

PUBLIC HEARING of the Town Council held Wednesday, April 9, 2008 at 7:04 P.M. in the Council Chamber, Town Building, 105 Harrisville Main St., Harrisville, RI for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Kevin M. Blais, John M. Karmozyn Jr. and Norman C. Mainville.

MEMBERS ABSENT: Councilor Margaret L. Dudley was excused due to vacation. Councilor Cynthia L. Roe was excused due to family illness.

1. Application for new license to sell beverages under provisions of Title 3, Chapter 5, Section 17 and Title 3, Chapter 7, Section 6 of the General Laws of Rhode Island, 1956, as amended, limited to the sale of malt and vinous beverages containing not more than 20% alcohol by volume, for term ending November 30, 2008 from Justin Hagerty d/b/a Bolies Chowder Shack, 98 Pascoag Main Street, Pascoag in a building owned by Sheila Finn (Assessor's Map 175, Lot 40).

NOTES:

- Notice of the Public Hearing was duly advertised in the Legal Section of the Woonsocket Call on Wednesday, March 26, 2008 and Wednesday, April 2, 2008.**
- Notice was sent to all abutting property owners by certified mail, as required by law.**

A) Report/recommendation of the Building Official

Joseph Raymond, Building Official, noted that the establishment had complied satisfactorily with work that was to be done. He said there would be no changes in the upgrade relative to the application for a liquor license.

B) Report/recommendation of the Chief of Police

Council President Nancy F. Binns reported that the Chief had signed-off on the application.

C) Report/recommendation of the Fire Chief

The recommendation of the Fire Chief is on file with the record of the hearing.

Council President Nancy F. Binns reported that the Server Training certification had been received.

D) Report/recommendation of the Tax Collector

Town taxes are current.

E) Certificate of Insurance is in compliance with §8-28 of the Ordinances of the Town of Burrillville

F) Certificate of Good Standing from the State Division of Taxation

Council President Nancy F. Binns reported that the Certificate of Good Standing had been received.

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:

Mark Brizard spoke in support of granting the Class B Limited liquor license. Mr. Brizard mentioned the limited number of hours that Bolies is currently open; the intent to serve alcohol in support of the restaurant business, and the importance of the Town supporting businesses within the Pascoag Redevelopment District.

3. Opponents:

Robert Peloquin of 90B Pascoag Main St. outlined problems associated with a prior business located at 98 Pascoag Main St., noted that the building owner has not changed, and that the building owner previously had been denied a liquor license for that location. Mr. Peloquin voiced concerns that the problems associated with the previous business would recur. Mr. Peloquin suggested that approval of the liquor license would impede efforts to revitalize Downtown Pascoag. Mr. Peloquin asked that the application be denied.

Albert Palmisciano, a property owner on Pascoag Main St., said that

he was not necessarily opposed to approval of the license but requested assurances that previous problems would not recur. Mr. Palmisciano did not oppose beer and wine sales to augment the restaurant. Mr. Palmisciano suggested that the November 2008 expiration might be a suitable trial period and asked whether there would be steps to prevent the business from becoming a full blown bar, with possible associated problems.

Timothy F. Kane, Town Solicitor, suggested that the Town Council could put reasonable restrictions on the license, including hours of operation.

Mr. Palmisciano said he would have no objections if the current hours of operation continued.

Michael C. Wood, Town Manager, noted that sales could be restricted to inside the premises.

Melanie Dupont, 84-86 Pascoag Main St., echoed Mr. Palmisciano's concerns and supported restricting the hours of operation.

4. VOTED to close the public hearing.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Kevin M. Blais. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy

F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Margaret L. Dudley and Cynthia L. Roe were excused.

5. Town Council consideration on application for new license to sell beverages under provisions of Title 3, Chapter 5, Section 17 and Title 3, Chapter 7, Section 6 of the General Laws of Rhode Island, 1956, as amended, limited to the sale of malt and vinous beverages containing not more than 20% alcohol by volume, for term ending November 30, 2008 from Justin Hagerty d/b/a Bolies Chowder Shack, 98 Pascoag Main Street, Pascoag in a building owned by Sheila Finn (Assessor's Map 175, Lot 40).

MOTION to approve.

Motion by Councilor Kevin M. Blais. There was no second.

Council President Nancy F. Binns requested comments by the Town Council.

MOTION to open.

Motion by Councilor Kevin M. Blais. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present.

Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, John M. Karmozyn Jr.

and Norman C. Mainville. Councilors Margaret L. Dudley and Cynthia L. Roe were excused.

Councilor Norman C. Mainville asked Justin Hagerty, applicant, to address the concerns raised by opponents.

Justin Hagerty, applicant, acknowledged the concerns raised by Mr. Peloquin, Mr. Palmisciano and Ms. Dupont. Mr. Hagerty explained that his intent was to maintain his business as is but to increase business by adding wine and beer to the menu.

Council President Binns asked whether Mr. Hagerty could accept a restriction of hours as a stipulation of the license. Mr. Hagerty indicated that he did not intend to extend the hours of operation, with the possible exception of remaining open until 9:00 P.M. on Friday evenings.

Mr. Hagerty raised the question of food service on the deck. The matter was discussed. Council President Binns suggested that this question should be addressed to the Town Council separately at a different meeting.

Councilor Kevin M. Blais spoke of the good food and cleanliness at Bolies and suggested that this type of business supports the revitalization of Pascoag. Councilor Blais suggested alcohol would complement the menu.

6. MOTION to grant a new license to sell beverages under provisions of Title 3, Chapter 5, Section 17 and Title 3, Chapter 7, Section 6 of the General Laws of Rhode Island, 1956, as amended, limited to the sale of malt and vinous beverages containing not more than 20% alcohol by volume, for term ending November 30, 2008 from Justin Hagerty d/b/a Bolies Chowder Shack, 98 Pascoag Main Street, Pascoag in a building owned by Sheila Finn (Assessor's Map 175, Lot 40).

Motion by Councilor Kevin M. Blais. Seconded by Councilor John M. Karmozyn, Jr.

VOTED to amend the motion by adding the following restriction: No alcoholic beverages shall be served after the hours of 8:00 P.M. on Wednesday, Thursday and Saturday, 9:00 P.M. on Friday, or 7:00 P.M. on Sunday.

Amendment by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote on the amendment was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Margaret L. Dudley and Cynthia L. Roe were excused.

The vote on the main motion was unanimous by the five members

present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Margaret L. Dudley and Cynthia L. Roe were excused.

7. VOTED to adjourn at 7:30 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Margaret L. Dudley and Cynthia L. Roe were excused.

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

Louise R. Phaneuf, Town Clerk