

# CITY OF WARWICK

LESLIE WALASKA BAXTER  
Chairwoman

JAMES PAOLUCCI  
Vice-Chairman

THOMAS P. MCGOVERN  
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

## POLICE DEPARTMENT

BOARD OF PUBLIC SAFETY ROOM  
WARWICK POLICE HEADQUARTERS

Tuesday, August 23, 2016

### MINUTES

At 7:15 p.m., the Board of Public Safety entered its regular session for Tuesday, August 23, 2016. Present were Colonel Stephen McCartney, Chairwoman Leslie Walaska Baxter, Vice Chairman James Paolucci, Clerk Thomas McGovern, Assistant Solicitor Diana Pearson, and Recording Secretary Lisa Ferolito.

1. The minutes of the Board of Public Safety meeting held on Tuesday, July 26, 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 recommended transfers and reassignments.

The following transfer took effect at 0700 hours, Monday, August 15, 2016 with the provisional approval from the Board of Public Safety:

Inspector Christian Mathiesen from the Community Services Division to the Professional Standards Division.

The following transfers will take effect at 0700 hours, Monday, August 22, 2016, with provisional approval from the Board of Public Safety:

Officer Brian W. Fontaine from the Third Platoon, Uniform Patrol Division to the Second Platoon, Uniform Patrol Division.

Officer Steven D. Moretti reassigned from the Field Training Officer Program to the Third Platoon, Uniform Patrol Division.

Officer Alfred J. Silveira reassigned from the Field Training Officer Program to the Third Platoon, Uniform Patrol Division.

Officer Ali M. Jaafar reassigned from the Field Training Officer Program to the Third Platoon, Uniform Patrol Division.

Officer David L. Boardman reassigned from the Field Training Officer Program to the Third Platoon, Uniform Patrol Division.

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

3. Colonel Stephen M. McCartney to recommend retirements.

**ACTION:** There were no retirements to report 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 7:40 p.m., the Board entered into Executive Session.

At 7:41 p.m., the Board returned to Regular Session.

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

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

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

Vice Chairman Paolucci seconded the motion.

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

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

Vice Chairman Paolucci seconded the motion.

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

At 7:42 p.m., the Board entered into Executive Session.

At 7:44 p.m., the Board returned to Regular Session.

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

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

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

Vice Chairman Paolucci seconded the motion.

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

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

Vice Chairman Paolucci seconded the motion.

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

At 7:45 p.m., the Board entered into Executive Session.

At 7:47p.m., the Board returned to Regular Session.



6. Request for Weapons Carry Permit (NEW) – EXECUTIVE SESSION

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

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

Vice Chairman Paolucci seconded the motion.

Chairwoman Baxter, Vice Chair Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved. Chairwoman Baxter moved to go into closed session pursuant to the exception provision 42-46-5 (a) (1) of the Open Meetings Law.

Vice Chairman Paolucci seconded the motion.

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

At 7:49 p.m., the Board entered into Executive Session.

At 7:50 p.m., the Board returned to Regular Session.

7. Request for Weapons Carry Permit (NEW) – EXECUTIVE SESSION

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

8. Itinerant Vendor

Eric Weiner  
P&EE Consulting, Inc.  
d/b/a Food Trucks In  
Event to be held at City Hall  
September 8, 2016  
4:30 p.m. – 8:00 p.m.

**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.

9. Second Class Victualer (New)

Theodoros Panoutsakopoulos  
d/b/a Teddy's Flippin Pizza  
701 Warwick Avenue



**ACTION:** Colonel McCartney recommended approval pending building, city taxes, and Rhode Island Department of Health approval. Chairwoman Baxter made a motion to approve pending building, city 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.

10. Holiday Sales (New) Timothy Carroll  
Up in Arms Tattoo Parlor  
2362 West Shore Road, Suite B

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

11. Holiday Sales (New) Prime Communications, LP  
d/b/a AT&T  
1800 Post Road

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

12. Holiday Sales (New) Advanced Communications, LLC  
d/b/a Sprint  
50 Airport Road

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

13. Holiday Sales (New) Advanced Communications, LLC  
d/b/a Sprint  
Warwick Mall Kiosk  
400 Bald Hill Road

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

14. Second Hand Dealer (New)

James Martin  
d/b/a Anchor Art & Supplies  
316 Warwick Neck Avenue

**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.

15. Live Entertainment (Outside)

Robert DelBonis  
Renegades  
2077 West Shore Road  
September 25, 2016  
4:00 p.m. – 9:00 p.m.

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

16. Live Entertainment (Outside/Tent)

T.J. Martucci  
Forge Road Caterers  
d/b/a Chianti's  
195 Old Forge Road  
September 11, 2016  
2:00 p.m. – 7:00 p.m.

\*Per email dated Friday, August 19, 2016, the date of this event has been changed to Saturday, October 22, 2016 and Sunday, October 23, 2016\*

Chairwoman Baxter: What is the outside entertainment?

Mr. T.J. Martucci: It's a live band on Saturday; and then just a D.J. on Sunday. We already have an outside entertainment permit, but we're doing something out of our norm with the tent, so just wanted to bring it to the City's attention.

Chairwoman Baxter: Okay, and it's just 2:00 p.m. to 7:00 p.m. so; are there any objections? Okay, are there any other questions?

Clerk McGovern: Are you going to be serving out there as well with your normal staff?

Mr. Martucci: Correct, everything else being normal, other than the tent. We're going to use pedestrian fencing to rope off the parking lot, so there are no cars in the parking lot for upstairs.

Chairwoman Baxter: All right, is there anything else?

Vice Chairman Paolucci: Is it just a regular day, or a special event for a cause?

Mr. Martucci: We're doing it for the Warwick Fire Department 5k road race. So, because we have to bring the tent in on Saturday and set it up, and I can't use my parking lot, we figured we'd try to raise some funds for them on Saturday night as well as Sunday.

Chairwoman Baxter: All right. Any other questions?

Nothing is heard.

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

17. Game of Chance/Raffle  
Perrin Galli  
Warwick Women's Club  
To be held at Warwick Mall  
November 5, 2016

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

18. Game of Chance/Raffle  
Eugene Pezzulli  
Autos of the World  
Held at Potowomut Golf Club  
July 31, 2016

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

19. Game of Chance/Raffle  
Stephen Pope  
Hoop Dreams Rhode Island  
Held at 109 Uncas Street  
July 30, 2016

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



20. Game of Chance/Raffle

Heidi Lenz  
Save One Soul Animal Rescue League  
Held at 27 Meadow Street  
August 13, 2016

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

21. Game of Chance/Raffle

Ruth Napolitano  
Children's Wishes of Rhode Island  
To be held at 475 Sandy Lane (K of C)  
October 22, 2016  
8:00 a.m. – 10:00 p.m.

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

22. Game of Chance/Raffle

Reverend Richard Bucci  
Church of the Sacred Heart  
To be held at Valley Country Club  
October 3, 2016, 12:00 p.m. – 9:00 p.m.

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

23. Game of Chance/Raffle

Patricia Souza  
Oakland Beach Volunteer Fire Company  
Women's Auxiliary  
To be held at 645 Oakland Beach Ave.  
October 22, 2016  
12:00 p.m. – 4:00 p.m.

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

24. Festival (Rides/Food Vendor) Harold Fera  
Rockwell Amusements  
JONAH Festival 2016  
Held at Father O’Hara Field  
August 11-14, 2016  
6:00 p.m. – 10:00 p.m.

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

25. Arts & Crafts Virginia Barham  
Conimicut Craft Fair  
Held at Conimicut Point  
August 13, 2106  
11:00 a.m. – 5:00 p.m.

**Vendors**

Robin Montecalvo  
Tarrin Talbot  
Sharlene Goyette  
David Hoague  
Jennie Caswell  
Ronald Schmitz  
Deanna Bourassa  
Richard Fontaine  
Lou Pazienna  
Michelle Polk  
Karen Oliver Legg  
Janice Varden  
Linda Redmond  
Robert Oberg  
Paula Bolis  
Jeanne Cherry  
Bernadine Brito  
Carleen Sarrageau  
May Moua  
Megan McGinty

**Business Name**

Home Tweet Home  
4everfusion  
ArtCraft Studio  
Touchstone Crystal  
My Little Sofa Cozy  
Lou Paz DJ  
Beaded Bracelets by Michelle  
  
Carlin Designs  
  
Gansett Glass  
Steanne’s Stuff  
Bernadine New York  
Island Jewels  
  
True Reflections

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

26. Block Party

Amy Harrington  
11 Ebony Drive  
Event to be held October 1, 2016

**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.

27. Block Party

Lauren DiTusa  
68 Falcon Avenue  
Falcon Avenue (between Sabin & Rhodes)  
September 4, 2016  
12:00 p.m. – 10:00p.m.  
\*Rain date September 5, 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.

28. Permanent Makeup (New)

Christopher Bradley  
d/b/a Heritage Tattoo  
2426 West Shore Road

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

29. Permanent Makeup (New)

Wesley Mello  
d/b/a Magic Ink  
921 Warwick Avenue

Colonel McCartney recommends to Mr. Mello that he explain his record to the Board.

Chairwoman Baxter: Okay, could you first tell me where 921 Warwick Avenue is?

Mr. Mello: Arnold's Pond, Gold's Plaza



Chairwoman Baxter: Okay, just give me one second okay (going over his BCI)? Are you the tattoo owner/artist?

Mr. Mello: Yes.

Chairwoman Baxter: Do you reside in Warwick?

Mr. Mello: No. I live in Cranston.

Colonel McCartney: Quick question Wesley. When did you get out?

Mr. Mello: When did I get out?

Colonel McCartney: Yes.

Mr. Mello: About a year and a half ago.

Colonel McCartney: About a year and a half. Okay. And you're attempting to move into this job occupation.

Mr. Mello: Yes.

Clerk McGovern: So this is new employment? You didn't do this in the past?

Mr. Mello: Yes, I did. Like the Colonel said, I have a little bit of a jaded past. I have an extensive criminal record. I spent about a third of my life in prison. Because of that, I think the town holds a reservation and wants to know who I am. When I came home, I had did a long sentence for a pretty bad assault. I went to one of these Boards in Providence originally, to start a legit business. Then the economy...I've been involved with skin are for the better part of ten years. I did get my license with the State Health Department this year. I did that with the hopes of opening my own tattoo parlor to have something that I did that was good. To give a little bit of a background, I've never done anything in violation with respects to the law regarding holding licenses or business practices; for the most part, my criminal background includes fighting and stuff you carry and there are some drug charges like that. I'm clean for three years and four months right now. I don't that makes any difference but I'm just saying because of pride. I don't know if the Board has any questions, but I can answer them now.

Chairwoman Baxter: Um, so you want to open and run your own place. Is anyone going to be working with?

Mr. Mello: I would like to get maybe two people in after, but today I'm the sole proprietor.

Chairwoman Baxter: You haven't thought to maybe going to work at another tattoo place, to maybe see how the business end of it runs?

Mr. Mello: I did.

Chairwoman Baxter: You did?

Mr. Mello: Yeah.

Chairwoman Baxter: Okay.

Mr. Mello: I had to [inaudible]. The reason why it took ten years to get my license is by the State Board, you had to [inaudible], you had to train under another tattoo artist that has a license or who is a barber or whatever - -

Chairwoman Baxter [interposing]: You're an apprentice then.

Mr. Mello: Yeah, I'm an apprentice. That place was in North Providence. I think I outgrew it though.

Chairwoman Baxter: Okay. Now do you have any, I don't know, past associates that you think might be hanging around your tattoo parlor or anything?

Mr. Mello: No. That was my idea. If I pull myself away from high risk zones, I can change the, you can't change the clientele completely, but you don't encourage it. If you give it a little bit of time, you don't have a lot of friends, but mine are mostly on social media. You know me because you see my work.

Chairwoman Baxter: Gotcha, okay. Um, Colonel, and I don't know how to say this politely, if Wesley were to open his shop, would maybe the police check in sometimes? Hey how's it going?

Colonel McCartney: Oh yeah, absolutely. I mean, you know that right Wesley - -

Mr. Mello [interposing]: Yeah, I would welcome that.

Colonel McCartney: That's going to be automatic. They're just going to be stopping by, how's it going? So, you know you're on the, you know you're on the skyline until everybody shows [inaudible]. You know that. I wouldn't want to deceive you. You just have to understand that. That's why an honest discussion with everyone here helps.

Mr. Mello: I will add attention, because it took [inaudible]. I mean we started in May, that way everyone has an understanding of why the application came through.

Chairwoman Baxter: And if they're checking in on you, it's probably for you own, it's a good thing.

Mr. Mello: It's a good thing. I want to build a relationship.

Colonel McCartney: It's going to help and not hurt.

Chairwoman Baxter: Absolutely. Go ahead, if you have any questions.

Clerk McGovern: So you have the license right now to practice yourself?

Mr. Mello: Yes sir.

Clerk McGovern: And what hours do you plan on being open if you get the license.

Mr. Mello: We probably wouldn't start the work day until 10:30 a.m., 11:00 a.m.; and then a late day would be probably be 10:00 p.m. That's on rare occasions. Like, its art, I doubt we would be in there at like midnight. I think 10:00 p.m. is a respectable hour.

Clerk McGovern is heard speaking quietly.

Chairwoman Baxter: Yeah, that might be a good idea. If we grant your license, to say you've got to close at 10:00 p.m.

Mr. Mello: 10:00 p.m. is fair.

Chairwoman Baxter: I know people go in at night - -

Mr. Mello [interposing]: But that's when you get the undesired crowd too.

Chairwoman Baxter: Yeah, if it gets later, then you might have some trouble with folks coming in that you don't want in your place. All right, do you have any questions (to Vice Chairman Paolucci)?

Vice Chairman Paolucci: Do people call by appointment?

Mr. Mello: A little bit of both. Uh, the majority of it is seen from social media so far has been my experience now. We'll probably promote in different ways, but walk-ins are rarely encouraged, because [inaudible] time. My idea is to be geared to a target market, people that have scar tissue, bad scars, tragic wounds. Because of the type of art that I do, they can have the benefit of a consultation before. I'm not really encouraging the walk-in for them to take the appointment. I would rather sit and talk and find out what they would like to get and then set up appointments for a later date.

Chairwoman Baxter: How many days would you be open?

Mr. Mello: Probably six; Sundays with my family.

Chairwoman Baxter: So six days a week?

Mr. Mello: Yes.

Chairwoman Baxter begins to make a motion.

Vice Chairman Paolucci suggests a review.

Chairwoman Baxter: Yeah, do we want to do a review? When do you think you are going to open?



Mr. Mello: Uh, because we got thrown a curve like that, it won't be until we finalize the, we were at City Hall last week and yesterday. We didn't finish the - -

Colonel McCartney [interposing]: I'm sure the building and the fire and the taxes are still an issue.

Mr. Mello: The Fire Chief came and gave the okay for that. But, when you have to turn in the floor schematics; that wasn't correct and I couldn't get there today.

Chairwoman Baxter: How about the first meeting in December.

Recording Secretary: The only meeting in December, the 20<sup>th</sup>.

Chairwoman Baxter: The only meeting in December. So we're going to do a review on 12/20. If for some reason you're not open please let Lisa know.

**ACTION:** Colonel McCartney recommended approval pending building, fire, and city taxes. Chairwoman Baxter made a motion to approve pending building, fire, and city taxes with a review on December 20, 2016. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

**30.** Peddler

Power Home Remodeling  
200 West Street  
Waltham, MA

Badges to: Austin Carangelo  
Tony Gutierrez  
Robert Lena  
Brian Sierra  
Cass Friedman  
Brian Johnson

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

**31.** Letter of request from Angus McPherson to hold a haunted attraction in the parking lot of Ann & Hope, behind Rocky Point Chowder House on Post Road. This event will be held Thursdays-Sundays, during the month of October.

Chairwoman Baxter: Okay, and what are the hours going to be for this?

Mr. McPherson: Well, probably 7:00 p.m. to I guess we're going to have the tickets closed off by 11:00 p.m.

Chairwoman Baxter: So last tickets are sold at 11:00 p.m.?

Mr. McPherson: Yes.

Chairwoman Baxter: Okay, and are you putting some kind of building together or some sort of structure?

Mr. McPherson: It's a temporary structure with no roof on it.

Chairwoman Baxter: A temporary structure, okay. The chowder house will be closed by then?

Mr. McPherson: I don't think so, the main reason they want us there is so they can create more business during the off season.

Chairwoman Baxter: Okay, and is parking going to be the same as it usually is?

Mr. McPherson: Yes.

Chairwoman Baxter: Okay, are there any other questions?

Nothing is heard.

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

32. Letter of request from Anna Maria Hammon of 40 Home Avenue to add two dogs to her residence. This would raise the maximum of three, according to City Ordinance, Sec. 4-11.

Chairwoman Baxter: So you're going to have five dogs now, right?

Ms. Hammon: Yes.

Chairwoman Baxter: So you have three small dogs now. What type of dogs are going to be coming in?

Ms. Hammon: A Great Dane and a Lab-Rottweiler mix.

Chairwoman Baxter: Okay, and how is the yard? Is it fenced in?

Ms. Hammon: Yes, it's completely fenced in.

Chairwoman Baxter: Do any your neighbors know about this yet?

Ms. Hammon: No, I haven't discussed it with them yet. It's still a work in progress. It wouldn't be until the end of September.

Chairwoman Baxter: How long do you think your sister and her dogs will be in the house, until she finishes school? What are you thinking?

Ms. Hammon: Um, this is my sister; I think that those are her plans. Really, I need help with the kids.

Chairwoman Baxter: I understand. The dogs are okay around the kids, those big dogs?

Ms. Hammon: Yeah, they are big dogs. The kids, I think I mentioned their ages are eight months and two and a half. It is a raised ranch, so our plan is for the big dogs to live solely on the lower level and we'll live on the upper level just because of their size.

Chairwoman Baxter: And do the little dogs get along with the big dogs?

Ms. Hammon: Yes.

Chairwoman Baxter: Okay, all right, does anyone have any questions?

Vice Chairman Paolucci (to Solicitor Pearson): Are there any liability issues with us granting - -

Solicitor Pearson [interposing]: The Board can put restrictions, time restrictions, review - -

Chairwoman Baxter [interposing]: I'm just wondering about a review, only because I'm concerned about - -

Solicitor Pearson [interposing]: I'd recommend that, I think an open ended, because the Board is setting a precedent that counteracts the ordinance three dogs max.

Chairwoman Baxter: In the past we've had other people come in for exemptions, and we usually have them come in, in a couple of months; just because your neighbors don't know about it. Those are really big dogs, and you've got two really old dogs and a little dog, and I'm just concerned that your neighbors might not be happy with this. She's not coming in until the end of September?

Ms. Hammon: Yes, and I will have conversations with my neighbors. I have met them, I will have conversations with them prior.

Chairwoman Baxter: Okay, end of September. What's our end of November meeting, because that will be a full two months?

Recording Secretary Ferolito: November 22<sup>nd</sup>.

Chairwoman Baxter: Okay. All right, what we'll do is, if the two gentlemen agree, we'll say yes, with a two month review on the 22<sup>nd</sup>. That way you get to talk to your neighbors, your neighbors will find out how this is working out.

**ACTION:** Chairwoman Baxter made a motion to approve with a review on November 22, 2016. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern



33. Letter of request from Jeanne Matusiak of 39 West Pontiac Street to have more than the maximum of three dogs at her residence.

Colonel McCartney: I believe you do have a letter in your folder. I think one of the complicating issues is that she's running a business there, so that is somewhat of a complicating factor.

Chairwoman Baxter: Okay. So, you have two dogs right now.

Ms. Matusiak: I own one.

Chairwoman Baxter: Okay, because it says you have one dog who is licensed, oh as well as a therapy dog, it makes it sound like you have two dogs, okay. What kind of dog do you have?

Ms. Matusiak: It's a Catahoula Leopard dog.

Chairwoman Baxter: Ooh. Okay. You're watching other people's dogs while they're at work. On a given day, you may be in possession of six dogs.

Ms. Matusiak: That's like the absolute maximum.

Chairwoman Baxter: Okay. Um, I know you say, "I agree not to own more than three dogs or three cats at one time, as the ordinance states." That's not the issue here. The issue I think is that you have all of these dogs coming in your house every day. So, like the Colonel said, it sounds like you're running a doggie daycare out of your house.

Ms. Matusiak: It really isn't. I mean I say - -

Chairwoman Baxter [interposing]: Are you getting paid?

Ms. Matusiak: Occasionally, yes. But, like, for instance, this is my best friend. Her dog comes to my house and I don't receive anything. So, that is one dog. One dog does pay me, because he's a doctor in Connecticut, and he's gone 12 hours a day.

Chairwoman Baxter: How many dogs do you have in the house on an average day?

Ms. Matusiak: Three; mine, hers, and one other.

Chairwoman Baxter: You've said on occasion you've had six?

Ms. Matusiak: Correct, that's if someone calls me and it's an emergency and says can you please do this.

Chairwoman Baxter: And are you home all day?

Ms. Matusiak: Yes.

Chairwoman Baxter: So this is what you do for a - -

Ms. Matusiak [interposing]: I'm on disability, that's why I have the therapy dog.

Chairwoman Baxter: Gotcha, okay. Six dogs, that's a lot of dogs.

Ms. Matusiak: They're not there from like 8:00 a.m. to 5:00 p.m. They're there for maybe two hours or something. They're not there on the weekends.

Chairwoman Baxter: They not on the weekends, okay.

Solicitor Pearson: Madame Chair?

Chairwoman Baxter: Yeah, I was just going to ask you.

Solicitor Pearson: This is a kennel. This is a kennel and this is very specifically the reason for the ordinance of three maximum. Keeping a dog, regardless of the amount of time, is still that many animals in a residential neighborhood. Add to that, that this is a varying amount, leads to the uncertainty within the neighborhood; how many dogs, etc. This is keeping dogs well beyond the anticipated amount indicated in the ordinance.

Chairwoman Baxter: Now would she have to attempt to get a kennel license?

Solicitor Pearson: That would be a zoning issue.

Chairwoman Baxter: Three is the max that she can have in the house.

Solicitor Pearson: Yes.

Chairwoman Baxter: So you have one, and you have the other two come in; anything other than that, like our attorney says, now you're running a kennel and you would have to go to the Zoning Board and get a license for that.

Ms. Matusiak: How would I go about doing that?

Solicitor Pearson: You'd have to go to the Planning Board and the Zoning Board over in the Building Department and put an application in. It's another department and another board, whether or not they will grant a kennel license in a neighborhood.

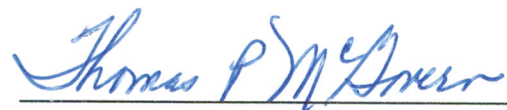
Chairwoman Baxter: Okay, so they are the building behind City Hall, where the old Fire Department was upstairs. So, the three is fine, but any more than that; but it says there was a complaint stating that you had 16 dogs there at one time.

Ms. Matusiak: That was a vindictive person.

Chairwoman Baxter: I know you said that, but there has been a complaint, and maybe there's been more than one complaint. This is the one you told us about, vindictive or not. You've got the three and that's it. Tomorrow morning you should call over there, or head over there, you don't get anywhere on the phone.

**ACTION:** Chairwoman Baxter made a motion to deny having more than three dogs at this residence. Vice Chairman Paolucci seconded the motion. Chairwoman Baxter, Vice Chairman Paolucci, and Clerk McGovern voted in favor of the motion. Motion approved.

At 8:00 p.m., this session was ended.



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Thomas P. McGovern, Clerk