number on the door to the pub?

Mr. Rodrigues: There isn't a number on it.

Dennis Ranone (Building Owner): It was originally 749.

Chairwoman Baxter: But it isn't anymore, right?

Mr. Ranone: Well it got turned in to one unit. Years ago it was two units operating.

Chairwoman Baxter: Okay. 747 is the residence, okay. What is your name, sir, just for the record?

Mr. Ranone: Dennis Ranone.

Chairwoman Baxter: Okay. Could I ask, when Christopher applied for the liquor license, we have to notify everyone within a certain radius, so obviously Jess did not get a notice. You got a notice.

Mr. Ranone: No, ma'am.

Chairwoman Baxter: Did you know he was putting in a pub?

Mr. Ranone: Yes.

Chairwoman Baxter: Yes, OK.

Mr. Ranone: Yes, as long as he got all of his permits I was...

Chairwoman Baxter [interposing]: Did you let the tenants, the tenants pay you rent, right?

Mr. Ranone: Correct.

Chairwoman Baxter: Did you let them know that a pub was going in downstairs?

Mr. Ranone: I think they found out before I actually told them, right David?

David (Tenant): Yes.

Chairwoman Baxter: All right, we're just trying to make sense of all of this.

Mr. Ranone: I mean it was a while between the time he said he wanted to put a pub in and the time it actually opened. It was like eight months.

Chairwoman Baxter: OK, and um, I understand that you have a new floor (to tenants)? Did I hear that?

Ms. Leonard: We have a new kitchen floor, tiles.

Chairwoman Baxter: OK, nothing to do with soundproofing or anything like that?

Ms. Leonard: It says it will, but it's been down since Saturday and it still sounds the same.

Chairwoman Baxter: OK. How...

Mr. Ranone [interposing]: It's not going to help.

Chairwoman Baxter: OK, but Christopher said that they got a new floor. I didn't know if there was some soundproofing being put in.

Mr. Rodrigues: Yeah, they texted me saying that there was going to be some noise because they were doing some floor work upstairs.

Chairwoman Baxter: No, no, no, was it going to be soundproofed so that they couldn't hear you, that's what I was wondering when you said they had a new floor.

Mr. Rodrigues: I had no idea what they were doing.

Chairwoman Baxter: OK. How was, here's a good gauge; how was the Superbowl?

Ms. Leonard: Um, Sunday was my birthday, so we didn't really watch the Superbowl too much.

Chairwoman Baxter: No, I mean were you home?

Ms. Leonard: On and off all day.

Chairwoman Baxter: OK, because I'm wondering was it, how was the noise from the pub?

David: We could clearly hear the TV and people.

Chairwoman Baxter: OK, all right, um, the main issue here of course is the noise. You're in a residential neighborhood. You have a tenant upstairs, and they also need to be taken care of. You did everything the right way. Everything's, you know, we were just a little confused about the license is to

Shoreline Pizza, but you have a pizza sign and you have a pub sign and they both say open like they are two different businesses. So we were just a little confused about that, because the license is to the pizza place.

Mr. Rodrigues: Yeah, we basically just put a sign that says Shoreline Pub just to let people know that there was a pub there now. The reason that we put Shoreline in big letters on both signs is because it's one place. In hindsight, it probably would have been smarter to change the name to Shoreline Pizza and Pub, because then we wouldn't have that issue.

Chairwoman Baxter: OK, and you're open Monday through Friday, what are your hours?

Mr. Rodrigues: We're open seven days a week, 11:00 a.m. to 1:00 a.m.

Chairwoman Baxter: 11:00 a.m. to 1:00 a.m.

Mr. Rodrigues: The bar is open until 1:00 a.m. and pizza closes at 12:00 a.m. Actually the bar opens at noon, we don't serve before noon.

Chairwoman Baxter: OK, and how are we doing for parking and such?

Mr. Rodrigues: We have the road, basically, that's all we use for parking. The appliance store lets us park there too.

Chairwoman Baxter: OK, and like I noticed, I stopped in today just so I could visually picture the opening between the two, or the one place, whatever. When I was driving out there was a guy in your doorway smoking. Now he's supposed to be 50 feet away if it's a restaurant, right?

Mr. Ranone: I think that's a health department recommendation. I don't know if it's law.

Mr. Rodrigues: I've never heard that before, I can look into it though.

Chairwoman Baxter: Well that was just something that I noticed. All right, so, does anyone have any; I'm seeing your email that saying it started out quiet and then it got, this is dated February 4th, it started out kind of quiet and then it's been getting loud again.

Ms. Leonard: The last meeting, the 26th, we didn't hear anything all night.

Chairwoman Baxter: Yup, it says that.

Ms. Leonard: It gradually just got back to where it was. It pretty much the way it was before the meeting is how it continued for the rest of that week. I'd say our biggest complaint, my biggest complaint, is that Friday night there were people downstairs, whether it was workers or whoever, until 1:00 a.m.

David: Past 1:00 a.m.

Ms. Leonard: Past 1:00 a.m.; 2:00 a.m., somebody's car radio was playing from like 1:10 a.m. until well after 1:30 a.m. out on the street. You could sing along with the song it was so loud.

Colonel McCartney: Did you call the Police?

Ms. Leonard: No.

Colonel McCartney: All right, I would ask in the future that when you have a problem please call us. That way we have, we're hearing your testimony, but it would be helpful if we can document this too.

Ms. Leonard: OK.

Colonel McCartney: We've got to have a complaint. We can probably take care of your complaint too.

Chairwoman Baxter: OK, and uh, so the workers have to be out by 1:30 a.m. or 2:00 a.m.?

Colonel McCartney: They should be out by 1:30 a.m.

Mr. Rodrigues: When I'm there, I'm normally...

Colonel McCartney [interposing]: Yeah, if you have a 1:00 a.m. license, they should be out of there by 1:30 a.m. If you need an extension, then you have to call our Officer in Charge; if you have some extenuating circumstances.

Mr. Rodrigues: I did think it was 2:00 a.m., but if it's 1:30 a.m., we'll call for an extension.

Colonel McCartney: Everybody's got to be out of there by 2:00 p.m.

Mr. Rodrigues: We don't serve; we call last call at 12:45 a.m. and try to have everybody out by 1:15 a.m.

Colonel McCartney: 1:30 a.m.; 1:00 a.m. you shut it down, OK? 1:30 a.m. only the workers should be in there and then by 2:00 a.m. that's it, gone.

Chairwoman Baxter: OK, um, you know we talked about this at the last meeting; about maybe setting some restrictions on either hours or the noise. One thing we talked about was if you guys are hearing all that noise, if you call the Police Department they will come in and they can bring a sound meter into your apartment. If it's over a certain amount of decibels, they have a violation. You know, you're right upstairs, so that's an option.

Colonel McCartney: I would say in this particular situation, which is a little bit different than the other problem that we deal with; if an officer shows up there he can clearly, if the music is that audible right there, I'm not even sure we have to deal with the sound meter.

Chairwoman Baxter: Yeah, but I mean that's something that, if it's that loud please, you know you can call.

Colonel McCartney: It's all about calling the Police.

Chairwoman Baxter: Yeah, there needs to be a record, and please don't feel, the Colonel is offering it to you, so please don't feel like you're being bothersome.

Colonel McCartney: I will also bring it to Officer Maggiacomo's attention too, and the community police too, to step up the vigilance. That way they can communicate with you and they are going to be communicating with the owner and it's going to get resolved.

Chairwoman Baxter: We're not trying to penalize you or anything. It's just that there are two people here. We have to balance the business and the resident, and you are in a neighborhood besides that. So...

Mr. Rodrigues: Could I, uh, ask something quick?

Chairwoman Baxter: Absolutely, go ahead.

Mr. Rodrigues: This is just a suggestion, I'm trying to resolve this any way we can. If we could get that decibel, like if you guys come up with this can't go above this decibel...

Chairwoman Baxter [interposing]: There's already a City Ordinance.

Mr. Rodrigues: And we have an officer go upstairs and just have the decibel reader so that we can turn the volume up to say where it doesn't break any, so we have an idea where it needs to be at.

Colonel McCartney: Well let's let common sense be our guide here. You're downstairs, they're upstairs. It's as simple as that. Other problems that we deal with require the use of the sound meter. Your particular situation, let's talk about common sense here. We're not going to cheat and turn it up because I can guarantee you, that's a recipe for disaster.

Mr. Rodrigues: It seems like they hear the music louder than we do. That's the case.

Chairwoman Baxter: Well you know what, it's all relative. You guys have the music and you guys are talking, so you're hearing it as background noise. They're upstairs in bed, God almighty, all I can hear is this music, because there is no background noise. There's not 30 people in their apartment talking.

Mr. Rodrigues: Like I said, I'm not trying to be, I've never been a jerk about this. I've been trying my best to not cause any problems and do what we can to resolve this issue without actually having to deal with anybody, but it's just coming to that point. I can't hear the volume from the kitchen, and it's an open space. I can't hear it and then I go over there, and when I do go over there and it's too loud I turn it down, I always do. Sometimes when I'm not there at 10:00 p.m. the bartender is busy and it might slip their mind and that's where we end up that it's louder.

Clerk McGovern: As the Colonel said; common sense.

Colonel McCartney: Let me be very succinct here. If the officer shows up, you have a situation here where you have a building; you have your business downstairs, you have a residence upstairs. That's a very difficult, challenging situation. You chose to have your business there. I'd love to see you stay and have your business, but, you do have to respect the fact that you do have a residence upstairs. Forget about the sound meter here. To me, it's all about common sense. If you're telling me that while you're not there and your bartender turns up the sound on you, then you need to have a very serious discussion with your bartender.

Mr. Rodrigues: It's not that they turn it up; they just don't turn it down. It's not going any louder than it's supposed to.

Colonel McCartney: Well, here again, let's talk about common sense. You heard what I just said, right Mr. Rodrigues?

Mr. Rodrigues: No, I agree.

Colonel McCartney: It's as simple as that. I can't make it much simpler than that, because we're going to have peace here, one way or the other. I don't want to have you keep coming before this Board, but my officers will be the ones that will make this decision. I mean we could have the back and forth go here every single time. That's why I'm telling them if you want some relief, then you call the Police. Don't wait and come in here and say well I sat and listened to this thing all night. I'm going to sit here and say why didn't you call the Police. Then the Police will evaluate this situation. Okay? We certainly want to respect your right to have a business here, but you've got to understand Chris, you've got a very challenging situation here. I'm sorry, but you do.

Clerk McGovern: How many employees do you have?

Mr. Rodrigues: 15 total maybe.

Chairwoman Baxter: How many are in there on the average night? Say a Friday night.

Mr. Rodrigues: Four.

Chairwoman Baxter: Okay.

Mr. Rodrigues: Well four in the kitchen plus the owner, me or whoever's there, and a bartender. So, maybe six at the most.

Clerk McGovern: How many are not aware of this situation?

Mr. Rodrigues: Everyone is pretty much aware of it at this point.

Clerk McGovern: OK. Well that's a start. That's part of the common sense that the Colonel is talking about.

Mr. Rodrigues: I'm pretty sure that every customer who comes in is aware of what's going on. I've had to turn the volume down with a bar full of people in there who basically boo me when I do it. I have to go back in the kitchen...

David: When was the last time that I asked you to do that?

Colonel McCartney: You know what? I can be somewhat be a little sympathetic here, but once again we know what we're dealing with here.

[crosstalk]

Chairwoman Baxter: One at a time, please.

Mr. Rodrigues: I'm just saying I do try my best to keep it reasonable.

Solicitor Pearson: I think both parties, and again, I'm an Assistant Solicitor, my function is to give legal advice to the Board. Let me offer a point to both parties that the Board's function is to balance commercial and residential needs, concerns, and operations. Although a liquor license may have been obtained and there are maximum allowable times and functions of operation, the Board's authority can be to minimize hours, volume, capacity, and anything affecting that liquor license and that victualer license. Again, no one has more rights and authority in residential and commercial operations. It's for the Board to determine the particular circumstances of what is allowable for a business operation in conjunction with the residential operation.

Mr. Rodrigues: I just want to...the thing you just said about if we had to balance out hours, if we have to close down early I can guarantee you we'll be out of business. A third of our income comes in after 10:00 p.m., so it's hard for us to say that we have to close early. We'd have to move in order for that to happen. We would literally go under. There are too many bars in the City that people would go to instead.

Ms. Leonard [interposing]: I'm sorry, I don't mean to interrupt.

Ms. Rodrigues: No, go ahead.

Ms. Leonard: We've always had very good conversations about it. You don't want to have to shut down early because you'll end up having to close your business, but what it's going to turn into is the only way we're going to be able to go to sleep when we're tired is if we move. We worked for seven months before I actually called and the reason I called is because it had been multiple times you guys have been invited to come upstairs and listen to what it sounds like from our point of view. It's always I'm busy doing this, I've got to make a run; we understand that you're busy, but both of you go outside and smoke cigarettes. If you have five minutes to go outside and smoke, come upstairs, we're smokers.

Just sit down and listen. If one of you would have come upstairs that night, I wouldn't have called, because you would have had a better understanding of what we listen to every night.

Mr. Rodrigues: There is no way it sounds like that every night, there is no way.

[crosstalk]

Chairwoman Baxter: One at a time, please.

Ms. Leonard: Officer Maggiacomo was there after he had stopped. He could still hear the music, the conversations, and the TV. We can still hear things clearly. You guys have been invited upstairs multiple times.

Mr. Rodrigues: Even if I could hear it, how am I supposed to change that, except to lower the volume down to no one wants to be there anymore.

David: How about soundproofing?

Mr. Ranone: We've tried.

Ms. Leonard: You have put sound dampening insulation, which we've said both didn't work. We've said it from the beginning.

Chairwoman Baxter: Could I speak to the landlord about soundproofing? This is your building and you're kind of sitting there and you're collecting rents from everybody and they're having a lot of problems here. Have you thought about putting in any soundproofing or anything?

Mr. Ranone: Well, let me, can I back up a step?

Chairwoman Baxter: Yup.

Mr. Ranone: When they said they wanted to open a bar I said I'm good with that as long as you get all of your permits. My lease says you have to do everything according to local state codes. The only things I asked is that I don't want my tenants disturbed so we're going to have to do something about soundproofing. Now, what we've done so far, and I've paid most of it, which was not my responsibility to do; but again, they're trying to open a business and I know how tough it is. So we put the sound proof blown in insulation in the ceiling between the ceiling and their floor, which helped a lot; but they kept getting busier. The busier they got, the louder it got. Then we bought some sound proof acoustic panels that we hung on the walls. I spent about \$400 for those; all together we're in to this for about \$874 and another \$400. We I think it may need is a drop ceiling with acoustic tiles like you've got here. We thought about doing that, but that was rather expensive compared to what we've already shelled out. But what I found strange was, when the pizza parlor first opened, prior to them buying it, the last owner was forced to put a drop ceiling in the pizza parlor because the City said with the tenants being upstairs walking around cause dust to come falling down into the food. I was curious that they didn't have to do it on the bar side.

Mr. Rodrigues: Well, because, I think I talked to you about this when the Health Department came in the first time, there was one tile that was cracked, like a little broken. They were like you should take that down and they're like don't bother putting any more up. As they break just take them down and down replace them. One guy said they wanted a drop ceiling and the other didn't want it there because the particles from the drop ceiling could drop into the food and they didn't think that was good. So, I didn't, none of the tiles broke so far so I haven't had to take any down, but, according to the Health Department they don't want us to replace them. They don't want them to fall in the food.

Mr. Ranone: Well I'm not sure who ordered the ceiling to begin with, whether it was the City of Warwick or the Health Department. That I don't remember, that was quite a few years ago. But it certainly helped on the sound on that side. The tenant on that side has no problems.

Chairwoman Baxter: Are there two tenants upstairs?

Mr. Ranone: Yes, there are two apartments.

Mr. Rodrigues: But we also don't have a bunch of TVs and a radio on that side. That late at night, there's nobody on that side. The only sound you hear from the kitchen side at night is me, or whoever is in the kitchen working. That's pretty much it.

Mr. Ranone: Well, you can hear it in the hallway, so if you can hear it in the hallway - -

David [interposing]: Yeah, he said that. He said he couldn't hear the music in the hallway.

Mr. Rodrigues: The officer said the last time that he couldn't hear anything in the hallway.

David: Yeah, he said that. He said he couldn't hear the music in the hallway.

Mr. Ranone: Well, again, it would depend on the volume. I mean I've gone over there, and Chris will tell you, I've gone over there and we've tried volume levels, and I'd go upstairs and say how's this you guys and they'd say fine. But, when we were doing that it was five in the afternoon and there was one person at the bar. By midnight and you have a full bar; and the more people drink, obviously the louder they seem to get, then that sound proofing just wasn't enough that they could get a good night's sleep.

Vice Chairman Paolucci: I know there's one thing you can do with the sound proofing. The ceiling, you can put a sound proof tile, but the surface has to be a, I can't think of the name of it but it's like a fiberglass. You see it on the walls. It's got a pebble finish or a smooth surface, as long as it's a cleanable surface you can; you can't put it in the kitchen but you can put a panel first; it's about an eighth of an inch thick.

Mr. Ranone: It's a drop ceiling?

Vice Chairman Paolucci: Yes, it's washable. Yes, you'd have to cut the tiles to fit in the drop ceiling, and have the sound proof - -

Mr. Ranone [interposing]: That's what they are saying now that the Health Department doesn't want.

Mr. Rodrigues: Well they said they didn't want stuff like that (pointing to the ceiling in the room).

Chairwoman Baxter: On the pub side?

Mr. Rodrigues: On the restaurant side. But I'm assuming if you put it on the pub side the same thing would be the case. If that stuff breaks, it can fall into drinks or people's food that are eating at the bar.

Vice Chairman Paolucci: There's a product you can use, I can't recall the name of it.

Corey (Bartender): I think it's called RFP Board, it's always in bathrooms and kitchens.

Chairwoman Baxter: All right. I'm wondering about if the TVs turn off at a certain time, is there no more radio at a certain time; only because I feel like if we tell you guys all right just leave, let's see what happens, you guys call the Police, you guys turn it down on your own, I almost feel like we're going to see you in two weeks. Um, so I don't know, are we thinking about the TV goes off at a certain time?

Vice Chairman Paolucci: I mean have you done any measures to move TVs around, move speakers around at different locations that's not underneath the living space?

Chairwoman Baxter: It sounds like the whole place is under their living space. Right?

Ms. Leonard: Yeah, the bar is underneath our apartment. Over the summer they unplugged the sub-woofer, which definitely helped with the bass and the shaking. But, if there's a lot of people in there and the people are getting loud, it's like they'll turn up the radio and TV. It's like the louder they turn it up, the louder the people get. It's kind of like a constant thing. It's expected, but we were told in all of our conversations that it wasn't going to be a late night thing and it wasn't going to be bad. In the last couple of months it's the later it is at night, the louder it gets; which we get, people get drunk, they get sloppy, they get loud. But, we shouldn't have to pay for that. That's pretty much where we're at. We just want to be able to go to bed when we're tired, we don't want to have to wait until the bar downstairs closes to be able to go to bed and get up five hours later so that he can go to work.

Chairwoman Baxter: I'm thinking if it's January or February and it's this loud how's it going to be in the summer? You know, it's when people are out and it's lighter out until 9:30 p.m. That's a problem.

Mr. Rodrigues: There is only one TV that has sound and it's only on if it's a big sporting event, unless someone wants to listen to a Bruins game or something. Now that the Superbowl is done - -

Chairwoman Baxter [interposing]: But what about the music? I mean she's talking about sub-woofers and stuff.

David: They unplugged those over the summer.

Ms. Leonard: Yeah, over the summer. That was one of the first things that was done to resolve the issue, but without the bass it's still the volume. Some of the people that come in will show up at 11:00 p.m., 12:00 p.m. There was, was, seven cars that showed up between 11:45 p.m. and 12:00 a.m. the weekend after the last meeting and it was just loud for the rest of the night.

Clerk McGovern: So if we're to understand where the music is coming from, is it TV, music, or people?

Ms. Leonard: It's kind of a mix of everything. If there's not a lot of people, like there could be one person in there and we can hear what they have on for the TV or for the radio with our TV on. It's kind of like dueling sounds. We can hear it in between. If we watch anything quiet, we can hear everything going on downstairs.

Clerk McGovern: Does the music come from the jukebox?

Mr. Rodrigues: No, it's just a radio.

Clerk McGovern: So do you have the radio and the TV both on at the same time?

Mr. Rodrigues: The TV comes through the stereo, so it's either one or the other. I remember one point and time where you called me, it was a while back, and I asked you on the phone if it was the music this time or what's the deal; because I remember saying that was the fifth time you had called me about it. I know that I had put the music at the volume that we had all agreed on and he told me no it's not the music it's the people. I was like what the hell am I going to do about the sound of people's voices, I can't control that.

Chairwoman Baxter: Again, if they, you know if they, and they're going to have to do this next time; your next call is going to be to the Police and not downstairs. If a police officer goes upstairs; he won't even need a sound meter. He's going to say whoa it's over 50 decibels and he's going to come downstairs and write you a violation; and then you're going to go to court.

Mr. Rodrigues: Now can a person's voice reach over 50 decibels?

Chairwoman Baxter (adjusting her voice): Absolutely it can. Yes it can.

Mr. Rodrigues: Is that too loud, that's crazy to me.

Colonel McCartney: He's going to know with the violation that he can hear the noise distinctly and it certainly, as it can be interpreted, as being annoying and in violation. OK. Let's go back and talk about the common sense we've been talking about earlier here.

Chairwoman Baxter: Like the Colonel said, there is a City Ordinance and it was taken care of last year. Generally when there is an issue there is the restaurant with music here and 200 feet away or, you know, blocks away is the neighbor who's complaining. The officer goes to that house, has the sound meter and we've had violations. They are upstairs. They're 12 feet over your head, not even.

Mr. Rodrigues: And as far as I understand, he took a decibel reading that night. It didn't break the City Ordinance, even in their apartment. That's part of what we're getting at.

Solicitor Pearson: Again, that's two different things. That's a citation for which you receive a ticket and you're in front of Municipal Court. That's violating the sound ordinance. That's not the same thing as the Board regulating your license because of bothering upstairs residents. Its two different things.

Mr. Rodrigues: OK.

Chairwoman Baxter: So, Diana just gave us a great idea. You're going to have to either, on your own, turn the music down or the TV down or their going to call the Police.

Mr. Rodrigues: I understand. I mean I do understand, but I don't; because there are people living on top of bars on every street corner in Providence.

Chairwoman Baxter: We're not talking about Providence here.

Colonel McCartney: We're not talking about Providence. Please, let's not use that as an analogy here.

Mr. Rodrigues: That was a quote from a city official that I talked in between this.

Chairwoman Baxter: You're here tonight. I have no idea who you spoke to.

Mr. Rodrigues: I know you don't. I'm just saying; I'm not bringing any names up either, but I'm just saying. I've had this come from a high official in this city so it's hard for me to come in here and hear that. I get what we need to do and I understand if we break an ordinance it is what it is.

Colonel McCartney: With all due respect, Chris, you made a decision as a business owner to open up a bar and a pizza place with people living above there. It's a very, very challenging situation. It's not my business to tell you not to do that, OK, but you have to recognize that you made that decision. You're living with the negative side of this problem.

Mr. Rodrigues: Oh, I know.

Colonel McCartney: I'm sorry but it's the reality of the world that you have to live in here.

Mr. Rodrigues: It is what it is and I'll do whatever you guys tell me I have to do.

Chairwoman Baxter: You are in a residential area too. I mean, when I went down Transit Street to turn around its all houses.

Clerk McGovern: Dennis, is a ceiling possible as a solution, as the owner?

Mr. Ranone: What James was talking about?

Chairwoman Baxter: Some sort of insulated ceiling.

Mr. Ranone: I think so. First we thought about doing the drop ceiling. Whatever we do on the ceiling, we have a lot of electrical lights. Conduit on top of the ceiling, all that's going to have to be moved so whatever we do is going to be a more expensive proposition to do something on the ceiling, unless they can just cut around all that. You've got the smoke alarms and whatnot.

Vice Chairman Paolucci: How long were you operating, prior to expanding, as just a pizza place only?

Mr. Rodrigues: We had no issue at all.

Vice Chairman Paolucci: No, how long were you operating?

Mr. Rodrigues: A year and a half.

Mr. Ranone: Yeah, a year and a half.

Vice Chairman Paolucci: Were there any issues at that time?

Mr. Rodrigues: No

Chairwoman Baxter: They're not over the pizza place; you were over storage then, right?

Mr. Rodrigues: Yeah. There hasn't been anything on that side of the building in I don't know how many years.

Mr. Ranone: Yeah, that side of the building has been used for storage for the last 12 or 13 years.

Chairwoman Baxter: And you've been there 11 years.

Ms. Leonard: Yes.

Chairwoman Baxter: OK. It's just a discussion tonight. The only thing that we can say is that you turn it down, and you guys have to start calling the police. If you have to call them every night, twice a night, do it. Then they have a record and then if there's violations you know what's going to happen, the Colonel told you, you're going to be at Municipal Court. The only other thing that I can say is I have no problem saying turn off the TV and turn off the music at 10:00 p.m. during the week and 11:00 p.m. on the weekends; just because, like I said, you're going to have the police in there. I guarantee it.

Mr. Rodrigues: I feel like we're going to have the police in there - -

Chairwoman Baxter [interposing]: No, no, no, no - -

Mr. Rodrigues [interposing]: Because if we turn off the TVs and we turn off the radio, if someone is talking too loud, are they going to call the police?

Chairwoman Baxter: They might. That's their prerogative.

David: If we were just complaining to complain why did it take us almost eight months to actually call the police something?

Mr. Rodrigues: I understand the whole situation guys; I never said I didn't understand. I get it. But, how can I control someone's voice? You're asking me to be God right now.

Chairwoman Baxter: Again, the Colonel said, you're in a very challenging situation. OK.

Colonel McCartney: You are the business owner.

Mr. Rodrigues: Like I said, I'll do anything you guys tell me to do.

Chairwoman Baxter: Well, I can't tell you to put a ceiling in. But we can restrict your hours and we can put some stipulations on your license. All I can say this time is you turn it down and you guys start calling. I don't think they are going to do it out of retribution, I think they just need to go to sleep.

Colonel McCartney: I mean, ultimately, the police are going to determine if there's a problem there or not.

Chairwoman Baxter: Yeah, because if they go upstairs and say oh this is 40 decibels, they're under the limit, they're going to have to live with that. But, if it's higher then you get a citation just like other businesses in the city have gotten citations when neighbors have called. Then they need to go to court and deal with it and they get a ticket.

Mr. Rodrigues: That's fine. Whatever you guys say, we'll do it.

Chairwoman Baxter: All right, so - -

Mr. Rodrigues [interposing]: I'm willing to - -

Chairwoman Baxter: Well then you guys start working on a ceiling or something, you know, I can't tell you to do that, but that's something you've got to look into. Like I said, their only option is to call the police department. Unless you want us to restrict your hours so we tie your hands for you, we can do that, if you want us to do that. We can close you down at 10:00 p.m. and 11:00 p.m.; or you can roll the dice and see if you can keep it quiet in there.

Mr. Rodrigues: If we close down at 10:00 p.m. and 11:00 p.m. we go out of business.

Chairwoman Baxter: OK, so then you're going to have to turn the sound down and tell your clients, the customers, I don't know, I don't know what you tell them. We've had Grid Iron, over on Post Road, they had some of their customers parking on the streets, throwing garbage; you know what they put signs up and it stopped. The neighbors stopped complaining and calling the police. It stopped because they told their customers to stop it. So, it can be done, OK?

Mr. Rodrigues: Like I said, we'll do whatever we need to do.

Chairwoman Baxter: OK. Obviously, if there is an issue, you guys will be back in here. If there's violations; you'll be back in here. You guys know what you have to do.

Mr. Rodrigues: Do you need all of this information that you asked for the last time?

Chairwoman Baxter: No, Lisa got it all together for us. Thank you though.

ACTION: No action necessary.

20. Discussion with Ms. Carmelina Cenami, owner of Viti's Bakery as to why she is operating without a license (First appearance before the Board was on March 24, 2015).

Colonel McCartney: This really all comes down to the fact that she's been operating all along this period of time without Health Department approval.

Chairwoman Baxter: Is that what you're holding in your hand?

Carmelina Cenami: Okay. This is all new for me, because I really didn't know when I bought the place, they said they were going to help me but that didn't happen. Everything was almost all set, but then Saturday a piece in the boiler broke, so I'm without hot water. They are going to fix that tomorrow morning. After that, everything is all set.

Chairwoman Baxter: All right, so this is today, the Health Department came in.

Ms. Cenami: Yesterday.

Chairwoman Baxter: Okay, I'm sorry.

Ms. Cenami: It's the only thing missing, I have everything else.

Chairwoman Baxter: But, there's still no license yet.

Colonel McCartney: Well, it was pending approval from the Health Department. That was the recommendation back on March 24, 2015.

Chairwoman Baxter: All right, so it's almost a year.

Colonel McCartney: Like I said before, it's great that I'm looking at this document from afar. Obviously if it's dated today, that's wonderful and that takes care of today. Whether the Board wishes to wonder why it took so long, that's up to the Board.

Ms. Cenami: Can I; when I got the place I started running the business; pieces were breaking, things weren't working out the way they were supposed to be and every time, they came in two or three times, and just with...

Clerk McGovern [interposing]: Who's they?

Ms. Cenami: Oh, I'm sorry, the Health Department. There was always something that was wrong, that wasn't in code. So, I had to fix it again and then call them again and then something else would break and then I would have to fix that and it took some time to get everything going and the business running. It's only a year that I've been here and I didn't know how everything was supposed to work.

Chairwoman Baxter: Right, but when you bought the business I guess last year, I know that's the Health Department, but we're talking about a license from the City that it sounds like you still don't have.

Ms. Cenami: No, because this was the last thing...

Colonel McCartney [interposing]: Here again, just for clarification purposes; if that's from the Health Department if the Board wishes, here again back on that date, everything was approved pending Health Department and that's why I brought it to the attention of the Board. It's wonderful that she's brought it in today, but now we're talking about all of the period of time going back to March 24, 2015 where there was no Health Department approval and she was operating without a license. So that's the issue.

Chairwoman Baxter: Can I see that please?

Ms. Cenami hands the paperwork to Chairwoman Baxter.

Chairwoman Baxter: Okay, so this is dated June 25, 2015. So this is that there is a CO from the building official last June. You're saying that you had issues that the Health Department kept coming in and saying needed to be fixed. This has been going on since last March?

Ms. Cenami: Yeah.

Chairwoman Baxter: It's almost a year. Things have been breaking for almost twelve months?

Ms. Cenami: Almost.

Clerk McGovern: What's an example? I understand the hot water.

Ms. Cenami: Okay, now the hot water was the last thing. I had a deli case that broke. I'm paying the mortgage, I'm paying the rent and the deli case broke so it took me a while.

Clerk McGovern: Was it the thermostat, could the deli case not keep things cold?

Ms. Cenami: It was the compressor, right so I had to fix that. I had in the kitchen there were some issues with the floor and the air gaps so I had to have some people come in and take care of that. It just took me time to get...the big issue was the deli case.

Chairwoman Baxter: So the hot water is getting fixed.

Ms. Cenami: Yes, tomorrow.

Chairwoman Baxter: Tomorrow. And then when is the Health Department coming back?

Ms. Cenami: Tomorrow.

Chairwoman Baxter: The Health Department is coming back tomorrow, okay. All right, it is the first time you've been in, your first offense, let me say that. Right, Colonel?

Colonel McCartney: Yes Ma'am.

Chairwoman Baxter: Okay. But, it's pretty serious in that it's been a whole year without a license.

Ms. Cenami: I didn't know how things worked here. I should have been better informed. I'm sorry.

Chairwoman Baxter: Okay, all right, as soon as the Health Department approves this, hopefully tomorrow, you need to call the Licensing Clerk at the Police Department, okay?

Ms. Cenami: Okay.

Chairwoman Baxter: Okay, and give them, get a Health Department, whatever the approval looks like, whatever the paper looks like, they need to get a copy of that. Then, your license will be working.

Clerk McGovern: Wait, let's back up. The plumber is coming in tomorrow morning?

Ms. Cenami: No, no, no, the Health Department. They're fixing the boiler tomorrow morning.

Clerk McGovern: The Health Department fixes it?

Ms. Cenami: No, no, a technician is coming in and fixing the boiler, and I already talked with Jackie of the Health Department; as soon as that is fixed I call her and she comes in. That's the only thing she needs to see that I have hot water and it's all set, because I've fixed everything they've told me to fix.

Chairwoman Baxter: Okay.

Vice Chairman Paolucci: Has the Health Department at any time asked you to stop operations?

Ms. Cenami: They didn't say anything because everything was temperatures and everything was working out.

Colonel McCartney: I'm suppose that's the central question here, if I may interrupt. She really at this point, the question is should she be operating since she technically has not fulfilled the license requirements. So, it's up to the Board whether she should cease and desist operations until she is finally in good graces here. I mean this has been going on for almost a year.

Chairwoman Baxter: It's a long time.

Whispering is heard in the background.

Clerk McGovern: You need to know the rules and regulations.

Ms. Cenami: I didn't even know I needed to be a Serve Safe Manager so I took that. I did that in May, so I try to do my best.

Clerk McGovern: You know, at this point, if it doesn't get fix it tomorrow...

Chairwoman Baxter: What time are they coming in the morning?

Ms. Cenami: In the morning. They told me before 12:00 p.m.

Chairwoman Baxter: Were you intending on being open while the boiler was being fixed?

Ms. Cenami: Uh, I don't know. Can I?

Chairwoman Baxter: I'm just asking you.

Clerk McGovern: If you weren't coming in here tonight, what time would you be open tomorrow?

Ms. Cenami: 7:30 a.m.

Chairwoman Baxter: So you were going to open while the boiler was being fixed.

Ms. Cenami is seen nodding her head.

Chairwoman Baxter: Okay. I'm almost inclined to say, you know, maybe tomorrow you need to get the boiler fixed, get the health department to approve it, and then you open on Thursday. Just because this has been a year. I understand that you're new to this, I get it, but it's been a year. That's a long time without health department approval. Quite frankly, you know, that would make me quite nervous if I were a customer.

Colonel McCartney: If I could make a suggestion, Madame Chair.

Chairwoman Baxter: Yes, sir.

Colonel McCartney: The steps that you outlined should also include all paperwork submitted to my Licensing Clerk, so my Licensing Clerk can tell me that she is now in good graces. When my Licensing Clerk tells me she's in good graces, then she can operate.

Chairwoman Baxter: I think that's fair. So what the Colonel is saying is when all of your paperwork from the health department is approved and it gets to the Licensing Clerk, it's up to you to get it to the Police Department to the Licensing Clerk tomorrow, then the Colonel will say you're in good graces and you now have a license.

Colonel McCartney: The Licensing Clerk will clear you. She'll just notify me so that I can just keep the Board apprised.

Chairwoman Baxter: So then hopefully it's all done tomorrow and you're open on Thursday morning.

ACTION: Chairwoman Baxter makes a motion that as soon as all of the Health Department paperwork is in to the Licensing Clerk, and she clears you, you can then open. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

At 8:20 p.m. the Board closed this session.



Thomas P. McGovern, Clerk