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SPECIAL MEETING

LICENSING BOARD

COUNCIL CHAMBERS

MONDAY

JANUARY 25, 2016

1:00 P.M.

1. 9:30 A.M. CALL TO ORDER ▶

Present: Frank Palaia, Chair
 Rudolf C. Hauser, Jr., Vice Chair
 Michael Cardiff
 Mary E. Belanger, Alternate
 T. Sol. Matthew T. Oliverio, Esq.
 Donna L. Giordano, Clerk

Absent: Joseph M. Nigrelli, Jr.
 Adrian T. Pelchat, Jr.

Also Present: Debra Gent, Licensing Assistant

SALUTE TO THE FLAG ▶

Led by Mr. Palaia.

2. CONSENT CALENDAR

Approval of Minutes

None

3. PUBLIC COMMENTS ▶

Comments shall be limited to agenda items, excluding matters to be scheduled for public hearing.

None

4. PUBLIC HEARINGS (Liquor Licenses & Others) ▶

Class C Bar - New

Vintage LLC

dba: [Vintage Cigar Lounge & Club](#)

47 High St

(Continued from January 14, 2016)

Present: William A. Nardone, Esq., representing applicant
 Greg Williams, owner

Mr. Nardone reiterated what was presented at the January 14, 2016 hearing. He submitted an edited floor plan showing the preparation and refrigeration/microwave area. He addressed the issue of smoke migration and ventilation stating that they are monitored by the Department of Health and further stated that the retail sales are monitored by the Division of Taxation.

The following individuals were present and spoke in favor of the application: Colin Bennett, owner of

Malted Barley; Louis Cappuccio, Esq.; Lisa Konicki, Ocean Chamber of Commerce

The following individuals were present and spoke in objection to the application: Jessica Wilke, tenant at 47 High St; expressed concerns regarding second-hand smoke; submitted articles relating to same; Judith Chick, 9 Saratoga Ave, tenant at 47 High St; expressed concern with second-hand smoke and with lack of sprinkler system in a very old building in the event of a fire; renovation plans very vague; would like more information on state-of-the-art ventilation system

Town Solicitor Oliverio was of the opinion that the Licensing Board's jurisdiction is very limited to whether the applicant meets all of the requirements set forth in the ordinance and in Title 3 of the RI General Laws. He stated that, although the Licensing Board can set certain conditions on the issuance of the license, its jurisdiction is limited to ensuring that the applicant comply with all Department of Health requirements relating to an air purification/ventilation system, and that the Licensing Board could face constitutional challenges if it denies or delays the granting of a Class C license. He further stated that the cigar lounge may be an issue that has to be addressed on the state level or before the Town Council with the enactment of other ordinances, but for now there is nothing to prevent the issuance of the liquor license based on the objections of the complainants. He stated that the objectors' issues should be addressed with the Department of Health.

Motion by Mr. Hauser, Seconded by Mr. Cardiff, to close the Public Hearing. (Voted Unanimously)

Licensing Board members expressed their views on the issue, noting that the Board has no grounds to deny the license based on fear of inadequate ventilation, which is not within its jurisdiction, and on something that might happen, noting that the applicant must meet all requirement of proper authorities who approve the application. It was suggested that the license could be granted with the condition that if the tenants have issue with ventilation they are encouraged to call the Department of Health to test the air quality and if it is found that it exceeds a certain limit, the licensee return to the Licensing Board for a hearing. It was noted that, if the Class C license were to be denied, the applicant could still operate a cigar lounge.

Motion by Mr. Hauser, Seconded by Mr. Cardiff, that the aforesaid license be granted subject to the prior approval of proper authorities. (Voted Unanimously)

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

a. New Licenses and Permits

None

b. Renewals

None

c. Ratify & Confirm

None

d. Order Advertise for Public Hearing

None

7. COMMUNICATIONS

a. Correspondence

None

b. Town Solicitor Report

None

8. ADJOURNMENT 

1:35 P.M. Voted Unanimously to adjourn.

ATTEST:



Donna L. Giordano, MMC
Licensing Board Clerk

Details of the aforesaid proceedings are video streamed and available on the Town of Westerly website.

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