

# CITY OF WARWICK

LESLIE WALASKA BAXTER  
Chairwoman

JAMES PAOLUCCI  
Vice-Chairman

THOMAS P. MCGOVERN  
Clerk



BOARD OF PUBLIC SAFETY  
Warwick, Rhode Island 02886

POLICE DEPARTMENT  
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111 Veterans Memorial Drive  
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## POLICE DEPARTMENT – REGULAR SESSION

BOARD OF PUBLIC SAFETY ROOM  
WARWICK POLICE HEADQUARTERS

Tuesday, June 28, 2016

### MINUTES

At 7:25 p.m., the Board entered into its regular session for Tuesday, June 28, 2016. 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, June 7, 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 and reassignments.

**ACTION:** There were no transfers or reassignments to consider at this meeting.

3. Colonel Stephen M. McCartney to recommend retirements – EXECUTIVE SESSION

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 8:35 p.m., the Board entered into Executive Session.

At 8:37 p.m., the Board returned to Regular Session.

**ACTION:** Chairwoman Baxter made a motion to approve the placement of the officer on the pension list in accordance with Section 52-76 of the City of Warwick, Code of Ordinances. 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 8:15 p.m., the Board entered into Executive Session.

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

#### **4. Request for Weapons Carry Permit (New) – EXECUTIVE SESSION**

**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.

#### **5. Liquor License (Class F)**

Catherine Thompson  
To be held at Aspray Boathouse  
July 30, 2016  
10:00 a.m. – 4:00 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.

6. Itinerant Vendor (New)

Chris Cook  
Keystone Novelties Distributors, LLC  
d/b/a Keystone Fireworks  
5800 Post Road  
June 23 – July 5, 2016  
9:00 a.m. – 9:00 p.m.

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

7. Itinerant Vendor (New)

Chris Cook  
Keystone Novelties Distributors, LLC  
d/b/a Keystone Fireworks  
1565 Post Road  
June 24 – July 5, 2016  
9:00 a.m. – 9:00 p.m.

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

8. Itinerant Vendor (New)

Chris Cook  
Keystone Novelties Distributors, LLC  
d/b/a Keystone Fireworks  
739 Warwick Avenue  
June 21 – July 9, 2016  
10:00 a.m. – 9:00 p.m.

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

9. Itinerant Vendor (New)

Sue Busby  
Afghan Hound Club of America  
Event to be held at Crowne Plaza  
September 19-23, 2016  
8:00 a.m. – 6:00 p.m.

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

10. Itinerant Vendor (New)

Joel Russo  
RI Mineral Hunters Rock & Gem Show  
Event to be held at CCRI  
October 29-30, 2016  
10:00 a.m. – 5:00 p.m.

**ACTION:** Colonel McCartney recommended. 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.

11. Itinerant Vendor (New)

Frederick DiGiacomo  
d/b/a Pontiac Registry  
Event to be held at Crowne Plaza  
September 17, 2016  
9:00 a.m. – 3:00 p.m.

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

12. Second Class Victualer – Midnight (New)

Joseph C. Mouton  
World Dining, LLC  
d/b/a World Dining  
Bishop Hendricken High School  
2615 Warwick Avenue

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

13. Midnight to 5:00 a.m. (Transfer) Waterford Hotel Group, Inc.  
d/b/a Courtyard by Marriott  
55 Jefferson Park Road

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

14. Liquor License Blass BT/BH (Transfer) Waterford Hotel Group, Inc.  
d/b/a Courtyard by Marriott  
55 Jefferson Park Road

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

15. Holiday Sales (New) Waterford Hotel Group, Inc.  
d/b/a Courtyard by Marriott  
55 Jefferson Park Road

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

16. Rooming House (Transfer) Waterford Hotel Group, Inc.  
d/b/a Courtyard by Marriott  
55 Jefferson Park Road

**ACTION:** Colonel McCartney recommended approval pending City and State taxes, and Rhode Island Department of Health approval. Chairwoman Baxter made a motion to approve pending City and State taxes, and Rhode Island Department of Health approval. 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 (New)

Waterford Hotel Group, Inc.  
d/b/a Courtyard by Marriott  
55 Jefferson Park Road,  
June 28 – 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. Live Entertainment (Outside)

Matthew DelBonis  
Renegades  
2077 West Shore Road  
July 17, 2016  
4:00 p.m. – 8:00 p.m.

**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.

19. Live Entertainment (Outside)

Matthew DelBonis  
Renegades  
2077 West Shore Road  
August 21, 2016, 4:00 p.m. – 8:00 p.m.

**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.

20. Live Entertainment (Inside)

Airport Hospitality  
Four Points by Sheraton  
1850 Post Road  
June 7, 2016 – 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.

21. Game of Chance/Raffle

Ed Holloway  
Green & Gold Baseball Club  
Event to be held at Hendricken  
July 17, 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.

22. Game of Chance/Raffle

Virginia Barham  
Conimicut Village Association  
Event to be held at Conimicut Point  
August 13, 2016  
11:00 a.m. – 5:00 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.

23. Game of Chance/Raffle

Frederick DiGiacomo  
Pontiac Registry  
Event to be held at Crowne Plaza  
September 16-18, 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.

24. Game of Chance/Raffle

Danielle Sequira  
American Parkinson Disease Association  
Rhode Island Chapter  
Event to be held at Goddard Park  
September 10, 2016  
9:00 a.m. – 3:00 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

Reverend Roland Simoneau  
St. Benedict Church  
Event to be held at 70 Transit Street  
October 22, 2016  
5:00 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 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)

Mark Rubenstein  
G4S Compliance & Investigations  
910 Paverstone Drive  
Raleigh, NC

**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)

Marilyn Farrell  
G4S Compliance & Investigations  
910 Paverstone Drive  
Raleigh, NC

**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. Arts & Crafts

Virginia Barham  
Conimicut Craft Fair  
Event to be held at Conimicut Point  
August 13, 2106  
11:00 a.m. – 5:00 p.m.

Vendors

Jean Mann  
Joan Bergeron  
Sandra Deneault  
John Dwyer

Business Name

Jean Mann  
Barrington Seashell Art Crafts  
Sandra Deneault  
Hot Dogs on the Run

**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. Used Car Dealer (New- Location Change)

Russ' Ocean State, Inc.  
d/b/a Russ' Ocean State Harley-Davidson  
35 Albany Road

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

30. Parade (5K)

Katherine Robbins  
The Rocky Hill School  
530 Ives Road  
July 16, 2016  
8:00 a.m. – 10:00 a.m.  
Starting & Ending at Rocky Hill

**ACTION:** Colonel McCartney recommended approval pending Traffic and Rhode Island Department of Transportation approval. Chairwoman Baxter made a motion to approve pending Traffic and Rhode Island Department of Transportation approval. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion.

31. Review of discussion regarding The Office Kitchen and Bar held on Tuesday, May 24, 2016.

Colonel McCartney: Okay, Madame Chair, this is a continuation of a previous hearing that we held with Mr. Rizzo. I know that we've had a traffic study and I believe you've seen the recommendations. We will forward that traffic study. I had some conversation with Councilwoman Vella-Wilkinson about this problem, and she will be willing to take care of putting that through the Council.

Chairwoman Baxter: Okay, great. And um...

Colonel McCartney [interposing]: As far as the other issues, I mean, I have to say from the prospective of my officers, Mr. Rizzo has been very cooperative.

Chairwoman Baxter: Okay, yeah, there's no reports attached here and I drive by there all the time. I've seen you know the can out...

Colonel McCartney [interposing]: Yup, I've got nothing but good reports about what Mr. Rizzo has been doing.

Chairwoman Baxter: Yeah, that's great. We saw the no parking sign out front, so that's perfect.

Colonel McCartney: He's been a good man.

Chairwoman Baxter: Good, good. How's everything my friends? We have no reports from the Police Department. We have no reports attached.

Ms. Kim Ouimette: There's a few.

Chairwoman Baxter: I don't have anything.

Ms. Ouimette: There's a few.

Chairwoman Baxter: This is since May 24<sup>th</sup>?

Ms. Ouimette: Okay, so yeah, there's three.

Chairwoman Baxter: Oh, if you could just tell your name for Lisa that would be great.

Ms. Ouimette: My name's Kim Ouimette, 24 Guilford Drive. So there's three of them. On 5/31 he had some type of fundraiser and they were double parked up and down Pell, and there's a police report on that. But there were actually no, that sign that's at the end of the street I guess is not enforceable, so they were able to stay there; which we were a little confused about after the last meeting with the zoning that they can't stack on a residential property. And then on 6/9 there was a car or two. And then on 6/15 there were two cars parked on Guilford in a no parking zone, and they were tagged. And then I guess there was a call that came in about 2:30 in the morning. They were still there playing music out of their cars, and the police officers actually parked their cars in The Office parking lot and drove them home. That is really what we're here about. When we came here last time it was said that he should be aware of his surroundings; if they were tagged at like 10:00, 11:00, and still there at 2:30 in the morning he never came out to see or check our streets. This is what we're talking about. At 2:30 in the morning we have cops outside our home, people doing sobriety tests, cars being turned around in the middle of the road to be parked in his parking lot. Besides that, yes, he has been very good. It has been quiet, but we still have the late night, the late nights when no one is around. It's not 7:00, 8:00, 9:00, 10:00; these are not happening at that time. These are happening after 10:00, 11:00 at night.

Ms. Eileen Gelzhiser: And the Friday after the Council meeting, at 12:15 a.m., someone was parked in the airport parking lot across from me raising their voice, playing their radio. I went outside and took a picture and thought I'm not going to call the police because it was just a few days after that and maybe he needs time to tell his people. But I'm sorry, at 12:15a.m., in a residential neighborhood, you shouldn't be outside my bedroom window blasting the music and laughing and screaming. It's just not appropriate.

Ms. Ouimette: It's not like it was, we're not saying that. But we are saying that he did still have a fundraiser and there were not one or two, over 11 cars double parked on Pell. He had even posted on Facebook that it was residential parking only, but when the police showed up it wasn't admitted and told that yeah, they're not supposed to park here. It was just the police didn't know, there aren't no parking signs, and so they let them stay. We felt that it was just a little disrespectful to the meeting, that he knows they can't park there. So we're just concerned going forward, once the heat's off of him. There's a July 9<sup>th</sup> fight coming up and we're concerned about that. He did have one not too long ago. He had two people at each end of his driveway, and it was great. We didn't have one car. Granted he didn't have any business, really, or if he did we didn't see them because it was so good. If he was to do that all the time, we're okay with that. But, it didn't happen until after, I have a stack of just the police coming out every day and checking, every day and checking that it started getting quiet. It took two weeks, two and a half weeks after our meeting to become quiet; and also, the people that have been at my house threatening me, which is why my children are here.

Chairwoman Baxter: Who's coming to your house and threatening you?

Ms. Ouimette: I have this one patron that's been to my house two or three times. Her name, she goes by Lynn Turchetta, but her name is Lynn Gardiner. She has threatened me in front of my children on a Sunday afternoon - -

Chairwoman Baxter [interposing]: Have you called - -

Ms. Ouimette: I did call. I waited for the actual police officer to come out that day because I knew he was coming, he had called me earlier. I didn't pick up that report, but he said he was going to write it in the report and I forgot to pick up that report. I didn't want to press charges or anything, but that was the second time she was at my house. The first time the police were there and they told her to leave. And the second time, the police were actually there the first time she came. So, she was just yelling belligerently and the cop, the police officer said, "Ma'am this doesn't involve you please leave." I have his name, um, I think it was Officer Maggiacomo. Then she came back on a Sunday afternoon taking pictures of my home, standing outside, calling me like really bad names, yelling crack head. She tries to get in the car, the car's driving away, she's almost falling out of the car. This is a Sunday afternoon; my children are witnessing this. She told me she was from the bar, and why do we have to do this to them, leave them alone, and multiple times throughout her relationship with Cianci, and you know, it went on for a half hour, like twenty minutes, we kept asking her to leave. I didn't want to call the police officer. My children were outside, I sent them in the house and then we went in and then she finally screamed and left and almost fell out of the car. So, I just wanted to say that I have been feeling some, you know, some heat from this, and it has to stop. My daughter; we have seen multiple gentlemen walking by our house, looping, and then going right back in their parking lot. I have pictures of it. What they're doing, I don't know, they could be innocent, but it just happened to be after this. It's just making us feel a little uncomfortable. So I just wanted to say it, that we're not here to make enemies with him. If we go back to our 2012 when we first came here, this was our biggest concern; which I submitted it today. This is, we just, we gave up for four years, but my children are 14 and 12, they want to play outside. In the police report of the traffic study, the gentleman that came while he was there he witnessed it. He says, "Immediately upon entering the neighborhood, I noticed that it was a very quiet residential neighborhood", and that he noticed, he observed a minimum of five to seven cars of unnecessary traffic in our neighborhood. This was the police officer doing the traffic study. We were so happy that he was actually there to see what we've been talking about. I asked him to please note that, because even though he was there for the traffic study, that meant so much to us that he actually seen it. I think while he was there it was still daylight, the kids were playing outside and they were trying to find parking spots, and they just circle our neighborhood. So, noise level, has that went down? Absolutely. Are we still getting a lot of traffic, are we still getting flows in front of our home, police calls at 2:30 a.m.? That really hasn't; that's calmed down, but we're still getting them, one or two times in the past month. So, I just, we just wanted to see if we could just come back, review, stay on review or something. Come back again in another month or so when there's more events going on. But, if we let the heat down now, we feel like we go back to the beginning. So, I don't know if anyone - -

Ms. Ouimette's Son [no name provided], [interposing]: Multiple times within the last few weeks some friends and I have been playing, not baseball, but like football or basketball outside, and cars have driven through the lot. Like, straight through the middle of the lot close to us. Like, maybe within 40 or 50 feet of us. So, they drive by the road and fly down the street. Bikes, I don't know if it was from the bar, but it seems like it, wheelies riding down our road.

Ms. Ouimette: We have a few new strips recently too, so...

Vice Chairman Paolucci: Any particular days more activity than others?

Ms. Ouimette: No, it's weird. Sometimes he's quiet. For the past two weeks he's been so quiet. It's really been quiet the past two weeks.

Chairwoman Baxter: The days you gave me, the 2<sup>nd</sup>, the 9<sup>th</sup> and the 15<sup>th</sup>; it was a Thursday, a Tuesday, and a Wednesday. I looked them up.

Ms. Ouimette: And whenever the 24<sup>th</sup> was, May 24<sup>th</sup>, that's when the officer noted that we were really busy. And then, yes, on the 31<sup>st</sup> he had that fundraiser. Then on the 15<sup>th</sup> there were cars parked that spewed into the 16<sup>th</sup>, and then on May 31<sup>st</sup> as well. I have the police reports for that. And we do thank you because the police patrol has been good. It has been. They have been around.

Chairwoman Baxter: And just looking through the um, the traffic study by the officer, he did note, and this is he went out on 6/2, that there were no, currently no restrictions for parking on Pell; and he said that Guilford should have no change on the zoned parking restrictions. So there's already no parking. Pell should implement the same parking restrictions as Guilford, and I think that's what the Councilwoman is going to take care of at the City Council.

Colonel McCartney: The first 200 feet.

Ms. Adis Pena: There was a sign on Pell. There was a sign there, it just disappeared.

Chairwoman Baxter: Okay, well the City Council person is going to, that hasn't occurred right, that meeting?

Colonel McCartney: No, I have to wait til you review it and then I've got to submit it over to the Councilwoman.

Chairwoman Baxter: Yeah, right. Because this, this, I mean it looks fine but. Go ahead, I'm sorry.

Clerk McGovern: You mentioned the word looping. Guys were looping. Is that - -

Ms. Ouimette [interposing]: Because their parking lot, this is really where the problem stems from. Loop as in come down our street - -

Clerk McGovern [interposing]: In their vehicle, are they walking?

Ms. Ouimette: In their vehicle. When they come down our street to get in his parking lot, he only has 12 and its full - -

Clerk McGovern [interposing]: They turn around and then they go the other way - -

Ms. Ouimette [interposing]: They'll fly down our street, around the corner and then they shoot down Pell and they'll try to pull in over there. If not, they'll stack on Pell lately because, there's no signs on Pell right now to stop that activity.

Colonel McCartney: See, I think part of the problem is that I can't find these police reports because it's very difficult to link that to the location we're talking about. If somebody's driving down the street and we get a call about somebody driving down the street that's not going to be linked to The Office, that's the problem. Nobody's going to know that until maybe later on if we stop the car. So, it's very difficult for me to follow the train here, unless the officers specifically see it. These officers have spent a lot of time there, and like I said, the reports that I've been getting from the officers is that it's been pretty quiet.

Ms. Ouimette: This officer did see it and he said it was unnecessary traffic.

Chairwoman Baxter: That, that was - -

Ms. Ouimette [interposing]: This added to the unnecessary traffic in the neighborhood. He observed, it says, "While standing in the area for a brief time, the officer observed a minimum of five to seven cars who did this," which was turning around in our driveways. And then he said, "This added to unnecessary traffic in the neighborhood."

Chairwoman Baxter: Yeah, that's in the traffic study report. That's not from a call. Um, where you put the can that has the no parking sign; is that Pell or Guilford?

Mr. Todd Rizzo: Both.

Chairwoman Baxter: It's on both?

Mr. Rizzo: Yup. I brought pictures too.

Chairwoman Baxter: Okay, and I know at some point Pell is going to have signs that say no parking if the Councilwoman takes care of that. But, do any of your clients, do you know, that are going and shouting at neighbors?

Attorney John Lynch: That first woman she named does not have any affiliation to the restaurant.

Chairwoman Baxter: No, I know that. It's just that - -

Attorney Lynch [interposing]: If she knows who she is I would just suggest that she just go charge her with assault if that's what she did.

Chairwoman Baxter: Now, you called on this woman?

Ms. Ouimette: When the officer came that day I told him. They are well aware. She is an everyday patron for a while down at that bar. She just stopped drinking, and then she starting drinking again, because I know her, that's why I know her name. So, she is a patron at The Office.

Attorney Lynch: It sounds like more of a personal issue than - -

Ms. Ouimette [interposing]: No, it's not a personal issue. She told me she was coming from The Office. She had just left.

Chairwoman Baxter: But how does she know you, is what I'm saying.

Ms. Ouimette: I don't know, because she told me she was coming from The Office. "Why you bother him? Why can't you leave them alone?"

Ms. Gelzhiser: We've had people point at our houses, which is fairly intimidating.

Ms. Ouimette: Yeah, they've been pointing a lot lately.

Chairwoman Baxter: Is this stuff that you're sharing with the clients? Hey, you can't park over there because these neighbors are causing a ruckus or anything. I mean - -

Attorney Lynch: He has instructed put the barrels out. They have a person standing there. They're not in the business of antagonizing the neighborhood, so they're not going to tell people that person is the loudmouth, that person is getting us in trouble.

Chairwoman Baxter: No, but I'm just saying if people come in and say geez, I can't park on Pell anymore, I can't park on Guilford, you put these barrels in. It doesn't have to be you, it could be anybody - -

Attorney Lynch [interposing]: No offense. The easiest thing is to blame the Police Department. They told us to put the signs up and that's what we did. They're not blaming neighbors. I've talked with them at length about this. There's a couple of things I thought we were just going to glance over. I don't think they have the authority to put up no parking signs, but that's your purview. Um, if they are going to do the traffic study and put up permanent signs I believe its 72 hours at a time. You can put up temporary no parking sign, but to put them in the position of now patrolling the neighborhood, I don't think that's a - -

Chairwoman Baxter [interposing]: No, they can't patrol the neighborhood, obviously not - -

Attorney Lynch [interposing]: But that's what, from what I'm hearing, that's the suggestions, that patrons are going up and down the street, they're not deputies, they're not - -

Chairwoman Baxter [interposing]: No, we don't expect that. We ask them, and we've asked other establishments to put out those as well, know you, Chelo's, whatever.

Attorney Lynch: No, they work very well, and I've been doing those with you. Those are usually for events or for outdoor entertainment; or something like that. But, there's nothing like that, other than them simply going into the restaurant. So, however it gets resolved, put up no parking signs and then ticket the cars. But, I don't know, this person that I thought she said she knew her, I must have understood her; that she has no affiliation with the bar. The motor vehicle traffic is obviously part of the restaurant because people are going there. So, they pull into the parking lot and they park. If it turns into no parking, then they park somewhere else.

Chairwoman Baxter: Um hum. Go ahead.

Ms. Pena: Last year, it hasn't happened this year, they had an event outside. They blocked off their parking on both sides and used our neighborhood.

Chairwoman Baxter: Yeah, that can't be done anymore. We've already discussed that.

Crosstalk is heard in the room.

Chairwoman Baxter: All right, so - -

Attorney Lynch [interposing]: The only other issue is, if I could Chairman; they were instructed, and I read through the minutes and it really wasn't clear to me, but they have to keep their doors closed at all times, which I thought was a little odd.

Chairwoman Baxter: The music is getting out into the neighborhood and it's pretty loud.

Attorney Lynch: Well, that was when they had the outdoor speakers and those were removed. But, this time they had someone in there cleaning with the doors open and an officer drove by and told them to shut the doors. I don't know what authority you have to make someone keep their doors closed. If there's a noise violation, you can tell them you're at noise violation status, but just to simply make them keep their doors closed, I think, is a little excessive.

Chairwoman Baxter: Do they have air conditioning?

Attorney Lynch: They may or they may not.

Chairwoman Baxter: Do you have air conditioning, Mr. Rizzo?

Mr. Rizzo: Yes.

Chairwoman Baxter: Why can't he keep the doors closed? I don't understand.

Attorney Lynch: People like fresh air.

Mr. Rizzo: I mean people have asked us to open the doors during the day. It's just - -

Attorney Lynch [interposing]: I don't understand what the requirement is to shut the door.

Chairwoman Baxter: I think the issue was the music, the noise inside.

Mr. Rizzo: But that's at night.

Attorney Lynch: But that's at night. The issue is whether or not it's in excess of the allowed decibel numbers, and it isn't. So, to simply have them go and say shut your doors, I think it's a little odd, a little heavy handed.

Chairwoman Baxter: I also understand that the neighbors say that the noise is down, so I think that part has worked and that's really good.

Attorney Lynch: It is good, but they also want to keep their doors open. I know that we've had it at other establishments where they've had guys with the hand held decibel meters. If there's a violation,

site them. I mean, they call up and say they're too loud. Go down there, take a reading, and site them. They're not going to be able to get to those levels. I just think it's a little heavy handed to make them keep the doors closed, what was it cleaning at 11:00 in the morning?

Mr. Rizzo: Yeah.

Attorney Lynch: It was 11:00 in the morning and he's cleaning and they said he had to shut the doors. You're on Airport Road, you're at a very, very busy intersection. I think we went through this on the Shannon View, you have a decibel level for the airport three times the rest of the City. So, I mean to say that this guy can't have his doors open seems a little heavy handed. Part of that was the notice that they got the last time. They didn't understand that they were going to get sanctioned, and have remedial action taken upon their license - -

Chairwoman Baxter: No one was sanctioned. What are you talking about?

Attorney Lynch: Remedial action by keeping your doors closed and putting up no parking signs.

Chairwoman Baxter: Remedial action to us is we cut hours. Asking to close the doors, I think is a very minimal...I mean we can talk about leaving them open until 5:00 p.m. or 6:00 p.m. or something. That's not a problem.

Attorney Lynch: I just never heard of an establishment having to keep their doors closed. It's just something I think is, I'm not sure where in the licensing that shows up, if it's a noise thing you have the ability to say it's a noise violation. It's just, they haven't had one, it's just loud. Well, it's going to be loud, you're on Airport Road.

Chairwoman Baxter: But I think if it's music, we know where the music is coming from, and again, they said the noise is down.

Attorney Lynch: But do you know that, with all the cars driving down Airport Road with windows open? I mean, you can't say that this is...and if it is, send the policeman down there with the decibel reader.

Chairwoman Baxter: Go ahead.

Ms. Ouimette's Son: So I used to have a bedroom upstairs, and I now sleep in the basement. I had to move partly because of the noise from the bar. Also, when the doors were open, they would drink outside and we would have multiple broken glasses everywhere in the lot.

Chairwoman Baxter: They do have the seating outside, the broken glass is wrong, but they do have seating outside.

Ms. Ouimette's Son: They're drinking over their limit.

Chairwoman Baxter: They do have a porch to have outside seating, so - -

Ms. Gelzhiser [interposing]: No, we find glasses in our yard, so they're carrying glasses away from the bar.

Chairwoman Baxter: Okay, well that should not be done.

Ms. Ouimette: Since their doors are shut they're not hanging outside, because they don't have that immediate access where they conjugate right outside the door and yell over the music inside that's coming out. When he did have the doors open, you can hear the music and then they talk over it and they all conjugate. It has been quiet because the doors have been shut, it really has. That has made a huge difference.

Chairwoman Baxter: Okay. I have to say, that seems like a problem that's solved.

Attorney Lynch: Would a point of compromise, I mean he, just during the daytime hours when people are in there for lunch they like the doors open. Could we go to maybe go til like 7:00 at night, and then close the doors from 7:00 on?

Chairwoman Baxter: It's still light out. Is that all right?

Ms. Ouimette: That's fine.

Chairwoman Baxter: Okay, but I think; the issue here we're talking about is mostly parking. Noise is, we're going a far afield, and the more important thing is the parking on the street. So what we will do is approve this traffic report. The Councilwoman will get on this and get the no parking signs up, and our next meeting is July 26<sup>th</sup>. So, we can, do you guys want to do a review again? Okay. So what we can do is, like I said, we're going to approve the traffic study, and we would like to have a review on July 26<sup>th</sup>.

Ms. Ouimette: So there's no parking on the street?

Chairwoman Baxter: The Council has to get those signs up. Right now, he has done what we asked. He put those cones up, and we appreciate it. You said it's gotten a lot better. If people are coming in your face you've got to call the police. That, they've left his bar - -

Ms. Ouimette [interposing]: Oh no, I understand that. I just wanted to tell you what we're experiencing since trying to defend the quality of our lives.

Chairwoman Baxter: I appreciate that, but if someone comes in front of your yard, you need to call the police like immediately. And that will be on that person, not on Mr. Rizzo, but, you know I think that's fine.

**ACTION:** Chairwoman Baxter made a motion to approve the traffic study, the doors can stay open until 7:00 p.m., and there will be a review on July 26, 2016. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

Ms. Ouimette: I'm sorry, one more thing. On the UFC fights, is he going to have people out there running the parking and moving them from the neighborhood, or was that just a one-time thing?

Chairwoman Baxter: No, there's no parking on Guilford, and the City Council will take care of the no parking on Pell. But, Mr. Rizzo has put those signs out.

Colonel McCartney: The first 200 feet down from Post.

Chairwoman Baxter: The first 200 feet down, right.

Colonel McCartney: I mean as far as anything else is concerned, it's a little problematic. If there's no signs there further in the neighborhood, there's nothing we can do about that; so, unless there's a sign that restricts the parking.

Ms. Gelzhiser: What is the distance between allowed between cars for a fire truck to get through?

Chairwoman Baxter: I have no idea.

Ms. Gelzhiser: Because that's my concern. The road is not that wide.

Chairwoman Baxter: That I do not know.

Colonel McCartney: There's no ordinance that covers that.

Chairwoman Baxter: Yeah, there's no ordinance for that.

Ms. Gelzhiser: Wow, okay.

Ms. Ouimette: We're going, on the no parking, I understand about the no parking signs and the 200 feet, but we were also talking about zoning.

Chairwoman Baxter: We're not zoning.

Ms. Ouimette: I understand that.

Colonel McCartney: If I may, I have researched that with Counsel. Diana, do you want to; pursuant to our conversation - -

Solicitor Pearson [interposing]: Anything, you're in the airport zone, I don't understand what you're referring to that you've got particular - -

Ms. Ouimette [interposing]: Well, when we went down to the zoning; zoning gave us, zoning has held; they sent him a letter too, stating that when they don't have enough parking, location of required parking spots; if it's off-street parking it has to be on an abutting lot. But, they can't use off street parking for their business. "There's no stacking; there shall be no stacking of vehicles on any public street from a business," and it is a residential area, we already had it checked, it is residential, it's not commercial. And then they underline, this came from zoning; this was the letter that was sent to him telling him that he cannot park in the street because of his commercial license. It also says that they shall not substantially injure the use and enjoyment, or nor significantly devalue the neighborhood property, and that the approval of the off-sight location will be not be detrimental to the general health and welfare of the community. So, that's really where we're coming. Yes, the no parking signs actually up will help

that, but, he's gonna keep getting tagged from zoning; and zoning said they're gonna, if there's more police reports of him stacking the cars; that's where the notice of violations are coming from. And I just wanted to present that he has violations from zoning from stacking cars in the neighborhood.

Solicitor Pearson: He doesn't get violations from zoning. He gets a violation from the building - -

Ms. Ouimette [interposing]: Well, it's a notice of violation.

Solicitor Pearson: Building inspector?

Ms. Ouimette: Building maybe.

Colonel McCartney: Because that has nothing to do with the Police Department.

Ms. Ouimette: No, I understand that, but we should bring it up here to let you know that - -

Colonel McCartney [interposing]: You can bring it up here, but I believe the proper venue for that is in front of the Zoning Board.

Attorney Lynch: He's not running a parking lot, which is what that zoning issue refers to.

Colonel McCartney: Yeah, I mean it has nothing to do with us. It's not - -

Ms. Ouimette [interposing]: Well he does when he has MMA fights, he uses it as a parking lot.

Colonel McCartney: That's an issue that would have to be dealt with at zoning. If they're the ones that are making the rule; because we don't enforce zoning regulations here in the Police Department, we've talked about that Diana.

Solicitor Pearson: If there's an ordinance regarding parking, the ordinance comes from the City Council. If and when the City Council passes an ordinance, posting certain street restrictions, for you the neighbors, for your visitors, or for anybody in the vicinity; then the Police Department can take steps to issue tickets. Any building violation goes to a different department.

Ms. Ouimette: Yes, but we were told to bring it here where he gets his license to let him know that he is using the neighborhood for parking.

Colonel McCartney: Yeah, but, that sounds a little strange; because this Board I don't know has the power to, I don't know why somebody from building would be telling you that when it's, if its zoning that's telling you that this is their regulation; and this was my point before - -

Solicitor Pearson [interposing]: Zoning and the Building Department cannot, will never be able to distinguish between whether you have a guest parking on your street, or whether it's somebody coming from around the block, or a business. Very separate issue of who parks on the street in violation of an ordinance, which has not been passed yet, if I'm understanding the procedure. When, and if the ordinance is passed, there shall be no parking. It applies to you, your guests and anyone else associated with anyone else. Then the Police Department issues tickets. It's not a matter of zoning or building - -

Colonel McCartney [interposing]: And we're only going to be able to cover where the signs specify; and once again, as per the recommendation of the traffic study, what we're recommending is the first 200 feet in from Post Road on both streets. Nothing else.

Ms. Ouimette: Okay, so that's where we're confused; because zoning is telling us, per this zoning law, that they cannot park; they cannot stack their cars for their business, that they don't have ample parking for, in the street.

Solicitor Pearson: You're saying stack them in the street.

Ms. Ouimette: As in when he has an MMA fight, he lines our streets with his cars.

Solicitor Pearson: Zoning can only say what his capacity for a parking lot what the capacity of the building is.

Ms. Ouimette: So - -

Solicitor Pearson [interposing]: Hold on. I don't understand. Again, zoning can say in order to seat 50 people in his building he must have parking for, I don't know, 25. If he doesn't have parking for 25, they will limit how many people he can have inside the building, or they can limit the kind of activity inside the building. Building or zoning. They may say that he can't stack, which is only a warning to him. The Police Department tickets cars that are illegally parking. Nobody can track whether it's a patron of his or a relative of yours that's parking on the street and now at risk of getting a ticket. That's all it is. You can't track whose cars are whose. That's discrimination.

Chairwoman Baxter: And like the Colonel said, on Guilford there's already no parking 200 feet in.

Colonel McCartney: That's what we're requesting.

Crosstalk is heard.

Solicitor Pearson: Not yet. That's not yet done.

Chairwoman Baxter: Yeah, that's not yet done, I suggest you call your Councilwoman and ask her to move quickly.

Ms. Ouimette: No, it's in the works. But, we're still just confused with the no stacking on the streets. If you don't have; when he throws his MMA fights and he has more people coming than his parking spots.

Chairwoman Baxter: But, again, he's putting the signs up, and [crosstalk is heard]; he's putting the signs up and you don't have the no parking signs up yet by the City. I know exactly what you are saying. If there are; you can call to have them ticketed, the Police Department will come and say, you know, there's no no parking sign yet. If there's people parking in that lot, the grass lot that you talk about, the airport lot; you can call the Department about that and if they get ticketed or not. But, we need to get those no parking signs up. He's putting those cones up to tell his patrons don't park on these streets.

Ms. Ouimette: In know that, I just, I know we're dealing with two different parkings.

Colonel McCartney: The problem is that zoning is not an issue over here. That's going to have to be taken up with zoning through building. You're going to have to take it up with them because I'm not gonna have, my officers do not enforce what zoning; zoning doesn't tell us what to do. I take my orders over here. That's a separate issue, okay. Now all this stuff about double stacking, this, that, you're gonna have to take that up with building. Bring it over there and take it up with them. If you want to have a hearing in front of the Zoning Board, then so be it. But that's not something... It seems like we're going around and we keep talking about zoning, zoning, zoning. We're not going anywhere because we don't deal with zoning over here. I can't enforce a zoning; whatever mandate they're telling you, I don't deal with that. I only deal with what I get from my bosses here and if I get an order from the City Council in the form of an ordinance, then I enforce it.

Ms. Ouimette: But if he has multiple, um, what's the word I'm looking for. If he has multiple violations wouldn't that put his liquor license at risk?

Colonel McCartney: Multiple violations of what?

Ms. Ouimette: Zoning.

Colonel McCartney: Let me repeat myself for about the fourth time - -

Solicitor Pearson [interposing]: His liquor license is the only thing that the Board of Public Safety can regulate. There are aspects of the liquor license; serving to minors, after hours, things of that nature. The Board can regulate his liquor license. They cannot regulate the zoning. Zoning and the Building Department will determine his capacity, how many people in the building, which also involves the Fire Department capacity, and whether or not he has enough parking. If the Building Department determines he doesn't have enough parking, and maybe his patrons are parking somewhere else, it's a warning to him that he doesn't have enough parking. The ordinance then says anybody is barred from parking on this side of the street. Again, nobody knows where the cars are coming from, and they're gonna ticket your relatives, and your parents, and your friends, and anybody that's walking blocks away from a business.

Ms. Ouimette: Which is sad that we have to do that in front of our home right now just to get a little peace until we figure out - -

Solicitor Pearson [interposing]: Again, they're going to ticket your friends and relatives - -

Ms. Ouimette [interposing]: I know, we've been ticketed.

Solicitor Pearson: Once that restriction is up, no one is going to be able to park there.

Ms. Ouimette: Okay.

Solicitor Pearson: If his patrons get a ton of tickets, it's probably not going to be an issue in front of the Board because he can't change and monitor where his customers park.

Ms. Gelzhiser: Where would we go to get permit parking only?

Colonel McCartney: There is no such- -

Solicitor Pearson [interposing]: There is no such thing in the City of Warwick.

Colonel McCartney: Yeah, the City Council would have to pass an ordinance on that. Other than that, there are no parking permits in the City of Warwick.

Ms. Gelzhiser: Okay.

Ms. Ouimette: Can I just bring up one more thing going back to the first time we came here in 2012, because I really think it's important and that is why we are here today. He was told in 2012 that his liquor license was to be used as a restaurant only, and it's used as a bar.

Chairwoman Baxter: It's, he serves food at his restaurant. I know people who go there for breakfast.

Colonel McCartney: If I may, Madame Chair, it was also under a different name. We're now dealing with 2016.

Chairwoman Baxter: Yeah, it was a different name. Yes it was. It was also a different restaurant back then.

Ms. Ouimette: But you had told him back then - -

Chairwoman Baxter [interposing]: It's probably still a restaurant, but he serves; Ozzi's Steakburger. That was different.

Ms. Ouimette: No he hadn't changed it with the um - -

Colonel McCartney: It is a different place now. You can't bring this up right now. It's not appropriate.

Solicitor Pearson: A night club, and a bar, and a restaurant all have building code requirements. He could go to the Fire Department and Building Department and say I'm changing my family style restaurant to a night club. If he meets requirements, he can have a night club. It's a tighter packed group of people and if the building allows for that many people in that square footage under fire code and building code, he can run a night club; which is very different than a restaurant or a bar.

Ms. Ouimette: Which he does not have. But when he came here in 2012 - -

Chairwoman Baxter: Okay, I have to stop you. I have to stop you, because we've asked Mr. Rizzo for improvements and you have even said there are great improvements. The next thing we have to get done is the City Council needs to pass the ordinance and get those signs up. We can't talk about 2012 because it was a different place. You should call your Councilwoman and let her know.

Colonel McCartney: Madame Chair, I will take care of that. I will get the traffic study to the Council Liaison and she can get it to the Councilwoman. That might take a while because there's only one meeting in the next two months. That will take effect as soon as the ordinance gets passed.

Chairwoman Baxter: Okay, any zoning issues or building issues, you need to call building. Thank you all for coming in. I really appreciate it.

32. Discussion with Vincent Storti of Vinny's Kitchen, 3292 Post Road, regarding his operating without a license.

Colonel McCartney: His items that are still pending, and they've been pending for a while now, are with building, fire, city and state taxes, and health department. In regards to the state, I believe you have a copy of a sheet in your file that delineates the problems with the state and I believe there's also DBR problems there. There are a list of problems. I would also state that we had to respond to this place of business numerous times when he was told to shut down, and then he would turn around and open it up again and was selling. Unfortunately, I have to mention that. It became a real pain in the neck for our police officers to have to keep responding back there.

Chairwoman Baxter: Okay. All right, could you let us know what's going on right now?

Mr. Vincent Storti: I have the approval of the Health Department.

Colonel McCartney: Where is it sir?

Mr. Storti: It came in today.

Colonel McCartney: It came in today? Okay, that's wonderful. Maybe the Board would like to take a look at it.

Chairwoman Baxter: Yeah, if we can just see it.

Mr. Storti: I have got that there. I've got a Food Safety Certificate here.

Colonel McCartney: Could you direct your comments to the Board please sir?

Mr. Storti: Oh, I'm sorry.

Chairwoman Baxter: That's okay.

Mr. Storti: I have the food safety person there now.

Chairwoman Baxter: Okay. June 24<sup>th</sup>, okay.

Mr. Storti: I do want to say I apologize for my actions.

Chairwoman Baxter: Is this approved if it's not initialed or no? It says received check on the 24<sup>th</sup>, but - -

Colonel McCartney [interposing]: May I ask, Madame Chair, what that's for.

Chairwoman Baxter: It says it's a manager certified in food safety; applicant name Daisy, who's Daisy?

Mr. Storti: She's going to be my employee, and she was there when the Safety Manager came.

Chairwoman Baxter: What is Cookie Place?

Mr. Storti: That's where she took her training.

Chairwoman Baxter: Gotcha. Okay, and I just didn't know; it says, it doesn't have anything approved but the check is here and it says received, approved, all right.

Vice Chairman Paolucci: She should have a certificate as well that's hanging up in the establishment.

Mr. Storti: I'm kind of hard of hearing.

Chairwoman Baxter: Okay. He said this is Daisy who is working for him, that's her certification sheet. Mr. Paolucci has a restaurant so I know he knows what this looks like.

Vice Chairman Paolucci: Yeah, she should have a certificate with her name on it.

Mr. Storti: Yeah that, it's in the mail. I also applied for a renewal on mine. I'm waiting for the results of the test at this moment.

Chairwoman Baxter: Okay. And this says these were code violations; corrected, corrected, the prep unit must be out of use, all local permits are required; the establishment meets minimum requirements for the Department of Health for opening. In compliance, all right, hold on. Does this look okay to you?

Whispering is heard in the background.

Chairwoman Baxter: It's dated today. So this is the Food Establishment Inspection Report, so this corrects this. These are his originals, are you going to need copies of this?

Recording Secretary Ferolito: Yes, because it all has to go downstairs to Licensing.

Colonel McCartney: It all has to be on file downstairs in the Licensing Division. It would have been better if Mr. Storti had brought them to the Clerk, then we wouldn't have to go through all of this now.

Mr. Storti: It all just happened today, Chief.

Chairwoman Baxter: Okay, so maybe tomorrow morning could you bring that to the Licensing Clerk and have her photocopy it so she has copies in her file?

Mr. Storti: Oh, definitely, yeah.

Chairwoman Baxter: Okay, and when you get the certificate in the mail for that food certification for that Daisy person and for yourself, please bring it over so she can make a copy of that too.

Mr. Storti: Definitely.

Chairwoman Baxter: So, when are you expecting to re-open?

Mr. Storti: Hopefully tomorrow if you say yes.

Colonel McCartney: Question.

Chairwoman Baxter: Oh, absolutely.

Colonel McCartney: The building Certificate of Occupancy is lacking right now.

Chairwoman Baxter: Okay. Do you have your Certificate of Occupancy from the Building Department yet?

Mr. Storti: No. I filed and um - -

Mr. Storti is looking through his paperwork.

Chairwoman Baxter [interposing]: Yeah, it would be a big certificate that says Certificate of Occupancy right across the top from the Building Department.

Mr. Storti: No, I filed. I filed for trade name, and they said they were going to send me - -

Colonel McCartney [interposing]: If I may, Mr. Storti, you really need to contact Building tomorrow morning.

Mr. Storti: I'll go there first thing.

Colonel McCartney: And unfortunately, I'm going to have to tell you that you cannot open for business until you at least have a Certificate of Occupancy; that is an absolute must right now because that building has been without out a CO for a while, and that's incurring liability on the City.

Mr. Storti: It's been what?

Chairwoman Baxter: It doesn't have a Certificate of Occupancy right now, so the Colonel said the City is going to be liable for it because you haven't had all of your inspections done. So, that, it's for your own safety too, and your customers'. Now what about city and state taxes?

Colonel McCartney: They also have to be cleared up.

Chairwoman Baxter: That's also outstanding? Okay.

Vice Chairman Paolucci: Certificate for that plus the Fire Department, have they been down?

Mr. Storti: The Fire Department, um - -

Colonel McCartney [interposing]: They need to be signed off on too.

Chairwoman Baxter: Can I have a piece of paper?

Mr. Storti: She called me and said that everything was okay.

Clerk McGovern: Who called you? The Fire Department?

Colonel McCartney: I'm sorry that we even have to say this to you Mr. Storti, but there are some things lacking Mr. Storti.

Chairwoman Baxter: Okay, hang on. I'm writing this down for you. Okay, so you need a Certificate of Occupancy from the Building Department. You need City and State taxes paid.

Mr. Storti: Do I owe taxes?

Colonel McCartney: That's what we have down. You have problems with City and State taxes also sir, I'm sorry to say it.

Chairwoman Baxter: Okay, so hang on, so City and State taxes need to be paid and I would check with the Fire Department.

Colonel McCartney: The Fire Marshall.

Chairwoman Baxter: The Fire Marshall, okay. If you could get those certificates to the Licensing Clerk downstairs so she can have copies.

Colonel McCartney: The quicker the better so you can open and you can go back into business again.

Chairwoman Baxter: Yeah. Certificates to Heather in the Licensing Department; I'm sorry, I'm writing very fast so it's a little messy. Licensing; and today's the 28<sup>th</sup>, so. Now that's so you know all you need, so get all of the checked off - -

Mr. Storti [interposing]: Now where do I go to find about City taxes? I've never had a business before.

Colonel McCartney: City Hall or the Annex building, right across the street.

Chairwoman Baxter: Just check with them and they'll tell you what you owe or what needs to be done. Just go down that list, check everything off; and then you'll be able to put an open sign in your window. But, you've got the Health Department out of the way so that's a good start.

Mr. Storti: Now how do I get in touch with the Fire Marshall?

Chairwoman Baxter: Just call the Fire Department.

Colonel McCartney: The Fire Department here is the building right here in front of us. You can go in and get all of the information you need.

Chairwoman Baxter: Yeah, either go in or make a phone call. Tell them you were here and you need to speak to the Fire Marshall about your building. All right.

Mr. Storti: Okay.

Chairwoman Baxter: So, hopefully that will all be checked off soon and there will be an open sign in your window.

Colonel McCartney: Yeah, get it all in to the Clerk so that the Clerk can tell me that you can open up. I don't want to have to keep sending somebody over there to shut you down. I don't like doing that.

Mr. Storti: Okay.

Chairwoman Baxter: Everything needs to get to the Licensing Clerk downstairs, and when she gives you the thumbs up, you can open your restaurant again.

Mr. Storti: Okay.

Chairwoman Baxter: All right. So we were just here to discuss that tonight. Yeah, just get everything done as soon as you can all right.

Mr. Storti: I will. Thank you.

**ACTION:** There was no action necessary for this agenda item.

33. Discussion with Patrick Johnson of Scripts Café, 53 Superior Street, regarding his operating without a license. This is the second request for Mr. Johnson to appear.

Colonel McCartney: Item number 33; we were to have a discussion with Scripts Café. He is not here. This is the second request for Mr. Johnson to appear. I will go down, pursuant to the Board's approval, and shut him down.

Chairwoman Baxter: Absolutely.

Colonel McCartney: And tell him that one more no show in July and he can expect very big ramifications.

**ACTION:** Chairwoman Baxter made a motion that the Department closes him down and he is brought before the Board again on July 26, 2016. Vice Chairwoman Paolucci seconded the motion. Chairwoman Baxter, 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 p.m. this session was closed.

  
Thomas P. McGovern, Clerk