

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
99 Veterans Memorial Drive
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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, May 24, 2016

MINUTES

At 7:20 p.m., the Board of Public Safety began its regular session for Tuesday, May 24, 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, May 10, 2016, 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 and reassignments.

The following transfers/assignments will take effect at 0700 hours, Monday, May 23, 2016, with the provisional approval from the Board of Public Safety:

Captain Christopher J. Stewart from Officer-in-Charge of the Detective Division to Officer-in-Charge of the Operations Bureau.

Captain Thomas C. Hannon from Officer-in-Charge of the Professional Standards Division to Officer-in-Charge of the Detective Division.

Captain Kenneth A. Furtado from Officer-in-Charge of the Prosecution Division to Officer-in-Charge of the Professional Standards Division.

Captain Bradford E. Connor from Officer-in-Charge of the Administrative Services Division to Officer-in-Charge of the Community Services Division.

Captain Rick J. Rathbun from Officer-in-Charge of the Second Platoon, Uniform Patrol Division to Officer-in-Charge of the First Platoon, Uniform Patrol Division.

Captain Andrew P. Tainsh from Officer-in-Charge of the Third Platoon, Uniform Patrol Division to Officer-in-Charge of the Administrative Services Division.

* Lieutenant Jamie M. Calise from the Professional Standards Division to Officer-in-Charge of the Second Platoon, Uniform Patrol Division.

* Lieutenant Mark Ullucci from Relief Lieutenant, First and Second Platoons, Uniform Patrol Division to Officer-in-Charge of the Third Platoon, Uniform Patrol Division.

Lieutenant Michael J. Gilbert from Officer-in-Charge of the Community Services Division to the Officer-in-Charge of the Prosecution Division.

Lieutenant Joseph F. Hopkins from the Administrative Services Division (Grants Manager) to the Detective Division.

Lieutenant Ryan T. Sornberger from the Third Platoon, Uniform Patrol Division to the Professional Standards Division.

** Sergeant Thomas C. Snow from the Second Platoon, Uniform Patrol Division to Relief Lieutenant, First and Second Platoons, Uniform Patrol Division.

** Sergeant Earl A. Read, III from the Community Services Division/Traffic Division to the Third Platoon, Uniform Patrol Division.

** Sergeant Joseph A. Petrarca from the Prosecution Division to Relief Lieutenant, Second and Third Platoons, Uniform Patrol Division.

Sergeant Kyle D. Kettelle from the First Platoon, Uniform Patrol Division to the Administrative Services Division.

Sergeant John V. Kelly, Jr. from the Second Platoon, Community Services Division/Community Policing to the First Platoon, Community Services Division/Traffic Division.

Sergeant Timothy J. Marshall from the Professional Standards Division (Training Unit) to the Second Platoon, Community Services Division/Community Policing.

Sergeant Jedidiah D. Pineau from the Third Platoon, Uniform Patrol Division to the Professional Standards Division (Training Unit).

Sergeant Margaret A. McKay from the Second Platoon, Uniform Patrol Division to the First Platoon, Uniform Patrol Division.

Sergeant Robert W. Chille from the Administrative Services Division to the Second Platoon, Uniform Patrol Division.

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

*** Officer Steven M. Nelson from the Community Services Division/Community Policing to the Third Platoon, Uniform Patrol Division.

*** Officer James N. Michailides from the Second Platoon, Uniform Patrol Division to the Third Platoon, Uniform Patrol Division.

Officer Jason J. Farias from the Community Services Division/Traffic Division to the Prosecution Division (Juvenile Officer).

Recruit Derek Mourato assigned to the Third Platoon, Uniform Patrol Division, Field Training Officer Program as a Probationary Officer.

The following Academy Trainees will be assigned to the Third Platoon, Uniform Patrol Division, Field Training Officer Program as Probationary Officers.

David L. Boardman

Thomas W. Greene

Ali M. Jaafar

Steven D. Moretti

Alfred J. Silveira

* Lieutenant Calise and Lieutenant Ullucci will officially assume their duties as Officer-in-Charge upon promotion Tuesday, May 24, 2016. Can assume patrol duties as Lieutenants on Monday, May 23, 2016 with platoons assigned by this transfer order.

** Sergeant Snow and Sergeant Petrarca will assume Sergeant duties with the Second Platoon, Uniform Patrol Division on Monday, May 23, 2016. They will assume Relief Lieutenant duties effective Tuesday, May 24, 2016. Sergeant Read will assume duties with the Third Platoon, Uniform Patrol Division as Sergeant on Monday, May 23, 2016. If a vacancy exists on Monday, May 23, 2016, it will be filled by an existing Lieutenant.

*** Officer Nelson and Officer Michailides will assume officer patrol duties on Monday, May 23, 2016, and duties as Sergeant will become effective upon promotion. Officer DiMaio's duties as Sergeant will become effective upon promotion

The following temporary transfer took effect with the provisional approval from the Board of Public Safety:

Monday, May 23, 2016, 0700 hours:

Lieutenant Lori A. Michailides from the Second Platoon, Uniform Patrol Division to the Administrative Services Division (Grants Manager).

The following academy trainees/recruit were sworn in as Probationary Officers effective, Monday, May 23, 2016:

Steven D. Moretti
Alfred J. Silveira
Ali M. Jaafar
Thomas W. Greene
David L. Boardman
Derek Mourato

The following Probationary Officers were sworn in as Third Class Officers effective Thursday, May 19, 2016:

Ryan B. Lancaster
Gavin E. McVeigh
Timothy W. Lipka

The following officers were promoted effective Tuesday, May 24, 2016:

Captain Christopher J. Stewart to the rank of Major.

Lieutenant Jamie M. Calise to the rank of Captain.

Lieutenant Mark Ullucci to the rank of Captain.

Sergeant Thomas C. Snow to rank of Lieutenant.

Sergeant Earl A. Read, III to the rank of Lieutenant.

Sergeant Joseph A. Petrarca to the rank of Lieutenant.

Officer Steven M. Nelson to rank of Sergeant.

Officer Daniel F. DiMaio to the rank of Sergeant.

Officer James N. Michailides to the rank of Sergeant.

The following officer was recognized for his elevation to the rank of Detective (Effective Monday, March 28, 2016):

Patrick H. Smith

The following Third Class Officers were elevated to Second Class Officers effective Thursday, May 26, 2016:

Matthew T. Smith
Jeremy T. Smith

The following Second Class Officers were elevated to First Class Officers effective Friday, May 27, 2016:

Kevin McGuire, Jr.
Aaron C. Kay
Sokphannareth Chea
Thomas J. Duncan

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.

3. Colonel Stephen M. McCartney to recommend retirements.

ACTION: There were no retirements to recommend at this meeting.

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 8:20 p.m., the Board returned to Regular Session.

4. Request for Weapons Carry Permit (Renewal) – 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.

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 8:25 p.m., the Board entered into Executive Session.

At 8:30 p.m., the Board returned to Regular Session.

6. 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.

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 8:31 p.m., the Board entered into Executive Session.

At 8:45 p.m., the Board returned to Regular Session.

5. Request for Weapons Carry Permit (New) – EXECUTIVE SESSION

ACTION: Chairwoman Baxter made a motion to continue this agenda item to June 7, 2016. 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 F1)

Christopher Valló
Event to be held at Aspray Boathouse
July 16, 2016
12:00 p.m. – 1:00 a.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. Liquor License (Class F1)

John Gazzero
O.L.P Center, Inc.
Event to be held at the Aldrich Mansion
June 14, 2016
5:00 p.m. – 9:00 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.

9. Liquor License (Class F1)

John Gazzero
O.L.P. Center, Inc.
Event to be held at the Aldrich Mansion
June 3, 2016
6:00 p.m. – 10:00 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.

10. Itinerant Vendor (New) John Mackay
New England Leather Alliance
Event to be held at Crowne Plaza
February 17-19, 2017
9:00 a.m. – 7:00 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.

11. Itinerant Vendor (New) Louis Arcese
d/b/a Vineyard Vines
Event to be held at 399 Bald Hill Road
May 20, 2016 – June 5, 2016
Monday-Saturday, 10:00 a.m. – 6:00 p.m.
Sunday, 12:00 p.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.

12. Holiday Sales (New – Bait Only) Atlantic Coastline Seafood, LLC.
d/b/a Narragansett Bay Shellfish Co.
46 Bay Avenue

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

13. Holiday Sales John Flynn
Fiesta Shows
St. Rita's Festival
Event to be held at Father O'Hara Field
May 26-30, 2016

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.

14. Miniature Rides

John Flynn
Fiesta Shows
St. Rita's Festival
Event to be held at Father O'Hara Field
May 26-30, 2016

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

15. Food Vendor Daily

John Flynn
Fiesta Shows
St. Rita's Festival
Event to be held at Father O'Hara Field
May 26-30, 2016

ACTION: Colonel McCartney recommended approval pending state taxes and Rhode Island Department of Health approval. Chairwoman Baxter made a motion to approve pending 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. Live Entertainment (Inside)

Jiecong Ou
Mizu Japanese Steakhouse
2276 Warwick Avenue
May 1, 2016 – December 31, 2016
11:30 a.m. – 1:00 a.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.

17. Live Entertainment (Outside)

Jiecong Ou
Mizu Japanese Steakhouse
2276 Post Road
May 1, 2016 – November 30, 2016
11:30 a.m. – 1:00 a.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.

18. Live Entertainment (Outside/Tent)

Loriann Bose
St. Kevin's Church
333 Sandy Lane
Parish Carnival
To be held at Church
June 10, 2016, 6:00 p.m. – 11:00 p.m.
June 11, 2016, 12:00 p.m. – 11:00 p.m.
June 12, 2016, 12:00 p.m. – 6:00 p.m.

ACTION: Colonel McCartney recommended approval pending building and fire. Chairwoman Baxter made a motion to approve pending building and fire. 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

Loriann Bose
St. Kevin's Church
333 Sandy Lane
Parish Carnival
June 10 – 12, 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

Michael Zuller
Elanna Zuller Memorial Sports Fund
Event to be held at 2077 West Shore Road
June 25, 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.

21. Game of Chance/Raffle

Ruth Napolitano
Friends of the Warwick Animal Shelter
Event to be held at 171 Service Road
June 12, 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.

22. Game of Chance/Raffle

Eric Creamer
Mothers Against Drunk Driving
Event to be held at City Park
June 4, 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.

23. Game of Chance/Raffle

Kenneth DiSaia
Friends of Lauren
Event held at Goddard Park
May 14, 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

Lori Zabatta
Leukemia & Lymphoma Society
Event held at Chelo's, Post Road
May 18, 2016

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.

25. Private Detective (Renewal)

Richard Delmastro
d/b/a Ardel Investigations
400 Commonwealth Avenue, Unit #6

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.

26. Festival (Arts & Crafts)

Tina Bingham, Gaspee Days Committee
Gaspee Arts & Crafts
To be held May 24-26, 2016
10:00 a.m. – 5:00 p.m.
Narragansett Parkway, Pawtuxet Village

Additional Vendors

Melonie Massa
James Leckenby

Mermaids Baubles
Shail Pewter

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. Parade (Walk-a-Thon)

Kim Izzi
St. Rose of Lima School
200 Brentwood Avenue
Walk-a-Thon to be held May 25, 2016
Starting & Ending at St. Rose of Lima

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

28. Peddler

Power Home Remodeling Group
200 West Street
Waltham, Massachusetts

Badges to:

Anthony Watson
Paul Bruscini
Adam Beard
Matthew Ryan Koban
Matthew St. Peter

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.

29. Block Party

Andrew & Cindy Larochelle
109 Homestead Avenue
Event to be held July 9, 2016
6:00 p.m. – 11:00 p.m.

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

30. Discussion with Todd Rizzo of the Office Kitchen & Bar, 1795 Post Road regarding recent complaints expressed by neighbors against the establishment.

Colonel McCartney: [The Colonel reads the above into the record.] Also, the fact that there has been an advertisement placed in the paper advertising a car show, without any discussion or having been brought before the Board of Public Safety.

Chairwoman Baxter: Okay. All right, uh, I'll let you speak first, and then we'll let the neighbors speak.

Mr. Todd Rizzo: I mean, as far as the complaints, I don't know what those exactly entail; what they were, no one ever notified me of any.

Chairwoman Baxter: We have a few calls to the police department. One on March 17, 2016 at 12:30, um, very loud music; it was karaoke. It says they spoke with the officer, made notification, and observed them turn down the karaoke. Okay.

Mr. Rizzo: Yup.

Chairwoman Baxter: Okay, so that was one. Um, June 26, 2015 on a Friday, almost 1:00 a.m., disturbance of the peace, 20 people being loud in the parking lot being loud. Loud music coming from the business, and it was marines or something that were there for a funeral.

Mr. Rizzo: Yeah, I remember that. I guess they were there for the mourning of the marine. I remember those guys were just a little - -

Chairwoman Baxter [interposing]: Yeah. It says they were advised and dispersed.

Mr. Rizzo: Yup.

Chairwoman Baxter: Okay, May 13, 2015 at 22:56, complainant complaining about loud music coming from the business, wants it turned down. The narrative says there's no music coming from this business, so I don't know. I mean this was 2015, so I don't know if it was turned down or what happened. Then there was April 2, 2016, a Saturday; I guess there was a disturbance in your parking lot. There was a pretty much a domestic assault.

Mr. Rizzo: Yeah. There was a customer that came in I guess for breakfast, and I guess he got into a fight with his wife. I don't know. She called the police.

Chairwoman Baxter: Yeah, we have the whole report here.

Mr. Rizzo: Yeah, that, I mean, I don't know.

Chairwoman Baxter: Yeah, we have the whole report here. Yeah.

Mr. Rizzo: We were unaware, actually, what was going on to be honest with you until the police showed up because they were out in front of the restaurant in her car I guess.

Chairwoman Baxter: Yeah, it does say an independent witness, Jamie Doyle, the on-duty bartender at The Office witnessed the altercation as they approached the bar. She said she did not see the previous assaults which happened prior to The Office parking lot. Okay, because they were getting into it before they got to your restaurant. Jamie did provide a written statement saying that she witnessed Dennis being choked by his ex-wife Melinda around 7:00 a.m. on Saturday. So that was going on in your lot. It says that the reporting party, the wife, called and I'm not sure what's going to happen with this. It kind of just happened. Um, your bartender saw it, so, so that's where we are with that. So, those are the issues, and then we have the car show, without a permit on Monday, that I understand the Colonel advised you not to hold the car show at 2:00 p.m. for 6:00 p.m.

Mr. Rizzo: Correct, which we didn't. I was unaware that, you know it's no excuse, but I assumed that if, we had a party before; I think we came before, where I hired a company to bring them in. This was just my bartender that was working. She was just trying to just drum up a Monday night. Her fiancé has, you know, a Mustang. He just got a group of friends together. We labeled it as a car show, but it was more just like 20 guys that have Mustangs that were bringing them there, and I was doing a steak fry in the parking lot, which I had asked Fire if I needed approval, and Building. They said as long as it was ten feet away from the building, you can cook in the parking lot. But I didn't know that to even have them come, you know, I guess a group like that, that I needed approval. You know, and I'll take full responsibility. That was my fault and I apologize.

Chairwoman Baxter: When did you put this posting up on Facebook? Because, I have to tell you, I heard about this Monday morning from one of my eighth grade students. He told me he was going to a car show at The Office. So, an eighth grade student knew about it, so when did you put the ad up?

Mr. Rizzo: My bartender did it. So, it's safe to say probably about two weeks ago that she put it up with her boyfriend, and it was a group. They, I guess, had people join this Mustang Meet group, which is all of his friends. They sent it all to the Mustang Meet group, but you know how, you know they share it with us and then someone else shares it, and shares, it.

Chairwoman Baxter: It says on Facebook, "Come down for the first of many."

Mr. Rizzo: Yes.

Chairwoman Baxter: DJ playing your requests all night, so that's outside entertainment.

Mr. Rizzo: No, we had the DJ inside. I wasn't going to do outside, because we have the entertainment. That's why I figured, you know, we didn't - -

Chairwoman Baxter [interposing]: So are you planning one for any more Mondays, because it says, "Come down for the first of many."

Mr. Rizzo: Well that was prior to when we took it down. The next one that we had put up was for June 11th. I told them that, if that's the case, I would go through the proper channels and put the paperwork in. But, prior to that, I didn't know that I needed it.

Clerk McGovern: What time did you take it down?

Mr. Rizzo: Right after I got off the phone with the Colonel, about 2:00 p.m., and I took pictures of it in case you needed to see it. I took it down. I took the lettering off the board. I had it on the board, on the marquee, I took that off, and I took pictures of that before and after.

Colonel McCartney: I had the officers follow up with them last night, to follow up after I had discussed it with Mr. Rizzo.

Chairwoman Baxter: Yeah, you said that, okay.

Mr. Rizzo: Then the officer even came by at I'd say 4:00 p.m., spoke with me and he was really nice. He just said; because I explained to him my concern was that people do come. You know, we'd still like to be able to have them come in and eat and drink and, you know, be an operating business. He said as long as no hoods were up and no people were conjugating [sic] in the parking lot; keep everybody in the patio. You can cook your steaks on the grill outside, and so I followed everything; and he came by at least three or four times and he spoke with me on every occasion. He said we did everything right, we followed everything that he had said and that the Colonel told me and that as far as he was concerned that, you know, what we were doing there was no issues and we basically listened to everything that he said.

Chairwoman Baxter: Okay. It says later on the in the report, you know when the officer went back. It says, "The officer parked his cruiser on Guilford Avenue in an effort to listen for a noise violation that would turn up negative. There was not excessive noise from the establishment. All of the patrons that the officer observed during his checks were outside on the patio." Yeah, so the officer cleared the scene without incidence. That you informed the officer that you did your best to keep everyone inside and there were no cars on display. So, you know, luckily for you, you heeded the advice of the Colonel.

Colonel McCartney: Obviously the major concern, Madame Chair and Commissioners, is the fact that where he's located; we're dealing with a neighbor sensitivity issue here big time. And, the more people that come there, not that I don't want the gentleman to have a business, but once you start getting outside we're going to have a problem with parking that's going to contribute to the neighbor sensitivity and then we're going to have the noise that's going to contribute to it. That's what I mentioned to the officers; that we had to monitor very closely last night. Fortunately - -

Clerk McGovern [interposing]: Which is Guilford? If you're looking at - -

Mr. Rizzo: Home Improvement. So that's - -

Chairwoman Baxter [interposing]: It's between the two?

Mr. Rizzo: Yes.

Chairwoman Baxter: It's the one to the left if you're looking straight at The Office.

Mr. Rizzo: Correct.

Chairwoman Baxter: Okay.

Mr. Rizzo: You know, and we tried, I mean, I know things are going to happen and I don't want them to happen. I think by based off the way you told me, I don't know what good and bad is, but I mean I consider I think three, and one was from last year, a couple from last year. It's not like we have, you know, big incidences and a lot of problems and fights and God forbid any kind of stuff like that. I don't like to have noise complaints either, but unfortunately sometimes; we try to do the best job that we can to keep it down. I would think that we do a pretty good job at it, but, sometimes things are going to fall through the cracks I guess, by a couple of those complaints; but all in all - -

Chairwoman Baxter [interposing] [to Ms. Kim Ouimette]: Okay, if I could ask, have you called him to speak to him directly?

Ms. Ouimette: Um, yes, he's aware of me. We, um, I disagree with the calls. I have been printing them. We've had 17 calls in 2015, four calls this year - -

Chairwoman Baxter [interposing]: If I could just ask, could you just give our secretary your name?

Ms. Ouimette: Sure. Oh, Kim Ouimette. I've stayed on the back burner for a while. This is three years now. We've been asking for three years for quietness. I have teenagers, they want to hang outside. I can't let them hang outside anymore, there's entertainment like six nights a week. Um, I don't even know where to begin. Just, um, he doesn't have parking. He has 24 spots, 12 on each side. His parking lot does not connect. They pile out into our neighborhood and they do a horse shoe. If they don't charge through the lot that's behind them, and I have pictures; and almost take out a couple of the kids a couple of weeks ago playing football in the lot. I got them yesterday doing a donut in the lot during his car show. It's on my daughter's phone, the other one; they all squealed, every single one of them that left that night. He did cook on the grill and he did have a speaker. It wasn't as loud, because he knew he was being watched; but there is a speaker hanging somewhere on the left side of his um, thing. And they did park on the streets last night, but we didn't call after everything that transpired yesterday. But, I was told by the Chief of Police that he wasn't allowed to cook outside, which he did; and I do have pictures of them conjugating [sic] outside and drinking out in the parking lot yesterday. That's just yesterday. Going back just for 2015, he likes to have MMA fights that bring in a whole different crowd of people. They have no respect for our neighborhood. In some of these police reports, they're not just noise. We've had hypodermic needles on our front lawn. We have beer bottles on our front lawn. There's been more than one fight. Now, the later that we get in calling, they're starting to tag; they have six violations. Within the past week our no parking signs disappeared off our street. I've had them there for 14 years I've been there; except two new ones that came in to play, I don't know where they came from, I'm assuming the City put them there. They were no parking in the street. They're both gone now. So, I went yesterday over to, I went over to Zoning and I pulled all the records. Legally, by law, a business is not allowed to use residential parking ever for his business. They highlighted it for me to show you. But, there shall be no stacking of vehicles on any public street. He's also falling under a new law that the airport has just started, which is also piling into our neighborhood. I can't stress enough that he doesn't pile out on to Post Road. He has no exit on to Post Road. So, every day for the

past three years I take a shot of getting hit by someone coming into his bar or leaving that doesn't come out on a 90 degree angle, which shows on my video; how they just cut across and when they come out they are just blocking the whole bottom of the street. We can't get in or out when they're piling in or out. Um, so, um, they're starting a Gateway Zone for the airport, I'm not sure that you're aware of that. But that also is not allowing a business to empty out into a residential area. I can't stress enough about how they do a "U" shape going around. He knows he's not supposed to park there. There's a few police reports that he's asked, "Can I park there? Can I stay open late?" They tell him no, he stays open late too. You have officers sitting there for like 40 minutes trying to clear out his bar. I think it's a little ridiculous that we're paying our officers to sit outside his bar to clear when he should have been closed at 1:00 a.m. but the MMA fight's still going on; and it clearly states in the police reports that he shouldn't have been open. But now the police officers have to wait 30, 40 minutes for them to pile out. Also, all parked illegally. He has 24 parking spots, separated, 12 on each side; and he has a huge, u, a huge trailer that takes up half of, two of his spots over there. I don't, I don't have any personally [sic] against Todd, but he has to understand where we come from living there. This is our home. Yesterday I didn't want to let me kids out knowing that this was going on. He did post it yesterday, and it posted right after all this happened that he was still having it, just leave your hoods down and come and have a good time. I have those as well. I have him behind the grill. So for him to say that he cancelled it and he wasn't going to do it, he was still doing it. He started advertising for June 11th yesterday too, knowing that they told him on the phone you can't advertise until you get [inaudible] from it. Um, I just, I have pictures, I have letters from another neighbor that lives right there. She doesn't even want to open her windows anymore because she's raising three boys that see sex, condoms like crazy. I didn't get a chance, but if I have to I could give you the name of the airport guy and they will write a letter and tell you what they pick up in the lot that abuts him. It's disgusting. I have pictures of the kids playing there. It's a neighborhood. I've been there 14 years. We don't sleep ever anymore. Karaoke; he leaves all his doors open, and he has speakers right there at the doors. He knows a lot of cops, police officers, and his buddy, his pal is brothers with the Fire Marshal. So it seems like, and we were told three years ago when we went to the first meeting; after so many police calls they won't keep giving him a license, the won't keep letting him do this. And it just seems like if we don't catch it in the Beacon we're out. I don't read the Beacon. I have two teenage kids and a full time job, I don't have time to read the Beacon and keep up on what he's trying to pull next. Not too long ago he had an MMA fight and he has people out on airport property controlling the people. He called the airport and he said it would be in the best interest if the airport let him use their parking lot, airport not having any idea because the Councilwoman from our neighborhood, where he hangs his signs, called also and said it would probably be best for the neighborhood if you just him let him use the parking lot.

Chairwoman Baxter: Which parking lot are you talking about?

Ms. Ouimette: There's a wooded lot right behind him, and I have pictures if you want to see them.

Chairwoman Baxter: Oh, okay. I do want to see those, yeah.

Ms. Ouimette: Yes. Um, and he started piling in there, and the airport, they felt really bad the next day when we called them and we told them what he was using it for, and he couldn't believe it. So, it's just been on-going. There's no parking. That's what it comes down to. I feel bad, but I've backed him on Carvel, backed him on Ozzi's; when we heard he was trying to turn it into a bar we said it's not fair, you don't have the room here. There's no parking. There's no parking. And then to find out Zoning says even if all the signs are gone, which now there's none on Pell, they just all disappeared, he still can't

park there legally by Zoning. So, I have pictures, I have all the police logs, I have a letter that the woman who lives closest to him on Pell, who probably gets hit more because he knows I'm on Guilford and they kinda stay away because, and I'll be honest, I'm out there in my pajamas, I'm protecting my property. They run on our lawns. They're running down the street. They, they just stand on our lawn and smoke. They do whatever they want. He knows that. I've had plenty of conversations with Todd about this. He knows me, I know him, it's not a secret anymore. My son wants to hang outside. He wants to shoot basketball. I can't keep my fourteen and a half year old in anymore. And on a Monday night, trying to pile our street, he had 118 interested and 72 going. He's only allowed 60 in his building, including his outside. I, I don't know what else to say to you, except that we're just asking that these special events, and, it stops. We don't have room for it. We don't want it. We're tired. We're tired. I get up at 5:30 a.m. to put my son on the bus at 6:15 a.m. I'm tired. The music doesn't stop until after 1:00 a.m. I'll give you everything we have. She lives closest on Guilford too.

Clerk McGovern: When you said 118 and 72, is that the Facebook likes?

Ms. Ouimette: 118 interested and 72 are going.

Clerk McGovern: On Facebook?

Ms. Ouimette: Yeah. And he has his other one already posted right now. And people are already, and they're chatting back and forth. It's an open page. You can see it. It's not hidden from anyone. It's public, so anyone can access it. Um, I really don't know what else to say. I really don't. It's very disturbing. Our quality of life has diminished. It really has. I have cones outside of my home to protect my son's basketball hoop because they backed in to his last one and cracked it in half. Do I have proof it's them? No. Who else is out in front of my house in the middle of the night, when a MMA fight's going, I can just assume it happened that night when we woke up and his basketball hoop was bent in half. Um, it's about our kids and our quality of life, you know? She's up just as much, her driveway is right there. I don't know if you have anything to say, but...

Ms. Eileen Gelzhiser: Well they found the drug paraphernalia in my driveway; at 5:30 a.m. I called the police went I went to walk the dog. Um, it's not uncommon for us to have broken glasses. We hit the jackpot one time, we had a full glass. Um, the karaoke for Wednesday starts at 9:00 p.m. We're a working neighborhood, and no, he doesn't have them outside, but he has all of the doors open, so you can imagine the traffic on Post Road, so you can imagine the volume that he has to have to get over the noise on the road. So, yes, the karaoke is inside, but the doors are wide open starting at 9:00 p.m. on a Wednesday night. Then, during the summer, somebody who closes rides a motorcycle; and at 2:00 a.m. every morning I know when they're actually closing because they sit in their parking lot revving their motorcycle. Do I call the police? No, because I'm hoping that within ten or fifteen minutes that the police would get there that he would be gone. He's just rude. There's just no excuse for his rudeness, and that's the problem. And the people, the night that they had the parking in the airport driveway, it was scary. They were whipping around the house on the other side of Guilford. They, it was coming, all through their windows. I mean they were gunning it all through the parking lot, you didn't know if they were going to come into your house. I'm up off the road a little bit, so I was so afraid at them coming at me, but damaging my cars, yes. And she's right about them pulling out of the bar. They come straight out. You can't pull out on to Post Road because they're parked at an angle. So, you can't pull in, you have to wait til they come out. Sometimes they don't even look that someone's trying to

pull off Post Road. It's just a very bad situation and all I can hope is that there isn't an accident there some day that someone's going to get hurt. I can see it coming.

Ms. Ouimette: It's just been; it's been three years we've been asking. Three long years.

Mr. John Gelzhiser: I can tell you something.

Chairwoman Baxter: Um hmm.

Mr. Gelzhiser: What happens too is that at night they do have their doors open and we have to turn up the radio in the bedroom so we can sleep, because of the noise coming out of there. Especially in the summer; once you put the air-conditioner in the window, that noise is just coming through, air-conditioner or not. We get up at 5:00 a.m. Well, you've got a bar that's open til 1:00 a.m., 2:00 a.m. how do you get any sleep?

Ms. Ouimette: I'm almost ready to sell.

Mr. Gelzhiser: I've got key marks on my car. I never had them before when it was just a restaurant, but since it turned into a bar my car's been all keyed up. I mean, like she said, we're closest to the bar. We're right behind Rhode Island Home Improvement. Sometimes they're parked there and they think it's just fun to come out at night and just blow their horns. They just sit there laying on the horn, laughing away for a while, and then they decide we'll go now, and then they gun it down the street. It's a mess.

Clerk McGovern: Some of the other issues that we have around the City, the police officers have a sound meter. Have they ever brought that out to, when you make the noise complaint, to see what the decibel level is?

Ms. Ouimette: No. Truthfully - -

Colonel McCartney [interposing]: Last night was really the first night that they were prepared to use it.

Mr. Gelzhiser: You'll get in the summer, the motorcycles there, and I've got nothing against motorcycles, I used to drive one - -

Colonel McCartney [interposing]: Motorcycle noise is very difficult for us to measure with the sound meter because it's mobile.

Mr. Gelzhiser: Well if you get a bunch of them that are leaving like 11:00 p.m., 12:00 p.m. they're motorcycles revving them up and you're not going to sleep until they're gone; because it's the nature of the beast there.

Ms. Gelzhiser: If I was making that kind of noise out of my home, I'm sure that the police would have written me up or done something. It shouldn't be different rules; he's in a residential area. He should be the exact same rules that I have to live on.

Clerk McGovern: We have had some, on either side of you, we've had some different issues through the years and we seemed to fix both of those issues. One at Prata, that's now Iron Works [sic] and one at Shannon View, which is just a little further south down the road from you; and we've come to agreements with the neighbors and the establishments to put those problems to bed, if you will. So, I think we have to do something similar here to, you know, work together, because I have no doubt everything you're saying is true. But, you guys need to work together to keep it going.

Mr. Rizzo: Which is what I tried to do when I leased the property from the airport; and I had, I had permission from the Vice President, the President, everybody for that event because I thought maybe that would help of many, because I know parking is an issue - -

Clerk McGovern [interposing]: You said lease. Did you pay them?

Mr. Rizzo: Yeah, I paid, I put a two million dollar liability on their property, which was one of the stipulations from the airport, that you put liability insurance; I had to send them a copy of it. I had to have two guys out there, you know, directing traffic, and I had to make sure at the end of the night that the lot was cleared. When the officer called me over and said I couldn't park there, the airport police, I showed them the documentation that I got from the President and Vice President that I was allowed to park there. He didn't like that. He got mad, and said that was the last time that they were going to overrule him. I don't know what that situation was. I mean, she was there with me - -

Ms. Ouimette [interposing]: Exactly, and they were very surprised that he was allowed to do that, and - -

Mr. Rizzo [interposing]: I showed him everything and the guy looked at it and he said, "Listen, he followed everything that's on this letter, there's nothing I can do. But what I can make sure is that when I come back here at 1:30 a.m., that the lot better been clean and there better be no cars on there." And that's exactly what we did, we followed everything and Dave Cloutier and Peter Frazier both called me and said that I followed through on everything that I requested and they thought this would have solved everything. But, because a complaint was made, it was brought up to Zoning that, because it's still residential, that I wasn't allowed to park there anymore because it's residential and you can't park cars; and then Zoning actually got mad at them. So, I was actually trying to put cars on the grass and getting them off the street and pay to lease it from them, but then when she got upset that we parked on the baseball field that they want to use for their kids, it got shot down because of the Zoning issue. I mean, I mean so I try. As far as the parking on the street, the signs were put up from, I believe, if I remember correctly, when I came to Zoning three years ago, they were told from I believe here to put them up. We put them up; we did exactly what you told us, we put them up. Listen, I have no reason to lie, I'll be straight honest with you. One of the events that we had, after that situation, I asked about parking on the street and why it was a problem that we couldn't park on the street. I called Traffic, I guess you have a traffic police that comes out and does traffic surveys and look at the signs. The gentleman was on a motorcycle. I forget his name, I apologize, but I'm sure there was a report made. He came out, he looked at the signs on both streets, he went back to The Office and he said there's no traffic study done, those signs do not belong there, take them down. You can have people park right sides to the curb, don't block the driveway, and make sure that people can back out of their driveway. If you follow that, right side curb going in either direction, you can legally park on the street. So, I mean I've tried everything possible, I know they don't think so, but I've done everything that I possibly can. And furthermore, and you can even check with the airport police, the Airport Corporation if you'd like, I've

had my fence broke twice; that fell on customers' cars. I even did a police report, which they can look, for the kids playing in the yard. They played football and they ran into my fence, broke it in half, dropped it on a customer's car; I got hit with a \$2,800 bill to fix this guy's car on my property, because the airport said they weren't responsible, even though there's no trespassing signs. One of their husbands tried to fix the sign, I was out there with him, I have pictures of it; and I didn't even complain. I didn't go over there; I didn't yell at anybody, I didn't say anything. But, if they want to make it as a park; I mean I have no control over that, I can't control that, I don't own the property. I tried with the police. So now the airport's gonna pay to put a fence from my fence all the way to the other side. So, from, what is it Pell, to whatever those streets are. It's gonna go the same as mine, so it's gonna go, like my fence goes small, then six feet, then small. It's gonna do the same thing because it's gonna keep happening. Make fence is gonna break and the airport's like, we don't want to incur an expense, and they want to keep a relationship with us. So now, you guys will see it; there's gonna be a chain link fence basically blocking my fence so no one will have a problem. I mean, like, my point is I'm trying to do everything I can, but if we can't park on the street, we can't park in the lot, where are we supposed to park?

Chairwoman Baxter [to Ms. Ouimette]: Could I see your photos please?

Ms. Ouimette: Absolutely.

Vice Chairman Paolucci: We have the noise issue as well.

Mr. Rizzo: Well, with the noise, I'm willing to work, like I said I've never had anyone say to me; like when the officers are coming; I'd say it's so very few times, it's like three times that I'm aware of, that we've done everything that they've asked us to do when they've come.

Ms. Ouimette: Even without the no parking signs, Zoning; a business cannot use the street. That's this right here.

Chairwoman Baxter: Um hmm.

Ms. Ouimette: And um, 14 years ago, I had no parking signs. It took me a long time to get no parking signs because Rhode Island Home Improvement doesn't have parking either, which he has curbed. We totally respect that, he only parks about two cars now on our street. If both cars are legally parked the way they should be, no tires on any curb, emergency personnel cannot get down our street. Every other street in our neighborhood has no parking signs. We're not the only street, we're not the only one's asking. We're an airport district, people like to park their cars there and go on the airport and take off. So, almost every other street in our neighbor has, actually they all have one hour parking. We have been trying to get residential parking only. I also have this letter that my neighbor would love for you to read, and then here are all the police reports. And, the one day that he did get an okay to have a corn hole, we had, they had to move the cars because people could not get down the street, and that's what we're trying to express to you. Even if he does it the legal way, and he comes and asks for an okay, they can't park, there's no passable way. You can't pass through our streets; they're too narrow to have two cars parked on both sides of the street. So, um, this is all my information. You're more than welcome to look at it.

Ms. Gelzhiser: I also have pictures on my phone of Wednesday night, when two cars were parked facing the wrong direction on the side opposite me. I did call the police. I don't know if they came out and ticketed or not, but Wednesday night, and I know that is against the law, to be facing the wrong direction and there was two cars facing that way.

Ms. Ouimette: And I just have this video of yesterday. He's complaining about his fence. His fence is missing tons of pickets; it's decrepit, it's probably like 50 years old and is falling apart anyway. The kids did break it down. My husband is the one that went over and picked it up. He is suing the airport and he did, as he told one of the kids, get \$2,100 through his insurance company to fix it. So, I am in, working with the airport to, to, and we're not trying to make it a field; all airport property usually allows the kids in the neighborhood to play on it. They just keep it neat, as long as we keep it neat. We clean it. We keep it neat. But this was happening yesterday during his car show. [showing Chairwoman Baxter the video] This is what they do; they drive through the parking lot. Um, and they just do "u-eyes", they do whatever they want in the parking lot.

Chairwoman Baxter: Is that in the grass?

Ms. Ouimette: That's my house. Yeah, that's the grass.

Chairwoman Baxter: So they turn on the grass.

Ms. Ouimette: Yeah, they just do "u-eyes" in it or they'll cut through. They'll fly through, and its trees, there's trees there. There's no light at night. It's not a parking lot. It's actually grass that they take care of once a week. The maintenance guys don't want them on it either. He was very surprised that they allowed him that one time. But again, our Councilwoman called so they thought because she called that they would allow it to happen for a one-time event, they thought as well. I have more videos too if we needed them in the future; they're on my daughter's phone, of them all pulling away last night. They made it from the end of the driveway to Burger King on one squeal of a tire. I am surprised they didn't hit oncoming traffic last night. I was actually afraid for most of them leaving last night.

Clerk McGovern: What time did the event close?

Ms. Ouimette: Um, it was not loud, but a majority of them all left by 9:00 p.m. or 10:00 p.m. last night. It was quiet, I'm not going to say it wasn't. His music was, he does have a speaker hanging out that left door. There's like a speaker, I think; because my neighbor that wrote that letter came out and took pictures. They were blocking her driveway yesterday, and she was upset by the music. She has a - -

Colonel McCartney [interposing]: So the speaker is situated outside?

Ms. Ouimette: I'm not quite sure exactly where it is, but it's not the inside music. It's right there, and I didn't want to get too close.

Colonel McCartney: And your permit is for inside live entertainment.

Mr. Rizzo: They're surround sound from the TVs, so on the outside of the overhang, like the outside patio, there's two little speakers, and their mounted up high so that you can hear like the games and the sports on the TVs when we do.

Solicitor Pearson: Not outside. That's outside entertainment. No speakers outside, that's outside entertainment.

Colonel McCartney: Well, that's the problem.

Mr. Rizzo: Well we have outside entertainment too.

Solicitor Pearson: No you don't.

Mr. Rizzo: We don't?

Solicitor Pearson: No you don't.

Ms. Ouimette: Um, I showed you - -

Mr. Rizzo [interposing]: We have outdoor seating, but not entertainment?

Colonel McCartney: You have live entertainment outside?

Mr. Rizzo: No. These are speakers that are just from - -

Colonel McCartney [interposing]: Okay, well, that's the crux of the problem that Counsel is trying to point out to you; is that by putting the speakers outside, you're in violation.

Ms. Ouimette: That's his certificate of licensing right there. He does not have outside entertainment.

Mr. Rizzo: I did not know that speakers up top were considered outside entertainment.

Colonel McCartney: You've got to keep these doors shut. That's something we're going to have to check up on now. From now on, you can't leave those doors open because obviously that's creating a huge problem

Mr. Rizzo: Well if the speakers are the problem, then I'll just take those down.

Colonel McCartney: Well the speakers are gonna have to come down and you're gonna have to keep those doors shut - -

Ms. Ouimette [interposing]: They don't stay underneath the overhang, ever.

Colonel McCartney: When you're having live entertainment inside. Because that's, it's just - -

Ms. Gelzhiser: Sunday morning at 6:30 the radio was blasting. Because I went to walk my dog and it was 6:30 and I thought if it's still blasting I'm gonna call them when I get back; and I thought either someone smartened up over there or someone already called, at 6:30 Sunday morning it was blasting with the doors open.

Mr. Rizzo: That must have been the cleaning crew.

Ms. Gelzhiser: Well, it's always somebody else's fault, not yours, I understand that.

Mr. Rizzo: Well I'm not there cleaning, so I don't know; but if that's the case, we'll take care of that.

Chairwoman Baxter [to Ms. Ouimette]: We'll give you this all back.

Ms. Ouimette: Yeah, no, that's fine. [to Colonel McCartney] Did you want to look at any of these?

Colonel McCartney: Yes, I would please, thank you.

Chairwoman Baxter: I just want to say that we've only seen the reports that were in our packets tonight, the one's that I read aloud. I appreciate you bringing this in. Typically stuff doesn't come to us; I don't want to say this doesn't reach the level, because certainly you guys should have been here earlier, but um, I'm sorry this took so long.

Colonel McCartney: I would say that one of the other problems, although I understand, a lot of these reports indicate a refused caller. Now I'm not trying to say that I don't understand why people don't want to identify themselves. We have to live with that when we're trying to investigate a noise complaint. I understand how human nature is, and we still encourage people to call us, even if they're a refused caller. I'm just saying, it makes it a lot more difficult for the officer to fully investigate it sometimes for a lot of different reasons. I'm not saying that I don't understand the problem; I do, but - -

Ms. Ouimette [interposing]: I'm afraid of retaliation, truthfully.

Colonel McCartney: I understand that. I understand that's a real concern on the part of people.

Ms. Ouimette: It is a big concern.

Colonel McCartney: I understand that. I'm just saying, it's a problem for us too, that's all.

Ms. Ouimette: Thank you. That's good to know.

Chairwoman Baxter: Because that way they can go in front of your house and hear the music.

Colonel McCartney: Yeah. I know there's a couple of reports here where the officer went down the street and he's got a refused caller, but according to the report he's saying he can't hear anything. Now is it helpful when we're able to talk to somebody and they can give us a much better idea of what the problem is - -

Ms. Ouimette: Okay.

Chairwoman Baxter: Ok, um, I did.

Whispering is heard in the background.

Clerk McGovern: Is this the person who is not here, Pena?

Ms. Ouimette: Yes. She has three sons.

Clerk McGovern: Where does she live?

Ms. Ouimette: She lives right on Pell, the first house. She's probably the closest you can get to the bar. One of her sons is disabled too, he's got special needs. I just want to put that out there too. He's not allowed out in his front yard either because they park out there.

Vice Chairman Paolucci is heard whispering to Chairwoman Baxter.

Chairwoman Baxter: Yeah, the person that wrote this note said that the music level is too high, trash is thrown in front of and over the grass of our house, they have rats now - -

Ms. Ouimette [interposing]: Yes, we are all loaded with rats; and that was another thing that we talked about the grill yesterday. He was told not to use it and he used it anyway. Um, we have rats now. We are now loaded with rats. My whole property has rat holes.

Mr. Gelzhiser: I've picked up a couple dead rats in my backyard already.

Ms. Ouimette: That's another thing that we're gonna start going through.

Mr. Gelzhiser: We've never had that a couple of years ago.

Chairwoman Baxter: Where's your dumpster?

Mr. Rizzo: It's right behind the gate where it's always been.

Ms. Ouimette: It's not closed.

Chairwoman Baxter: Is it in a fenced in little area?

Mr. Rizzo: Yes.

Chairwoman Baxter: And it's not closed?

Mr. Rizzo: My gate's always closed.

Ms. Ouimette: The last time that my kids were playing over there it wasn't closed, because they threw the beer bottles that they found, they threw inside the dumpster.

Chairwoman Baxter: Okay, um, music level is so high that we can't get to sleep, because we need to wake up early. "The customers of The Office bar consistently smoke marijuana in front of our home, which our boys can see. Ugly arguments in front of our home from the customers. Customers having sex inside and outside their vehicles in front of our house". Then there's also in the police reports that needles were found also.

Ms. Ouimette: And the airport can back us on the condoms and the bottles that they are finding on a weekly basis when they clean the lot. He said, "Please watch your kids when they play in there."

Chairwoman Baxter: Okay.

Mr. Gelzhiser: I have a picture of one of the dead rats if you want to see it.

Chairwoman Baxter: Yeah. Well, we don't know, if it's just a picture of a dead rat; if it was like in front of your house and I knew it was in front of your house, you know what I mean; I can't, I can't accept that.

Ms. Ouimette: We have tire marks up and down our street as well. I took pictures of them. I didn't put them in there, but if you wanted to see them. We have like rip marks up and down our streets. They just sit there and burn rubber. I know it's not him; it's the people that he takes in.

Chairwoman Baxter: It's the customers.

Mr. Ouimette: The MMA fights really are out of control.

Chairwoman Baxter: How often are you having, I mean I see the signs out there, how often - -

Mr. Rizzo [interposing]: Usually they're once a month; they have them.

Chairwoman Baxter: Okay. Do you charge a cover charge for that because it's pay-per-view?

Mr. Rizzo: No. Yes, it's pay-per-view. We pay. We don't charge a cover. I mean it's kinda hard to sit there and just tell people you can't come in by the way they look or the way you dress.

Chairwoman Baxter: But if you have an event that's causing a problem and bringing a different crowd in than you're used to having, you as a business owner - -

Mr. Rizzo [interposing]: How do you decipher that if it's a different crowd? I don't know of any of these problems that happen. I don't see. I mean there's no fights, there's nobody fighting, there's nobody leaving, there's burning out - -

Chairwoman Baxter [interposing]: And I also see - -

Solicitor Pearson [interposing]: It's your Liquor License that the Board can restrict or remove.

Mr. Rizzo: I'm not trying to argue with you. I'm just saying I don't know about this. This is the first, with the pictures and all this, that I'm hearing. I don't, people don't, I don't, there's been three reports that I knew of.

Chairwoman Baxter: The other thing is in the police reports also there's a few calls for extension because fights haven't started or whatever.

Mr. Rizzo: Right, and they told me no and I followed it and the police came and I followed exactly what they said.

Chairwoman Baxter: Typically, an extension is for when you know, I'm still counting the money, I'm still cleaning up a mess; it's not so I can continue my entertainment past hours. That's not what an extension is for. To ask for an extension for that reason is disrespectful to the police department because they have to go and check on you because you're still having entertainment. That's not what it's for.

Mr. Rizzo: Well people were leaving when they told me they couldn't have the extension, so they didn't have to come there for that. I respected what they said and I told everyone they had to leave.

Ms. Ouimette: You showed the whole fight that night, and the cop sat, the police officer sat out there for 40 minutes. In one of the police reports he was there for like 40 minutes.

Chairwoman Baxter: That's not in the report. But, again, there's a lot of complaints here. A lot of these things can be fixed by you immediately and we're gonna make sure that they are tonight. That your doors are closed, um, you're gonna, we can shut down your entertainment earlier too. We have a couple of businesses in the City where we've had some problems between neighbors, you know, they're sort of in a residential area and neighbors are affected, and we've had to restrict hours, restrict entertainment. The neighbors need to continue to live their lives. So, first of all you need a copy of the Warwick Liquor License Rules, because you are responsible for what's going on in the parking lot, you're responsible for what's left in your parking lot, the noise. That's all on you, okay? And if you guys have any more ideas, please add them on. So, I would like to make a motion that, um, you're gonna close your doors, I think that you need to put saw horses; we've had other businesses do this; on their streets, local parking only. These folks can't have this parking, you know, they can't find needles in their streets. There's pictures of bottles in that field. We can't have that. This is Warwick and we don't want that kind of city.

Mr. Rizzo: I don't want it either.

Chairwoman Baxter: Okay, so, you're gonna, you need to put up some saw horses, again, we've had other businesses do this and it works very well; on Pell, on Guilford, that say local parking only. Okay, somehow you have to get this to your customers that they can't do this in this neighborhood. What's gonna happen next is we're gonna restrict your hours - -

Mr. Rizzo [interposing]: Now if they put those up, not to interrupt you, but if they put those up and they still park there that's still our responsibility to have somebody to monitor the streets to make sure they don't. Just so I'm aware.

Chairwoman Baxter: Well they're going to call the police and have them towed, that's what's going to happen. There's a whole bunch of reports in here for people getting ticketed.

Mr. Rizzo: Which is fine, but does that go against us if they come and tow them. If they don't follow that I put and they get towed, that's on them right?

Chairwoman Baxter: That's on them.

Mr. Rizzo: That's on them. As long as you guys are fine with that. Listen, if they get towed I'm fine with that. That's on them. I'm fine with that.

Vice Chairman Paolucci: Well, you should be at least monitoring your parking lot, you'll pick up a lot just by doing that. You'll pick up a lot as to what's going on.

Chairwoman Baxter: You might have to send someone out there and look and if there's people on the street, you know, go in and give the plate number and they've got to move, because you have a parking lot. I'm sorry it's not big enough, but that is not their problem. Okay? I'll make a formal motion in a minute; but the speaker needs to be off the porch, that is outside entertainment and there is no need for that. If this continues, like I said, we can pull the MMA fights because we can restrict the entertainment in your business. We can restrict your hours, and you can shut off the entertainment down earlier. So, um., what we've proposed also is that we're going to do a review in 30 days, and have you guys come in again and see how it's going, okay? So, are there any other suggestions?

Clerk McGovern: I'm just confused as to what the motion is going to be.

Chairwoman Baxter: Okay, so the doors are going to be closed, they're going to put two saw horses and they're going to bring the speaker inside. We're going to do a 30 day review. And if there are still significant problems; and you need to pick up that lot. If there's needles and stuff, that is unacceptable.

Mr. Rizzo: I mean, like I said, I went to the lot and I didn't see any needles, so - -

Chairwoman Baxter [interposing]: Well, it seems like it's in their lawn.

Mr. Rizzo: I mean I didn't know it. Again, this is the first time I'm hearing about the needles. She had said there were needles on the airport property - -

Chairwoman Baxter [interposing]: It's in the police report, she didn't make it up.

Mr. Rizzo: How come I don't get to see any of this, that's what I don't understand. This is the first time I'm hearing about this.

Chairwoman Baxter: The police department doesn't have to give you this stuff.

Colonel McCartney: I think you know it know.

Mr. Rizzo: No, oh no, I do, but I mean - -

Colonel McCartney [interposing]: Whatever we didn't know in the past, it's over tonight, so we've know what we've got, what we're dealing with here.

Mr. Rizzo: Yeah, but you've got to understand, it doesn't give me any right to try and help the situation if I don't know about it. So, if I come in here and it kind of makes it look like to you guys that I don't care - -

Colonel McCartney [interposing]: Excuse me, Mr. Rizzo, but you do know it now, don't you?

Mr. Rizzo: I do.

Colonel McCartney: Okay. Thank you. I rest my case.

Chairwoman Baxter: Okay. You wanted to say something Kim?

Ms. Ouimette: How will the police officers know, because this has been an issue. He tells them one thing, we tell them another. If we get a new police officer on the force, if they call, if it's someone that's been out there many times; how will they know that this is not allowed? Do you have something that states it if I show them that law that I gave you; is that going to cover us if there's no parking?

Colonel McCartney: Normally Zoning laws are not something that the police get involved with normally. I'm not saying that we don't. It really depends. We take our, we sort of take our marching orders here from the Board. I understand what you're saying, it's just Zoning is a little bit of a different animal - -

Ms. Ouimette [interposing]: Because our signs are gone now.

Colonel McCartney: I'm looking for any guidance that Counsel might give. I'm not saying that we don't, based on restrictions, and we usually deal with the traffic studies that make recommendations; and then they're made legal by the City Council - -

Solicitor Pearson [interposing]: Which may be - -

Colonel McCartney [interposing] And that sort of guides us a bit.

Solicitor Pearson: It may be the source you want to start with, is the Councilperson - -

Ms. Ouimette [interposing]: I did call her.

Solicitor Pearson: To request and or check on no parking or limited parking signs for that street.

Colonel McCartney: I'd like to also have the Community Police Officer interview you.

Ms. Ouimette: Thank you.

Colonel McCartney: Okay. He was there, the one that was checking last night.

Ms. Ouimette: I haven't had the same police officer come out ever, so that's why it's a little hard. We don't, I've never met a community one to know - -

Colonel McCartney [interposing]: Like I said, patrol officers, we change their post every six months, that's by contract; but community police are pretty stable. I can talk to the captain tomorrow morning. As long as I have your name and address I can have them come out and interview you or have a detailed discussion with you about the specific problems, so that at the same time he can come back; like I said he's the one that made the report about last night based on the information we've received. So that we

can have a better handle and he can establish a dialogue with Mr. Rizzo as to how things are going. Hopefully they're going well, or if there are still things that need to be addressed. Then he can also alert the Patrol Officers who come on to make sure that they're doing their nightly checks, so that, you know, at this point and time unless the Board gives me some specific direction, uh, whatever the time limits they've put on them, we've just got to make sure that they're adhered to.

Ms. Ouimette: I just, I just feel like without the no parking signs or anything, we're still back at the same situation if that officer is not on, but I understand what you're saying.

Colonel McCartney: Well I don't know, Madame Chair, if it might...I'm a little unclear myself because I'm hearing that there may have been a traffic study done, but I don't know that right now.

Chairwoman Baxter: There's also a whole, there's a bunch of reports in here about cars parked illegally and being told to move.

Colonel McCartney: Yeah, I'm wondering if what we can do is; we'll contact Councilwoman Vella-Wilkinson and we may ask her to request a traffic study.

Ms. Ouimette: She's supposed to on Thursday, I did speak to her on Thursday.

Colonel McCartney: Yeah, of this area. Again, so we can get a better handle on exactly what the issues are.

Chairwoman Baxter: Okay. So you have to request that from her?

Colonel McCartney: Yes.

Chairwoman Baxter: Okay.

Clerk McGovern: Did we have parking on one side of the street only by Shannon View? I thought that was an issue we had before.

Chairwoman Baxter: Shannon View, I don't think so.

Ms. Ouimette: Shannon View has never parked in the neighborhood unless it's St. Patrick's Day. They actually put all no parking signs, they get a police officer, and they cone our whole neighborhood. They are so respectful. Believe me, they line our streets like crazy.

Colonel McCartney: That's an event specific to a situation.

Clerk McGovern: They did a lot of that on our recommendation.

Ms. Ouimette: They line our streets like crazy, but they are respectful. I went over to ask Shannon View what he's doing that he could go over and talk to him about it. I actually did.

Clerk McGovern: As I started out earlier saying, we had problems to the north of you, we had problems to the south of you, and we've fixed both of them.

Ms. Ouimette: But Shannon View has a huge parking lot and I think that's where I think we're falling back at.

Clerk McGovern: I was just saying; we had problems. The point is we had problems with Shannon View not that long ago. If you survey their neighbors, they're going to tell you the same thing. The back door was open, the music was coming out, they were disrespectful, etc., etc. People were smoking, loud music, loud noise, just talking noise. We fixed the problem is what I'm trying to say. I have no doubt in my mind that we can fix this problem, one way or another. You know, so, you know you brought it to our attention. He's more aware of it, we're more aware of it, and like I said, I have no doubt that we can fix this. We can have a successful business and happy residents.

Chairwoman Baxter: Okay, because we do want a successful business. We just don't want you and the neighbors in conflict, because, like said, it's happened a few times in different areas, and we've tried very hard to - -

Colonel McCartney [interposing]: Todd, you're gonna have to keep in mind here that when you're considering as a business man here about running events at your location, you've got a, you've got very small room for error here. You're bringing in a lot of people, and you don't have enough places to park, and that's leading into all kinds of problems. So, you're really going to have to think about that long and hard; because it's just going to bring down more heat here.

Chairwoman Baxter: Yeah. Shannon View, like the Colonel said, it's an event specific, it's St. Patrick's Day, but they do; they use some parking across the street and they have detail officers because it's one big event. There's another business in the City where they do valet parking about a block away and they shuttle people down to their place.

Mr. Rizzo: Which I do use Home Improvement, but again, people I think, in their mind think that they can park on streets in neighborhoods because it's a public street.

Chairwoman Baxter: Yeah, well, like I said, you're going to take care of that.

Vice Chairman Paolucci: Maybe you could use some signage inside your restaurant.

Chairwoman Baxter: Well, again, and there are no parking signs in these pictures.

Ms. Ouimette: Yeah, but most of them just disappeared within the last week.

Chairwoman Baxter: But there were a lot of signs.

Ms. Ouimette: I know and they're all gone, and that's why I'm afraid like going forward we're - -

Chairwoman Baxter [interposing]: Well, I'll make a motion that The Office is going to close its doors so that the music is not coming outside, you're going to take down your speakers, and you're going to put saw horses up for Pell and Guilford that say no parking; residents only. I don't know where you get those, but I know other businesses have done that. Iron Works [sic] and Chelo's do it and it's pretty successful. So, you're gonna do that, um Lisa what are the June meetings?

Recording Secretary Ferolito: June 7th and 28th.

Chairwoman Baxter: So June 28th we will do a review. We'll see how everything's going. Hopefully it will be going well and this is all we need to do but, again, there's a lot that we can do to quiet it down even more, including the restriction of hours, restriction of entertainment. We don't want to have to do that, but if we have to we will. And if you're thinking of car shows, you need to come in here. I would take that thing down off your Facebook right now.

Mr. Rizzo: Now you guys are okay with parking next door at Home Improvement and the ice cream place, you don't have a problem with that.

Ms. Gelzhiser: Well the ice cream place put up barriers for you.

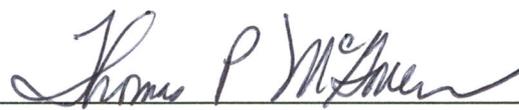
Chairwoman Baxter: Yeah I saw that.

Mr. Rizzo: Well he didn't put barriers up for us.

Chairwoman Baxter: Time out. I was making a motion.

ACTION: Chairwoman Baxter made a motion that The Office is going to close its doors so that the music is not coming outside. They're going to take down their speakers. They're going to put saw horses up for Pell and Guilford that say no parking; residents only. On June 28, 2016 there will be a review done of the above. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

At 9:00 p.m., the Board ended this session.



Thomas P. McGovern, Clerk