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BOARD OF PUBLIC SAFETY
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BOARD OF PUBLIC SAFETY
April 9, 2024
BOARD OF PUBLIC SAFETY ROOM
SECOND FLOOR, POLICE HEADQUARTERS

SPECIAL SESSION

MINUTES

At 5:06 p.m. the Board opened its special session for Tuesday, April 9, 2024. Present were Colonel Bradford Connor, Fire Chief Peter McMichael, Chairman Charlie Benson, Vice Chairman Mike Gilbert, Clerk Jim Paolucci, Solicitor Mike Ursillo, Assistant Solicitor Wyatt Brochu, Licensing Clerk Heather Kelly, Chief of Staff Aaron Mackisey, and Building Official Al DeCorte.

1. Discussion of firefighter disability pension application.

Solicitor Ursillo: Do you get anything?

Chairman Benson: We get the gambit. We might get - -

Assistant Solicitor Brochu [Interposing]: It could be from nothing, to the actual medical records that we can't interpret.

Chairman Benson: But medical records, where we've got, like a perfect example, they haven't come back yet. We have the medical records, which I read them all day long, so I can look and see this in here, but they weren't finding where the thing was. No letter from a doctor.

Solicitor Ursillo: You need, this is so simple and straight forward. Yes, no, the person is or is not - -

Fire Chief Peter McMichael [Interposing]: If I might, just to clarify, we're talking about retirees.

Chairman Benson: Retirees, yeah.

Chief McMichael: This is totally separate from active.

Chairman Benson: Retirees. Mainly the cancer. We're talking about the cancer cases, yeah.

Solicitor Ursillo: We need a doctor to say yes, he has cancer. He's entitled to a disability pension.

Chairman Benson: Well, I spoke with my contact that I deal with a lot from the State Retirement Board, because she goes to all of the meetings, along with their lawyer; and she actually does the minutes and the agenda and everything. She's the one that all of the pensions go through. So, I called her up and I asked her, you've got to have these coming before you. She said yeah, we do. I said what are you doing with these, because we're getting all sorts of stuff. She said, first of all, we make them do this application for a disability. You'll see the doctor signs it, which is perfect for what we need. We can make it to our - -

Solicitor Ursillo [Interposing]: It's in English. You don't have to go hunting through medical reports.

Chairman Benson: Exactly. And then I started talking to her. She said as far as; I said as far as the cancer, if get this is it automatically approved? She said no. She said, we go by the statute, which is what I brought for you guys; that's 45-19, and this one will be 18 month basically. They have 18 months to file for a disability. If you had a policeman out on IOD, and they don't file for a state disability for 18 months, they can be dropped from IOD, according to this.

Colonel Connor: That's for the State pension system.

Chairman Benson: For the State pension system, exactly. So, they make them go and file within 18 months. Now, 18 months of their knowledge of having the cancer.

Solicitor Ursillo: Exactly.

Chairman Benson: I think for us, that's something - -

Solicitor Ursillo [Interposing]: You could adopt the same exact rules and add it to your rule book. What might also be helpful, in addition to what she provided; a great application form, is ask her if she could send you a copy of the rules that say this is what you've got to do. They've got to have rules and procedures.

Chairman Benson: Well, the other thing that she also said; we also have to make sure the doctor says their disabled. I said what do you mean by that? She said like skin cancer. If you get skin cancer on your hand, that doctor has to say while you're disabled from being able to do that job, because you've got a little bit of skin cancer on your hand.

Colonel Connor: But is that for the retirees or active?

Chairman Benson: Retirees.

Vice Chairman Gilbert: We've actually had medical documentation that's come before us with a note that was submitted, I want to say it was prostate cancer, and it literally said cancer free. It said they were being treated by them for cancer of the prostate and it's in remission and they are now cancer free. Then were sitting there like, okay this is cancer free. The cancer part is certainly job related, that's not even the question based on the statute; the question is is it a disability, is it a permanent disability? Those questions we can't seem to answer and there's no doctor that can review this.

Solicitor Ursillo: That question is right on it. Is it permanent, is it partial?

Colonel Connor: And a 75 year old man, no offense to anybody in this room, but a 75 year old man is disabled based on his age anyway from performing the job of a firefighter.

Chairman Benson: Right, but they don't go by that. They go by was the cancer disabling?

Solicitor Ursillo: Well that's because you would move up to a much more expensive pension. If you're 75 and you just find out you have prostate cancer; you're going to say ooh, I'm going to get to collect tax free 66 2/3 percent as opposed to my 50 percent or whatever. It still should be that way.

Chairman Benson: Yeah, she mentioned that. She said that exactly what we said. She said there's no doubt under that law, the cancer is work related; but is it a disability. That's how their looking at it.

Vice Chairman Gilbert: And is it permanent?

Chairman Benson: Permanent.

Vice Chairman Gilbert: Those are two big problems that need to be - -

Chairman Benson [Interposing]: And that's why she said I'll send you this disability application, because we ask right on there.

Solicitor Ursillo: So, here's what I can do. If you would be good enough to get her rules and regs also on this issue, what I'll do for you is I'll draft an amendment to your own rules and regs, adding the appropriate language, and we'll also append the application. You then, in a public meeting, would adopt the rules and regs. Once that's in place, you'll have a process going forward.

Vice Chairman Gilbert: That's awesome.

Chairman Benson: We're going to have questions from time to time, but at least this will make it; and Lisa, they call you when they say how do I go about applying for a disability, so you can tell them you have to first fill out this application.

Assistant Solicitor Brochu: Now Lisa, did we confirm the rules and regs from whatever that year was from in the '90s; is that the most recent one?

Recording Secretary Ferolito: Yup.

Chairman Benson: We just approved new ones, didn't we?

Vice Chairman Gilbert: For fire.

Chief McMichael: You have separate rules for disability pension.

Vice Chairman Gilbert: Correct.

Chief McMichael: The rules and regs you approved were for the fire department.

Chairman Benson: That's right.

Vice Chairman Gilbert: So one of the things, Mike, too, because we no longer have the Dr. Baute or the other three doctor panel below him, you know, attorneys are coming in and dropping notes and medical reports on our desk and we're sitting here trying to thumb through it. We're reading carcinoma, blah, blah, blah. Well that sounds like cancer, but I'm not sure. And then there's some that say so and so is under my care for prostate cancer, they were a firefighter from this period to this period. Some of these notes are like two lines. Some of these retirees retired 30 years ago. Now they find out they have cancer, which the law triggers it automatically job related, but disability, and or, is it; we don't know.

Chief McMichael: In reality, 95% or more of those coming in for these are already getting more than 66 2/3.

Vice Chairman Gilbert: Even if we approved it, right Chief - -

Chief McMichael [Interposing]: State tax is the only difference.

Solicitor Ursillo: Ah, okay. And we have no control, because the law is the law, but it's the worst thing they ever did. Not putting a causation; there should have been a causation link between the job. Being a firefighter doesn't mean you're going to get prostate cancer. I mean it keeps coming up because that's a typical one. Lung cancer, yeah of course. We have no control over that.

Chairman Benson: And we can, again, based on conversations, we can say; and we've done it actually, we don't have enough information.

Solicitor Ursillo: Absolutely.

Chairman Benson: Now it will be easier because we'll say - -

Solicitor Ursillo [Interposing]: Because they're getting their due process. They're getting their due process. They can't go to court and say they wouldn't even hear me. No, you've got to prove your case to us.

Vice Chairman Gilbert: What's our mechanism, until this all gets adopted, that might be a little bit complicated, where we feel, or I feel - -

Solicitor Ursillo [Interposing]: Easy, you say to them or the attorney, whoever, we need a doctor's note in plain English that the guy is disabled, the woman is disabled based on blah, blah, blah; because we have no expertise in reading through medical records. If it's a Gary Gentile or what, you have the same thing. You have no expertise in this, you have no idea; you shouldn't be expected to. Request a letter from a doctor stating in black and white, here's when the disability was, is it permanent or partial, is it cancer, what is it?

Colonel Connor: Ed Roy handles most of them. It might be a good idea to call him and tell him what you want.

[Crosstalk]

Solicitor Ursillo: All right. Charlie, anything else for me?

Chairman Benson: No, that's good. I appreciate you coming in.

2. License application requirements and procedures for all licenses issued by the Board of Public Safety.

Chairman Benson: All right, we'll start. The one of the reasons why we wanted to get everybody together is when these things come before us, and we're kinda flying by the seat of our pants, you know; I think you know about when we had the certificate of occupancy issue. You know, we really have no information, so we were under the impression that you can't operate without a certificate of occupancy. Not realizing that, that should really all be going through the building department. So, and it's the same thing with liquor licenses and stuff. You know, we're asked to approve these things, but we don't know what's going on from the other standpoint. We've also had people come in here constantly telling us all the time well the zoning board, mentioning the zoning board, and we tell them we have no idea what goes on at the zoning board. For example, the Seasons; when the neighbors were complaining about Seasons, and basically their issues should have been told to the zoning board, but then they come here to yell at us.

Mr. DeCorte: Is that Warwick Avenue?

Chairman Benson: Yes, the one on Warwick Avenue.

Solicitor Ursillo: The same thing happens in the towns where the town council sits as the licensing board, as opposed to a special board like all of you. People go to the zoning board and they complain, and then because the council, in your case this board, has the ultimate authority to issue the license, the same people comment, so that's not unusual. As I understand it, when you get a license application, you're not getting any kind of a sign off by you know, the building department, the zoning officer, the [inaudible] chief, the fire; in every other town I work for, before the license gets to the board, the council, whatever; there is a two or three page paper saying, okay, each of the department heads needs to sign off, or else it never even makes it to this board.

Assistant Solicitor Brochu: Or there's conditions.

Colonel Connor: Our cart is before the horse. They come in and they don't have anything, and we say yes it's approved pending this, this, this, and this. But the problem with that is, as we saw, is it goes into the OpenGov site, and everything gets checked off, but there's no checks and balances for how long they have. Right, so - -

Assistant Solicitor Brochu [Interposing]: That's a couple problems. One, especially with the liquors, and we did have an appeal, but we handled it. We kind of got lambasted a bit. We didn't have anything. We didn't have seating plans, service area, menu, like all of the things you would expect - -

Solicitor Ursillo [Interposing]: By law.

Assistant Solicitor Brochu: Well, because those are particular to the liquor license. So this board, you're going to authorize it. Where can they serve liquor on that premises, where can people consume liquor on

that premises. All of those certain things. But then we get the ancillary issues, and we get the ancillary issues of, for example, you may be dealing, whether it's through building, certain conditions, zoning, maybe a special use permit, they're putting particular times or there's a parking issue. We don't know any of it, and then people come to the board and either the applicant is explaining to us what other departments in the city are requiring or needing, or the neighbors are coming to us complaining about something; well they shouldn't be able to serve alcohol outside because of a, b, c, and d. We don't have anything independent on what the other departments are doing; planning, zoning, and building in particular.

Solicitor Ursillo: You're relying on the applicant to tell the board what has and hasn't happened, instead of having the department heads telling the board. Like you said, zoning may have put a stipulation on the hours of operation.

Assistant Solicitor Brochu: Right, and we could also.

Solicitor Ursillo: You could.

Chairman Benson: We have, on Chelo's by the Bay, with their entertainment license.

Solicitor Ursillo: Sure.

Assistant Solicitor Brochu: But many times we see entertainment license and then they tell us either a, building's all set, or b, building's not all set; they need a, b, c, and d. Where some of these issues have come up most recently is in transitions of licenses. We had one, it was a transfer. We approved the transfer, but here's the question I had. When we approved that, was our approval subject to the things that were needed; state tax and all these things; or did we approve the license and the issuance was subject to. That was a question we had, and up here in the conference room at 6:00 p.m., we don't know that answer. Number one. But then secondly, because it wasn't issued, the applicant didn't renew. So then we're sitting here in January - -

Solicitor Ursillo [Interposing]: And there's a transfer in front of you.

Assistant Solicitor Brochu: Right.

Solicitor Ursillo: On a license that's never been renewed, so theoretically it expired.

Assistant Solicitor Brochu: And then they say; then in March they say we want to open in April, but we're working out some things with building, which we don't know what those things are. You know, so, really we just need some coordination on the program.

Solicitor Ursillo: You shouldn't be approving any license without having proper backup. You should have a package, or a sheet of paper, with every license should have it. You should never rely on them telling you what they need.

Colonel Connor: So what we can do, though, and this is what somebody suggested. We can get that program, is it OpenGov?

Mr. DeCorte: Yeah.

Colonel Connor: We can get that OpenGov in here and we can pull up, and we can see what it is. So, you know, it will tell you what step they are in the process. If we look at it, the applicant comes in and we can say look, you haven't gotten your CO, that's what we're waiting on.

Chairman Benson: Yeah, and after that last fiasco, when Frank called me and I was talking to him about that stuff he said you guys should have that. You could get it I guess. As long as they give us access to it.

Colonel Connor: Is there an open meetings issue with pulling up the record like that?

Solicitor Ursillo: No. Absolutely not.

Heather Kelly: I can print that and add it to the folder. That's not a problem. It will tell you dates and times of everything.

Solicitor Ursillo: You should print it and add it to the folder. You shouldn't have to pull it up here. You've got all these applicants waiting, you're fussing with pulling it up; that way this Board, before they even arrive, if you do your homework, you read through it all ahead of time and make your own comments and questions, so now you're ready to go when the person is in front of you.

Vice Chairman Gilbert: Sometimes what's been happening is Heather will ask Lisa to bring in a business because of stuff that she's aware of, because it's stuff that she's been dealing with for licensing, probably for years. The CO is one example. She said bring them in, they haven't got their CO. So, now all we know is that a hotel is open, operating, without a CO, there's about 80 people in the hotel, and we have to try to make a decision. We don't know if it's a delay on the fire inspection, whether it's a delay on the building side, whether you guys allow certain parameters; we'll give you 30 days, we'll give you 60 days, we have no idea and we're left to make a decision on whether we leave the business open and run the risk and liability for the City and the board, that if something happens in that building during that timeframe; even if we give them 24 hours to try to get their paperwork, we don't know. So, it's almost like from the board's perspective, I said to Lisa, I said something like that that Heather asks to put on your agenda; that should be worked out before it even lands on the agenda. Now it puts the board and the city in a really bad spot, liability wise.

Solicitor Ursillo: Things don't get to the zoning board unless they've off, the zoning official has signed off and said yeah, everything is here, now it's up to you to discuss.

Assistant Solicitor Brochu: The general rule, and this is a broad statement, but, nothing should be on our agenda unless it's ready to be heard. That means everything is submitted.

Colonel Connor: So that means there isn't going to be anymore pending this, this, this.

Assistant Solicitor Brochu: Well it could be - -

Colonel Connor [Interposing]: If it's a transfer maybe.

Assistant Solicitor Brochu: One of the problems and I know this is what happens with the liquor. They're coming in here before they even lease the place.

Ms. Kelly: Well, yes.

Assistant Solicitor Brochu: Or they're coming in here before they started the build out. They said we don't know what the seating plan is going to look like, because we haven't gone to zoning yet.

Solicitor Ursillo: Well then you defer, giving the [inaudible] after that.

Ms. Kelly: So, something with that is; let's say they have everything that they need and they come in to me and they're like okay, we've got everything we need for a liquor license. Now I'm going to advertise it twice. Then I have to mail. So, I mean, it slows down the process even more. I don't know.

Colonel Connor: So they can get their CO and still have to wait months to get a liquor license.

Assistant Solicitor Brochu: It could. Do we have a check list? If someone comes in and says they want to apply for a liquor license - -

Ms. Kelly [Interposing]: Well, yes. I have a cover sheet on the front of every folder. When I have building okay, I check it off, when I have health, I check it off. Everything is right in that folder.

Solicitor Ursillo: So if the taxes are paid, you check it off.

Ms. Kelly: Yes. I'll have a note from the tax collector. I'll put the email in there that says they're clear. I try to put as much as I can.

Solicitor Ursillo: So all of that can be made available to these guys then.

Ms. Kelly: It generally is, but I think with access to the portal, that's definitely going to help now, because I can print out everything.

Chairman Benson: Yeah, that will be good. The other situation that we have, where we were talking about the last one. I'll give you two examples of, and I'll tell you what our problem was last time. We had a situation going back maybe a year or year and a half ago, where I think it was a certificate of occupancy issue. There was a guy here who could tell us exactly where he was, he said I have everything in place, which we couldn't absolutely know. We're taking him for his word. He says he's waiting for the fire department to go out there. So in that case, we said okay, we're not going to close you down, but we're going to make you get a fire watch. So, that seemed like a logical conclusion for it. The problem that we had the other day is that the gentleman that came in here had no clue what was going on. It was difficult to understand him, first of all; second of all, we were asking him have you been down to; he had no clue what was going on. He shouldn't have been in here.

Assistant Solicitor Brochu: He was the assistant manager he said, and the owner decided not to come tonight and went back to New Jersey today. So that created a tone.

Solicitor Ursillo: I have a different kind of a question. So, there are going to be times, and every board does this, and it's totally legal. You can see it on the check list; they've got 15 of 18 items, but they're still waiting the division of taxation. You can grant a license subject to those things, but you don't issue it unless - -

Ms. Kelly [Interposing]: No, not until I have everything on that check list.

Solicitor Ursillo: So my question is if the board does issue, I mean grant a license subject to; you hold it until you get the rest of it.

Ms. Kelly: Yes. Exactly.

Colonel Connor: But they still may be operating, especially like in the transfers.

Chairman Benson: We wouldn't have knowledge of that anyway, right? That would be a situation if we found out about it.

Solicitor Ursillo: If the license, just technically; we're not going to start closing businesses, but technically, until the license is issued, they could be serving food, whatever; but they should not be serving alcohol. End of story. If this goes on for a long period of time - -

Colonel Connor [Interposing]: Al, you had mentioned that sometimes you guys give a grace period; transfer of ownership in a hotel. They're not doing a reno, they're not doing anything, just transferring the business to another entity. Then they can have the provisional. Then you give them a certain period of time to get all of their inspections in and we're not shutting them down. We just don't know what the grace period is.

Mr. DeCorte: It's certain to that application.

Solicitor Ursillo: But would that be available to them on the open portal then?

Mr. DeCorte: Yes.

Solicitor Ursillo: I agree with you. Every situation is different. There's a sob story with every situation. As long as they're aware, and then even if you've said I've given you a grace period for the next 60 days, at least now if they approve it subject to; Heather now knows in 60 days, hey did they get this, did this come in? If not, there should be a response from your office or from wherever.

Vice Chairman Gilbert: But in the case of the CO, just bouncing back to that hotel, which was really where this came to a head. There have been other issues, like you mentioned. There was a marijuana grow shop or something that was selling weed that we ordered shut down; they hadn't complied with a bunch of things. But when Heather triggers bring them back in they don't have their CO; we as a board look at whatever has been made available to us in the packet, but now we're forced to make the decision - -

Solicitor Ursillo [Interposing]: But was that a case though, was that a case where they were given a grace period by Al?

Chairman Benson: We don't know.

Mr. DeCorte: No. They had the application in. The building department performed all of their inspections. The fire marshal had three or four laundry list items to take care of. It fell by the wayside on their part.

Assistant Solicitor Brochu: Just so Mike knows, that was a transfer. So, Al's requiring on a transfer of ownership.

Ms. Kelly: Yes.

Assistant Solicitor Brochu: So it's not like they didn't have a CO.

Solicitor Ursillo: They had a CO but you were using this to get them up to date on everything that hadn't been done.

Mr. DeCorte: That's my in, to use a CO for a transfer of licenses. Even though we may have done a liquor license three months before, we're still going back for the transfer.

Solicitor Ursillo: So from this board's perspective, in terms of your jurisdiction, you could simply say yeah, we're going to grant the license, but it's subject to. Then you've done your job; and now it's back over here because the license shouldn't be issued until this man is made happy.

Chairman Benson: From a licensing standpoint. But, from what we had that night, was just, there's no CO. I don't think that should come before the board.

Solicitor Ursillo: Yeah, it should have never made it.

Chairman Benson: Yeah, so I think Heather on something like that; and especially if it's a result of a transfer; because I found out was that, because I think it's state law you don't have to do that. I know that that's your policy, and that's fine; but, since they already had one and you're requiring a new one, that should just go, if you get something like that, that should just go over to the building department.

Assistant Solicitor Brochu: Here's the clarifier. So, if a business is operating without a certificate of occupancy that's Al's department. But if we issued a license, or if we approve a license pending a CO; we could put in our decisions if you don't get a CO within 90 days, you have to come back here and explain to us what's going on.

Solicitor Ursillo: I would put it on for review in 30, 60, 90 days. Put it on that night.

Colonel Connor: That one was 11 months.

Solicitor Ursillo: Eleven months.

Assistant Solicitor Brochu: You know, on a license that's pending the condition and hasn't been completed, that could come back to bite us.

Solicitor Ursillo: The liability would be horrible. God forbid, if something happened, because we all knew - -

Chairman Benson [Interposing]: That was my reasoning, I mean I work for The Trust. So, I mean, I'm thinking if they don't have a certificate of occupancy, and we leave this open, and there's a fire there that night, the city is on the hook for millions. That was my reasoning. We can't do this because from an insurance standpoint, from a liability standpoint, they really can't be open. But then we learned all of this other stuff.

Assistant Solicitor Brochu: Well it was tough because the applicant was telling us they didn't have it.

Chairman Benson: Yes.

Assistant Solicitor Brochu: So, from our standpoint, we viewed it as no CO. That was the perspective.

Chairman Benson: I think had someone different been in here, and they had said to us well, there was a CO in place; because we've had this situation before I think with the gas station on Sandy Lane; where we actually shut them down for a little bit. They were running the pumps, but they weren't running the store part because they didn't have a certificate of occupancy. I don't even think they should have been running the pumps.

Clerk Paolucci: I think it's a communication issue when we give the okay pending; and I think they just take that as we've got it. Then they drag their feet.

Solicitor Ursillo: Then all of the pressure is now on Heather because she is the one who actually has to issue the license. Then it's up to the police department if she has an issue, but they're operating and serving, then they should be closed down. They can be a restaurant, but they can't serve alcohol.

Assistant Solicitor Brochu: On the liquor licenses, do we get a seating plan, area of consumption, service area; do we require all of that?

Ms. Kelly: The Department of Health does, and I believe the building department does.

Assistant Solicitor Brochu: This board needs all of that; because if we're going to have a violation of our liquor license, and there can be many types of violations. If we're going to have a violation, it's probably going to be service area and consumption area. A lot of times it's serving on the deck when they shouldn't be, or they're drinking on the deck when they shouldn't be. So, as part of the approval, that really needs to be made clear, and the board should see that.

Ms. Kelly: That should be in the portal though. I think all of that stuff gets uploaded. It should be uploaded.

Colonel Connor: Al suggested that I send him the Board of Public Safety agenda as soon as I get it. You get it, now I've got two of them - -

Solicitor Ursillo [Interposing]: That's all you need, the map.

Colonel Connor: Also, with the fire inspector too. If he just goes down the list; even right off the bat, I'm about to say approval pending this, this, and this; but I get your report and no, it's not going to be approved because they have to do so many things that I don't think they can - -

Mr. Aaron Mackisey: Colonel, should we stop them from getting on the agenda in the first place; can we do that step prior to posting the agenda?

Colonel Connor: Yeah, that's what we want to do.

[Crosstalk]

Vice Chairman Gilbert: That was sort of our conversations with Lisa. We've funneled stuff through Lisa to mention to Heather, and say listen, don't put this on the agenda and put us on the spot where we have to say yes or no, this hotel can stay open with 80 people with no CO, because we're now in that liability jackpot. If this could be worked out behind the scenes, and be business friendly, and get building involved, and any other department; because, again, in this case it was the assistant manager that came in and said we've been waiting x amount of months for the fire inspector. We don't even know if that's even true. He could be completely lying, or it could be that they are backed up with inspections through no fault of their own. We have no way to even know that. So now we're forced to make this decision of there's no CO, they've been operating for x amount of months; there's 80 people in the hotel, and what do we do with that liability jackpot? So, yeah, I would say that shouldn't land on the agenda for us to make a decision on unless, that would almost be a trigger to us if it's there to say hey listen, everything is there, all efforts have been exhausted and this person is just not compliant. They're asking us to now make a decision on it.

Assistant Solicitor Brochu: One thing that probably comes up, and I'm not sure your communities handle it, but we had one here where we're interested in leasing that spot, restaurant with a liquor license, so they come in here and they haven't leased it yet; its not built out. Those still could come on, but more or less as an informal; hey what does the board think.

Solicitor Ursillo: Yeah. That's fine.

Assistant Solicitor Brochu: So they may not have everything, and it's not. Some people say hey before I put in all of this money into building out this space, I'd like to at least talk to the board and say are you guys in favor of a bar here. I've seen those happen, where it's not put on for issuance of a license, it's more put on for what does the board think about a liquor establishment here.

Chairman Benson: Well that happened. Remember somebody wanted to build the um, right across from Vets. They sent out an email to us that somebody was thinking about turning, I think where Ronzio was, into a speakeasy or a brew pub or something like that. They just wanted to get our ideas. It was just kind of a discussion issue at the time. This was before we were discussing stuff outside of the meetings, which we don't do anymore. But, that was, you know, we did have that situation come up before. Heather, can I ask you a question, because this would help. When someone is going to get a liquor license, do they come in to you in person, or do they call you? How does that work?

Ms. Kelly: A combination of both. I do have a checklist that says you need to apply for this, you need a certificate of good standing, you need the fire inspection. There's a checklist. Most of that stuff is going to be satisfied. In the portal, because we're getting the liquor licenses up and running in there. So, it's going to show exactly what they need. Like you can't even pass this step until you have like the specific item. I don't know if I just answered the question.

Chairman Benson: Yeah. Well, no, because you could; and I guess each situation would be different. If someone is thinking of buying a place or transferring a license; would they normally do it in enough time where you could say to them you're going to have to meet all of these requirements, and it may take a little time before it gets to the board, and we have to have all these things completed before the board will even consider this request. Is it usually enough time that you could tell them that? Then we could put the burden on them.

Solicitor Ursillo: Put the burden on them.

Ms. Kelly: Yeah, that's fine. We can do that.

Vice Chairman Gilbert: So are you talking specifically about the businesses that are coming in trying to get their liquor license first, before they commit to the build out and everything else; and is that a business friendly practice for the city and/or for the Board?

Solicitor Ursillo: I think Wyatt gave you the answer to that one. You can be business friendly by having them informally come in and talk about it. but it's not on your agenda for the issuance of a license, where they haven't built it out, they haven't described the service area, they haven't told you that the occupancy levels, the fire department sign - -

Mr. Mackisey [Interposing]: As long as they've satisfied Al's department, because then you get a situation where the guy calls our office and says your Board of Public Safety gave me a liquor license, so why can't you push through whatever Al's doing.

Mr. DeCorte: A lot of times zoning may prohibit that use, where its located. They really should do their due diligence and start with us. We'll know if the use is permitted and what they need.

Ms. Kelly: That's generally where I'll point people, in that direction, if they ask.

Vice Chairman Gilbert: So then the Board shouldn't be approving these liquor license requests prior to the actual build out, building, zoning, and all of the other stuff. We shouldn't even be doing that as a matter of practice.

Chairman Benson: We really wouldn't do that anyway. I can't remember a time; I'm talking about the people that sometimes they want to come in and say, hey listen, we're buying this but we need a change in the liquor license before two weeks because we have weddings going on or something.

Clerk Paolucci: A new license, for example, Huck's Filling Station. It was a gas station, a service station. I believe they came, so they got the notification of the 200 foot radius so people can come in and comment. I believe someone from the condos next door came in and they said we'll move the dumpster here. I think they were looking for approval prior to the buildout.

Assistant Solicitor Brochu: [Inaudible] and trigger the site plan and trigger planning and zoning. That's where that kind of stuff belongs.

Solicitor Ursillo: Not in front of you.

Vice Chairman Gilbert: But who's going to tell these applicants that the City is sort of making an internal, not policy change, because right now I don't think there's anything out there that says they can or can't, and I think other communities do it differently. So, often times, the attorneys will come in representing the business owners. Hey we're in the process of purchasing this property and we want to get the liquor license so we know we want to go ahead with the investment. Should the City, whether it's through the Mayor's Office or through licensing, or through somebody be telling the applicant you have to complete these steps first.

Solicitor Ursillo: It shouldn't be the Mayor's Office.

Mr. Mackisey: Well, we can, on Heather's end; that's where we can stop those folks from even coming to you in the first place. Whether it's on the form, or on the website.

Mr. DeCorte: Changed in the process, read below.

Chairman Benson: Yeah, because there really is no process.

Solicitor Ursillo: Heather's got her system in place, you're just not aware of it.

Ms. Kelly: It's not my system, it's what was in place when I started here. So, it's not something I came up with. I'm just following the guidelines.

Chairman Benson: I think from our standpoint, we want you to know that we trust you to tell them hey it's not going up right away. That won't be a problem as far as we're concerned because you understand what we'll need and you can tell them this is not going to go before the Board until you have this, this, and this.

Mr. Mackisey: Mike and Wyatt, correct me if I'm wrong, there's nothing wrong open meetings wise with Heather doing a conference call with Charlie and Al.

Solicitor Ursillo: Not at all. It's not a quorum, so.

Mr. Mackisey: So we can also do that if there are any questions.

Solicitor Ursillo: Heather, if you have a question. It's pretty clear tonight that if there's no CO it should never get here, but maybe there's something that we're not thinking of. You get on the phone to Charlie, to Wyatt, to me and say what about this one. We're here to help you.

Vice Chairman Gilbert: What's the process that you have right now that triggers; you approve pending x, y, z. When do you do that first recheck? Is it 30 days? Is it 60 days? Is it 90 days? Do you check it once a month. Do you have a rolling list that you keep that you start noticing the Board approved the transfer of a license - -

Ms. Kelly [Interposing]: It's basically in a drop tank. Periodically I'll go through the drop tank, and if they; I'll send them an email saying its been sitting her for a while. I'll send an email. Then of course they'll yes me to death. Yes, we're going to do that, yes, we're doing this. So then I forget about it and go on to my next thing. Not that it's an excuse, but we've had a turn over in my office recently, so I've kind have been working solo for six months. Then there was a time before that I was by myself for eight months. So, like I'm one person, so sometimes things get by. I'm not using that as an excuse.

Vice Chairman Gilbert: We just want to know what kind of steps you have in place.

Assistant Solicitor Brochu: I think it's difficult to give absolutes, because every application is different. For example, they don't have a CO for the build out. They spent the last year building the property out, but a conversation with Al could be they only need this one thing; they're going to get it. It's not a problem; verses somebody who hasn't even broke ground yet. Two very different situations. Confirmation of the tax certificate. Those things could be pending, and so we could hear those, as long as they're well into the process. For me, the bigger issue here was that we know, you know, we know what the business is going to be. They've gone through planning and zoning, so that's taken care of. They got

a special use permit. They've gone to planning, the parking is okay; we know what the building is going to be. They can come in here with a seating plan, service consumption area, those types of things. So, the operation is kind of set; versus a different scenario would be they don't have a CO, the building is vacant, it's gutted. They have no idea what's going to be there, but they want a liquor license. That's really too preliminary to be here.

Solicitor Ursillo: It is, and sometimes they'll use the excuse that well in order to get financing, we need a liquor license. Well, okay, but you've got to do all of your homework. Come in with a plan, show us what it's going to look like, make sure it's been approved - -

Assistant Solicitor Brochu [Interposing]: At least go sit down with Al. Sit down with zoning and planning. It doesn't need to be an approval, but get a nod that this can be done.

Chairman Benson: And I know Mike from talking to you for our purposes, you've said straight out, we have the authority to do what we want on these things. We can tell them we don't have enough information here and we're kicking this over two months. This is what you're going to get because we're not making this decision because we don't have enough information, and not feel bad about it.

Assistant Solicitor Brochu: Right. Because many times applicants can go; yes, in an ideal situation the liquor license is going to be the revenue generator. They need that to do to the banks with. But many times is the one level down is we don't have a problem with what you want to do. We think it's a great idea, but you need to go see Al, you need a special use permit from zoning, planning needs to look at this for the plan review. Go get those things and come back to us.

Chairman Benson: Yeah, at least then we're in a better position to - -

Assistant Solicitor Brochu: They get a comfort level from you saying, kind of like a pre-app right.

Ms. Kelly: This is where I get confused. One person says yeah we can still do it if it's still pending and then it's like no. I don't know if we're doing it or we're not doing it. Like for example, I have someone that's ready for a liquor license. I've already advertised it, and it shows that it will be on the May agenda. So, I don't know what I should do with it.

Mr. Mackisey: I would say, when in doubt, give Al and Charlie a call and talk to them.

Chairman Benson: Right, right. Before you leave, both Heather and Al, I'll give you my cell phone number in case you have any questions. I'm around most of the time, so.

Solicitor Ursillo: Because each one is going to be unique. There's no absolute. We can't give you, other than if there's no CO, we can't give you, in this case, do not put it on the agenda. The more they've got done, the more likely; but if that check list is only one third full or one half full - -

Ms. Kelly [Interposing]: Right.

Solicitor Ursillo: Tell them, you've got to do more homework.

Chairman Benson: Heather, if you want, too, if you; we don't want you to go crazy over this stuff. If you're looking at this and saying I don't know what to do with this, you tell Lisa I'm going to put this on their agenda, but can you let them know that I have concerns about this. If she lets us know that and now

we understand what's going on. We're going to question them, and because of the fact that we can do what we want.

Colonel Connor: Yeah, or before you put it on the agenda or the docket, ask them have you met with the building department and gone over the plans with them? If they say no, just say I'm going to hold off and we request that you go over there.

Assistant Solicitor Brochu: Many of the issues of getting a certificate of good standing or tax confirmation, I'll call those somewhat technical. The development issues, the business issues, are really going to resolve with building, zoning, and planning. Do they need zoning board review? You might find that out from Al's office. The answer is going to be yes or no. If the answer is yes, it's going to be that they need a special use permit. Did they do that? No. How long does that process take? Well, right now on the docket, the way it's going, it's going to take 90 days. They need to get going with his department on those things. They need to go through planning to develop plan review. Are they knocking down the building and changing everything? So, sometimes I think what happens is applicants come in and you're a first stop and they don't know what they need to do. Those things may not necessarily be on your checklist because they might not be technical to that application, but their going to be particular to that property.

Solicitor Ursillo: If your checklist has zoning sign off, I don't know what it has.

Ms. Kelly: It doesn't include zoning. It includes building. Usually I'll get a reply from building that they have to go to zoning.

Solicitor Ursillo: You know, Al, if it includes zoning right?

Mr. DeCorte: On the one that we have has a yes, zoning or a no zoning.

Solicitor Ursillo: Leave that up to Al's department to tell you whether or not you need it.

Mr. DeCorte: We did that with The Social House.

Colonel Connor: The other side of this.

Ms. Kelly: Yes.

Chairman Benson: Heather, what is it with this one that's coming up - -

Colonel Connor: We should have a separate process for them, Al. Let's expedite that.

Ms. Kelly: [Inaudible]: Because we already advertised it. It said the Board of Public Safety, and it will be heard.

Solicitor Ursillo: Let's go through with that one because they've already been told. This is more for going forward from this point.

Chairman Benson: So, there are concerns about that?

Ms. Kelly: I'd have to look at that. It was actually Light on the Bay. They started the process and then they just started doing, like running as a caterer, commissary. So, they are coming back on to get their

liquor license, but I know that they are going to ask if we don't get it in time can we do a one day liquor. I wouldn't do it.

Solicitor Ursillo: Are they a non-profit?

Ms. Kelly: I don't think so.

Solicitor Ursillo: Only non-profits. Well, no, they changed that law.

Ms. Kelly: What happened with them was they were given the grace to work with the Division of Taxation.

Mr. Mackisey: They got a one day or - -

Ms. Kelly [Interposing]: Yeah, so they've been kind of - -

Mr. Mackisey: [Interposing]: Slippery.

Ms. Kelly. Yeah, exactly. That's Light on the Bay.

Chairman Benson: Should they be getting a one day, Mike?

Solicitor Ursillo: [Laughs]

Chairman Benson: I was under the impression; I don't know about you guys, but I was under the impression that was like, one of the non-profits that do it for a day. Non-profits only.

Solicitor Ursillo: No, no, no, they changed the law. It's not just non-profits anymore. You can get up to 12 a year. The answer is yes, I mean hear them out. For one day. I would probably say - -

Vice Chairman Gilbert [Interposing]: It's similar like that one day music permits that we get. You get some places that will come in and like this weekend, this weekend, this weekend; all throughout the year and you've got other ones who go for the nightclub designation so that they don't have to constantly nickel and dime us with, or ask for a full year's worth of approvals on say live music inside or outside.

Chairman Benson: But then they have to pay a fee to the musicians. We learned that a couple of years ago. We didn't know that.

Clerk Paolucci: Unless they're trying to get around building by doing that; just having six throughout the year. I know we had an issue downstairs. The guy was mad because his neighboring business - -

Vice Chairman Gilbert [Interposing]: Renegades had a beef with The Bottom Line. Bottom Line was coming in doing these weekends; can we do these weekends of live music inside or outside; and Renegades caught wind of it. They tried to pitch to the Board that they were told that they had to get a night club resignation for licensing. Of course, we weren't privy to that. I don't know if Heather told them or not, but that's what they reported to the Board, and now we're stuck in the middle of this where he's saying why was I forced to get this expensive approval, and these guys are not - -

Mr. Mackisey [Interposing]: Do you attend the Board meetings?

Ms. Kelly: No. We used to at one time.

Solicitor Ursillo: When you had a staff in the office.

Ms. Kelly: But then they didn't want to give us the overtime or comp time, so they stopped.

Associate Solicitor Brochu: That's really, you know we meet on Tuesday night's at 6:00 p.m. The atmosphere is that we're an island. The only thing we have is what's in front of them at the table, whatever Lisa knows, and what the applicant is telling us. Many times, there's a tone. We're in a vacuum. Well, building said is all I need you to do is this, and the objector stands up and says well I talked to zoning and they said they don't have enough parking; well zoning said they can have music on this area of the building. We don't know anything.

Solicitor Ursillo: If that happens again, before we get things in order, just continue the case. Say nope you've got to go get that straightened out, we have no way of fixing that.

Chairman Benson: Heather, would you be available to attend these meetings.

Ms. Kelly: I might be. I might be. I don't want to say definitely.

Colonel Connor: If we have access to the portal and also access to Al, who gives us his information as to whether or not zoning approval has done it - -

Assistant Solicitor Brochu [Interposing] Right. I think if Al's office is looped in. You know, this is going to be on the agenda in two weeks, or in three weeks. Again, we don't need formality, could be an email. We don't need formality, it's just having some information and some background.

Chairman Benson: Lisa, how early do you know what's going to be on the agenda?

[Crosstalk]

Recording Secretary Ferolito: The Wednesday before.

Chairman Benson: You do the agenda on the Wednesday before.

Recording Secretary Ferolito: The Wednesday before. That's when I get the box with all of the information in it.

Chairman Benson: You could send that to Al at that point?

Recording Secretary Ferolito: Yeah.

Colonel Connor: We do, but I think some of it has to come from Al as well, in his office. Because getting the notes, yeah; like on this. They're not approved. Building and zoning. Once I get that package, and like everything we requested, like it's got the map, the seating plan, it's got everything that we want. A

lot of times, I think, building has this information all ready. We're just not getting it. But, communication is better now - -

Vice Chairman Gilbert [Interposing]: Even from fire; because again, that's probably one of the biggest issues that we have coming in claiming they've got calls into the inspector's office, waiting for an inspection. Are you guys two weeks out, three weeks out? Now we've got the business in front of us asking for the permission. We don't even know, I don't even know, again, if it's true and they're reporting accurately. We're not going to pick up the phone and call the fire chief or the fire inspector at 6:30 on a Tuesday night.

Solicitor Ursillo: No. Ultimately, where you need to be is, you need to have all of this information before you get here. This shouldn't be thrown at you as you get here. You should do your due diligence, read it ahead of time and know, and have your questions ready. It's just simple.

Mr. Mackisey: Feel free to reach out to anybody that you need to. Like we do with members of the council, we encourage them to; if they have a question of the administration, send it to us prior to the meeting and we'll get you the answer so that you'll have it at the meeting.

Chairman Benson: Well I think having, like you said, having that, copies of the portal will be great. I think that will be enough for everything. If we ever did want to have Heather at the meetings, who would be responsible for approving her overtime?

Colonel Connor: I would. It's easy enough.

Assistant Solicitor Brochu: Now in the portal, is there; like if there were zoning and building decisions, are those accessed by the portal?

Mr. DeCorte: Yes.

Assistant Solicitor Brochu: So those could be in the packet.

Mr. DeCorte: Anything like that is uploaded to the property.

Ms. Kelly: Yeah. I can print it.

Assistant Solicitor Brochu: Then if somebody needs a special use permit for entertainment, and then they are coming here, it would be nice to read the zoning decision rather than have the applicant tell us what zoning did, or the neighbor tell us what zoning didn't do.

Ms. Kelly: Right.

Assistant Solicitor Brochu: We have the decision.

Solicitor Ursillo: Charlie, I have a 7:00. It's 5:50. Can we talk about the disability pensions?

Chairman Benson: Yeah, I think we got a lot done, so. Let me just give you guys my cell phone number.

At 6:00 p.m. this meeting was adjourned.

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

James Paolucci, Clerk