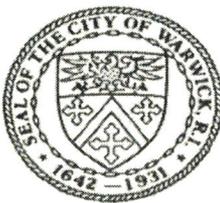


CITY OF WARWICK

LESLIE WALASKA BAXTER
Chairwoman

JAMES PAOLUCCI
Vice-Chairman

THOMAS P. MCGOVERN
Clerk



POLICE DEPARTMENT
99 Veterans Memorial Drive
401-468-4200

FIRE DEPARTMENT
111 Veterans Memorial Drive
401-468-4000

BOARD OF PUBLIC SAFETY
Warwick, Rhode Island 02886

POLICE DEPARTMENT – REGULAR SESSION

BOARD OF PUBLIC SAFETY ROOM
WARWICK POLICE HEADQUARTERS

January 12, 2016

MINUTES

At 7:20 p.m. the Board of Public Safety entered its regular session for Tuesday, January 12, 2016. Present were Colonel Stephen M. 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 Wednesday, December 16, 2015 to be 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.

At a meeting of the Board of Public Safety held on Tuesday, January 12, 2016, the following took place:

Detective Frank J. McGee, III was promoted to Sergeant effective Tuesday, January 12, 2016.

The following officers were recognized for their elevation to the rank of Detective:

Effective Monday, September 21, 2015:

Nadine J. Parmenter
Nicholas A. Reay

Effective Monday, January 18, 2016:

Gilda T. Fortier

The following transfers will take effect at 0700 hours on Monday, January 18, 2016:

Sergeant Frank J. McGee, III assigned to the Third Platoon, Uniform Patrol Division.

Sergeant John J. Choquette from the Third Platoon, Uniform Patrol Division to the Second, Uniform Patrol Division.

Detective Gilda T. Fortier from the First Platoon, Uniform Patrol Division to the First Platoon, Detective Division.

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.

Detective Eric J. Johnson submitted his intent to retire from the Warwick Police Department effective Wednesday, March 30, 2016, with a pension rate of 54.515 percent. Detective Johnson was sworn in as a member of the police department on Sunday, December 26, 1993, and will have served the department for over 22 years. His last physical working day will be Wednesday, January 20, 2016.

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.

LICENSES AND PERMITS

Chairwoman Baxter: I move that the previous closed session of the Board of Public Safety remain closed pursuant to the exception provision 42-46-5 (a) (1) of the Open Meetings Law.

Vice Chairman Paolucci seconded the motion.

Chairwoman Baxter, Vice Chair Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

Chairwoman Baxter moved to go into closed session pursuant to the exception provision 42-46-5 (a) (1) of the Open Meetings Law.

Vice Chairman Paolucci seconded the motion.

Chairwoman Baxter, Vice Chair Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

At 8:16 p.m., the Board entered into Executive Session.

At 8:25 p.m., the Board returned to Regular Session.

3. Request for Weapons Carry Permit (New)

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.

Chairwoman Baxter: I move that the previous closed session of the Board of Public Safety remain closed pursuant to the exception provision 42-46-5 (a) (1) of the Open Meetings Law.

Vice Chairman Paolucci seconded the motion.

Chairwoman Baxter, Vice Chair Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

Chairwoman Baxter moved to go into closed session pursuant to the exception provision 42-46-5 (a) (1) of the Open Meetings Law.

Vice Chairman Paolucci seconded the motion.

Chairwoman Baxter, Vice Chair Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

At 8:05 p.m., the Board entered into Executive Session.

At 8:15 p.m., the Board returned to Regular Session.

4. Request for Weapons Carry Permit (New)

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

Chairwoman Baxter: I move that the previous closed session of the Board of Public Safety remain closed pursuant to the exception provision 42-46-5 (a) (1) of the Open Meetings Law.

Vice Chairman Paolucci seconded the motion.

Chairwoman Baxter, Vice Chair Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

Chairwoman Baxter moved to go into closed session pursuant to the exception provision 42-46-5 (a) (1) of the Open Meetings Law.

Vice Chairman Paolucci seconded the motion.

Chairwoman Baxter, Vice Chair Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

At 8:00 p.m., the Board entered into Executive Session.

At 8:04 p.m., the Board returned to Regular Session.

5. Request for Weapons Carry Permit (New)

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.

6. Liquor License (Class F)

Taylor Terreri
Sip & Scribble
Warwick Museum of Art
To be held January 23, 2015
6:30 p.m. – 8:30 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.

7. Liquor License (Class F)

Kim Hunt
Memorial Service
Aspray Boat House
Held December 26, 2015
11:00 a.m. – 3:00 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.

8. Holiday Sales (New)

Party City Corp.
Party City #6506
1350 Bald Hill Road

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

9. Live Entertainment (Inside)

Glenn Chelo
Chelo's Waterfront Bar & Grille
One Masthead Drive
January 1 – December 30, 2016
9:00 a.m. – 1:00 a.m.

Mr. Rob Byrne: I just have a question; I noticed that it's nine to one in the morning.

Chairwoman Baxter: It's inside.

Mr. Byrne: What are their hours been previously? Are they always open until one? I'm just curious.

Chairwoman Baxter: Yeah.

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.

Further discussion after the motion

Chairwoman Baxter (to Dr. Tariq Malik): Go ahead.

Dr. Tariq Malik: No, because you already voted on this.

Chairwoman Baxter: I did. Do you have a question?

Dr. Malik: Yes I did.

Chairwoman Baxter: Go ahead.

Dr. Malik: What does live entertainment inside mean?

Chairwoman Baxter: It means that they have a band inside.

Dr. Malik: And outside there's no noise?

Chairwoman Baxter: We're not on outside yet.

Dr. Malik: No, no. This music doesn't produce any outside noise?

Chairwoman Baxter: I don't know we've never had a call on that before. We just did inside and now we're going to do outside.

Dr. Malik: I think before we vote on that...

Chairwoman Baxter: We already voted on that.

Dr. Malik: Well you know you just asked the question.

Chairwoman Baxter: Dr. Malik, we're going to move on to number ten because that's for inside and now we're going to do outside.

Dr. Malik: Well if there's an effect on outside...

Glenn Chelo [interposing]: Go home.

Chairwoman Baxter: No, Mr. Chelo, stop. We've never had an issue with entertainment inside. So we're going to talk about outside now. We did the inside license and we've never had an issue before so now we're going to go to number ten which is live entertainment outside.

10. Live Entertainment (Outside)

Glenn Chelo
Chelo's Waterfront Bar & Grille
One Masthead Drive
May – October, 2016
Thursday: 6:00 p.m. – 10:00 p.m.
Friday: 6:00 p.m. – 10:00 p.m.
Saturday: 12:00 p.m. – 4:00 p.m.
Saturday: 7:00 p.m. – 11:00 p.m.
Sunday: 2:00 p.m. – 8:00 p.m.
May 30th– 2:00 p.m. – 6:00 p.m.
July 4th – 2:00 p.m. – 8:00 p.m.
Sept. 5th – 2:00 p.m. – 6:00 p.m.

Colonel McCartney reads the above information into the record.

Chairwoman Baxter: I'll let the applicant speak first. Go ahead sir.

Attorney Keith Mancini: Thank you Madame Chair, good evening members of the Board, Colonel. We've filed our annual application as you know with regards to the permit that would permit us to have outside entertainment. Briefly, to answer the Doctor's question with regards to inside entertainment, we've never experienced an issued with inside entertainment, nor do we know of a problem with noise emanating from the inside to the outside that causes a violation of any type with regards to the decibel level that's set for that. The issue, as the Board is well aware, has been concentrated with the outside. This applicant has for many years now taken various steps along the way to ensure that there has not been an obtrusive invasion of the noise to the neighborhood. There's been effort after effort and we've done our diligence, we've done our effort and over the last year or so I believe the applicant has demonstrated to the Board both its due diligence, its good faith effort to minimize noise and the impact that it has to the neighborhood in trying to work with them. Accordingly, were asking that the Board will grant to them the hours that are requested for the days that are requested as read to you earlier, it's in our application. Essentially we're asking for Saturday 12:00 p.m. to 4:00 p.m. and the nighttime on Saturday 7:00 p.m. to 11:00 p.m. Sunday 2:00 p.m. to 8:00 p.m. and then the three holidays which would be Memorial Day, May 30th, Independence Day, July 4th, and Labor Day, September 5th from 2:00 p.m. to 6:00 p.m. on Labor Day, 2:00 p.m. to 8:00 p.m. on Independence Day, and 2:00 p.m. to

6:00 p.m. on Memorial Day. In addition, the stipulations that have been put in place in the past we would accept them and abide by them. They include the police detail, the parking and valet that we've done, the maintenance of the control of the outside stage to be inside to be inside to be maintained by lock and key by our manager which has been certified in understanding and knowing how to operate that. We've also put a sound curtain in place; this is in addition to already building out the stage that currently sits at the site. These mechanisms we think are effective and we're also amendable to another review by the Board midway through the summer or sooner if they'd like so as to see what the progress is and to ensure that we are doing what we said we are going to do. With that, we're amendable to any questions or comments that the Board has or that the neighbors have.

Chairwoman Baxter: Okay. Any questions?

Mr. Dave Sommers: Why do you want to increase the hours again? We were doing so well last year, and all of a sudden you want to jump up in the hours again. What's changed? Why do you guys think you deserve the hours? We aren't happy with you now.

Attorney Mancini: Through the Chair, if you want me to respond.

Chairwoman Baxter: Absolutely.

Attorney Mancini: We've increased the hour on Saturday because the applicant believes their entitled to it. They've done what they needed to do and they've accommodated all issues. And if there are issues that arise, this applicant is going to make good faith in doing diligence to ensure that...

Mr. Sommers [interposing]: Were there issues with the hours last time you went to 11:00 p.m.? Yes there were.

Both Mr. Sommers and Attorney Mancini are heard talking at once.

Chairwoman Baxter: Excuse me; you have to go through me.

Attorney Mancini: Through the Chair...

Mr. Sommers [interposing]: Okay, I have no questions for the Chair.

Chairwoman Baxter: This is also, it's a request.

Mr. Sommers: Yes, I understand that. You asked if there were questions, ma'am. Thank you ma'am.

Attorney Mancini: Through the Chair, just to respond. The request for the hour is the fact that this applicant has over the course of the last three to four years diminished significantly its hours. In doing so, it has also spent a great sum of money to alleviate the concerns. The economics are forcing us to request for additional hours. I mean if it has one to two hours less its making less money. It's pure economics. We're in the business of not only providing a good service, but also ensuring that we can maintain an economic livelihood. That's, the hours have cut into that. One of the issues that we discussed through the Board on multiple occasions is the fact that most bands will contract for a three to four hour period. A lot of bands want to do a four hour period and we've been contracting with them

less and paying the same amount. They're not going to come to us for less time because they can go somewhere else. So we have to ensure that, in order to keep them, we're paying them the full boat. Although, they are only giving us the service of less than what we bargained for. Those are economic issues. And we're balancing that with, you know, putting the money into the proper mechanisms to ensure that we're keeping your house quiet.

Chairwoman Baxter: Any other questions? Go ahead.

Mr. Byrne: Rob Byrne, Seabreeze Lane. Before I get into anything about the sound issues, I know nothing about this, I'm just asking; I noticed that the Zoots building was sold. Do you still have an agreement for parking with Zoots?

Mr. Chelo: That's not completed.

Mr. Byrne: What's that?

Mr. Chelo: That sale is not completed.

Mr. Byrne: Oh, it has not been?

Mr. Chelo: Nope.

Mr. Byrne: So you still have an agreement?

Mr. Chelo: As of right now, yes.

Mr. Byrne: Okay, because that would be an issue, obviously, if it wasn't available to you.

Mr. Chelo: Right.

Mr. Byrne: I just checked with Ms. Ferolito that she had gotten copies of emails from other neighbors, but she didn't get one from Barbara Dickerson who did send one. She's ill and can't be here, so I just wanted to make that point. There were, last year by my count looking at police reports, there were still 18 calls to the police on 15 different dates and from seven different residences. Eight calls were prior to the BPS meeting on June 23. Ten were after that time. There was no report for one date when the police couldn't arrive early in the season and then there was another that I couldn't find a report for another date although I knew the police had come. So, there were some gaps in that information a little bit. But, of all those calls there still were three calls, measured by the police, were 60 to 61 decibels. I understand that there weren't any violations issued, which again isn't really a concern of mine, that's the discretion of the officers obviously.

Colonel McCartney [interposing]: If I may Mr. Byrne. I may be able to give you more explanation to that. Part of what's required by the ordinance is also to measure out the ambient noise level. In the case that you're talking about where that came up you had a very experienced officer, Captain Joe Coffey, a Captain who happened to be the one who did the measurements. The Captain is very, very familiar with the ordinance and as he attempted to rightly point out the problem is when he did the ambient measure it was at 60, 61. When he did the regular measurement, it was 60, 61. So there was, clearly there was no

way that he could possibly distinguish that to be caused that there was any reason to suspect that it was actually the music that was causing that.

Mr. Byrne: Thanks for the explanation on that. My main reason for bringing it up is that there still have been calls. This is not like all of the issues have been settled. I wouldn't, you couldn't say that. I would just say that we haven't had a perfect situation. Not that we expect perfection, but it hasn't been exactly satisfactory to everybody. Attorney Mancini makes it seem like everybody's been very quiet and nobody's had any issues. Well, that isn't quite the case. I would also like to ask, last summer when Mr. Hittinger was here, there was a discussion about soundproofing of the dance floor and there was some mention by the attorney that was here at the time, I don't have his name but it was somebody affiliated with Mr. Mancini, that they would be looking into something about soundproofing the dance floor. I was just wanting to know has that been done?

Attorney Mancini: We did, and if you recall at the subsequent meeting after that meeting we indicated that we looked at it and there was no correlation that that would be effective. So that...

Mr. Byrne [interposing]: And that was based on what?

Attorney Mancini: That was based on the contact that we had with the individual who does that work who indicated to us that that wouldn't solve the problem. That was mentioned to the Board at the subsequent hearing.

Mr. Byrne: Perhaps it was. I'm sorry; I didn't have the benefit of the minutes from that meeting in July, they weren't posted to the web site. I did have the minutes from the one in June, so I didn't have that information. So thanks for reminding me of that. The other thing I wanted to ask about the June meeting is that it was mentioned that the volume control on the sound system really doesn't work the way we really had been led to believe. That as the sound engineer, who was here at the time, said that the in house system has some sort of circuitry that is supposed to clamp down the amount of volume that the system will produce. But, I still don't quite understand how that the band itself can't be tweaking the volume and making it louder. Because that's one thing we've noticed; is at certain times, on certain nights, the music is noticeably louder. I don't know which bands they are or who is involved, but it's obvious to us that there's some nights we can hear it and it's tolerable and there are other nights it's just a must different experience. I just wanted to know whether the sound system is really doing the job.

Attorney Mancini: Yeah. If I may, through the Chair, you're correct. There was an incident, and I think it was addressed to the Board at either the June meeting or the July meeting where one of the bands was able to bypass the control box. Now, I think the Board has witnessed the fact that the electronic system is such that it is wired to a control panel. It's a closet that's inside and that closet is locked and maintained by the manager. In that one instance, however it happened, they were able to bypass that system, which allowed them to put the music louder for one song or two songs, which I think led to either a call or somehow it was detected. We found that out and we've cured that problem.

Mr. Chelo: That band is no longer allowed to play.

Attorney Mancini: That band is no longer allowed to play.

Mr. Byrne: Now you're saying that happened with just that one particular band and no other times during the summer?

Attorney Mancini: That we know of, we caught that. So, we caught that, we controlled that, we took immediate action and we acknowledged it.

Mr. Byrne: When was that during the summer?

Attorney Mancini: I don't recall the exact day, but I can tell you this. In July there were three calls, July 3rd, the 23rd, and the 25th. In August there were five calls and I think that one of the dates in August is the date that that took place, and in September there were three calls. To go back to your earlier issue, if I gave you the impression that issues were resolved, I apologize. Certainly not all issues are resolved. It's not a perfect situation and there is room for error. But, what we're trying to do is the best that we can do to minimize that error. When it does happen, we're going to take immediate action. That's all you can ask of us to do. We will continue to do that, and that given the past history of what we've done merits us to have some of our hours back. If it becomes an issue, then again there's the penal effort that we respond to. But, to keep us under a thumb when we've shown to be responsive, we think is unfair at this point.

Mr. Byrne: Last summer there was a discussion, and I know how it worked out, that it would be impossible. The instruction of the Board was to try to keep your sound level down to 50 decibels. That was deemed to be not possible because ambience and whatever other issues, it was not loud enough for the venue, I don't know exactly what all of the reasons were.

Colonel McCartney: If I may, Mr. Byrne, it was a violation of the ordinance. The ordinance grants up to 60db up to a certain time and I think it was found that to tell somebody to do that would be a violation of the ordinance.

Mr. Byrne: Then why did Madame Chair say during the meeting, she requested that, that the Board had the authority to do that?

Chairwoman Baxter: Madame Chair did not know that we did not have the authority to do that in all honesty. You know that we have been bending over backward to please everybody.

Mr. Byrne: Yes, and I appreciate it. But, the last point that I'll make is at 10:00 p.m., as I'm sure you're well aware, the decibel level goes down to 50. If you're having a hard time maintaining 50 up til 10:00 p.m., what says you're going to be able to maintain 50 or below after 10:00 p.m.? It just seems to me it's just going to set up to me, I don't want to say contentious situation, but it's going to set up potentially additional disturbance and you might expect that you're going to get a lot of complaint calls. That's all I'm saying.

Chairwoman Baxter: Okay. Any other questions?

Mr. Sommers: Questions or statements?

Chairwoman Baxter: You can make a statement if you'd like.

Mr. Sommers: Last year I thought we had a fairly decent working compromise from these gentlemen to us. If the status quo as it were last year to remain in place, I would not have, I would not see a whole lot of descent from the neighborhood other than the occasional overlaps of 60db which is going to happen. But, I see if the hours increase there's going to create a lot of animosity around the particular neighborhoods. I think they are going to end up paying a lot more in fees for counsel. I'm just saying is last year; the only reason I'm here particularly is not to complain, but to make sure that the status quo stays in place. That's all.

Chairwoman Baxter: Okay. Thank you. Dr. Malik, did you have anything to say?

Dr. Malik: I keep a sound meter and in fact (inaudible) the police officers have come. Their sound meter and mine are taking the same readings. Between 50 and 60, depending on which instrument is playing. Despite all of the ambient noise and so on, there is some noise that is extremely disturbing. Therefore, I think if Chelo were to show us what they can do to reduce the sound level, um, we can talk more about hours and so on. But at the present time, between 50 and 60, you say 60 is allowed, between 50 and 60 is intrusive. Beyond 60 the sounds have gone frequently I do that, but by the time you call police and so on, the sound varies. It goes from 55 to 60 plus. We are in a situation where we can't do anything about it. Either it goes beyond 60 and the officer decides not to issue a ticket, or we can't have it even addressed. So, I think we still want the sound level to go down. Increasing the hours is completely out of the question as far as we are concerned, because it is too intrusive, too late at night. We also need to have some rest. The last thing I want to say is that over the weekend we also need to have some control over our ear rights. The Constitution allows us the pursuit of happiness. We want to be happy around our house, in our house, and we don't want to be incarcerated inside during the summer time with the windows and doors closed. Therefore, that is something that you need to (inaudible), while you take care of their economic interest, you also take care of our interest of our (inaudible) rights.

Attorney Mancini: Madame Chair.

Chairwoman Baxter: Okay. One more.

Mr. Sommers: Did you guys retain Ernie?

Mr. Chelo: Yes.

Mr. Sommers: Good for you.

Attorney Mancini: Madame Chair, if I may, just uh, we're amendable to making an amendment to our application and reduce our request from Saturday. We're presently requesting for Saturday from the Board to allow us to go from 7:00 p.m. to 11:00 p.m. We're amendable to go from 6:00 p.m. to 10:00 p.m., so we'll cut off at 10:00 p.m. and we'll grab that extra hour earlier so that we still have that four hour time period that we can book the bands, but we won't exceed the 10:00 p.m. That will address the issue of potentially running into a problem between 10:00 p.m. and 11:00 p.m. where we acknowledge the decibel requirements do become stricter.

Chairwoman Baxter: How does that sound neighbors? It's still over at 10:00 p.m.

Dr. Malik: its eight hours on Saturday and Sunday, right.

Chairwoman Baxter: It's six hours on Sunday.

Dr. Malik: Sunday, and eight hours on Saturday?

Chairwoman Baxter: But it's at 6:00 p.m., and it still ends at 10:00 p.m.

Dr. Malik: When do we get out of our house, sit outside, and enjoy our conversation.

Chairwoman Baxter: Let me, I saw a nod over here.

Mr. Sommers: Um, if I had a yes or no, I would say no, but I'm not going to bite anybody over it.

Chairwoman Baxter: All right. Any other statements? Just for the record. We've gone through this and circled it and tabbed it. There were also five calls that were under 50 decibels, just FYI.

Mr. Sommers: Under 50 decibels when the officer arrived.

Chairwoman Baxter: No, it was the officer with, there were some at 50 and then some had gone down. There was one maximum of 48.6; decibel average was 44 to 45. There was another at 51.

Mr. Sommers: When the officers had arrived.

Chairwoman Baxter: First reading 56, second reading 45; 48, 49, and 50 at one.

Mr. Byrne: Madame Chair I think that's the point that Mr. Sommers was trying to make; when people call the sound level could have been different, you just don't know the situation.

Chairwoman Baxter: Okay, but I'm just letting you know...

Mr. Sommers [interposing]: If the Chief would like to deputize me, I'd be happy to help.

Chairwoman Baxter: I can't do that. But, again, and I'm sorry here's another six, I didn't tab this page, 44 to 46 at highest reading. So, that's six different calls, that's not just one call, that's six calls. So, um, anyway; I think, or we think, the 6:00 p.m. to 10:00 p.m. is a good compromise. We are not inclined to go to 11:00 p.m. under any circumstances. I think, we think, excuse me, everything worked out last summer in terms of you guys did not come back before the Board for a violation, you guys didn't come back to complain about them. It seemed to go as well as it possibly could. Saying that, I don't think 11:00 p.m. is a good idea. It just upsets the apple cart, you're going to be in here more, and again, you're going to be going down to decibels. And again, if they call and you're at 52 you have a violation now, whereas before you were okay at 52.

Mr. Sommers: So, if I can understand this correctly now, we're adding one hour a week to their...

Chairwoman Baxter [interposing]: At 6:00 p.m. on a Saturday.

Mr. Sommers: So it's just that one day, that one hour.

Chairwoman Baxter: Yes. Yes. Absolutely. I'll read the hours down so that they go into the record.

Dr. Malik: So they are getting an hour extra.

Chairwoman Baxter: It's not extra.

Dr. Malik: So, how many do they get on Saturday?

Chairwoman Baxter: It's the same as last year. It's not going until 11:00 p.m. at night.

Dr. Malik: And we'd like them reduced, because we'd also like to get out.

Chairwoman Baxter: I can't reduce their hours any more. They're the only business in Warwick that we're restricting their hours. We can't do this; 10:00 p.m. is a very reasonable compromise for the neighbors and the business. I'm sorry, go ahead Mr. Byrne.

Mr. Byrne: Just a, to ask a question. Before you vote and move on, we will be able to request a review meeting during the summer if people aren't happy? I'm not looking to put one on the calendar now, but can we at least, come May or whenever, as for a review meeting.

Chairwoman Baxter: Yeah. Well, they open on Memorial Day. Do we have, the June meeting maybe, maybe the last June meeting?

Attorney Mancini: Madame Chair, what I would suggest, because one of the comments you had is that the June meeting everything was good, but then afterwards there were more complaints. August showed there were five, so if you want to push it more into the summer.

Chairwoman Baxter: Okay, we don't have a July, August because we only meet one time per month. So, we don't have a July date set. We could wait til July; I have no problem with that. Mr. McGovern thinks that June is too early also.

Mr. Byrne: Well I was thinking, if it was optional, depending on how things are going by the end of June; and I don't know how much notice you need to put it on the agenda.

Chairwoman Baxter: Yeah, I mean if there's no violations. We need two weeks, we need two weeks' notice because it needs to be posted, it has to go on the Secretary of State's site for legal reasons. It needs to be a two week notice. So right now we can say tentatively July. We don't have a date yet. That way we get a month in.

Mr. Byrne: Is that late July?

Chairwoman Baxter: Right in the middle usually.

Mr. Byrne: But it's after Fourth of July, right?

Chairwoman Baxter: Yeah. Absolutely, yeah.

Mr. Sommers: So to summarize, the dbs. are all the same.

Chairwoman Baxter: They're the same; they're set by law, yeah. We cannot adjust them. You've got to go to your city council person about that and they've already done it.

Mr. Sommers: Is this my city council person whose husband plays in a band...

Chairwoman Baxter: That's up to you. I don't know who that is and I don't want to talk about that.

ACTION: Colonel McCartney recommended approval. Chairwoman Baxter made a motion to approve the above hours **with one change, Saturday 6:00 p.m. – 10:00 p.m.** Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

11. Live Entertainment (Inside) BT Hotel Warwick Concession, LLC
d/b/a NYLO
400 Knight Street
January 1 – December 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.

12. Live Entertainment (Inside) Eric Falcofsky
Warwick FOP Lounge
95 Tanner Avenue
January 1 – December 31, 2016

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

13. Live Entertainment (Inside) Joe & Lori Piscopio
Iron Works Tavern
697 Jefferson Boulevard
January 1 – December 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. Live Entertainment (Inside) Joe & Lori Piscopio
Jefferson Grille
137 Kilvert Street
January 1- December 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.

15. Outside Seating

Holly Andrade
Tapped Restaurants
d/b/a Shannon View Inn
1901 Post Road
May – October, 2016

Chairwoman Baxter: Ok, outside seating for Shannon View. Now I see a different name, have you changed hands?

Mr. David Miller: No, she's the GM, we both filled out paperwork.

Colonel McCartney: My understanding is that she just the one that filled out the paperwork for this.

Mr. Miller: Yes sir.

Chairwoman Baxter: Okay, and is it the same seating as last year?

Mr. Miller: Same seating. No music. No nothing.

Chairwoman Baxter: Okay. Neighbors?

Ms. Dianne Wilson: No music, quiet.

Chairwoman Baxter: That's it. Why can't everyone be like you people?

Ms. Wilson: Well it's not always.

Chairwoman Baxter: I know, it's only today. The stars are aligned.

Ms. Wilson: As long as it's quiet, quiet, quiet.

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.

16. Outside Seating

Glenn Chelo
Chelo's Waterfront Bar & Grille
One Masthead Drive
May – October, 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.

17. Outside Seating
- BT Hotel Warwick Concession, LLC
d/b/a NYLO
400 Knight Street
January 1 – December 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.

18. Outside Seating
- OTB Acquisition, LLC
d/b/a On the Border
650 Bald Hill Road
January 1 – December 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.

19. Game of Chance/Raffle
- John Jackson
Bishop Hendricken High School
Daily Drawing
January – December, 2016

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.

20. Game of Chance/Raffle
- Taylor Terreri
Warwick Museum of Art
To be held January 23, 2016
6:30 p.m. – 8:30 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.

21. Game of Chance/Raffle

Stacey Farrell
Kent County Kings
Knights of Columbus Hall
475 Sandy Lane
To be held January 16, 2016
5:00 p.m. – 9:00 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.

22. Game of Chance/Raffle

Jason Buchanan
Kent County YMCA
900 Centerville Road
To be held January 22, 2016
5:30 p.m. – 8:30 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.

23. Game of Chance/Raffle

Elizabeth Gambuto
John Brown Francis PTA
325 Miantonomo Drive
To be held January 29 – July 1, 2016

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.

24. Game of Chance/Raffle

Heather Larch
RI Pharmacists Association
Warwick Country Club
394 Narragansett Bay Avenue
To be held June 27, 2016
12:00 p.m. – 7:00 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.

25. Game of Chance/Raffle

Nelson Valdivia
Providence Lions Club
Crowne Plaza
To be held January 31, 2016
10:00 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.

26. Private Detective (Renewal)

Milton Shull
MTS and Associates
1643 Warwick Avenue

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.

27. Private Detective (Renewal)

Brian Robitaille
G4S Compliance & Investigations

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.

28. Private Detective (Renewal)

Ivonne Rivas
G4S Compliance & Investigations

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.

29. Private Detective (Renewal)

Kevin Kelly
G4S Compliance & Investigations

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.

30. Private Detective (Renewal)

David Putterman
G4S Compliance & Investigations

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.

31. Private Detective (Renewal) Paul Wood, Jr.
G4S Compliance & Investigations

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.

32. Private Detective (Renewal) Lori Dinofrio
LA Investigations

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.

33. Private Detective (Renewal) Thomas Nye
Warwick Security and
Investigative Services

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.

34. Private Detective (New) Augustine Tackacs
G4S Compliance & Investigations

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.

35. Discussion with Imad Melhem of Sandy Lane Gas & Tobacco Shop, 1015 Sandy Lane, regarding his operating without a license. This is his second appearance before the Board.

Colonel McCartney: Apparently, based on information that was received, apparently the tax issue is still an issue.

Chairwoman Baxter: What's going on?

Colonel McCartney: There was some indication at the last meeting that this was about state taxes and that was going to be straightened out.

Mr. Imad Melhem: The last meeting was about state taxes, now I discovered this meeting was about city taxes.

Chairwoman Baxter: Okay. What's going on with city taxes.

Mr. Yaacoub Melhem: Let me explain that to you. What we did is, that tobacco shop license is not operate yet, because I'm still under my license. I'm still under Boukarim, Inc. What we did is, in 2012 me and my lawyer met at the city because they were charging me for the taxes. We don't own the property, so they're charging us almost \$3,000 a year for the manual report. So we filled out the manual report and my lawyer came with me and we met with them and they said, okay, we've got to clear everything and moving forward (inaudible) backward we have to do \$249 a month for the year. So, when we came in last time, to be honest with you, I don't know why we came in because I don't know what's going on. This is the email was sent on December, 2011 after we left concerning this situation. He sent, Mr. Ken (inaudible), he was coming tonight but he can't because he have a meeting. So, that's what we did. After that, we moved forward so I came to the city yesterday I was there. They kept the 2010, 2011, 2012; they kept the \$3000, \$3000, \$3000; and moving 2013, 2014, 2015 they charged us \$248, \$248, \$259.

Clerk McGovern: A month?

Mr. Melhem: For the year.

Mr. I. Melhem: It's tangible taxes.

Mr. Y. Melhem: It's tangible taxes, that's what we're talking about. So, that's what we did. So, when I got there I told the guy over there and he said listen I been in here just for one year I have to search around and do a little investigation to see what's going on because it's not, nobody cleared it. They did it forward, they clean everything forward because every year my lawyer would send it to them and they did it. But, backward nobody take care of it. So now, we're stuck and they need \$12,000, which I already paid them today, what did you pay today?

Mr. I. Melhem: I paid 2013, 2014, 2015. The problem with those tangible taxes there were supposed to get us (inaudible) before we purchased the building they take, because we paid \$28,000 property tax on that property, so they take that money from us. They were supposed to pay it, they didn't pay it, and we got stuck with it. Now I find the difference, 2010, 2011, 2012; \$3000, \$3000, \$3000; because the lawyer now finds that one 2013, 2014, 2015 was like \$249.

Mr. Y. Melhem: So we paid the \$649 today. And now the guy is working with my lawyer to see what they're gonna do. So, all I'm asking you guys is to give us a little bit extension to see how we've got to do this; or if you can come up with a plan I can pay it by plan and then when I pay it off while they're working with it with the city they can reverse it back to me.

Clerk McGovern: My question would be, you were notified when about today's meeting?

Mr. Y. Melhem: To be honest with you, I found out about what you guys need because we had a problem before. I was out from the business. My brother purchased the property. So I don't know til a couple of days ago that you guys were talking about...

Mr. I. Melhem [interposing]: I thought it was state taxes like the other meeting. And now, I went to the licensing and she told me about city taxes. I never thought I owed city taxes, because they used to take it out with my rent when I didn't own the building.

Clerk McGovern: My concern was that this has been out for a minimum of two weeks, but you waited til one day before...

Mr. I. Melhem [interposing]: No, no, no. I thought this was about state taxes. Because I have the license with the state and I'm working on that monthly. I got that situated. I thought this was a review meeting, but when I got there she told me about state taxes. I was just like, first it was state and now it's city, but we're working on it.

Mr. Y. Melhem: Mr. Ken (inaudible) has been talking to the guy over there, his name is Chris, in the assessor's office. He just wants to find out what he wants to do. All I'm asking you guys is if you want to put like a plan, I can do it by plan. I cannot come up with this kind of money, I can't afford it. It's the State of Rhode Island, you know how tough it is. So, if you want to come up with a plan, I can pay it and then we can work it out with the City afterward. Maybe they can put a credit or something.

Vice Chairman Paolucci: How do you stand with the state at this time?

Mr. Y. Melhem: We have the monthly payments. We fixed it with the state.

Mr. I. Melhem: I pay the monthly payments with the state and get the license every month. I don't own one business, I own five, six businesses.

Colonel McCartney: The problem is I don't think we're aware of what the agreement is with the state. There's nothing in writing here with the state.

Mr. Y. Melhem: We have the license. We can show you that. Every single month, we've been...

Solicitor Pearson [interposing]: Madame Chair, may I suggest that this be continued to the next meeting and I'll contact the City Assessor, Chris and make sure we have the information from the state tax in hand. And also, to find out who's got what tobacco license, as I gave you, because two corporations.

Mr. Y. Melhem: Yes...

Solicitor Pearson [interposing]: Don't tell me, I don't want to hear it. I'm just the attorney, I don't make decisions. I'm not going to advise the Board, which I will do if you continue to talk, that you may not properly have a license to sell the tobacco.

Mr. Y. Melhem: No, I do have.

Solicitor Pearson: We don't want to get into that.

Mr. Y. Melhem: Okay.

Chairwoman Baxter: Yeah, this isn't something that we do, the tobacco.

Solicitor Pearson: No, but it's a matter of if a business does not have the state licenses, they cannot have the city licenses as well.

Mr. Y. Melhem: If you want I can fax it to you first thing in the morning. That way it can be...

Mr. I. Melhem: You have the license.

Chairwoman Baxter: So the next meeting is the?

Recording Secretary Ferolito: The 26th.

ACTION: Chairwoman Baxter made a motion to continue this item to January 26, 2016. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

At 8:30 this session was closed.