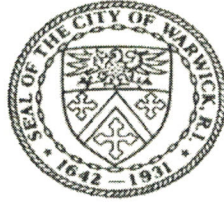


CITY OF WARWICK

LESLIE WALASKA BAXTER
Chairwoman

JAMES PAOLUCCI
Vice-Chairman

THOMAS P. MCGOVERN
Clerk



BOARD OF PUBLIC SAFETY
Warwick, Rhode Island 02886

POLICE DEPARTMENT
99 Veterans Memorial Drive
401-468-4200

FIRE DEPARTMENT
111 Veterans Memorial Drive
401-468-4000

POLICE DEPARTMENT – REGULAR SESSION

BOARD OF PUBLIC SAFETY ROOM
WARWICK POLICE HEADQUARTERS

January 26, 2016

MINUTES

At 7:15 p.m., the Board of Public Safety entered its regular session for Tuesday, January 26, 2016. Present were Colonel Stephen M. McCartney, Chairwoman Leslie Walaska Baxter, Vice Chairman James Paolucci, Clerk Thomas McGovern, Assistant Solicitor Diana Pearson, and Recording Secretary Lisa Ferolito.

1. The minutes of the Board of Public Safety meeting held on Tuesday, January 12, 2016, were submitted for approval.

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

2. Colonel Stephen M. McCartney to recommend transfers, reassignments, and retirements.

ACTION: There were no transfers, reassignments, or retirements to announce at this meeting.

LICENSES AND PERMITS

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

Vice Chairman Paolucci seconded the motion.

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

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

Vice Chairman Paolucci seconded the motion.

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

At 7:50 p.m., the Board entered into Executive Session.

At 8:00 p.m., the Board returned to Regular Session.

3. Request for Weapons Carry Permit (New)

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

4. Shore Line Pizza (Liquor License Violation) – Saturday, January 2, 2016

As dictated by the officer:

“On 01/02/16 Officer Maggiacomo responded with Officer Marshall out to 747 West Shore Road, the upstairs apartment, for a noise complaint. It should be noted that this officer has been working an ongoing investigation regarding noise coming from the downstairs establishment at this location, 745 West Shore Road, the Shoreline Bar.

It was reported to Officer Maggiacomo on days prior that a female identified as Jessica Leonard DOB 02/07/83 who has been a resident at this location, the upstairs apartment at 747 West Shore Road for approximately 11 years with her live-in boyfriend identified as Dave (last name unknown), has talked to him in length over the phone regarding a noise issue.

Leonard stated that recently a new establishment directly below her apartment identified as Shoreline Bar which is conjoined with the Shoreline Pizzeria next door at 745 West Shore Road has been playing music and patrons have been extremely loud causing a quality of life issue. She said that the music and the patrons are so loud it actually sounds like they are inside her apartment. She is able to hear their conversations and the content on the television downstairs at the bar.

Leonard advised Officer Maggiacomo that this has been an ongoing situation since the establishment opened. They've made every effort possible without contacting the police to try to solve the problem. She said that they had spoken with the bar manager identified as Cory Bradshaw DOB 01/11/78. They have also spoken with the owner of the establishment identified as Chris Rodriguez. They have even spoken to the actual building landlord, Dennis Rainone.

Everybody has been on the same page. They have attempted to fix the problem with the noise. They have installed sound proofing and tried other remedies to fix the problem. It came to a head when Jessica stated that she was not able to deal with the problem anymore. They have contacted the city zoning department. They were not able to assist Jessica. At that point she contacted the police.

Officer Chea had responded to that address and initially taken a report. Then he forwarded it to Officer Maggiacomo. This officer began his investigation. On this date he went out to the location with Officer Marshall and was met in the back of the property by Cory Bradshaw, the bartender. Throughout his foot patrols the officer has been inside the establishment several times. He was very familiar with the workers inside the business. The officer went inside and completed checks of the liquor license, and everything checked out okay.

Officer Maggiacomo noticed that there was live entertainment consisting of a one-man band with amplifiers, speakers, and electric guitar. The officer asked Bradshaw if he had a license for indoor entertainment. He said he did not realize that he needed it. He indicated that if it was a problem he was familiar with the noise problem and was willing to shut off the music immediately.

While he was going back inside the establishment to shut down the entertainment, Officer Maggiacomo went upstairs to speak with Leonard further. While the officer was inside her living room, which is on the West Shore Road side of the apartment directly above where the one-man band was playing, he could easily hear the music, all the vocals, and the patrons downstairs. He realized that it would be very difficult for anybody to continuously hear that music.

Officer Maggiacomo was able to read with his decibel meter fluctuating between 47 and 50 decibels directly above the noise. The officer also noted that if one had gone into the common hallway area of the apartment he was not able to hear the music. The residents in the apartment at 747 were very understanding and extremely willing to work with the officer as well as the owners of this establishment. It should be noted that the owners of the establishment were very willing to work to fix the problem. Officer Maggiacomo completed this report for documentation purposes for the license which will be forwarded to the Licensing Division. It should also be noted that the music was shut off immediately and the officer will continue his investigation at this location.

Colonel McCartney reads the report into the record, and notes that there are no previous violations at this establishment.

Chairwoman Baxter: Ok, I guess I need to hear, is there an owner here of the establishment?

Christopher Rodriguez (owner): Yes.

Chairwoman Baxter: So what's going on in there? You've got a band going on with no license, and noise disrupting.

Mr. Rodriguez: It was a, kind of a, misunderstanding.

Chairwoman Baxter: What's the misunderstanding?

Mr. Rodriguez: I knew that we needed an entertainment license, but Cory did not. So, he kind of said it was all right, and I wouldn't have said it was all right. I wouldn't have done it. I know we needed to have this entertainment license to do something like that, so it was just kind of a miscommunication.

Kelsey Connors (owner): And then we shut it down right after that.

Mr. Rodriguez: Yeah, as soon as the officer came in we shut it right down. He only played for 45 minutes.

Chairwoman Baxter: Around what time was this?

Mr. Rodriguez: From around 9:00 p.m. to 9:45 p.m.

Ms. Connors: I believe it was 8:00 p.m. to 8:45 p.m. Cory, was it 8:00 p.m.?

Jessica Leonard (upstairs resident): It was 8:00 p.m.

Chairwoman Baxter: And, um, obviously we're concerned about that because it's a violation. That's why you're here. There are a couple of other things. We need to know, it seems like the usage of the building has changed. We need to know about if the Fire Department has been in there, Building has been in there, what the CO is, what's the occupancy in there. It sounds like there are some parking issues.

Mr. Rodriguez: We don't have a parking lot.

Chairwoman Baxter: Yeah, and um you know people outside on the sidewalk.

Mr. Rodriguez: Yeah, they go outside and smoke. They can't do it inside so there is nowhere else for them to go.

Chairwoman Baxter: Yeah, but like I said and then obviously there's the noise issue.

Mr. Rodriguez: We've done everything that we can possibly try to do. I mean, we've insulated the ceiling, we put sound proof paneling on the walls, we even lowered the volume of the radio down every night around 10:00 p.m. or 10:30 p.m. and still, after we did all that we've still gotten a couple of calls saying that people are too loud talking. I can't control people's voices.

Chairwoman Baxter: Well, Officer Maggiacomo, just one minute don't worry, Officer Maggiacomo is here and he stated in his narrative that he went up to the apartment and he could hear conversations, he could hear the TVs in the bar, so...

Mr. Rodriguez: I understand that, but that's, we've still been doing the same exact thing we've been doing right along. Other than that night, the only difference was that there was someone was playing music there, I understand, but we didn't do anything different other than that.

Chairwoman Baxter: Well like I said, the usage has changed. It was pizza and now its pizza and a bar. Were there issues with the pizza place before? No?

Mr. Rodriguez: Well there was nothing underneath them before. It was just an empty room and we were renting out the whole building so we decided to use that space.

Clerk McGovern: When the Fire Department went in, traditionally they tell you how many people can...

Ms. Connors [interposing]: 75.

Clerk McGovern: Is there two separate numbers, one for the pizza and one for the bar?

Ms. Connors: Yes.

Clerk McGovern: So how many?

Ms. Connors: 75 in the bar and 25 in the pizza area.

Clerk McGovern: Did you charge a cover charge for the entertainment?

Mr. Rodrigues: No.

Clerk McGovern: So it sounds like building and fire have been there.

Chairwoman Baxter: Yeah, but I think, I think we need to see some of their paperwork; only because, I mean, you understand you have the license, but there's also a quality of life issue that the neighbors have to deal with. I mean this is not something that is just particular to your place, it's happening in other parts of the City where the bar has to coexist with the neighborhood.

Mr. Rodriguez: I understand.

Chairwoman Baxter: Ok, alright, because it sounds like they're having a really hard time upstairs. So, would you like to add something (to resident)?

Ms. Leonard: Just that it's gotten worse since we called. It seems like the later the night gets, the later it gets. After midnight a lot of nights, since we called, has gotten extremely loud. It's not every night, I don't want you to think that its every night, because there are some nights where it's, I want to say, tolerable compared to other levels that it's been at. But, it's definitely been worse since we called, and there have been plenty of nights this month that we could have called again, but we can't have it get worse than what it's been. We've been averaging five hours of sleep a night since they opened. We can't keep doing that. We tried to work with them. It was, "We're going to figure it out, we're going to turn it down." Some nights it would get turned down; there was a while where it was getting turned down around 10:00 p.m., 10:30 p.m.; and then some nights it would just get loud again after that. The nights that he would call (speaking about her boyfriend, Dave) and ask them to turn it down, depending

on who was there; like if he talked to Chris it would get turned down almost immediately; if one of the people that run it wasn't there it would take a little while to get the message through everybody to the bartender with everything that's going on. But, at some point it would get turned down. It doesn't get turned down anymore. If we watch the same football game they have on, we can mute all of our sound and hear everything play for play. I called only because talking to them it wasn't really getting us anywhere anymore. The last couple of months have been the worst. We have people screaming the National Anthem as loud as they can, and then slamming on the bar. That's why I came in on Christmas Eve and filled out the report that I filled out. It's getting out of control, and us trying to talk to them, or to our landlord, it's not working. We're the only ones that seem to be effected by this, and aside from our landlord having them put in the sound dampening insulation they put in over the summer, which we stated didn't do anything; they unplugged the sub-woofer, that helped tremendously because now our whole floor doesn't shake anymore; the sound panelings that were put in, we've also stated to our landlord, that they haven't done anything. We can still hear everything that goes on down there. I don't know what else that we can do. I just want to sleep.

Chairwoman Baxter: Yeah, no I understand. You did the right thing.

Clerk McGovern: When you say turn it down, are you talking about music or TV?

Ms. Leonard: Whatever is on at that moment.

Mr. Rodriguez: Can I add to that? They've called me because of volume of voices. I can't control how loud people talk.

Chairwoman Baxter: If you have people screaming the National Anthem and pounding on the bar, is that the kind of establishment you want?

Mr. Rodriguez: No. That, I understand. That happened one night. That was a one night thing that did happen. I walked in that night, as it was happening because I remember it, and I was like what the hell is going on over there. I said the same thing. I don't want it to be loud and obnoxious either. But, some people have one drink and they're instantly loud and obnoxious. How am I supposed to control people's voice? I mean, we turn down the TVs. I did everything I can too, it's not like we're not trying to help them. Every time I've talked to them I've done whatever I can to help. I don't know what else to do either.

Clerk McGovern: When she mentioned sound dampening, I think is the term she used, can you explain what that is?

Mr. Rodriguez: Yeah. There are these panels like a four by two foot panel, they're like thick, they're filled with like a foam that's supposed to absorb the sound when it hits the wall so it doesn't travel up the wall and go up to the rooms. This was the landlord's brainstorm. He doesn't want to pay any money to basically fix that problem, so he's been kind of rigging it along.

Clerk McGovern: That's what I'm trying to figure out. Is it in the walls, or is it in the ceiling?

Ms. Connors: We did both. We put insulation in the ceiling over the summer, and more recently we put the panels on the walls.

Vice Chairman Paolucci: Did you have a permit for that or did you just go and do it?

Mr. Rodriguez: (inaudible). The landlord is the one who really took care of that. I didn't really, I didn't know anything about...

Vice Chairman Paolucci [interposing]: That's another concern, to make sure that it's approved insulation for an establishment that is fire rated accordingly.

Chairwoman Baxter: And it's not working it sounds like. I mean I'm concerned, obviously, for the tenants. I'm concerned about the whole neighborhood in general, because Conimicut's really looking good with the nice street lights and the plants, and there's people walking around at night. Do we want a real noisy bar with people milling around on the street?

Ms. Connors: It's not a noisy bar.

Mr. Rodriguez: If you ask anyone else, except for them, this is not a noisy bar. This is like a very laid back place. We've had people say this is the quietest bar they've ever been in.

Ms. Connors: And if you stand outside, you can't hear anything, it's just because they're directly above us. The rest of the neighborhood isn't affected.

Chairwoman Baxter: But they're living there. They've been there for a long time it sounds like.

Dave (resident): Can I say one thing?

Chairwoman Baxter: Absolutely.

Dave: We've asked them multiple times if they would like to come upstairs and actually listen to the sound that's coming from there and they've refused to come upstairs and actually listen.

Ms. Connors: He called twice, on the second.

Mr. Rodriguez: We never refused; we just have no time to go up there.

Dave: The night that we called about the live entertainment I spoke with Chris. I asked him what was going on and he said he didn't know. I mean it's kind of hard to, I mean you have someone playing there with an amplifier and singing in your bar and you don't know what's going on. I asked him that night to come up and I spoke to Cory and asked him to come up and nobody would come upstairs to even listen to it.

Chairwoman Baxter: Like I said, we have Officer Maggiacomo...

Dave [interposing]: They think we just complain to complain.

Chairwoman Baxter: No, I know, but like I said, the Officer has been up there and it's in his narrative that he's hearing conversation and TV also. It's in the narrative so that's, you probably got the right guy to go upstairs.

Ms. Connors: May I ask what the sound ordinance is?

Chairwoman Baxter: It is, yeah it's uh...

Ms. Connors [interposing]: I thought it was 50 decibels before 10:00 p.m.

Chairwoman Baxter: Yeah, and that's supposed to be so many feet from...

Assistant Solicitor Pearson [interposing]: That's a violation, not a liquor license issue.

Chairwoman Baxter: Yeah, that's for a violation.

Colonel McCartney: You're not being charged with a violation, but you still have problems.

Chairwoman Baxter: Yeah, absolutely, I mean come on.

Vice Chairman Paolucci: The question that I have also for the business owner, are you hands on? How often are you at the business?

Mr. Rodriguez: I'm there every day.

Vice Chairman Paolucci: You're there every day. So your manager hired the entertainment without you knowing anything about it.

Mr. Rodriguez: No, I honestly didn't.

Chairwoman Baxter: Did you see these guys, the guy coming in with his guitar and his amplifier?

Mr. Rodriguez: No, I got there right as it started. I wasn't there for that. I got there literally when it started and then I didn't know it was happening, which I know, I understand that is an issue and I will be more on top of things when it comes to things like that. But, yeah, I had no idea that that was happening.

Chairwoman Baxter: Well, um, again, we're here mostly because of the violation for the entertainment issue without a license. So, you're going to get a written warning for that. So, this is your first violation. Next time you come in you're going to get fined. After that, it gets more, we can close you down, we can shorten your hours, whatever. I think that our next meeting, February 9th, by then we need to see your CO, stuff from Building, stuff from the Fire Department. We need to see about the usage change, that that's all been approved by the Building Department and Fire. I think by next time

we'll also see if there have been any more complaints. We're at a little bit of a loss here, because he's got a license and it's also affecting you, so I think by the next meeting we'll see what all of the usage issues are in the building. If there are still complaints about the noise we can tweak the hours or something like that, which we've done with other establishments, they close earlier. So, that might be...you know we all have to co-exist together.

ACTION: Chairwoman Baxter made a motion that they receive a written warning for the violation and by the next meeting on February 9, 2016 they need to see all of the paperwork regarding Building and change of usage; a CO and anything from the Fire Department, and any changes in hours will be discussed. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

Further discussion

Colonel McCartney: If I may, Madame Chair and I also pose this question to Counsel. It seems to me that there's a bigger issue about the building here also. Not just Mr. Rodriguez, but I think the investigation needs to be broadened to include the entire building. I would also just throw this out for the Board's consideration; that the owner of the building seems to have some responsibility here, I'm focusing in on Mr. Rodriguez's comment that he tried to take some of these issues up with the owner and it seems to have fallen on deaf ears. Is that somewhat correct?

Ms. Connors: Basically he told us we've done enough about this.

Solicitor Pearson: I think that Colonel and Madame Chair, I think that the Board can order the owner in because the owner is combining, if you will, the effects of two leases; business and residential.

Colonel McCartney: He's the one who's created a residential situation and a business situation all in the same building, which seems to me to be difficult for him to deal with. Seems like it's put you (Mr. Rodriguez) in a very difficult situation, it's obviously putting the residents in a difficult situation here, and it seems to me that he needs to be held accountable here to answer some questions.

Clerk McGovern: Is the owner going to acknowledge that he knew that there was a pizza place and a bar going in?

Mr. Rodriguez: Oh he knows.

Chairwoman Baxter (to Recording Secretary Ferolito): Could he get a letter, he needs to come in next time?

Recording Secretary Ferolito: Absolutely.

Colonel McCartney: Just so I'm clear, who owns the bar?

Ms. Connors: We all do.

Colonel McCartney: You own the bar and the pizza place?

Ms. Connors: It's one business, we have one business.

Colonel McCartney: Right, but there's an interesting way that this thing is set up. It intrigues me, let's just say, based on the way it's been described. That needs to be gotten back to the report that we need to get putting the owner on the spot a little.

Chairwoman Baxter: They are saying its one license. Is it a full liquor license, or is it a second class victualer with a beer and wine for the pizza on the other side?

Recording Secretary Ferolito: I'll check.

Clerk McGovern: Do you sell alcohol at the pizza place?

Ms. Connors: It's all one, there's no doorway, it's just a hallway, it's connected.

Solicitor Pearson: That's why I'm saying, I think the full file where the application comes in. It's a description of the (inaudible) that the license covers.

Colonel McCartney: Yeah, there are some aspects here that has come out in this discussion that weren't part of the original complaint, so I just want to make sure that it all makes sense that it probably needs to be made bigger in scope.

5. Liquor License – Class A (Transfer)

Gurudev, Inc.
d/b/a Lakewood Liquors
774 Warwick Avenue

Colonel McCartney recommended approval pending building and state taxes. He then states that there are objections to Lakewood Liquors from Rhode Island Distributing Company in the amount of \$29,146.82, Horizon Beverage in the amount of \$7,685.78 and Johnson Brothers in the amount of \$10,162.53.

Chairwoman Baxter: Ok, would you like to speak?

Attorney Joseph Lamagna: Um, Joseph Lamagna for the applicant, the transferee. This is an arms-length business transaction. Counsel is here for the...

Attorney [interposing]: On behalf of the transferor.

Attorney Lamagna: I would recommend passage subject to clearing up the objections.

Chairwoman Baxter: Ok, do you have anything to add?

Attorney: No. Those are typical objections and those are going to be satisfied at the time of the closing.

Chairwoman Baxter: Any other questions?

Vice Chairman Paolucci: Now, they would just submit that here (inaudible).

Chairwoman Baxter: Well we will make a stipulation that the license cannot be transferred until these debts are paid.

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

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| 6. | Itinerant Vendor (New) | Cris Raposo
Grand Wedding Expo, Inc.
Event to be held at the Crowne Plaza
January 31, 2016
12:00 p.m. to 4:00 p.m. |
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ACTION: Colonel McCartney recommended approval. Chairwoman Baxter made a motion to approve. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

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| 7. | Second Class Victualer – Midnight (New) | Warwick Little Caesars, LLC
d/b/a Little Caesars
50 Airport Road |
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ACTION: Colonel McCartney recommended approval pending building, fire, city taxes, state taxes, and Rhode Island Department of Health approval. Chairwoman Baxter made a motion to approve pending building, fire, city taxes, state taxes, and Rhode Island Department of Health approval. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

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| 8. | Second Class Victualer – Midnight (New) | Stylianios Triontafyllou
S & S Pizza, Inc.
d/b/a Crusty's Pizza
1331 Warwick Avenue |
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ACTION: Colonel McCartney recommended approval pending building, fire, city taxes, state taxes, and Rhode Island Department of Health approval. Chairwoman Baxter made a motion to approve pending building, fire, city taxes, state taxes, and Rhode Island Department of Health approval. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

9. Second Class Victualer – Midnight (New) Maryam Corp.
d/b/a Dan's Convenience Store
2699 Post Road

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

10. Holiday Sales (New) Maryam Corp.
d/b/a Dan's Convenience Store
2699 Post Road

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

11. Live Entertainment (Inside) Warwick Hotel Associates
d/b/a Crowne Plaza Hotel
801 Greenwich Avenue
January 1, 2016 to December 31, 2016

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

12. Live Entertainment (Outside/Tent) Warwick Hotel Associates
d/b/a Crowne Plaza Hotel
801 Greenwich Avenue
Varies – 2016

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

13. Outside Seating
Warwick Hotel Associates
d/b/a Crowne Plaza Hotel
801 Greenwich Avenue
2016 season

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

14. Game of Chance/Raffle
Eleanor Acton
Boys & Girls Club of Warwick
Event to be held at the Warwick Country Club
January 25, 2016 to April 9, 2016
6:00 p.m. to 11:30 p.m.

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

15. Game of Chance/Raffle
Jennifer Marinelli
Elise G. Robertson PTO
Event to be held at Elise G. Robertson School
79 Nausauket Road
March 1, 2016 to March 31, 2016

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

16. Private Detective (Renewal)
Wayne R. Flynn
167 Custer Street
Flynn Investigative Services

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

17. Peddler
Bradford Jones
Power Home Remodeling Group
200 West Street, Waltham, Massachusetts

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

18. Peddler
Sean Ashe
Power Home Remodeling Group
200 West Street, Waltham, Massachusetts

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

19. Peddler – New (Citywide)
Chris A. Eidam
Wattsun Solar
189 Blackrock Road, Coventry

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

20. Honorary Constable (Renewal)
Eugene P. Kelly
181 Lake Shore Drive

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

21. Parade (Annual Hunger Walk)
John A. Jackson, President
Bishop Hendricken High School
March 24, 2016 – 8:30 a.m. to 1:00 p.m.
Starting and ending at Bishop Hendricken

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

22. Continuation of discussion with Imad Melhem of Sandy Lane Gas & Tobacco Shop, 1015 Sandy Lane, regarding his operating without a license.

Colonel McCartney: At this point there is a balance of \$10,000 owed to the City of Warwick.

Chairwoman Baxter: Ok, yes.

Attorney Joseph Brennan: Good evening Madame Chair and members of the Board. For the record, Joseph Brennan from the Law Office of Joe Shekarchi, here on behalf of Sandy Lane. I wasn't privy to that, I wasn't able to read the minutes of the meeting either. I have with me Jacob, Imad's brother, because he has a lot of knowledge about this property so I asked him to come. Is the reason why they don't have a license because of the outstanding balance, so if we were to...

"No" is heard in the room.

Attorney Brennan: No, ok, he's informing me no. I know that they have one license through the State.

Jacob Melhem: Well I have a license...

Chairwoman Baxter: Let me just stop you for a second. We're not concerned with the license from the State at all. We're only concerned with the outstanding balance to the City and the Tax Assessor tells us and City Ordinance tells us if they don't have a receipt tonight, because we've been here and this is our third meeting, we are going to have to take their license because they owe \$10,000 in taxes. So, the State is irrelevant here, we're only concerned with the City.

Attorney Brennan: Ok, no problem. I had a conversation today with, they just talked to me Monday, so I had a conversation with Christopher Celeste about the situation asking him; because a couple of years ago I think there was a confusion because the tax that they had seems to be some kind of tangible tax. It's not any kind of assessment or real estate. So, they had a conversation back then. I know that I had a letter from their attorney at the time trying to explain the situation, and then from my conversations with Chris Celeste, that's where I learned that Mr. Ken Mallette, the Tax Assessor at the time, had sent one back explaining that they would need to appeal their taxes. I think on their own accord there might have been some miscommunication between their attorney and them, and now we're learning from Mr. Celeste that that was never filed. He was under the impression that that was all set and that going forward they had come to an agreement of a tangible tax to pay, which was paid on time in 2013, 2014, and 2015. I think that's also why there was the confusion, because I know, and through conversations with Assessor Celeste and through my past dealings, that the City's computer system doesn't necessarily have the capability to know if there's an outstanding balance that hasn't been paid and they'll still take the new balances before they're applied to the past ones unless the City is aware of that. Assessor Celeste confirmed with me today that that was a mistake on the Collector's part to collect those taxes,

but that's the disconnect between the two departments. So, I'm not sure when they learned about the \$10,000, if it was at the last meeting after investigation, or if they knew about it before. We're here to ask if we can be put on a payment plan, because that's obviously an extremely large sum of money.

Solicitor Pearson: I just want the Chairwoman to understand that the Board has no authority to make a tax payment plan. That is clearly beyond the scope and authority of the Board. It is strictly within the Tax Assessor and or the Tax Collector.

Chairwoman Baxter: I understand. I have an email here from Mr. Celeste, January 12, 2016 to the Licensing Clerk that says, and it's also from the folks at the tax office, "At the end of business today they have an outstanding balance of over \$10,000. I spoke to their lawyer today, and advised them that we will not issue the permit until the balance is paid in full." That's what I have from Mr. Celeste.

Attorney Brennan: Ok.

Chairwoman Baxter: Our attorney said that we cannot do any tax plans, but I do know that technically right now they are operating without a license.

Attorney Brennan: Then, all I can ask the Board, humbly, and I understand if the Board is inclined not to, but before a continuance to the next hearing I can contact individually the attorney and she can confirm. You can give us a shorter deadline other than that to come up with a payment plan with the Tax Assessor or Tax Collector, because I spoke with Chris Celeste today, but I wasn't able to connect with David Olsen or his Deputy in the Tax Collector's Office. Otherwise, we haven't come up with a payment plan and they didn't have the capability to pay the \$10,000 up front today, so you would just have to shut them down. We would respectfully ask you not to. We all know, if they were to, the payment would never be paid, but they're here and I didn't realize that you didn't have the ability to come to a payment plan today. So, I did have them bring with them a check to start the payment plan with a significant deposit which could be done first thing tomorrow, as long as I can contact the Tax Collector and he does agree with me that this would be an acceptable plan.

Chairwoman Baxter: Why didn't anyone go to the Tax Assessor's Office today with this significant deposit?

Attorney Brennan: I called the Tax Assessor, Chris Celeste, and he told me that he doesn't even have the authority himself to come to that agreement, that I had to come to that agreement with the Tax Collector and Mr. Olsen and I wasn't able to connect with him.

Chairwoman Baxter: All right, but I have to tell you that this is the third or fourth meeting that we've been going around and around.

Mr. Melhem: I just find out last minute that we're talking about the \$10,000. We came here before because there was confusion between Boukarim, Inc. and Sandy Lane. That's the reason we came here two times. The third time was because when we went to meet with them on 2012, they told me that everything's all set, they cleared everything backward and they're not charging me \$3,000 a year. They moved forward to charge me \$258 a year, and that's what they did.

Clerk McGovern (to Attorney Brennan): When were you hired?

Attorney Brennan: Monday, just yesterday. I did leave a message with Assessor Celeste, he didn't get back to me. I called again today and that's when I got through to him. I know the Board is not as familiar with me, but I know Counsel for the Board is and I can assure the Board that I'm not here to try to skirt or just pass the time. I'm here to proactively work and get this done.

Chairwoman Baxter: Like I said...

Solicitor Pearson [interposing]: Madame Chair, I think certainly there can be, if there's a satisfactory arrangement tomorrow or next week with the authority that has the authority; that can certainly be communicated to the Licensing to reinstate a license. But I really would caution the Board from moving into the administration of tax collecting, which is way beyond the Board's authority. Your decision, I think, needs to focus on a license or not a license, and the effect of not a license. But, certainly with lightning speed, a provisional could be granted if that's the decision of the property authority at the Tax Collector's.

Clerk McGovern: You used the term earlier, a sizable check.

Attorney Brennan: I asked them, they didn't have time to go to the bank so they brought a company check, which I understand doesn't necessarily carry weight, but I asked them to start with a down payment of \$2000 or \$2500. I believe generally 25 percent is usually, in my past experience, every situation is different. That's usually some type of acceptable amount.

Chairwoman Baxter: As Counsel has stated, technically you're operating without a license right now because the taxes haven't been paid, and it sounds like if you can work something out with the Tax Assessor's Office we can either issue a provisional license or reinstate the license, after the Tax Assessor gives the thumbs up to the Licensing Office. Our hands are tied at this point because, like I said, this is like the third meeting, and I know you were just contacted, but this has been going on for a little while.

Attorney Brennan: And I'm not a part...but I'm not sure if he, in the last meeting is when he learned it was \$10,000. I don't know if that's consistent with your understanding, but that would have only been two weeks ago. Although that doesn't change the fact that two weeks ago he did have time to go procure all of this, but, and that's why I would respectfully request a continuance on February 9th.

Chairwoman Baxter: Like I said, on advice from Counsel, we've already continued this. This is our third meeting. We are operating right now without a license. If by, our next meeting is February 9th, we can certainly between now and then we can issue a provisional license if there is an arrangement made with the Tax Assessor's Office. Something is paid, and the Licensing Office finds out about it. Other than that, there's no license right now. So, um, I think we'll make a motion that until there is some sort of agreement made with the Tax Assessor's Office, right now there is no license. As soon as we find out that something has been paid, or they've agreed to some sort of payment plan with you, we can obviously reinstate the license immediately, but you guys have to figure this out with the Tax Assessor's Office. This is way out of our purview right now. So, is there, I know we're discussing this.

Chairwoman Baxter (to Solicitor Pearson): So, I make a motion that they have to go figure something out with the Tax Assessor's Office?

Solicitor Pearson: I think you make a finding that they are operating without a license and there are consequences.

Chairwoman Baxter: Ok. So that's what we're doing. We have found that you are operating without a license and, like I said, it will be reinstated after something has been worked out with the Tax Assessor's Office and we'll find out about that immediately and then we will take care of the license.

ACTION: There is no action necessary. See above "finding".

At 8:10 p.m., the Board voted to close this session.

A handwritten signature in blue ink, reading "Thomas P. McGovern", is written over a horizontal line.

Thomas P. McGovern, Clerk