

PUBLIC HEARING of the Town Council to be held Wednesday, June 29, 2005 at 7:00 P.M. in the Council Chamber, Town Building, Harrisville for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Wallace F. Lees; Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

MEMBERS ABSENT: None

1. Application for transfer of Retail License Class B (Victualer) to sell beverages under Title 3, Chapter 5 of the General Laws of Rhode Island 1956, and amendments thereto, has been made as follows:

From: Sharon's Country Kitchen, LLC, in building owned by Sharon's Property, LLC, for premises located at 1180 South Main Street, Pascoag (Assessor's Map 266, Lot 3)

To: Jens Place, LLC d/b/a Jens Place, LLC, in building owned by DLJ Investments, LLC, for premises located at 1180 South Main St, Pascoag (Assessor's Map 266, Lot 3).

NOTE:

Notice of the Public Hearing was duly advertised in the Legal Section of the Woonsocket Call on Tuesday, June 21 and Tuesday, June 28, 2005.

Notice was sent to all abutting property owners by certified mail, as required by law.

Council President Wallace F. Lees noted that reports/recommendations had been received as follows:

A. Building Official, stated that everything is in order

B. Chief of Police, also indicated that everything is in order,

C. Fire Chief indicated that work needed to be completed but that he did not recommend that the license should not be transferred.

D. Department of Health is satisfactory

E. Tax Collector – in order.

The hearing of all interested parties in regard to the granting of this license. Note: Persons who wish to address the Town Council shall state their name and address.

2. Proponents:

Patrick Dowling, Esq. spoke as the representative of Jen's Place and DCJ Investments. He noted that the agenda incorrectly identified the applicant as DLJ Investments. Mr. Dowling said that DCJ Investments would own the property and Jen's Place would be operating the restaurant as is. The proposal is to transfer the ownership from Sharon's to Joseph and Erica McCaffrey, who will be the operating partners, and Darrell Cobb who is a financial partner.

There are no proposals to modify the business as it now exists: no proposals to modify the building. They are seeking the permission of the Council, said Mr. Dowling, to transfer ownership. The purchase and sale, which is contingent upon the transfer of the license, of both the property and the restaurant had been scheduled for Friday, July 1, 2005. Mr. Dowling pointed out that the license transfer would also be contingent upon the transfer of property and suggested that the licenses could be granted, subject to outstanding obligations, including the Certificate of Good Standing.

Councilor William A. Andrews noted that the application stated that Workers' Compensation insurance would be obtained after the transfer. Walter J. Kane, Town Solicitor, said that the Town asks for proof of Workers' Compensation insurance and that they are required by State law to carry Workers Compensation.

3. Opponents:

Robert Riccitelli, 1198 South Main St., Pascoag, commented that, while he was not an opponent of the transfer, he had some questions regarding changes in the operation of the business. Patrick Dowling, Esq., representing the applicants, indicated that the current proposal was to maintain the operation as it currently operates. Mr. Dowling stated that the proposed business would be licensed to operate as a fully operational restaurant and that there were plans to add a dinner menu in the future. Mr. Dowling said that the intent was to be

primarily an eating establishment with liquor service for the eating patrons.

Dina Riccitelli, 1198 South Main St., Pascoag, asked whether they would be notified if there were to be a change in the type of establishment. Walter J. Kane, Town Solicitor, explained the process of annual license renewals, which includes a public hearing, and described the rights and requirements of the holder of a Class B (Victualer) license. Councilor Jacqueline Zahn noted that a Class B(V) license requires that food be available, as well as alcoholic beverages and that state law allows B(V) establishments to be open until 1:00 A.M.

Ms. Riccitelli suggested that she would like the business to succeed, but voiced concerns about late openings, intrusive signage, drunken clientele, violence and fighting. She spoke in favor of a country-style restaurant but opposed to promoting increased use of alcohol.

Scott Sogard, 75 Marlboro St., addressed the Town Council, saying that, as a restaurateur, he is aware that it is difficult for a restaurant to compete in today's market if they do not serve alcoholic beverages. Mr. Sogard suggested that restaurants that have typically served only breakfast and lunch are expanding to include full-service dinner menus in order to meet their financial obligations.

4. VOTED to close the public hearing.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

5. VOTED to grant the transfer of Retail License Class B (Victualer) to sell beverages under Title 3, Chapter 5 of the General Laws of Rhode Island 1956, and amendments thereto from: Sharon's Country Kitchen, LLC, in building owned by Sharon's Property, LLC, for premises located at 1180 South Main Street, Pascoag (Assessor's Map 266, Lot 3)

To: Jens Place, LLC d/b/a Jens Place, LLC, in building owned by DCJ Investments, LLC, for premises located at 1180 South Main St, Pascoag (Assessor's Map 266, Lot 3), subject to the acquisition of the property by the applicant and to the applicant securing workers' compensation insurance and general liability insurance within 30 days

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

6. Victualing License:

05-215 VOTED to grant a new victualing license from Jens Place, LLC d/b/a Jens Place, LLC, in building owned by DCJ Investments, LLC, for premises located at 1180 South Main St, Pascoag (Assessor's Map 266, Lot 3) subject to the acquisition of the property by the and to the applicant securing workers' compensation insurance and general liability insurance within 30 days.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

7. VOTED to adjourn at 7:18 P.M.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

The hearing was taped. The tape is on file with the record of the meeting.

Louise R. Phaneuf, Town Clerk