

CITY OF WARWICK
FRANK J. PICOZZI, MAYOR

CHARLES BENSON
Chairman

MICHAEL GILBERT
Vice Chairman

JAMES PAOLUCCI
Clerk



POLICE DEPARTMENT
99 Veterans Memorial Drive
401-468-4200

FIRE DEPARTMENT
111 Veterans Memorial Drive
401-468-4000

BOARD OF PUBLIC SAFETY
Warwick, Rhode Island 02886

BOARD OF PUBLIC SAFETY
March 12, 2024
6:00 p.m.
BOARD OF PUBLIC SAFETY ROOM
SECOND FLOOR, POLICE HEADQUARTERS

MINUTES

At 6:07 p.m. the Board opened its session for Tuesday, March 12, 2024. Present were Commander Michael Lima, Fire Chief Peter McMichael, Chairman Charlie Benson, Vice Chairman Michael Gilbert, Clerk Jim Paolucci, Assistant Solicitor Wyatt Brochu, and Recording Secretary Lisa Ferolito.

1. Call to Order – Board Chairperson
2. Roll Call – Board Clerk (See above)

At 6:08 p.m., the Board entered its fire session for this evening.

FIRE DEPARTMENT
REGULAR SESSION

1. Chief Peter McMichael to recommend appointments, promotions, transfers and reassignments; names to be submitted and discussed at the meeting.

ACTION: There was no action necessary, as there were none to discuss at this meeting.

2. Chief Peter McMichael to recommend retirements and resignations; names to be submitted and discussed at the meeting.

ACTION: There was no action necessary, as there were none to discuss at this meeting.

3. Chief Peter McMichael to present the updated version of the Warwick Fire Department's Rules and Regulations for approval.

Chairman Benson: So we'll go right to the rules and regulations.

Chief McMichael: Chairman, I am respectfully requesting that the Board of Public Safety, um, provide me with any questions that they have about the new rules and regulations, and I'm requesting that they approve the new rules and regulations. I'll refer to the new ones as the 2024 edition, and the old ones as the 1979 edition. So, what we did, is we took the old rules and regulations from 1979 that desperately needed to be updated, terms such as rescue man, were used throughout it. There were ranks that we currently have in place that did not exist in the rules and regulations. We incorporated those in the new rules and regulations, such as the Assistant Chief positions. Divisions that once existed in 1979 no longer exist or have been renamed. That is reflected in the 2024 edition, such as our communications division; and each division has a Deputy Chief in charge of it, and the new rules and regulations reflect that. Also, there were disciplinary matters, disciplinary action that, um was referenced in the 1979 edition, that I do not believe is legal; such as I can require someone to work extra hours without pay, things of that nature. So, that was removed. Um, the firefighter's union did review the new rules and regulations as well. I wanted to get their input and make them aware that I was not attempting to give me any more authority or, that I had before, nor was I attempting to take any authority away from any group, such as namely the Board of Public Safety, which oversees all disciplinary matters for the fire department. So, no authority was removed from the Board, nor did I give any more authority to my position as Chief of the Department. We merely were attempting to make it reflective of the CBA, and that term is used throughout the rules and regulations, specifically what it speaks to, whether it be a pay issue or a time and grade probationary period. Things of that nature. All things that are addressed by the collective bargaining agreement; that terminology is stated in here, as reflective in the CBA, so that if things do change from contract to contract, we don't have to go in and make changes to the rules and regulations. It's just consistent with what the CBA language is.

Chairman Benson: Okay. Um, we're in open session, right?

Recording Secretary Ferolito: Um hum.

Chairman Benson: I guess if there's people out there that want to come in they could come in.

Assistant Solicitor Brochu: Is the sign outside?

Recording Secretary Ferolito: Yes, it is.

Chairman Benson: I know the gun permit people are out there, but if there's anyone else out there we should bring them in.

At this point there is a gap in the tape. The recording secretary shut off the recorder while the members of the public were brought in.

Chairman Benson: Sixteen confused me. On this, you put may attend the Warwick Fire Department school as many times as necessary to remain on the eligibility list, however, failure to pass the school twice will render him ineligible to attend a third time. Does that go against what the first line said?

Chief McMichael: Is that number - -

Chairman Benson [Interposing]: Number 16.

Chief McMichael: Number 16 under rule? I'm just trying to - -

Vice Chairman Gilbert [Interposing]: Under rule eight.

Chairman Benson: It talks about going to the fire department school. I'm still under rule 8, number 16.

Chief McMichael: Okay.

Chairman Benson: It reads, he may attend the Warwick Fire Department school as many times as is necessary to remain on the eligibility list. However, failure to pass the school twice will render him ineligible to attend a third time. Is that contradictory, or is that just me?

Chief McMichael: So it's number 16. In the new one, it was left in; it's number 14 in the new one, under rule 8, that language that you're referring to.

Chairman Benson: Oh okay. Is that contradictory, or am I reading that wrong?

Chief McMichael: Failure to pass, so - -

Chairman Benson [Interposing]: So what they're saying is he can go through the school as many times as necessary to stay on the eligibility list. But yet, you can really only go twice. That means he would be ineligible to go a third time. It just seems like it might be a contradiction there.

Chief McMichael: That probably could've been removed or left in. It really doesn't have much of an impact. At the time this was written, the fire academy was an in house academy, back in '79. Today, we send everybody to the Rhode Island Municipal Fire Academy.

Chairman Benson: So, if they don't make it through the academy, are they automatically terminated, or off the list?

Chief McMichael: I haven't dealt with that issue, to be honest with you. Um, typically if someone is unable to complete it, it's for a medical reason. If that happens, then they are allowed to attend the next one. If they injure themselves. We haven't have the issue with anybody having to be removed for either failure or disciplinary action.

Chairman Benson: Should we just take out that line then?

Chief McMichael: I don't see any harm to removing it all together.

Chairman Benson: It seemed a little contradictory, and seeing that you're going through the municipal anyway, there's really no Warwick Fire Department school.

Clerk Paolucci: And if they're passing and the list runs out, and then they applied again. So they can still complete and not fail. So, they can complete it as many times as they want.

Chief McMichael: So I can remove 14 altogether, because the language is; I know it's number 16 in the old one, 14 in the new one. I can remove that altogether, and then the next paragraph, which is 15, I can move that up.

Chairman Benson: Okay.

Chief McMichael: So, I'll make that note to remove that and move that up.

Clerk Paolucci: I was reading it like if the list ran out and they didn't make it there they could apply again.

Vice Chairman Gilbert: It seems like a lot of the changes, Chief, were relative to gender neutral language. So, right above, in the old version, 15, it says he may appear. I'm assuming it should be he or she or they.

Chief McMichael: Yeah, most of it was language like that, that would change because it was rather insulting to our female members.

Chairman Benson: Yeah, I can see a lot of that. I had, on rule 11, and again, I have the old one, so. It says all officers shall study/observe. On this you had been crossing out what you were getting rid of. I assume you were getting rid of study and just leave observe their subordinates carefully. The study wasn't crossed out. It appears that it should have been.

Chief McMichael: Yeah, the old language was study their subordinates carefully. Again, some of this is old language.

Chairman Benson: So, all right, that's being crossed out, the study. That's what I thought. In rule 14, company captains, and again, on the old one it's number six. He shall prepare a list of all officers and firefighters assigned to his station. The list will contain the name, address, telephone number, and name and address of, wife was crossed out, spouse was put in. Should that be partner?

Chief McMichael: I don't know. To be honest with you, I mean - -

Vice Chairman Gilbert [Interposing]: Under rule 14, like the Chairman brings up a good point. This is the old set. Rule 4, 5, 6, 8, 9, 10, 11 and 12 all say he. Should all of those be changed to they or he/her to be more of a gender neutral?

Chairman Benson: Right. His/her.

Vice Chairman Gilbert: In the section I sent over I might have missed some of those cross outs. So, anywhere where he is used will be changed to either he/she or they.

Vice Chairman Gilbert: Okay.

Chairman Benson: And where his is will be his/her. But, rather than spouse, I think we have to put partner in there.

Chief McMichael: So name, address, telephone number of partner or beneficiary. So rule 14, number 6 spouse will be removed and replaced with partner.

Chairman Benson: Somehow or another you need someone to contact. I saw that and said well we're changing everything else.

Clerk Paolucci: Also number 17 under rule 14.

Chairman Benson: Yeah, himself/herself. Since his/her example...so 17 should be him/her.

Vice Chairman Gilbert: Any of those, if you're going to make those changes, and there are a lot of them in that section especially. Chief, just one question under rule 8 under the requirements of applicants for that position. It says at the time of application, applicants must be not less than 18, and then it's crossed out and striked through and says his/her 30th birthday. Is it open ended on the back side as far as the cap of an age, is it just 18 as a minimum?

Chief McMichael: Right, um, actually I should correct myself. They cannot reach their 35th birthday by appointment.

Vice Chairman Gilbert: Okay. I don't think that's spelled out.

Chief McMichael: So it's not in there, and it's also not in the ordinances. The ordinances need to be updated as well. The ordinance, I believe states 30. The ordinances also state that you have to be a voter in the City. So, there's a lot of outdated language in the ordinances.

Chairman Benson: Where does the 35 come in, in the contract?

Chief McMichael: 35 is the maximum age of hire so that they'll be able to get 20 years into the pension system, or 25, now it's 25. So, we, that way we don't hire anybody that - -

Vice Chairman Gilbert [Interposing]: Wouldn't be able to work the minimum number of years required to start obtaining a pension.

Chief McMichael: Exactly.

Vice Chairman Gilbert: Similar to the Police Department.

Chief McMichael: Correct.

Chairman Benson: All right, so we'll have that in to section 8, put the maximum number in there as 35. Continuing on, rule 26; charges minor violations, and again this is just a spelling error, I'm not sure it's on the new one. It says the Chief or Deputy Chief of the Department should be notified by the Assistant Chief, assistant is spelled wrong. I don't know if it's corrected on the new one.

Vice Chairman Gilbert: It's just assistant is spelled wrong. It's a spelling error, that's all.

Chairman Benson: Yeah, a lot of these are just spelling errors I just picked up. Let's just see, another spelling error on rule 31, general rules.

Chief McMichael: Spell check does not work like it used to.

Chairman Benson: No. Number 3, they just put a colon in the chief. All members of the department, this was funny too, shall rise upon entrance of Chief Officer, and it has c colon h-i-e-f. So, that needs to be corrected.

Chief McMichael: Can you give me that number again?

Chairman Benson: Rule 31, number 3. They have chief spelled c and there's a colon between the c and the h. And I laughed under number 32. People who have to salute us if they come in to the room and they're in uniform?

Vice Chairman Gilbert: They're supposed to.

Chairman Benson: I don't think that's ever happened.

Chief McMichael: And they're not supposed to contact you under certain circumstances.

Chairman Benson: My last thing was, and I don't know if you don't know if you don't want to do it this way, that's fine. Should there be at the end of this page, somewhere, a note saying will become official upon approval of Board of Public Safety, or approved by the Board of Public Safety on such and such a date? I don't know if it should be on the front page, or back page. If it's on the front page, at least they'll know that they're up to date.

Chief McMichael: We can certainly add that to it. Whether we add it to the front or the back page. There were policies that really belonged in the rules and regulations. For whatever reason, over a long period of time, the rules and regulations were ignored. I hate to use the word ignored, but were just not kept consistent with modern times. Yet, they are what we refer to when we have matters that rise to the disciplinary nature of a violation, whether it be a policy, all of the rules and regulations.

Chairman Benson: Because of that, and I noticed in there somewhere, I think it was in the Captains. The Captains should make their members aware of the rules and regulations. I assume every station will have a copy of this in the station.

Chief McMichael: Right. We're going to post it in our computer files.

Chairman Benson: Should; I know a lot of times, like when you're dealing with HR departments and stuff like that, someone comes in for a new hire and goes over their rules and regulations. Should we have the members of the department sign off that they have read and understand these? Because of the fact that it list the disciplinary action in there? Or is that just something that - -

Chief McMichael [Interposing]: No, at the beginning of the hiring practice, we do have them sign off on a number of issues, like no smoking; we have them sign off that they won't smoke or use tobacco products, that type of thing. To be honest with you, I can't remember if we do the same for rules and regulations or not. It's certainly something, going forward, we can add that one as well.

Chairman Benson: Well I just, you know, God forbid gets in some serious trouble, I don't want to hear the argument, I didn't know it was in the rules and regulations.

Chief McMichael: It is referenced in the CBA. The rules and regulations are referenced in the collective bargaining agreement as every member will be issued a copy and be made aware of that.

Chairman Benson: Oh, that's fine then.

Chief McMichael: If they're not, then we're required to furnish that for them.

Chairman Benson: Well if it's in the contract, that's fine then. That's all I had. Did either of you have anything else?

Nothing is heard.

ACTION: Chairman Benson made a motion to approve the Rules and Regulations pending the corrections. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

At 6:28 p.m. the Board closed this session and entered into its regular police session for this evening.

POLICE DEPARTMENT
REGULAR SESSION

Board Business Police Department - Review, Discussion and/or Potential Action
and/or Vote:

1. The police session minutes of the Board of Public Safety meeting held on Tuesday, February 20, 2024 to be submitted for approval.

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

2. Commander Lima recommended the following appointments, promotions, transfers and reassignments:

Effective Friday, March 1, 2024, the following assignments/reassignments will take effect:

Detective Ben L. Bratko from the First Platoon, Detective Division/Criminal Investigation Unit to the First Platoon, Detective Division/Special Victims Unit.

Detective Nicholas E. DeMarco assigned to the First Platoon, Detective Division/Criminal Investigative Unit.

Detective Evan E. Johnson from the First Platoon, Detective Division/Criminal Investigative Unit to the First Platoon, Detective Division/Financial Crimes Unit.

Detective Melissa M. Marano from the First Platoon, Detective Division/Special Victims Unit to the First Platoon, Detective Division/Computer Forensics Unit.

Detective Thomas R. Paine from the First Platoon, Detective Division/Financial Crimes Unit to the First Platoon, Detective Division/Special Operations Group (SOG).

Detective Kyle M. Palmer assigned to the First Platoon, Detective Division/Criminal Investigation Unit.

Detective Oliver M. Pinheiro assigned to the First Platoon, Detective Division/Special Victims Unit.

Detective Tyler M. Stone from the First Platoon, Detective Division/Criminal Investigation Unit to the First Platoon, Detective Division/Special Operations Group (SOG).

Effective Monday, March 4, 2024, the following First-Class Officer will be elevated to the rank of Detective:

Ryan E. McGarry

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

3. Commander Lima recommended retirements and resignations;

ACTION: The Board accepted the resignation of Sergeant Derek Mourato, effective Saturday, March 9, 2024. Sergeant Mourato was sworn in as a member of the department effective Monday, May 23, 2026. He will be utilizing 24.00 hours of vacation time, 8.00 hours of miscellaneous compensatory time, and 8.00 hours of personal leave from Monday, March 4 through Friday, March 8, 2024. His last physical working day working was Friday, March 1, 2024. He wishes to receive payment for his remaining 320.00 hours of furlough, 22 hours of Kelly Days, and .25 hour of regular compensatory time. Also, under the provisions of City Ordinance Sec. 52-78 entitled, "Resignation or discharge prior to retirement", subsection [a] which reads, "Any member or officer of the permanent police department who shall resign [or who shall be discharged after a proper hearing] prior to the completion of ten years of service shall forfeit all claims to said fund, except that he/she shall be entitled to a refund of the total amount of the deductions made from his/her salary under this article without interest."

LICENSES AND PERMITS

All licenses are subject to receipt of all required paperwork, all State and Local permits, and compliance with all stipulations, rules and regulations as required by the Board of Public Safety.

1. Liquor License (Transfer)

From: Red's Discount Liquors
d/b/a Larry's Liquors
2103 Warwick Avenue

To: Larry's Liquors, LLC
d/b/a Larry's Liquors
2103 Warwick Avenue

Attorney Joseph Brennan: Thank you Mr. Chairman. Joseph Brennan on behalf of the applicant. I don't really have anything else to say with regards to the objections. I've done a bunch of these before. It's pretty standard. They just say what money they're owed, so that's why they object to the liquor license transfer. It kind of almost acts like a lien on the transfers. I would just ask that the Board kindly approve it tonight, subject to as you had mentioned, building, fire, zoning; all of those requirements, and then the payment of the monies owed to the objectors.

Chairman Benson: Is the owner with you?

Attorney Brennan: I represent the transferee. The people who are taking over Larry's Liquors. The owners, obviously, it's very clear; he's having financial difficulty. That's the reason for the sale. So, my buyers are coming in. In the past we've paid them off at the closing. I don't know if they were to want it paid off before hand, but my guys who are buying it also own Lakewood Liquors here in Warwick, I can't think of it off the top of my head, Douglas Liquors. This will be like their 7th or 8th liquor store, so they're not just newbies to this industry either. They know what they're doing. I bet you when I call them and tell them all these people; they have direct lines to all of them and they'll call them and know that the payments coming from them, and they'll be very happy to know that.

Chairman Benson: Okay. There's a little bit of a problem, only; because we had this problem with transfer of the liquor license from Harbor Lights and it became a big controversy.

Attorney Brennan: Harbor Lights is a restaurant, right? Not a liquor store.

Chairman Benson: It was a liquor license transfer.

Attorney Brennan: For sale at retail?

Chairman Benson: Um, no but - -

Attorney Brennan [Interposing]: So I can understand that, but that would be a slightly different than this one; because this is for a liquor license transfer for sale at retail. We can't get the license from you, nor from the State until we receive a letter of good standing from taxation from the state, along with satisfaction of all of these, and then your office issues the license, if I'm not mistaken.

Vice Chairman Gilbert: So we can issue an approval pending these debts being squared away at the closing.

Chairman Benson: Okay.

Vice Chairman Gilbert: Wyatt, is that correct? Language to that effect?

Assistant Solicitor Brochu: Yes.

Chairman Benson: When is the closing?

Attorney Brennan: They have it scheduled right now for March 25th, but I don't know the seller's status and letter of good standing from taxation for the purposes of the transfer.

Chairman Benson: Okay. And Heather will be made aware?

Recording Secretary Ferolito: Um hum.

Chairman Benson: Do you have any other concerns?

Clerk Paolucci: No.

ACTION: Commander Lima recommended approval pending building, fire, city and state taxes and payment of the five outstanding bills. Chairman Benson made a motion to approve pending building, fire, city and state taxes, and payment of the five outstanding bills. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

2. Liquor License (Class F)

Daniel Hodge
E.S. Rhodes Elementary PTA
Being held in Pawtuxet Park
May 17, 2024
5:00 p.m. – 8:30 p.m.

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

3. Liquor License (Class F)

Jo-Ann Schofield
Boys & Girls Clubs of Warwick
Being held at 340 Oakland Beach Ave.
April 25, 2024
5:30 p.m. – 8:00 p.m.

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

4. Second Class Victualer (New)

Imad Melhem
d/b/a Anchor Seafood
639 Warwick Avenue

ACTION: Commander Lima recommended approval pending building, fire, city and state taxes, and Rhode Island Department of Health approval. Chairman Benson made a motion to approve pending building, fire, city and state taxes, and Rhode Island Department of Health approval. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

5. Live Entertainment (Outside)

Daniel Hodge
E.S. Rhodes Elementary PTA
Being held in Pawtuxet Park
May 17, 2024
5:00 p.m. – 8:00 p.m.

ACTION: Commander Lima recommended approval pending fire. Chairman Benson made a motion to approve pending fire. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

6. Live Entertainment (Inside)

Forge Road Caterers, Inc.
The Trap/Safehouse
195 Old Forge Road
January – December 2024

Chairman Benson: Did you want to say anything?

Attorney Sanford Resnick: I don't really know what to say? Is this approved. We have a building permit and an electrical permit done. I'm not really sure.

Chairman Benson: This is for live entertainment.

Attorney Resnick: Yes. There were certain things we needed to do in order to get that. We have submitted and we have the electrical permit. We're all set.

Chairman Benson: Well we're going to make a motion pending the building, fire and zoning, so until you get those things you can't get it anyway.

Attorney Resnick: Some of those things are already done. I don't know if the work is completed, but it took a while to get the building permit. We've submitted to zoning, and zoning is the next one we need to get.

Vice Chairman Gilbert: Has something changed?

Mr. TJ Martucci: No. Nothing.

Attorney Resnick: This was, something came up. We've been filing this same application since 2015, well nine years. All of a sudden this came up. Just about every restaurant with a liquor license in the city has a use restaurant with liquor license. Now all of a sudden we're being told that we have to get a special use permit because we have entertainment, and this has not been enforced. So we might be the second or third person, but we're going. So, we'll be okay.

Vice Chairman Gilbert: How did it come to light?

Attorney Resnick: I think someone made a complaint; a disabled person, in regards to a ramp to the stage. All of a sudden that came up, and we've now made a number of changes, electrical changes, so now we're meeting the code.

Vice Chairman Gilbert: To The Trap, or The Safehouse?

Mr. Martucci: The Trap. What happened was, sorry - -

Attorney Resnick [Interposing]: No go ahead, please.

Mr. Martucci: We had an entertainer. I mean he's a decently big guy, but certainly not bigger than you or I. We have a temporary platform that we set up. It's four by four, square; and my managers weren't really holding the singers to the standard of the brand, which was you stand on the stage, it's a six inch riser, you're just meant to be a little bit above the crowd so when you just walk in you can see. He's like I'm too big for that, I'm not getting on that. Then, so the next day he called the building department and complained that we were asking him to get on a temporary platform. Then Seth, I don't know Seth's last name so I apologize, he said well if you're going to have a stage you're going to need a ramp. I said it's not a stage, it's a platform, there's a huge difference. It's not fixed, it's temporary, which is also a big difference. I did find a solution. We don't have the room to make it permanent so I submitted to you and to the building department a site plan and a floor plan, a floor plan that shows when entertainment is on and when it's not on, which is our normal set up. Then when the set up is on, we remove a couple of tables so the egress is still met. I was able to find a creative solution through Stage Drop, which is already the company that I buy the platforms from. They have a temporary ramp that attaches to the temporary platform. All that gets broken down and put away at night time, and then when we have like single

acoustical people that come on Wednesday and Thursday, they play through our system. So, as a musician, you aren't allow to bring your speaker. I don't want the person sitting in front getting blown out and the person in the back corner saying raise they volume. So nothing has changed. They've always gone through my system. They jack in. We control it through an app called Sono, so we can control if they're too loud, or if we feel there's a disturbance. We can kill it. What we've taken the steps to do, and the Fire Marshal is right asking us to do so, is that we've bought, through my electrician, we've bought relays. So the second the fire alarm sounds, it kills the sound track. It kills that plug that the musician is plugged in to. God forbid he happen to sneak in his own speaker, even though he isn't allowed, all that shuts off. So that electrical permit has been approved by building and fire. We got a copy of that today. The parts were bought today. I told him to wait to buy the parts to see if you guys wanted me to do the work, which I think is the right thing to do. That's how we ended up here today.

Vice Chairman Gilbert: When did you become aware of the issue as far as all of this. When did the building department contact you guys? How long have you not been doing entertainment for now? Or have you been doing it?

Mr. Martucci: We've; no stage and no amplification for about three or four weeks now. What I guess was, was a little frustrating was that I filled out my entertainment application the same way; amplified, yes, this that, one to two guys rotating for the same way since 2015, and the entertainment license has always come back inside entertainment license approved. This and that. This year it showed up and it had restrictions on it. The Fire Marshal took exception to the fact that the amplification didn't shut off when the fire alarm goes off. I'm okay with that, it makes sense, it's a good public safety catchall. So, we started to make that change, but then all of a sudden the building department got involved because Seth got involved with the ramp. So that's why. Nothing has changed at all. The entertainers haven't changed, it's all for inside, it's all confined inside the restaurant.

Clerk Paolucci: How did zoning get involved?

Attorney Resnick: This is a new interpretation of the use code. So, if you were to look at the use tables, there's fast food restaurant, there's restaurant without liquor license, and then there's restaurant with liquor license. Now they're telling us that the entertainment, the next number down, is the type of use that we should have. There's nothing in the code that explains this, quite frankly. Their position is that if you have amplified music, you're under entertainment. We made the application, although we disagree with it. It doesn't make sense. We'll just go and get it.

Mr. Martucci: To think about all the bars in Warwick that play a single guy standing in the corner with amplified music just kind of singing along; ours is actually better because he's not even allowed to bring his speaker. It's our system. Anyways, but again, it wasn't tied into the fire alarm because we had been passed and no one ever asked us to. Now there's a relay in the rack, there will be a relay in the rack, there will be a relay in the fire alarm, and the second that thing trips it kills all of the power and there can be no music. To his point is the same system five minutes before this guy comes on it's the same volume of music, its just Billy Joel or Elton John singing, as opposed to some guy standing in the corner. It comes from the same source, it's the same volume, but again, I'll make the investment.

Chairman Benson: Yeah, that seems strange, because we're approving these at every single meeting we have and we've never run into this situation before.

Mr. Martucci: They want us to be a nightclub, even though I'm a restaurant.

Chairman Benson: Okay.

ACTION: Commander Lima recommended approval pending building, fire, and zoning. Chairman Benson made a motion to approve pending building, fire, and zoning. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

7. Live Entertainment (Outside)

Eric Weiner
P & EE Consulting, Inc.
d/b/a FoodTrucksIn.com
Being held at Crowne Plaza
March 28, 29, 30, 2024
4:00 p.m. – 8:00 p.m.

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

8. Itinerant Vendor

Eric Weiner
P & EE Consulting, Inc.
d/b/a FoodTrucksIn.com
Being held at Crowne Plaza
March 28, 29, 30, 2024
4:00 p.m. – 8:00 p.m.

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

9. Game of Chance/Raffle

Jo-Ann Schofield
Boys & Girls Club of Warwick
Being held at 340 Oakland Beach Ave.
April 25, 2024

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

10. Game of Chance/Raffle

Judith Earle
Elizabeth Buffum Chace Center
Being held at Warwick Country Club
May 4, 2024

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

11. Game of Chance/Raffle Oliver Brady
Warwick Rotary Club
Being held at Chelo's, Post Road
May 9, 2024

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

12. Game of Chance/Raffle James Rapson
Rhode Island Shriners
Being held at 116 Long Street
August 17, 2024

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

13. Private Detective (Renewal) Lori Dinofrio
L.A. Investigations

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

14. Private Detective (Renewal) Joseph P. Richardson, Jr.
JPR, Inc.

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

15. Private Detective (New) Benedict Charles Valentine, III
Insight Service Group, Inc.

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

16. Outside Seating Captains Resto Bar
d/b/a Captains
50 Waterfront Drive

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

17. Arts & Crafts Giovanna Ruscetta
Dolci di Giovana
Being held at Crowne Plaza
March 17, 2024

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

18. Arts & Crafts Jon Piwowaszyk
Mad Good Cookie
Being held at Crowne Plaza
March 17, 2024

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

19. Arts & Crafts Diane Greenstein
The Bath Witch
Being held at Crowne Plaza
March 17, 2024

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

20. Bazaar Debbie Wood
We Be Jammin Events, LLC
Being held in Pawtuxet Village Park
April 20, 2024

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

21. Food Peddler (New) Alp Gumuscu
YAPA, LLC
d/b/a Yagi Food Truck

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

22. Parade Daniel Hodge
E.S. Rhodes Elementary PTA
It Takes a Village 5k
Starting & Ending at Pawtuxet Park
May 17, 2024, 5:45 p.m. – 7:00 p.m.

ACTION: Commander Lima recommended approval pending traffic and Rhode Island Department of Transportation approval. Chairman Benson made a motion to approve pending traffic and Rhode Island Department of Transportation approval. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

23. Parade Kyle Sandness
National Multiple Sclerosis Society
Being held June 9, 2024
Starting & Ending at URI
Passing through Warwick

ACTION: Commander Lima recommended approval pending traffic and Rhode Island Department of Transportation approval. Chairman Benson made a motion to approve pending traffic and Rhode Island Department of Transportation approval. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

24. Midnight to 5:00 a.m. Ten Road Donuts, Inc.
d/b/a Dunkin Donuts
422 Warwick Avenue

ACTION: Commander Lima recommended approval. Chairman Benson made a motion to approve. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

25. Discussion and possible action taken regarding Sonesta Suites, 500 Kilvert Street, for operating without a current certificate of occupancy.

Mr. Wagner Carrasco: That's me.

Chairman Benson: Okay.

Mr. Carrasco: Yeah, we already passed the test with the other company. We're just waiting for the fire department. I called today and they transferred me to another phone and the only thing I could do was leave a voice message with a CO number, my phone number and the situation. So, I already passed the test. We have the ticket and we're just waiting for the fire department.

Vice Chairman Gilbert: Can I see that?

Mr. Carrasco: Sure. This is what we got today.

Chairman Benson: But you don't have the certificate of occupancy.

Mr. Carrasco: No, not yet; because to do it we have to have our inspection. We just do it last Thursday.

Chairman Benson: Okay. How long have you been; are you a new owner?

Mr. Carrasco: I'm the Assistant Manager from November. Yeah. So, when I know the situation, I sent it to; in December 6th, I sent it all the information to the owner and he told me he was going to take care of that. So, after that I guess he didn't take care of the situation. So, [inaudible], I take care of it.

Vice Chairman Gilbert: So it looks like the new ownership, the request for the new license came before this Board almost a year ago; March 14, 2023. At that time we were asked to approve the name change, the Shivam Rhode Island Hotels, LLC doing business as Sonesta Suites, and it was recommended for approval pending building, fire, city and state taxes, and department of health. So, that was what was approved. So, the fire piece on that has been pending for almost a year and you only became aware of it a couple of months ago?

Mr. Carrasco: Yeah. The [inaudible] said August, 23. So it was expired from August, 23. I've been there from November. When I saw the situation, I called Heather and she said to me, all of the information can I present it to the owner in December 6th.

Chairman Benson: So, the only thing that's pending is the fire inspection?

Mr. Carrasco: Yeah.

Chairman Benson: No, you know we have - -

Mr. Carrasco [Interposing]: No, we have other things, but this is the most important. We already filled all the things, but when I send it to, the email to Heather, the person in charge of licensing, she let me know that will be the first thing.

Chairman Benson: Okay, but what are you waiting for now?

Mr. Carrasco: That thing.

Chairman Benson: Well that's done.

Mr. Carrasco: Not with the fire department because the fire department has to go to - -

Chairman Benson [Interposing]: Oh, okay, so you're waiting for a fire department inspection?

Mr. Carrasco: Yes.

Chairman Benson: But you don't have a date yet?

Mr. Carrasco: No.

Vice Chairman Gilbert: Have you received approval from the building department? Because when the approval was made to change this name for this business, there were several things to include the building department, the fire department, city and state taxes, and department of health. So, are all those things, have all of those things been satisfied except the last fire inspection?

Mr. Carrasco: Yeah.

Vice Chairman Gilbert: Do you have any other than this piece of paper to show me that?

Mr. Carrasco: No, because Heather told me that this was the most important thing that I have to do.

Chairman Benson: Well, maybe the most important, but you're still not going to get the certificate of occupancy with all of this stuff done.

Assistant Solicitor Brochu: The question, Chairman, is are they open now?

Vice Chairman Gilbert: I'm getting the assumption that they are.

Chairman Benson: You're open?

Mr. Carrasco: Yeah.

Assistant Solicitor Brochu: You can't be open. Are there people there?

Mr. Carrasco: Yeah.

Chairman Benson: Well we had this situation once before, and required them to get a fire watch. Um, until - -

Assistant Solicitor Brochu [Interposing]: But we don't know what else is pending.

Chairman Benson: Yeah.

Vice Chairman Gilbert: It's not even just fire, that's the problem.

Mr. Carrasco: And I asked Heather because I, I thought it was a little weird that I could only leave a message with the information, so I asked if I could go to the fire department for an appointment today to the place, and she said no, that's the only way. You can leave a message and they gonna call you back.

Assistant Solicitor Brochu: Do you serve food?

Mr. Carrasco: Yeah.

Assistant Solicitor Brochu: So there's health, I mean it said health on the thing.

Chairman Benson: Yeah, building, fire, city and state taxes.

Assistant Solicitor Brochu: Okay, I thought you said health.

Vice Chairman Gilbert: Yeah, it says department of health as well. Building, fire, city and state taxes, and Rhode Island Department of Health approval.

Clerk Paolucci: Has the health department been in for inspection?

Mr. Carrasco: No, no, I don't even know. I don't know if the owner knows about this.

Chairman Benson: How many people are in the hotel right now?

Mr. Carrasco: Right now, the occupancy is over 70.

Chairman Benson: 17?

Mr. Carrasco: Yeah, there's 96 rooms. So there's like 80, I would say 70 percent.

Vice Chairman Gilbert: 70 percent of the max occupancy right now?

Mr. Carrasco: Yeah.

Vice Chairman Gilbert: So 70 percent of, what did you say 96 is the occupancy?

Mr. Carrasco: I would say 80.

Vice Chairman Gilbert: So, there's 80 people currently staying there right now?

Mr. Carrasco: Yeah.

Chairman Benson: Well, we've got a problem; because there's no certificate of occupancy. We have no way of knowing what you still need to up these things that we approved. At the time we approved that, we were not allowing you to actually be in business until you did all of that stuff. So, without a Certificate of Occupancy, you can't be open.

Mr. Carrasco: What about, for example, remember the only thing I am waiting for is if they call me back. This call I do it today, so I called them today and they told me they were gonna call me back. So, what about [inaudible] that they go to the hotel and do the inspection. I just called today.

Chairman Benson: Well, here's the problem. You're talking about the inspection of the fire department coming, and you know, saying Heather told you that was the most important. Well maybe in her mind, or whatever, it was most important. We don't know if building has approved it. We know fire hasn't. The city and state taxes we have no proof that that's been paid, and the Rhode Island Department of Health approval. Those things all have to be in hand to Heather before she can do that certificate of occupancy.

Mr. Carrasco: I understand.

Chairman Benson: So, if the fire department comes out and inspects tomorrow, if you don't have that other stuff, it's still no good.

Mr. Carrasco: I understand. What about if you give me a couple of days to talk with the owner. Because, as a I tell you, maybe he doesn't have the document, maybe he has it.

Assistant Solicitor Brochu: Either way, did this come in as a claim? How did this come in?

Recording Secretary Ferolito: From Heather to me.

Vice Chairman Gilbert: From Licensing.

Recording Secretary Ferolito: Just to bring them in because they still do not have a CO.

Assistant Solicitor Brochu: I mean, without a CO, they can't be open.

Vice Chairman Gilbert: It's a safety issue that the hotel is open, with all of these different things that we cannot verify whether they've been properly inspected and signed off on by the department of health, the fire department, and the other agencies. So, it's not just the fire piece, which is what the Chairman is trying to explain. To be honest with you, why the owner is not here, instead of you, is a little bit insulting to the Board, because you clearly do not have the answers that we need. Our concern is that if we allow you to stay open even for a couple of days, and God forbid there's a fire, God forbid someone gets sick from the food that you're serving, or there's an issue with the building where the doors are not properly operating or the safety mechanisms are broken. That's the issue. So, to give you a few more days, you've already had almost a year, and when I say you I mean the business, it's had almost a year of operation without having a CO and somehow it's not come to our attention until tonight.

Chairman Benson: It's, it's not; I mean you are trying to settle the situation. Where is the owner at? Is he in Rhode Island?

Mr. Carrasco: He's going to New Jersey, to [inaudible]. He was in the hotel today. He was here for like six days or something like that. Today, he left.

Chairman Benson: He went back to New Jersey?

Mr. Carrasco: Yeah, to [inaudible] because he have another hotel in [inaudible].

Chairman Benson: Well, you're going to have to tell him he better get out of New Jersey and get back here, because we have no choice but to shut you down, because you don't have the certificate of occupancy. It's a liability on the City. What the Vice Chairman was talking about is if something happens and someone gets hurt in that building and now we know you don't have a certificate of occupancy, they can sue the City. So it now becomes a huge liability for the City, which as a Board of Public Safety, we can't allow that. So, unfortunately, we're going to have to shut you down.

Mr. Carrasco: I tell you, I understand, you're right, 100 percent right. But, I understand that this is not the only things, but, what about for example if tomorrow in the morning I receive a call from the fire department that they gonna go to the hotel to do the inspection. So, in that situation, I'm going to call Heather and email that their gonna give me and I will have the, and she's gonna process the OC.

Vice Chairman Gilbert: We don't want to hotel shut down for any length of time longer than it takes to get all the proper approvals. That's not within our control. So, even if you get the fire department to go out and inspect, what the Chairman said before, you still might have the approval from the department of health; you may not have the approval from the building department. If you have all of those approvals, then you should be able to walk in to Heather and she can issue your certificate of occupancy and you can open. That could come as soon as tomorrow. The problem is that when you leave here tonight, we're ordering that that hotel is going to have to be shut down until all of these obligations are met, and you may have, we're talking building, fire, city and state taxes and department of health. So you're talking one, two, three, four, five separate things that need to be met; and fire being one of them. If you have the other four, and the fire inspection is the only thing holding you up, then unfortunately until that gets done, if you can get it done tomorrow, then you can get your certificate and as soon as you have that in your hand you can reopen. It's no different than you getting a certificate to allow you to move into a home that you just purchased. Until all of the safety inspections are done, you can't live there. You can't occupy the space because nobody knows whether or not it's safe.

Mr. Carrasco: I understand. Can I show you the email that I sent to Heather and what she answered me?

Vice Chairman Gilbert: Sure, let us see the email. We'll look at anything you have.

Chairman Benson: I'm almost thinking if Heather has all of those other things, but we don't know, and it's just the fire inspection, then we would be allowed just to post a fire watch - -

Assistant Solicitor Brochu [Interposing]: It would take time for that to be set up.

Chairman Benson: The fire watch?

Assistant Solicitor Brochu: Would there be people there to do it now?

Recording Secretary Ferolito: There's nobody to call for a fire watch now.

Chairman Benson: What?

Recording Secretary Ferolito: There's no one to call for a fire watch now.

Chairman Benson: No, there isn't now.

Vice Chairman Gilbert: There's not really much to see there. A lot of those documents don't directly, it may literally be the fire piece that's holding up the CO.

Assistant Solicitor Brochu: This goes back to what we were talking about before.

Vice Chairman Gilbert: Correct.

Mr. Carrasco: She sent to me the form of everything thing that we need to obey, and I really feel it was sent to her. But she told me no, first of all this one, and after that all of the other things.

Chairman Benson: It almost seems like the way that Heather is talking is that it's all in.

Vice Chairman Gilbert: That's what I'm wondering.

Chairman Benson: Yeah.

Vice Chairman Gilbert: But without knowing, how do we address that without knowing. I don't want to shut them down if it's a hold up on the fire department's end doing the inspection. At the same time, it's a safety hazard that I don't think any of us - -

Clerk Paolucci [Interposing]: Can we reach out to the Chief and see whoever handles the details can pick up a detail over there. I used to get calls all hours. I used to wait by my phone for a detail.

Chairman Benson: Would that be allowed if they could pull that off, Wyatt? But we don't know if all that stuff is in, that's the problem.

Assistant Solicitor Brochu: See, the concerning part is, somehow this has gotten to this. If there was an issue with a fire watch, this should have been handled by staff. They should have been shut down the minute we knew they were open without a CO, regardless of the Board.

Vice Chairman Gilbert: This just came through, when we approved this, this came through a year ago as a request for a name change on a corporation, essentially a new name under the Sonesta Suites. So, the operation has been going on at that hotel for a - -

Assistant Solicitor Brochu: And what was the issue with the CO?

Vice Chairman Gilbert: I'm not sure. The action taken - -

Assistant Solicitor Brochu [Interposing]: The name change required a new CO. Either they had one or they didn't.

Vice Chairman Gilbert: The Colonel recommended approval of the change pending the building, fire, city and state taxes and department of health approval; and we voted on that based on those contingencies. We approved the change in the name to operating as Sonesta Suites, and in most cases, as you know - -

Assistant Solicitor Brochu [Interposing]: If it was just a name change, there wouldn't have been a need for a CO so why would that happen?

Vice Chairman Gilbert: Right, this is the minutes. I'm not sure. I'm not sure, without having someone from fire.

Chairman Benson: Do CO's expire?

Assistant Solicitor Brochu: No, not unless they're pulled. They might have been in violation of a CO through the building department.

Clerk Paolucci: Are you making any changes or renovations to the hotel?

Mr. Carrasco: Yeah, we are in the process - -

Vice Chairman Gilbert [Interposing]: Of doing reservations?

Mr. Carrasco: Of doing reservations, yes.

Assistant Solicitor Brochu: See, this is where the other departments. So, how are they doing renovations and pulling building permits and getting inspections while they're open without a CO. That means they have inspectors in the building.

Clerk Paolucci: Do you have permits for the renovations? Do you have permits?

Vice Chairman Gilbert: Have you pulled permits for the current renovations that you are doing at the hotel? Have you pulled permits from the City for the work being done?

Mr. Carrasco: No, the owner is in charge of that.

Vice Chairman Gilbert: So he's doing work at the hotel without pulling the proper permits from the City?

Assistant Solicitor Brochu: What kind of work are you doing?

Mr. Carrasco: I'm the assistant manager.

Assistant Solicitor Brochu: No, what kind of work is being done?

Mr. Carrasco: No, no. They gonna, they are going to the hotel only to - -

Assistant Solicitor Brochu [Interposing]: The renovations.

Mr. Carrasco: It's going to be paint, paint. So many company are going to the hotel to paint.

Gentleman in Audience: I think he means he's getting quotes.

Mr. Carrasco: I tell you, I know you are totally right about that, but, again, for example, if you give me a couple of days.

Assistant Solicitor Brochu: Again, what we know is that we have a business, okay, they've got an excess of 50 people there, that's what we know.

Chairman Benson: Plus we have notice.

Assistant Solicitor Brochu: Well that's what I'm saying. That's what we know today. The City may know other things, but what I'm saying is that's what the Board knows. They don't have a CO, there's people staying there, and they're serving food, which implies to me that it wasn't a name change, it implies to me that they were shut down for some reason for a name change. To get a new CO, the old one had to get pulled.

Vice Chairman Gilbert: Yeah, I'm just going by the notes that were provided with this packet. It's the only information we have other than what Heather told Lisa, which is essentially nothing.

Chairman Benson: Yeah, this from Heather, and you can't understand what is going through Heather's head, but they had a change of ownership and never finalized their CO. They had a partial pass by the fire department, but it's still pending, so is it just the fire?

Assistant Solicitor Brochu: Yeah, but, I don't know what a partial pass is.

Vice Chairman Gilbert: None of us do. All we know is that they don't have a CO.

Assistant Solicitor Brochu: I mean the order out of this Board should be to not allow them to operate without a CO. What happens - -

Chairman Benson [Interposing]: We hate to do this, because we don't want to shut down any businesses and we know it's going to be a real pain if you have to go back there and tell these people you have to leave because they're shutting us down. But, we have no choice.

Mr. Carrasco: My last question is - -

Chairman Benson [Interposing]: Yes.

Mr. Carrasco: How about if I come back on Friday with the CO? I understand one day, two days; but what about if I come back - -

Vice Chairman Gilbert [Interposing]: Let me just ask for some advice from our solicitor here. If as soon as tomorrow, it could be the next day, if they get the necessary paperwork and or approvals, we don't have to wait to bring them back. The Police Chief, or the Fire Chief; so they don't have to necessarily - -

Commander Lima [Interposing]: It's like restaurants don't have their sales tax paid. You remember going to have to shut them down?

Vice Chairman Gilbert: Yes, they do down and pay it the next day and they open up again.

Chairman Benson: All right, I mean you need to get this as soon as possible. We have absolutely no choice. We have to close you down, because you don't have a certificate of occupancy. But, if you get it tomorrow, if you get it in here. If you bring all the stuff to Heather and she issues it, does she issue those on the spot?

Recording Secretary Ferolito: She doesn't issue the CO; the building department does.

Mr. Carrasco: Because remember, I asked the fire department, because I know you do something [inaudible].

Recording Secretary Ferolito: But they could be out weeks. There's nothing to say they're going to do it tomorrow.

Assistant Solicitor Brochu: The concern that I have, again, is that I'm sure there is an entire story on this property. If we brought building here and we got information, fire somehow was giving them a partial pass. I don't know what that means. But what it tells me is that they've been told over the course of the year, you need to do this. I don't want to make an assumption. They got a partial pass - -

Clerk Paolucci [Interposing]: I guess there was violations.

Assistant Solicitor Brochu: Okay. Somebody maybe told them, maybe not you, but the owner; you better get this or else you're here.

Chairman Benson: Well, I mean, you need to get that certificate of occupancy as soon as possible. Once you get that in hand, you don't need to come back here, you don't need to do anything; but you have to have that certificate of occupancy in hand and you can open right away. But, unfortunately, we have to close you down. It has nothing to do with you. You came in November. Your boss knew about this for a year. So, I mean it's nothing that you're responsible for, you're trying to fix it. We feel bad, but we have no choice.

Mr. Carrasco: So that's gonna start from today?

Clerk Paolucci: Yes.

Vice Chairman Gilbert: Right now.

Chairman Benson: It's going to start immediately.

Vice Chairman Gilbert: Whoever is the manager on staff there right now, whether you go back to the hotel, you're going to have to figure out how to get all of your occupants out of the hotel and close immediately, until you get your certificate of occupancy. If that comes tomorrow morning, when you can get someone from the fire department on the phone, or an answer from licensing or the building department; once you have that CO in your hand you can reopen. It could be as early as tomorrow afternoon, if everything is completed. The problem is that we have no way of knowing what's completed and what's not, all we know is that you don't have that CO right now. Once you have that CO, you can reopen immediately. But you have to go back to the hotel and or make phone calls and everyone needs to be vacated tonight. So, everyone has to be out tonight. Right now. Not tomorrow, immediately.

Chairman Benson: You're going to have to call your boss and tell him.

Mr. Carrasco: Yeah, I gonna do it.

Chairman Benson: We feel bad - -

Mr. Carrasco [Interposing]: I know it's your; it's not your fault. But, in a way, for example, I know, it was a different situation if the person on the phone told me yeah you can go to the fire department. I'm sure, maybe that was different because I was just waiting for a call. Maybe if I do there, maybe someone is going to go to the hotel and maybe now I have the - -

Clerk Paolucci [Interposing]: This has been going on for 11 months now. The fire department has been out there and has issued a partial, so they probably gave a list to check off with several violations. We have had several businesses in the City here, they're all doing their inspections. I don't know why this has taken 11 months.

Vice Chairman Gilbert: I would make sure your boss contacts the building department first thing in the morning, and or the fire department first thing in the morning; and find out exactly what needs to be done to get that certificate of occupancy as soon as possible. You can't reopen until one of you has that in your hand to display it at the hotel. That's it.

Chairman Benson: I know you understand where we're coming from. If your boss has a problem with this and decides we're not going to do that, we're going to keep it open. When we order you to be closed tonight, the police are going to follow up on that. So, if it's still open tomorrow, we're going to start issuing fines. So, you don't want to do that. I know it's a pain what you've got to do and it all falls onto you, and it's unfair, but unfortunately - -

Mr. Carrasco [Interposing]: I understand. What about tomorrow morning? I totally understand that it's totally our fault, because we have to have this main document. There are so many families there now. If we notify them tonight that they need to leave tomorrow morning, they are going to know. Again, I understand this is our fault. If I go now, and say you need to leave, you need to find another place to stay until we get the CO. I would say that tomorrow morning at 10:00 a.m. or 11:00 a.m. you need to leave the place. Remember, I understand again, it's our fault, but there are so many families with kids there. It's our fault.

Assistant Solicitor Brochu: What are the rentals there? Are they monthly rentals?

Mr. Carrasco: Yeah, it's long term. More of them are long term.

Assistant Solicitor Brochu: Commander, what's the state, the number of vouchers in hotels?

Commander Lima: It could be. Sometimes it's the insurance companies that put them up if they have a fire or something.

Vice Chairman Gilbert: So those vouchers that they have should cover them at another hotel. If your boss was to do the right thing, and I use finger quotes, he would assist them in finding them a suitable place in the short term until your place is able to reopen for business. So, you need to go there and make arrangements and try to help some of those families relocate. That's my recommendation.

Mr. Carrasco: Again, as I told you, I understand that. But, if you give me tomorrow, 10:00 a.m., for them, not for us, for the families, not for the company.

Vice Chairman Gilbert: Again, there could be a fire there tonight, there could be a building collapse there tonight, there could be a lot of different things that could happen. Now that this has come to the Board's attention, my recommendation is to close immediately.

Assistant Solicitor Brochu: How he was able to walk in here not know that was going to be the result is just - -

Vice Chairman Gilbert [Interposing]: Understood.

Assistant Solicitor Brochu: They didn't do what they needed to do, but staff needed to - -

Vice Chairman Gilbert [Interposing]: It's 7:00 at night. We're not asking you to go back at midnight and close the hotel. It's 7:00. I understand there's families there. I understand the inconvenience that it's

costing you and your customers, however, it's certainly not this Board's fault, certainly not your fault; but the business itself let this certificate and all of the inspections required to get it. They didn't follow through, so there's someone dropped the ball somewhere. That's my recommendation.

Chairman Benson: I don't know if your boss has any connections with other hotels.

Mr. Carrasco: No, because that sometime happen. If we had another hotel, like a brother hotel, we don't have a problem to send them there.

Chairman Benson: Well, it's unfortunate. You understand what we have to do, but we have to do it, so.

Vice Chairman Gilbert: We'll have the police go by within the next few hours to get the families notified and out of there. It's 7:20 right now. I don't know what you think Chairman is a reasonable amount of time. Give them until 10:00 p.m. or something to get out of the building. That gives you two hours, someone needs to be there in case people come back. There needs to be signs placed on the door. Closed temporarily until further notice, something to that effect.

Chairman Benson: Some people might not even be there. They might be out. So, maybe til midnight. Does that sound reasonable? We'll give you til midnight, because somebody might be out to dinner or something like that. We'll give you til midnight to get everyone out of there, but at midnight we'll send a police officer by there and he'll make them go unwillingly if he has to.

Mr. Carrasco: Tomorrow, can I go to the fire department?

Chairman Benson: Keep calling. I would call them every day.

Mr. Carrasco: Because that's the why I didn't go.

Chairman Benson: But there's this other stuff too. You've got to make sure that they've done the other things that we've said. The fire, make sure the city and state taxes are paid, the building has been approved, well the building is the CO so - -

Vice Chairman Gilbert [Interposing]: They're going to want the fire inspection.

Chairman Benson: Yeah, the fire inspection. They won't do anything before that. You're going to have to get the fire inspection, get their thing and bring it down to the building department so they can issue the CO. So, it's going to be very difficult to do it tomorrow. But, God bless you, I hope you can do it as soon as possible.

ACTION: Chairman Benson made a motion to shut down the Sonesta Suites by midnight this evening until their CO is in hand. Vice Chairman Gilbert seconded the motion. Chairman Benson, Vice Chairman Gilbert, and Clerk Paolucci voted in favor of the motion. Motion approved.

26. Discuss with Mr. Norman Jacobs, of 20 Wilcox Street, regarding his request for an exemption to City Ordinance O-11-5, Sec. 4-11, allowing him to house more than the maximum dogs allowed in the City.

Chairman Benson: Okay. We have a copy of the police report when they went over everything.

Mr. Jacobs: Yes, sir.

Chairman Benson: Is there a specific reason why you need more than three dogs?

Vice Chairman Gilbert: Can you just identify yourselves?

Mr. Jacobs: My name is Norman Jacobs.

Mrs. Tricia Jacobs: Tricia Jacobs.

Mr. Jacobs: So last year we had two dogs, and we were trying to get the female fixed. Our appointment kept getting pushed back because if the dog goes into heat our vet recommended that it's not safe to fix her if she's actively in heat. So, it kept getting pushed back. In a lapse, the dog got to her and she got pregnant. We kept one of the puppies. The other puppy that we were going to give away; actually the family that was supposed to get it; a few months ago there was two houses on fire on the same street; one of those families was supposed to take the puppy. Because that happened they didn't, we found that puppy, the last puppy, is disabled. He has some issues, so we figured it would be safer to keep him with us.

Mrs. Jacobs: And the mom and dad.

Mr. Jacobs: Both of us have lived in Warwick our entire lives. I'll be 40 in June, she'll be 41. We've owned pets all of our lives. We've never had a single complaint against any of our pets. The pet officer, animal officer, said that she's never had a complaint against any of our pets, or our address. This was brought to your attention because we were seen walking our dogs in the field across from Oakland Beach school.

Chairman Benson: Do you plan on getting rid of one of the dogs?

Mr., Jacobs: No.

Mrs. Jacobs: I would like to keep the two puppies and the two parents together.

Chairman Benson: Okay. Unfortunately, and we've had quite a few people come before us like this. But, we can't do anything about it. The ordinance is in place; we've had a number of people come through, sometimes if they say they're trying to get rid of one of the dogs, but we have to wait a couple of weeks, we give time to try to get rid of them, but the ordinance is what it is. We can't allow more than three dogs in the house.

Mr. Jacobs: Respectfully, why am I here to request it then, if you don't offer it?

Chairman Benson: Well, because you may have had a reason.

Mr. Jacobs: I do. The dog is disabled.

Vice Chairman Gilbert: Which of the dogs is disabled?

Mr. Jacobs: The youngest one.

Mrs. Jacobs: The puppy.

Vice Chairman Gilbert: Do you have any thing from the vet that you can show us?

Mrs. Jacobs: It's going to cost \$7,000 to have an MRI done.

Mr. Jacobs: We can get something from the vet. But, my question is why would we be asked, with no complaints, to get rid of a dog that's perfectly taken care of, to put it where, in a shelter?

Chairman Benson: Well, because once it was found out that you had four dogs living at the house; once it becomes known, especially to an animal control officer, they know what the ordinance is. You know, the ordinance is for everyone. We feel bad. I mean, I love dogs. We feel bad that people come before us and we've had; in the last year, we've had at least three different people, one actually not far from you that ended up having more than three dogs, and you could have come before us and said we're going to apply for a kennel license.

Mrs. Jacobs: Can we do that?

Mr. Jacobs: So, why can't we do that now?

Chairman Benson: It's a big thing you have to go through to have a kennel license.

Mr. Jacobs: So I guess here is where I'm confused. You've had no problems with our dogs, ever. Yet, you would ask us to do what with the dog exactly?

Chairman Benson: We don't care.

Mr. Jacobs: So you would take a dog that's in a perfectly safe home and put it in a shelter, that's already disabled?

Mrs. Jacobs: I have 20 letters of how I'm a good, more than acceptable pet owner, that I take care of my animals. These are people that live in my neighborhood, people that we deal with in the community, people who has got puppies from us and the mother's been fixed since, so that will never happen again.

Vice Chairman Gilbert: Are you breeding?

Mrs. Jacobs: No, absolutely not. It happened one time.

Mr. Jacobs: We tried to get her fixed. They got caught once, and like I said, and the vet will vouge for this too, they wouldn't fix her when she was in heat.

Vice Chairman Gilbert: Just a question I have then is; it says in the police report that the animal control officer asked you to submit all of your vet, all your vet documentations to show rabies certificate, all of your vaccinations - -

Mrs. Jacobs [Interposing]: We did all of that.

Vice Chairman Gilbert: According the report that we're reading right now, the ACO as of when this report was done, doesn't have any proof of any of it.

Mrs. Jacobs: We did that, because I called my vet immediately.

Chairman Benson: We don't doubt that your good pet owners. Most of the people that come before us. You know if you want to have four or five or six, they are usually good pet owners and they usually want to help the animals. Unfortunately, this Board is tasked with holding up the ordinances of the City; which is, you know, a maximum of three dogs.

Mr. Jacobs: Right. But the ordinance that I'm here for is a hearing to request an exemption. So how does one get an exemption. According to what you first said, an exemption doesn't exist.

Chairman Benson: No. You can get exemptions if your; if you have a breeders license, um, I think the breeders license was one of them right?

Mr. Jacobs: So I can get an exemption only if I'm going to have vastly more dogs?

Chairman Benson: If you're properly licensed for it; or a kennel license. But, until you get the kennel license, you're not allowed to have more than three dogs.

Mrs. Jacobs: So where do you expect us to put this dog?

Chairman Benson: I don't know.

Mr. Jacobs: Okay, what if we don't comply?

Chairman Benson: Um, well, if you don't comply, what we normally do is we do a follow up where the dog officer goes there. If you don't apply, the Board can start fining you for being in violation of the ordinance.

Mrs. Jacobs: What about all of the other neighbors in my neighborhood that have multiple dogs, the same exact thing.

Mr. Jacobs: No, more than - -

Mrs. Jacobs [Interposing]: More and not taken care of.

Mr. Jacobs: Ironically, most of the people that you charged me to send certified letters to have over the limit.

Chairman Benson: If they have over the limit, and it comes before the Board, the Board knows about it, we'll be doing the same thing with them.

Mr. Jacobs: Okay. So to be clear, regardless that you've never had a complaint against our dogs - -

Chairman Benson [Interposing]: Yeah.

Mr. Jacobs: And we made the cardinal sin of walking our dogs in a field, now we have to get rid of one of the dogs?

Chairman Benson: The ordinance has nothing to do with problems, because we've had other situations where we haven't had problems with the dogs, it's just come to light that they had more than three dogs.

Mr. Jacobs: When I looked up the ordinance, I didn't see anywhere where it said get rid of a dog. Can you tell me where it shows that.

Chairman Benson: It shows that you can have three dogs.

Mr. Jacobs: No, it says you can request an exemption.

Chairman Benson: But we're saying you don't have a valid reason for the exemption.

Mr. Jacobs: Okay, so how do I, what do I need to do to get the exemption and not get rid of the dog?

Mrs. Jacobs: I'm not getting rid of the dog.

Chairman Benson: Um, you'll have to get a kennel license.

Mrs. Jacobs: Okay, can you show us how to do that?

Mr. Jacobs: We have to have a kennel license just to have an extra pet?

Chairman Benson: You would have to have a kennel license for your premises in order to have more than three dogs, is my understanding. Isn't that what it was before?

Vice Chairman Gilbert [Interposing]: It's actually - -

Mr. Jacobs [Interposing]: I didn't see any of this in the ordinance, so where - -

Vice Chairman Gilbert [Interposing]: Are you talking about the ordinance that's saying you're requesting the exemption or the - -

Mr. Jacobs [Interposing]: No, the ordinance that you site, that the officer sited me for. I looked it up online and it doesn't say anything about any of this.

Vice Chairman Gilbert: It talks about you can request an exemption, right?

Mr. Jacobs: It's something about three dogs; and then you can request an exemption.

Vice Chairman Gilbert [Interposing]: Okay.

Mr. Jacobs: It says nothing about - -

Mrs. Jacobs [Interposing]: She said our dogs would not be taken from us.

Mr. Jacobs: She said in her experience nobody has ever lost their dog.

Mrs. Jacobs: That's what she told us.

Vice Chairman Gilbert: I'm not sure why, I'm not sure why she would tell you that; but the ordinance talks about having three dogs, and right now you have over three and you're in violation. In terms of an exemption, or an exception to the ordinance, the Chairman is giving you two examples, whether it's a kennel license or a breeders license. Those are the two most common ones that I'm familiar with, and I believe, I'm not speaking for my colleagues on the Board, but, I think those are the only two ways that I am aware of.

Mr. Jacobs: [Inaudible] the dog is irrelevant?

Vice Chairman Gilbert: Well, it's not that it's irrelevant sir, but then again, we're not contesting that the dog is disabled, we don't know whether the dog is disabled. You just reported in your testimony that it would cost you \$7,000 to get an MRI to even come up with a diagnosis as to what the dog has for a condition.

Mr. Jacobs: Right, but you can look at two children and tell that one of them has Downs Syndrome, right?

Vice Chairman Gilbert: I understand that. I understand that.

Mr. Jacobs: Right, so you don't need a diagnosis to see that the dog can't walk or eat properly.

Vice Chairman Gilbert: The ordinance doesn't provide for that exception. It doesn't say that you can have three dogs, or more if they're sick or disabled. It doesn't say that.

Mr. Jacobs: Can you point me to where the list or exemptions are?

Vice Chairman Gilbert: There isn't one.

Mr. Jacobs: So where are you pulling this from?

Vice Chairman Gilbert: We're giving you examples of exemptions that we know of that would be an exception to the City ordinance.

Mr. Jacobs: Right, but isn't there a statute where these things are listed?

Vice Chairman Gilbert: I don't believe that there are, no.

Mr. Jacobs: So, where do you get those two from?

Vice Chairman Gilbert: It's common sense.

Assistant Solicitor Brochu: [Inaudible] on those two exemptions.

Mrs. Jacobs: How is someone supposed to know this unless this situation happens, which this situation is already too late. I've lived in Warwick my whole life. I had no idea; never heard of it ever. All of these people have never heard of it. How do you find this out until this happens?

Chairman Benson: I can't answer that for you - -

Mrs. Jacobs [Interposing]: That's a problem - -

Vice Chairman Gilbert [Interposing]: Well you could make that argument for any city ordinance or any other statute in the state law that says, well I didn't know about it so how am I supposed to know?

Mrs. Jacobs: Well its just [inaudible] living in your city.

Vice Chairman Gilbert: No, I understand that. I'm just saying that you could claim; if you're ignorant to, and when I say ignorant, I'm not saying it as a person, I'm saying ignorant to the law or the ordinance, so that's what it is.

Mr. Jacobs: It's an arbitrary number, so how would we assume; all right, can we appeal this?

Recording Secretary Ferolito: Municipal court.

Vice Chairman Gilbert: What's that?

Recording Secretary Ferolito: Municipal court.

Vice Chairman Gilbert: Yeah, I believe that municipal court has a mechanism. We can find out for you what the appeal process would look like, because I'm not aware. We can ask the solicitor. I've never had it come up where there's been an appeal, or an actual hearing.

Mrs. Jacobs: I'm just saying that people going forward, I mean - -

Clerk Paolucci [Interposing]: It is a little bit unusual - -

Mrs. Jacobs [Interposing]: No one knows.

Clerk Paolucci [Interposing]: Most of the time, the complaints come in because of barking dogs - -

Vice Chairman Gilbert [Interposing]: Which we understand. That's why, that's why people can come in and request to the Board for an exception, or essentially - -

Mr. Jacobs [Interposing]: You just told me there was no exception - -

Vice Chairman Gilbert [Interposing]: No, no. No.

Chairman Benson: Legitimate exemption, which we know of two, which is a breeding license or a kennel license; because we've had that come up in the past.

Mrs. Jacobs: So you're okay with more dogs?

Mr. Jacobs: What is the exemption? Then it would be a completely different thing - -

Vice Chairman Gilbert [Interposing]: Understanding that you're simplifying it to say that we're okay with you have a bunch more dogs. That's not the case. But if you have a kennel license, for example, or you're an actual certified breeder, again, this Board is not a bunch of animal experts. We're going by the city ordinances that are in place. We didn't write them, we didn't craft them, we're just being asked to enforce them. When people come before the Board asking for an exemption to the ordinance that says it's a limit of three dogs, three cats; we have to listen to your reasons. The only reason that I have heard from you, and correct me if I'm wrong, I don't want to put words in your mouth, is that one of the dogs is disabled based on what you're saying. So that is your reason to keep four dogs. The other three dogs are healthy and you don't want to separate them. Is that fair to say?

Mrs. Jacobs: Yeah, it's the mother and the father and two babies.

Mr. Jacobs: Yeah, we're not going to take the dogs to a shelter to appease Warwick, so our options from here are what, because we're not getting rid of the dogs.

Clerk Paolucci: How old are the dogs?

Mrs. Jacobs: They're only six months old.

Clerk Paolucci: Okay, because I knew there was something there that protects the dogs, I believe.

Chairman Benson: Yeah, up to twelve weeks.

Mr. Jacobs: Yeah, up to twelve weeks, but only if you're using the dogs to profit from them. So, if you're actually taking care of them, it's a problem. So we can appeal this, we can do what?

Mrs. Jacobs: I'm just really upset because I know you guys are animal lovers, and I know that there's rules, and I understand all of these things. Again, people wouldn't know this until this came up, okay?

Second of all, the law obviously needs to be looked at again and revised. It must be old. It's just, it just doesn't make sense. I was walking my dogs in a field. She came to me and asked me to leave; told me I couldn't be in a field, I said okay, no problem. The next day she comes to my house and tells me I can't have four dogs. She never asked me if I had four dogs. She assumed that the four dogs in the field were my dogs, so she obviously went home and tried to think of a way because she didn't like what I had to say to her. This is like. These dogs were out playing. So, if I had kept them in my back yard like the neighbors next door, that I feed their dogs and take care of them, then that's okay because you don't know about it? But because it was brought to your attention? I mean this is ridiculous. This is now, and I'm not going to put my dog in a shelter or a home. He's in the best home. They go to the vet three times a month. I mean, this is crazy. I've never had a complaint. I've never had an issue.

Mr. Jacobs: They don't get it. So, what are our options now, because the dog is not going.

Mrs. Jacobs: I'll move out of the City.

Mr. Jacobs: I'll just sell the house and move if we have to do that.

Mrs. Jacobs: I will.

Vice Chairman Gilbert: That's obviously within your right.

Mrs. Jacobs: My family has been here since 1905.

Mr. Jacobs: We're going to make a lot of noise and take this to an appeal.

Mrs. Jacobs: And this isn't against you. This is against the City.

Mr. Jacobs: So, you've never had a single complaint against these dogs.

Chairman Benson: No, we understand. Believe us.

Mr. Jacobs: Respectfully, sir, you have plenty of leeway. It doesn't say anywhere in this statute that you have to tell us to get rid of our dogs. It says that you have the ability to offer an exemption; yet you say the only exemption I have is by opening a business and sell dogs. That is not an exemption.

Chairman Benson: It doesn't say we can give you an exemption. It says you can ask for an exemption; and we've explained that the exemptions that we know of to that ordinance are if you have a kennel license or if you have a breeders license. We know those are exemptions to the ordinance.

Mr. Jacobs: All right, and I know that I've already asked this, and I won't take up much more of your time, but where did you find that information so that I can look it up? Where are you pulling this from, because the law doesn't say that, but you guys say that's what it is. So, where is that information coming from?

Chairman Benson: We've gotten that from past people that have come before us.

Assistant Solicitor Brochu: Past practices.

Chairman Benson: Yeah.

Clerk Paolucci: It's a state license.

Mr. Jacobs: But it's not in the statute. Correct?

Assistant Solicitor Brochu: It's not in the ordinance.

Chairman Benson: Right, but it's not in the ordinance, but if you look at it that way, we're giving you an opportunity to have more than four dogs. It's not in the - -

Mr. Jacobs: If you can profit from them.

Mrs. Jacobs: If we pay.

Mr. Jacobs: You're making an exemption that's not already in the statute, but you're not willing to hear any exemption other than the fact that I sell dogs. Is that what you're saying?

Chairman Benson: We're saying that - -

Mr. Jacobs [Interposing]: If you can't tax my dogs, I can't keep them, right?

Chairman Benson: You can't what?

Mr. Jacobs: If I have a business and I'm selling the dogs, then you can make money off of them when you tax them. Is that what it comes down to?

Mrs. Jacobs: If I had kept my dog and let her get pregnant over and over it would be okay. But because she's fixed and I keep two puppies, it's not okay.

Chairman Benson: I don't know what the breeders license involves, are far as selling dogs, we don't get to that point. We're giving you an option to - -

Mr. Jacobs [Interposing]: It's common sense what a breeders license involves.

Chairman Benson: Yes, but we're giving you a couple of options that you could possibly take.

Mrs. Jacobs: They're not options.

Mr. Jacobs: So then, what happens from here?

Chairman Benson: Well, normally in the situation that is this, um, well normally; we haven't been in this situation in quite a while where somebody is saying I'm not getting rid of the dog. So, if you're not getting rid of the dogs, you're going to be in violation of it. We'll give you a certain time period, at least to consider what you want to do. If you want to get the licenses or check it out and see how you would go about getting them. But, at some point, we can't allow - -

Mr. Jacobs [Interposing]: You just sat here and listened to a guy that's been breaking a law with 50 people in a building with all sorts of [expletive] fire hazards. We are sitting here with a disabled puppy and you're going to bust our balls about getting rid of it, with not one complaint in 40 years against our animals?

Chairman Benson: It's an ordinance. We have - -

Mr. Jacobs [Interposing]: It's not an ordinance, okay. Make your ruling and then tell me how I appeal please.

Chairman Benson: Do you want to give them a certain amount of time to decide what they want to do?

Vice Chairman Gilbert: We can do that.

Mrs. Jacobs: She knew she was doing this to me, from the day she didn't like what I had to say to her. She's abusing her power.

Mr. Jacobs: Just stop, just stop.

Clerk Paolucci: I think we need to; you have a list of neighbors - -

Vice Chairman Gilbert [Interposing]: I was just going to say, we can continue the matter and table it.

Mr. Jacobs: So we have a list of like 20 neighbors and there's not a single person in the neighborhood that would speak against our animals.

Vice Chairman Gilbert: But you have to understand, you've got to understand something that you guys are not taking into consideration. The ordinance of three dogs and three cats; if we say yes, you can keep yours because your situation is mother, father, two puppies; what happens when someone else comes in and wants five dogs? Or six dogs?

Mr. Jacobs: That statute says that you make exemptions.

Vice Chairman Gilbert: You can ask for one.

Mrs. Jacobs: Yes.

Mr. Jacobs: But there are exemptions to be had by the statute. So, it's up to your discretion - -

Vice Chairman Gilbert [Interposing]: Do you have those exemptions?

Mrs. Jacobs: No, but no one does.

Vice Chairman Gilbert: No, I understand that. We gave you two examples, and again - -

Assistant Solicitor Brochu [Interposing]: Take your month.

Mr. Jacobs: I understand that, but you're making - -

Vice Chairman Gilbert [Interposing]: We're going to get some legal clarification. It will give you guys 30 days to find out your next steps that you want to take. You made it clear to this Board that you have no intention of rehousing another dog somewhere else. That's fine. We can make our ruling tonight if you want to simply do that and just move on. What we're saying is that we'll get some further legal clarification as to, when can contact the SPCA, we can get some legal qualification about the ordinance, and or if there are other exemptions that we are not aware of as a Board. Feel free to do any research on your end. You can look at the statute. You can hire an attorney if you want to do that. That's certainly well within your right. We've never had somebody sit there and say I refuse to remove the animal and then have it push come to shove. We're not looking to force anything - -

Mr. Jacobs [Interposing]: You are though.

Vice Chairman Gilbert: We're not.

Mr. Jacobs: What was the ruling you're making? The ruling you're making is that I have to get rid of a dog.

Clerk Paolucci: We're just discussing it, we're not ruling on it.

Mr. Jacobs: The first thing that was said was you can't keep the dog. That's the first thing that he said.

Assistant Solicitor Brochu: What I would suggest, right, is that we're going to continue this a month. What I would also ask, if the applicants agree, is that Officer Razza would go out and make an inspection of the property.

Vice Chairman Gilbert: Violet you mean.

Assistant Solicitor Brochu: To see what the situation is over there, if you'll allow that.

Mr. Jacobs: I would like to speak to an attorney before I agree to that.

Assistant Solicitor Brochu: What I'm saying is we need to see what the conditions are over there, for what your request is.

Mrs. Jacobs: I have nothing to hide, personally.

Assistant Solicitor Brochu: That is in the ordinance; that we have a report from the ACO.

Clerk Paolucci: We'll try to work with you, and that way there you're not going to work with the ACO.

Mrs. Jacobs: No it's not that.

Mr. Jacobs: We've done nothing wrong, except owning an extra dog. You can't find somebody with more impeccable record with their pets.

Clerk Paolucci: The City ordinance was set, we don't set the laws.

Mrs. Jacobs: And I understand. That's a problem to your people in your city. That's what I'm saying.

Mr. Jacobs: My issue is, that's what you're saying is nothing can be found in the ordinance. It doesn't say if you have this license, you can do this. It doesn't say anything about that. It says you are requesting an exemption. It doesn't say what the exemption is limited to. Everybody I've talked to before you guys, including the officer; both of them, said nobody's ever been asked to get rid of their dogs. So, from the beginning, it seems that you guys are being a little punitive.

Vice Chairman Gilbert: First of all, the animal control officer, one of which I'm sure you spoke to, is the reason why you're here tonight.

Mr. Jacobs: So she lied.

Vice Chairman Gilbert: I'm not saying whether she lied or not. She's the reason why you're here tonight, because she's the one that completed the report when she noticed that you had more than three dogs. You're citing the ordinance word for word that says you can have an exemption, but you're not mentioning the fact that the ordinance specifically states limit of three dogs or three cats. It doesn't say three dogs or three cats, with whatever your particular set of circumstances are that would allow you to go above that.

What the Board is trying to say, again, is that we're not; we don't have the power to change the ordinance, we don't have the power to change state statute, we're saying that it says three dogs and three cats, and you can request an exemption. You've come in before this board, provided rabies reports, and really nothing else, other than your word to say that this other dog, this fourth dog, if you want to call it that, is a disabled puppy. You can keep the disabled puppy and the mom and dad; you're not in violation of the ordinance. You'd have to find another home for that not sick puppy. You don't want to do that, which we understand. But you keep citing the ordinance and the ordinance doesn't provide for the protections that you seem to say, because there's no violations.

Mr. Jacobs: No, but you don't get to make up the penalty. Where does it say that the dog has to get rehomed? Does it say that in the ordinance?

Chairman Benson: Yes, the ordinance says - -

Mr. Jacobs [Interposing]: Can you show me where it says that please, because I read it and I couldn't find it.

Chairman Benson: The ordinance says you can have three dogs. We talked about common sense. Common sense says if you have four, you have to get rid of one.

Mrs. Jacobs: I think you guys are put in a bad position. I think we are as well.

Vice Chairman Gilbert: I don't disagree with you. I don't like these. But, the problem is that if we grant an exception for one based on a story of, and we've heard many, many stories, and it's no disrespect to you, when I used the word ignorance, I didn't mean it in a disrespectful way. What I am saying is we've heard many, many stories of hey my mom lost her house and had to move in with me. She brought two dogs with her. Now they're attached to my two dogs, and now we have four. That might have been based on a barking complaint, it might not have been. There's a million set of facts and circumstances that are all very different and unique, to include yours. We're not being not sympathetic to your, to your situation. We're in a situation where the ordinance is what it is. Without a good valid reason, the flood gates will open where anyone and everyone; and if animal control, let me just be frank with you. If animal control is telling you that they've never seen someone have to rehouse a dog or a cat, that is completely false. There's no reason why an animal control officer should tell you something that they have no control over. It's like a police officer telling someone who is charged with a crime or a ticket or whatever, what the offense is going to be, issued by a judge. That's not their purview. That's our purview.

Mr. Jacobs: She said she's never seen it.

Mrs. Jacobs: She said that this will help us in the long run. We'll be happier because of this.

Mr. Jacobs: That's what she said. She said now they'll know that you have an extra dog and it will be good in the future.

Vice Chairman Gilbert: Well then you know what? Maybe we have to bring her back in 30 days, and that may be something - -

Mrs. Jacobs [Interposing] I absolutely agree.

Vice Chairman Gilbert: That might be something that the Board wants to hear from her, because we need additional information.

Chairman Benson: Just so you know, and we've had in the last couple of years, we've had at least five instances. We've never allowed any of them to keep more than three dogs. Now most of them have been saying we're either moving in a month or we're taking the dogs; that's fine, we'll give you, uh, not exemptions. We do make considerations. Let's put it that way. Um, and I think tonight, we're going to make a consideration. We're not going to rule on it. We're going to kick it over to the first meeting in April, which is the second Tuesday in April.

Recording Secretary Ferolito: The 9th.

Chairman Benson: The 9th.

Mrs. Jacobs: Will she be brought in that day?

Chairman Benson: We're going to bring her in, because we'll ask her about that. No animal control officer; the animal control officer that's in this report I'm not familiar with. It's usually the other animal control officer. She's never been in the room with us when we made a decision. I'm not saying she said that - -

Mrs. Jacobs [Interposing]: She's not the normal animal control officer. That's why.

Chairman Benson: Well, the normal animal control officer is usually in the meetings on the nights we have these things, and she can tell you we've never allowed anyone to have more than three dogs. Ever. Since I've been on the Board. I've been on the Board for three years.

Mrs. Jacobs: This is why we're blindsided.

Mr. Jacobs: That is completely different than what she told us. She told us that's not even an opportunity. She said you'd never had a complaint against you; they're not going to make you get rid of the dog. Okay, so we come back in a month?

Chairman Benson: So, here's what we're going to do, okay. We're going to make a motion to; actually we don't need a motion, because it's just a discussion.

Vice Chairman Gilbert: We're going to table any action.

Chairman Benson: We're going to table any action tonight. We want you to come back on the 9th. Still with the understanding; you can do some research in to the kennel licenses, because we know those are two things that the Board has allowed for in the past. It's up to you; but, um, and then we will bring that dog control officer in and we will have another discussion and we will take it up at that point. But, I just want to tell you though, the ordinance is the ordinance.

Vice Chairman Gilbert: You can talk to your council person relative to your discontent with the ordinance. That's something within - -

Mrs. Jacobs [Interposing]: And I just may look into that.

Mr. Jacobs: I just don't understand why the ordinance is request an exemption, not if you don't have a license you can't have four.

Mrs. Jacobs: That's what it should be.

Mr. Jacobs: Isn't that just a little misleading? It makes you think there's an exemption to have when there's not. Either you're a business or you're not. Period.

Chairman Benson: I mean its broad. You can request an exemption, but not the exemption that we want to keep four dogs.

Mr. Jacobs: What exemption would I request? You keep saying this. Either you're a licensed breeder or you can't keep four dogs, that's what it should be.

Assistant Solicitor Brochu: Sir, we can't answer those questions. We can go round and round all night.

Mr. Jacobs: This is what I mean. I come to a Board where people are enforcing stuff that you can't answer questions about. So, who do I ask these questions to?

Vice Chairman Gilbert: You said you want to get an attorney. Is that what you're planning on doing?

Mr. Jacobs: I don't know. I'm asking the guys who are enforcing these laws, who do I ask these questions to?

Vice Chairman Gilbert: You can certainly ask an attorney if you want to - -

Mr. Jacobs [Interposing]: No, I'm talking about the state. Who do I ask here in the City? Who do I ask?

Vice Chairman Gilbert: Within the City, I'm not sure who you would ask. You've already talked to animal control. We're trying to make a reasonable decision here to allow additional time for us to get additional control officer, to possibly get clarifications on what exemptions might be because that's one of the questions that you asked. You may want to pursue based on the two options that we mentioned to you that we know would be valid exemptions if you became a licensed breeder, if you decided to get a kennel license. There may be others that we're not aware of. That's nor our position or purview to tell you all the different ways that you can come before the Board to get an exemption. That's like telling somebody who's just charged with a motor vehicle violation how they can potentially get out of that violation or how they - -

Mr. Jacobs [Interposing]: Well, no, then I would be charged with a crime. That would be totally different.

Vice Chairman Gilbert: It's the same principal though.

Assistant Solicitor Brochu: I'm not here to give you advice, but what I would suggest to you, okay, is the Board is listening to you, they've heard you, they want some additional time to get some more information, and all you keep doing is arguing. So, what I'm going to suggest to you, okay, is that the Board has asked to continue this a month. We're listening to you. We're hearing what you're saying. Okay. You seem to be frustrated that we're listening to you.

Mr. Jacobs: No I'm frustrated that you're not.

Assistant Solicitor Brochu: So, what I would suggest, okay, is that the Board continue this for a month. They're going to get some further information. It might be helpful to get a report from the animal control officer about the situation, okay, and we revisit this in a month. Okay. We're listening to what you're saying, and we're hearing you.

Chairman Benson: If we weren't listening to you, we'd be voting right now.

Mrs. Jacobs: Again, I feel like you guys are unfortunately the sounding board for the issue, and I'm sorry for that. That's the problem. You guys are the ones that have to take the brunt of these questions that can't be answered by normal citizens of the City.

Chairman Benson: You might want to check with your council person, while you're at it, and say there's this ordinance out there. Why is this ordinance. You're in Oakland Beach, she's been on the council for 400 years, she was probable there when the ordinance was put on. You might want to find out from her, why is the ordinance three dogs, and why is it so broad.

Vice Chairman Gilbert: But again, your initial reason that you mentioned to this Board as to why you're asking for this exemption is because one of the dogs is disabled. Is that correct?

Mr. Jacobs: Yeah, and if that's not a good reason, what would be a better reason?

Vice Chairman Gilbert: Well, again, that's not our place to give you reasons why you can get the exemption. That's not how it works. That's like going and asking a judge how can I get out of - -

Mr. Jacobs [Interposing]: No it's not.

Vice Chairman Gilbert [Interposing]: Yes it is.

Mr. Jacobs [Interposing]: It's totally different.

Vice Chairman Gilbert: You want to take your vet bills?

ACTION: This discussion has been continued to the meeting on Tuesday, April 9, 2024. Animal Control Officer Violetta will need to be at the meeting.

27. Discussion with Mr. John Lane regarding Eddies 529 transfer to Johnny Boy's. This transfer was not complete as of December 1, 2023. This is a follow up to the discussion held on Tuesday, January 9, 2024.

ACTION: Mr. Lane was not present at this meeting. There was no discussion that took place.

At 8:01 p.m., the Board entered into executive session.

At 8:12 p.m., the Board closed the executive session, sealed the minutes, and read the voted into the record.

POLICE EXECUTIVE SESSION

1. Board Business - Review, Discussion and/or Potential Action and/or Vote; Possible Motion(s) to convene into Closed/Executive Session; The Board of Public Safety may convene into Closed / Executive Session to discuss, take possible action, and/or vote pursuant to the relevant requirements of R.I. General Laws § 42-46-5(a) Subsection (3) regarding matters of security – Applications pursuant to R.I. General Laws § 11-47-11 and City of Warwick Ordinance Article IV, Division 1, Sec. 6-72: Concealed Carry Weapon Permit. Discussion and/or Potential Action and/or Vote from Executive Session concerning the following Applications:

- a. Applicant 1 – Request for Weapons Carry Permit (**NEW – EXECUTIVE**)

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

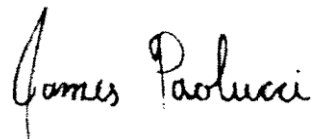
- b. Applicant 2 – Request for Weapons Carry Permit (**NEW – EXECUTIVE**)

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

- c. Applicant 3 – Request for Weapons Carry Permit (**NEW – EXECUTIVE**)

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

At 8:13 p.m. this meeting was adjourned.



James Paolucci, Clerk