

SPECIAL MEETING – CITY COUNCIL

-JANUARY 26, 2004-

A Special meeting of the Cranston City Council was held on MONDAY, January 26, 2004 in the Council Chamber, City Hall, Cranston, Rhode Island.

The meeting was called to order at 6:05 P.M. by Council President.

Roll Call showed the following members present: Councilman Fung, Council Member Fogarty, Councilwoman McFarland (appeared at 6:15 P.M.), Councilmen Ferolito (appeared at 6:35 P.M.), Lanni, McDonough and Council President Pastore –7.

Absent: Councilman Jackvony and Councilwoman O'Hara –2.

CRANSTON HERALD 1/28/04



**CRANSTON
CITY COUNCIL
SPECIAL MEETING**

Date: Monday, January 26, 2004
at 6 p.m.

Place: City Hall, Council Chambers
869 Park Avenue
Cranston, R.I. 02910

Re: Executive Session,
RIGL 42-46-5(a)(2): Litigation:
Corporation litigation legal fees

**Peter T. Pastore, Jr.
Council President**

Individuals requesting interpreter services for the hearing impaired must notify the City Clerk at 461-1000 x-3194, 72 hours prior to meeting.

-JANUARY 26,2004-

CERTIFICATION

I hereby certify that a true copy of the attached Notice of a Special Meeting of the City Council to be held on Monday, January 26, 2004 at 6:00 P.M., Council Chambers, City Hall, 869 Park Avenue, Cranston, R.I. was delivered via electronic mail on this 20th day of January, 2004 and regular mail, postage prepaid to the addresses listed below.

Council President Peter T. Pastore, Jr.
14 Firglade Dr.
Cranston, RI 02921
ppastore@randolphsavings.com

Councilman Marc D. Ferolito
mferolito1@cox.net

Council Member Cynthia M. Fogarty
Fogarty1@msn.com

Councilman Allan W. Fung
alfung@cox.net

Councilwoman Ellen O'Hara
ellencohara@cox.net

Councilman Kirk McDonough
67 Dellwood Rd.
Cranston, RI 02920
kirkmcdonough@cox.net

Councilwoman Paula McFarland
pmcfarland@prodigy.net

Councilman Randall A. Jackvony
rjackvony@cox.net

Councilman John E. Lanni, Jr.
111 Woodview Dr.
Cranston, RI 02920
jlanni@peterpanbus.com

/s/ Rosalba Zanni, Assistant City Clerk

-JANUARY 26,2004-

On motion by Councilman McDonough, seconded by Councilman Fung, it was voted to go into Executive Session. Motion passed on a vote of 5-0. The following being recorded as voting "aye": Councilman Fung, Council Member Fogarty, Councilmen Lanni, McDonough and Council President Pastore -5. Councilman Ferolito and Councilwoman McFarland were not present for this vote.

The meeting went into Executive Session at 6:08 P.M.

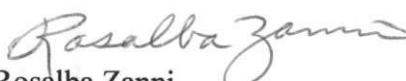
The following were present in Executive Session: Councilman Fung, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore; Paul Grimes, Director of Administration; Jametta Alston, City Solicitor.

The meeting came out of Executive Session at 6:50 P.M.

On motion by Councilman Fung, seconded by Council Member Fogarty, it was voted to come out of Executive Session. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilman Fung, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7.

On motion by Council Member Fogarty, seconded by Councilman McDonough, it was voted to seal the minutes of Executive Session. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilman Fung, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7.

The meeting adjourned at 7:00 P.M.


Rosalba Zanni
Assistant City Clerk/Clerk of Committees

Maria Medeiros Wall
City Clerk

(See Stenographic notes of Ron Ronzio, Stenographer).

REGULAR MEETING – CITY COUNCIL

-JANUARY 26, 2004-

Regular meeting of the City Council of the City of Cranston was held on Monday, January 26, 2004.

The meeting was called to order at 7:00 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Fung, Jackvony (appeared at 7:04 P.M.), Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

Absent: Councilwoman O'Hara –1.

Also Present: Mayor Stephen Laffey; Paul Grimes, Director of Administration; Jametta Alston, City Solicitor; Evan Kirshenbaum, Assistant City Solicitor; Jerome Baron, Director of Finance; Mike Igoe, City Controller; Pat Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

Councilman Lanni led the Pledge of Allegiance. Councilman McDonough asked for a moment of silence for Representative Paul Sherlock from Warwick, who passed away a week ago.

Minutes of the last meeting were dispensed with and stand approved as recorded.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

“IN RECOGNITION OF MELISSA FIORENTINO, UNDEFEATED PROFESSIONAL AMATEUR WORLD KICK BOXER.”

On motion by Councilwoman McFarland, seconded by Council Member Fogarty, it was voted to approve this Proclamation. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

II. INTRODUCTION OF UNDOCKETED RESOLUTIONS

No Business.

III. EXECUTIVE COMMUNICATIONS

Mayor Laffey appeared to speak regarding bond rating and stated that it has gone up one notch and he looks forward to working with everyone to keep moving the bond rating to investment grade.

Mayor Laffey spoke regarding the Performance Audit for the Police and Fire. He stated that he will be meeting with his Executive staff and Deputy Fire Chief and Major and stressed that there have been no decisions made in any of the recommendations made in this report. Our ultimate goal is to have a safer and more efficient safety services department.

IV. COUNCIL PRESIDENT COMMUNICATIONS

Council President Pastore stated that it is good news that the bond rating has improved. Qualified Bond Act has helped in getting a preferred rate on borrowing money. He requested that Council Member Fogarty, Chair of the Performance Audit Committee, begin holding hearings on the Audit for the Police and Fire and have the Administration present to bring the Council up to speed.

Mr. Igoe spoke regarding Financial Reports. He stated that through December 31, 2003, the City's revenues were \$105,924; expenditures were \$94,894,675; snow plowing Department - 50% of the budget through January 15 has been consumed; \$2.5 million has been transferred to the Pension Fund from the General Fund.

Council President Pastore stated that he received communication from the School Committee Chair asking for a continuance of the Omnibus meeting and Mr. Baron and Mr. Igoe have the numbers ready for discussion and they referenced State Law 16-2.21. Council President Pastore stated that the City Clerk will obtain a definite date for this meeting.

V. COUNCIL MEMBER COMMUNICATIONS

Councilman Jackvony congratulated Councilman Fung, who was recently honored as Citizen of the Year by the Rhode Island Association of Chinese Americans for being the first Chinese/American elected to public office. He is the first Chinese American elected to public office in New England. He also thanked the Cranston Fire and Sockanosset Rescue Personnel for responding to his home and aiding his wife the previous night.

Councilman Fung thanked Steven Angell for his role as Chair of the Cranston Financial Review Board and for all his hard work. He also thanked the Council members for supporting a Resolution adopted a few months ago regarding Immigration Workers Freedom Ride.

Council Member Fogarty stated that it would be a good idea for the Performance Audit Committee members or a member of this Council to sit with the Administration Executive Unit that the Mayor spoke of earlier to discuss the Performance Audit. Mr. Grimes stated that the Executive Advisory Team is not a Task Force. It is an Executive group to go through the recommendations made by the consultants and will produce a set of recommendations for the Performance Audit Committee and the Executive group could meet with the Performance Audit Committee at that time. Council Member Fogarty asked if a member of the Performance Audit Committee or a Council Member could sit on the team. Mr. Grimes said "No". Council Member Fogarty announced that a meeting of the Performance Audit Committee will be held on Thursday, February 5, 2004 at 6:00 P.M. This will be a preliminary review of the Audit. This matter will be advertised and public and members of the City Council are invited to attend.

-JANUARY 26, 2004-

VI. COUNCIL MEMBER COMMUNICATIONS (Cont.)

Councilman McDonough spoke regarding the soundproofing in the Mayor's Office and asked what process was taken and where the money came from to pay for this. Mr. Grimes stated that the monies would come out of the Public Buildings Division. Councilman McDonough asked who made this decision to place the soundproofing. Mr. Grimes stated it was made by himself.

Councilman McDonough stated he would like to know more about the engagement of the attorney in defending the suit regarding the Nativity scene that was placed outside of City Hall. Ms. Alston stated that the ACLU brought the suit against the City. She answered the suit. Attorney Marcelles of New York, agreed to defend the City for free and he has applied from the RI District Court's decision on the motion. At this point, we are awaiting the RI District Court's decision on the Motion. She and Attorney Marcelles are handling this matter. Councilman Lanni asked if there are any costs or legal costs for this. Ms. Alston stated that there will be no legal costs, but there will be costs for filing matters or depositions. Council Member Fogarty asked if we are at risk of paying for the legal fees for the ACLU if we lose this suit. Ms. Alston stated, yes.

Councilwoman McFarland spoke regarding Pendleton St. parking problem. She handed a letter to the Clerk to refer this to the Administration and to the Traffic Engineer.

Councilwoman McFarland stated that the Council was told a few weeks ago that they would be provided with an e-mail with cell phone numbers of contact people and how the next snowstorm will be handled. As of yet, she has not received any of this information and there is a snowstorm predicted for tomorrow. Mr. Grimes stated that he will forward it to her, but he received this information from the Highway Superintendent and does not know why she did not receive it. Council Member Fogarty stated that this was e-mailed to the Cranston\ri e-mail address.

Councilwoman McFarland stated that since we are coming up for the Budget, she asked for a list of all City vehicles with City Seals and mileage and list of those vehicles that are used personally and for City business. She requested that the report be forwarded by the March meeting. Council President Pastore stated that all City vehicles should have the City Seal with the exception of the Mayor's.

Council President Pastore recommended that proposed Ordinance 10-03-1 be tabled. Mr. Woerner will be meeting with Mr. Baron and Mr. Igoe to draft a new Ordinance to be passed in the future.

VII. UNDOCKETED RESOLUTIONS

No Business.

-JANUARY 26, 2004-

VIII. DOCKETED RESOLUTIONS

“RESOLUTION IN SUPPORT OF APPLICATION FOR THE RECREATION ACQUISITION AND DEVELOPMENT GRANT TO THE STATE OF RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.”

Council President Pastore stated that one of the things he would like to stress is before taking the land, we have an environmental site assessment on those parcels.

On motion by Councilman Fung, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

IX. REPORT OF COMMITTEES COMMITTEE ON ORDINANCE

10-03-1 “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ADMINISTRATION’ (APPROVAL OF APPROPRIATION, SPENDING OR ENCUMBRANCE).”

On motion by Councilman McDonough, seconded by Councilman Lanni, the above Ordinance was tabled on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

12-03-3 “ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2003 AND ENDING JUNE 30, 2004 (LAW/SCHOOL AUDIT).”

On motion by Councilwoman McFarland, seconded by Councilman Ferolito, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

12-03-4 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’, ‘SAME-BETWEEN 8:00 AM AND 5:00 PM MONDAY THROUGH FRIDAY’ BY DELETING CALVARY ST., PORTION OF.”

On motion by Councilwoman McFarland, seconded by Councilman Fung, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

*SEE MINUTES AFTER SECTION XIII. FOR CONTINUATION OF ORDINANCES REFERRED BY THE ORDINANCE COMMITTEE.

THE CITY OF CRANSTON

RESOLUTION

IN SUPPORT OF APPLICATION FOR RECREATION
ACQUISITION AND DEVELOPMENT GRANT TO THE STATE OF
RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT

Passed:

January 26, 2004

No. 2004-1

Peter T. Pastore, Jr., Council President, Jr.

Approved:

February 4, 2004

Stephen F. Laffey, Mayor

Resolved that

WHEREAS, the City of Cranston has a strong interest in providing for the recreational needs of all current and future residents; and

WHEREAS, the City of Cranston has been successful in utilizing traditional and non-traditional funding sources in acquiring and developing open space for the specific intent of creating active and passive recreational facilities; and

WHEREAS, the City of Cranston has a limited amount of field space for the growing youth and adult leagues as well as various high school sports and activities in eastern Cranston. Furthermore, the existing field space is overburdened and cannot accommodate the demand; and

WHEREAS, the 1992 Comprehensive Plan states providing for future recreational needs in eastern Cranston will be met through the upgrading of existing facilities and the creation of playfields where space is available; and

WHEREAS, the property located along Weingeroff Boulevard and Wheatland Avenue, at the end of Park View Boulevard, has been identified as one of the few viable pieces of open space remaining in the eastern side of Cranston; and

WHEREAS, the State of Rhode Island Department of Environmental Management is currently soliciting proposals from municipalities for the acquisition and development of open space for recreational use.

NOW BE IT RESOLVED, that the City Council hereby endorses the City's application to the RIDEM for open space funds for the development of the property located along Weingeroff Boulevard and Wheatland Avenue, listed as Assessor's Plat 4 Lots 1648 to 1695.

Sponsored by Councilman Allan Fung

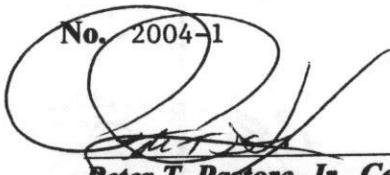
H/Resolutions/DEM Grant

THE CITY OF CRANSTON

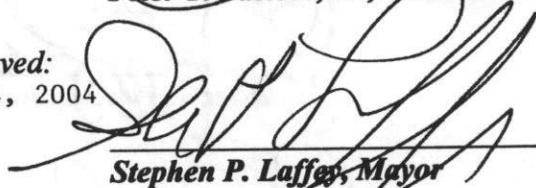
ORDINANCE OF THE CITY COUNCIL
AMENDING THE BUDGET FOR THE FISCAL YEAR
COMMENCING JULY 1, 2003 AND ENDING JUNE 30, 2004

No. 2004-1

Passed:
January 26, 2004


Peter T. Pastore, Jr., Council President

Approved:
February 4, 2004


Stephen P. Laffey, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. The operating budget for the Department of Law as adopted on May 14, 2003 and subsequently amended December 15, 2003, entitled "Appropriation Schedule" is hereby amended by deleting therefrom the following:

(Outside Labor Relations _____ \$230,500.00)
(Total Department of Law _____ \$467,436.00)

And by substituting the following:

Outside Labor Relations _____ \$282,500.00
Total Department of Law _____ \$519,436.00

Section 2. The operating budget for Executive as adopted on May 14, 2003 entitled "Appropriation Schedule" is hereby amended by deleting therefrom the following:

(Total Executive _____ \$ 481,547.00)

And by substituting the following:

Performance Audit _____ \$ 110,000.00
Total Executive _____ \$591,547.00

Section 3. The sum of \$162,000 is hereby appropriated as an addition to the appropriation made by Ordinance No. 03-19, as adopted May 14, 2003 Appropriation Schedule.

The \$162,000 is divided as follows:

General Revenue Sharing _____ \$162,000.00
Total _____ **\$162,000.00**

Section 4. Concerning the \$162,000 of new budgeted revenues, the budget Resolution 03-41 Adopted May 14, 2003 and subsequently amended December 15, 2003, is hereby amended by deleting the therefrom the following:

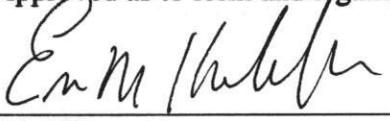
(State Revenue Sharing	\$3,028,849.00
(Total Revenues	\$193,967,525.00)

And by substituting the following:

<u>State Revenue Sharing</u>	<u>\$3,190,849.00</u>
<u>Total Revenues</u>	<u>\$194,129,525.00</u>

Section 5. This Ordinance shall take effect upon its final adoption.

Approved as to form and legality:

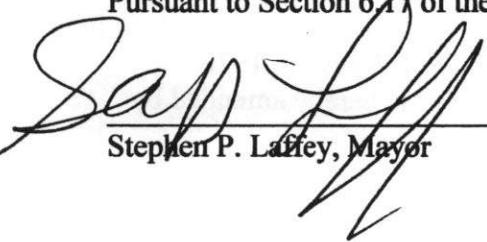


 J.O. Alston, Esq.
 City Solicitor
 Evan M. Kuesherhan

1/26/04

 Date

I recommend adoption of the foregoing Ordinance Pursuant to Section 6.17 of the City Charter



 Stephen P. Laffey, Mayor

2/3/04

 Date

Fiscal Note

I hereby certify that no supplemental appropriations will be needed to fund this budget amendment.



 Jerome Baron
 Financial Director

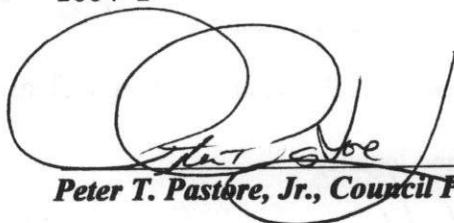
THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON,
1970, ENTITLED "MOTOR VEHICLES AND TRAFFIC"

No. 2004-2

Passed:

January 26, 2004



Peter T. Pastore, Jr., Council President

Approved:

February 6, 2004 EFFECTIVE PURSUANT TO SECT. 3.14 OF THE CITY CHARTER

Stephen P. Laffey, Mayor

It is ordained by the City Council of the City of Cranston as follows:

SECTION 1. Section 60.1 of Chapter 17 of the Code of the City of Cranston, 1970, entitled "Same-Between 8:00 AM and 5:00 PM Monday through Friday" is hereby amended by deleting therefrom the following:

(Cavalry Street, both sides, from Cranston Street westerly to Utility Pole #2).

SECTION 2. This Ordinance shall take effect upon its final adoption.

Approved as to form and legality:



J.O. Alston, City Solicitor

1/26/04

Date

Evaw M. Kreschenbaum

Sponsored by Councilman Lanni

-JANUARY 26, 2004-

COMMITTEE ON FINANCE

“RESOLUTION AUTHORIZING TAX ABATEMENTS – RECOMMENDED BY CITY ASSESSOR (REAL ESTATE ABATEMENTS).”

On motion by Council Member Fogarty, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7. Councilwoman McFarland abstained.

“RESOLUTION AUTHORIZING TAX ABATEMENTS – RECOMMENDED BY CITY ASSESSOR (MOTOR VEHICLE ABATEMENTS).”

On motion by Council Member Fogarty, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -8.

“TAX INTEREST WAIVER LIST”.

On motion by Council Member Fogarty, seconded by Councilman Lanni, it was voted to approve this list on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -8.

X. ELECTION OF CITY OFFICIALS

No Business.

XI. REPORT OF CITY OFFICERS

No Business.

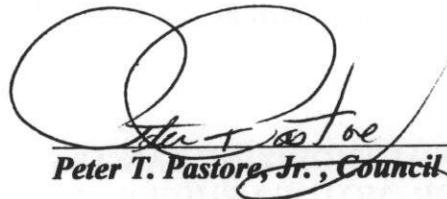
THE CITY OF CRANSTON

**RESOLUTION OF THE CITY COUNCIL
AUTHORIZING REAL ESTATE TAX ABATEMENTS AS RECOMMENDED BY
CITY ASSESSOR**

No 2004-2

Passed:
January 26, 2004

Approved:
January 26, 2004



Peter T. Pastore, Jr., Council President

Resolved, That

The request of the City Assessor for the following abatements for manifest errors and reasons therein stated be granted and that a certified copy of this Resolution be for the respective amounts a sufficient voucher for the City Treasurer.

(See attached list of Abatements)

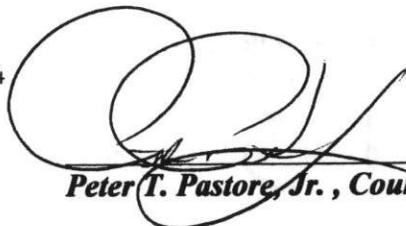
THE CITY OF CRANSTON

**RESOLUTION OF THE CITY COUNCIL
AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS AS RECOMMENDED
BY CITY ASSESSOR**

No. 2004-3

Passed:
January 26, 2004

Approved:
January 26, 2004



Peter T. Pastore, Jr., Council President

Resolved, That

The request of the City Assessor for the following abatements for manifest errors and reasons therein stated be granted and that a certified copy of this Resolution be for the respective amounts a sufficient voucher for the City Treasurer.

(See attached list of Abatements)

XII. NEW BUSINESS

On motion by Councilwoman McFarland, seconded by Councilman Fung, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, February 12, 2004 at 7 PM pursuant to Sec. 3.12 of the Charter. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -8.

- 1-04-1 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2003 and ending June 30, 2004 (School Aid). FINANCE COMMITTEE 2/12/2004 and ORDINANCE COMMITTEE 2/12/2004.
- 1-04-2 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2003 and ending June 30, 2004 (Law Dept./State Revenues). FINANCE COMMITTEE 2/12/2004 and ORDINANCE COMMITTEE 2/12/2004.
- 1-04-3 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 1970, entitled "Fire Department" (Establishing a Revolving Loan Fund for EMTC Training). FINANCE COMMITTEE 2/12/2004 and ORDINANCE COMMITTEE 2/12/2004.
- 1-04-4 Ordinance in amendment of Chapter 24 of the Code of the City of Cranston, 1970, entitled "Police Department" (Pension Amendments Requiring Actuarial Impact Analysis). FINANCE COMMITTEE 2/12/2004 and ORDINANCE COMMITTEE 2/12/2004.
- 1-04-5 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 1970, entitled "Fire Department" (Pension Amendments Requiring Actuarial Impact Analysis). FINANCE COMMITTEE 2/12/2004 and ORDINANCE COMMITTEE 2/12/2004.
- 1-04-6 Ordinance in amendment of Chapter 2 of the Code of the City of Cranston, 1970, entitled "Administration" (Procedures for Sale, Lease, Conveyance or Change in Use of Existing City Property). PUBLIC WORKS COMMITTEE 2/12/2004 and ORDINANCE COMMITTEE 2/12/2004.

Tax Incentive Application for TIFFANY & CO., 727 Fifth Ave., New York, NY, for property located at 40 Kenney Dr., Cranston. FINANCE COMMITTEE 2/12/2004.

XIII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

"ORDINANCE NO. 2003-67 - CORRECTING SCRIVNER'S ERROR - ROSEHILL DRIVE TO ROSEVIEW DRIVE."

On motion by Councilwoman McFarland, seconded by Councilman Jackvony, it was voted to correct this scrivner's error. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -8.

"ORDINANCE 2003-70. LETTER FROM PURCHASING AGENT REGARDING BROKER'S OPINION".

Council President stated that this is for information and no vote is needed. Councilwoman McFarland stated that even though the Purchasing Agent cites her in the letter, he should obtain the Solicitor's opinion and asked that what the Purchasing Agent states in the letter is accurate according to the City Code.

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

AMENDING THE BUDGET FOR THE FISCAL YEAR
COMMENCING JULY 1, 2003 AND ENDING JUNE 30, 2004 (School Aid)

No.

Passed:

Peter T. Pastore Jr., Council President

Approved:

Stephen P. Laffey, Mayor

It is ordained by the City Council of the City of Cranston as follows:

SECTION 1. The sum of \$1, 032,253 is hereby appropriated as an addition to the appropriation made by Ordinance No. 03-19, as adopted May 14, 2003. Appropriation Schedule: School System

The \$1,032,253 is divided as follows:

School State of RI-School Aid	\$1,032,253
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SECTION 2. Regarding the expense budget, the budget Resolution 03-41 Adopted May 14, 2003 as previously amended by ordinance 03-54 is hereby amended by deleting the therefrom the following:

(School System School Maintenance	\$104,686,032)
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And by substituting the following:

<u>School System</u>	
School Maintenance	\$105,718,285
Total	<u>\$105,718,285</u>

SECTION 3. Regarding the revenue budget, the budget Ordinance 03-19 Adopted May 14, 2003 as previously amended by Ordinance 03-54 is hereby amended by deleting the therefrom the following:

(Summary of Revenues State of RI –School Aid	\$31,875,741)
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And by substituting the following:

<u>(Summary of Revenues</u>	
Other School Revenue	\$32,907,994
Total	<u>\$36,279,559)</u>

SECTION 4. This Ordinance shall take effect upon its final adoption.

Approved as to form and legality:

Jametta Alston, Esq.
City Solicitor

Date

I recommend adoption of the foregoing Ordinance
Pursuant to Section 6.17 of the City Charter

Stephen P. Laffey, Mayor

Date

Fiscal Note

I hereby certify that it is anticipated that sufficient funds will be available to fund
this appropriation.

Jerome I. Baron,
Director of Finance

Section 4. This Ordinance shall take effect upon its final adoption.

Approved as to form and legality:

J.O. Alston, Esq.
City Solicitor

Date

I recommend adoption of the foregoing Ordinance
Pursuant to Section 6.17 of the City Charter

Stephen P. Laffey, Mayor

Date

Fiscal Note

I hereby certify that no supplemental appropriations will be needed to fund this budget amendment.

Jerome Baron
Financial Director

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
**IN AMENDMENT OF CHAPTER 10 OF THE CODE OF THE CITY OF
CRANSTON, 1970, ENTITLED "FIRE DEPARTMENT"
(Establishing a Revolving Loan Fund for EMTC Training)**

No.

Passed

Peter T. Pastore, Jr., Council President

Approved

Stephen P. Laffey,, Mayor

It is ordained by the City Council of the City of Cranston as follows:

SECTION 1: Chapter 10, Section 2.1 entitled "Qualifications" is hereby amended by adding the following:

That a revolving loan fund to defer costs of the Emergency Medical Training Certification required of all people wishing to apply for a position of a Cranston Firefighter be established in the amount of \$20,000, effective January 1, 2004.

That the following are considered as qualifications for eligibility for receiving a loan:

- a) Applicant must have passed the written examination, ability test, and be among the top fifty (50) candidates on the City's eligibility list for firefighter recruits.
- b) Applicants' total household income must be 100% of the poverty level as established by the Social Security Administrations for households of equal size.
- c) Applicant must document number of dependents and monthly personal income.
Acceptable proof includes:
 - a. copies of most recent two pay stubs;
 - b. or W-2 forms for most recent tax year;
 - c. or proof of unemployment qualification
- d) Applications are subject to a credit history check administered by the Department of Finance.

That interest costs will not be applicable; however, all loans must be repaid within one calendar year in four quarterly installments regardless of future employment as a Cranston Firefighter.

That an administrative fee of \$50.00 will be applied to each loan. The fee will be waived for applicants who are hired by the Cranston Fire Department.

That loans will be administered through the Department of Finance, and loan recipients must obtain certification through approved training organizations as outlined by the Cranston Fire Department.

That the Department of Finance will submit to the City Council by October 1, 2004, and annually thereafter, a report on the status of the revolving loan account, to include

aggregate number of loans issued, amount in the account, and status of any loans in default. Loans that are in default will be handled as a collection issue in accordance with procedures set forth through the Department of Finance.

SECTION 2: That this Ordinance shall take effect upon its final adoption.

Approved as to form and legality:

Jametta Alston, City Solicitor

Date

Fiscal Note

I hereby certify that no supplemental appropriations will be needed to fund this budget amendment.

Jerome Baron
Financial Director

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

IN AMENDMENT OF CHAPTER 24 OF THE CODE OF THE CITY OF CRANSTON, 1970 ENTITLED POLICE DEPARTMENT (Pension Amendments Requiring Actuarial Impact Analysis)

No.

Passed:

Peter Pastore, Council President

Approved

Stephen P. Laffey, Mayor

It is ordained by the City Council of the City of Cranston as follows:

SECTION 1: Section 25 of Chapter 24 is hereby amended by adding the following:

“Actuarial Impact Analysis requirement”

That any change, by ordinance, in the benefits to retired or active police officers that may affect their pension benefits from the City’s pension fund, including, but not limited to, cost-of-living adjustments (COLAs), longevity payments, time-in-service bonuses, etc., must be accompanied by an actuarial impact analysis by the City’s official actuarial consultant prior to adoption of said ordinance.

This ordinance shall apply only to those benefits that are paid to active or retired members participating in the City’s pension fund.

The actuarial impact analysis shall be attached to said ordinance for consideration during the public hearing process.

SECTION 2. This ordinance shall take effect upon final adoption.

Approved as to form and legality:

Date

Jametta O. Alston City Solicitor

Fiscal Note

I hereby certify that no supplemental appropriations will be needed to fund this budget amendment.

Jerome Baron Financial Director

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

IN AMENDMENT OF CHAPTER 10 OF THE CODE OF THE CITY OF CRANSTON, 1970 ENTITLED FIRE DEPARTMENT (Pension Amendments Requiring Actuarial Impact Analysis)

No.

Passed:

Approved

Peter Pastore, Council President

Stephen P. Laffey, Mayor

It is ordained by the City Council of the City of Cranston as follows:

SECTION 1: Chapter 10, Article II, entitled Firemen's Pension Fund is hereby amended by adding the following new section as 10-11.1:

"Actuarial Impact Analysis Requirement"

That any change, by ordinance, in the benefits to retired or active firefighters that may affect their pension benefits from the City's pension fund, including, but not limited to, cost-of-living adjustments (COLAs), longevity payments, time-in-service bonuses, etc., must be accompanied by an actuarial impact analysis by the City's official actuarial consultant prior to adoption of said ordinance.

This ordinance shall apply only to those benefits that are paid to active or retired members participating in the City's pension fund.

The actuarial impact analysis shall be attached to said ordinance for consideration during the public hearing process.

SECTION 2. This ordinance shall take effect upon final adoption.

Approved as to form and legality:

Date

Jametta O. Alston
City Solicitor

Fiscal Note

I hereby certify that no supplemental appropriations will be needed to fund this budget amendment.

Jerome Baron
Financial Director

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF
CRANSTON, 1970, ENTITLED "ADMINISTRATION"

(PROCEDURES FOR SALE, LEASE, CONVEYANCE OR CHANGE IN USE OF
 CITY PROPERTY).

No.

Passed:

Peter T. Pastore, Jr., Council President

Approved:

Stephen P. Laffey, Mayor

It is ordained by the City Council of the City of Cranston as follows:

SECTION 1. Section 2-6 (Rules for Operation of City Buildings) of Chapter 2 of the Code of the City of Cranston, is hereby amended by adding the following paragraph thereto:

The primary use of public buildings and facilities of the City of Cranston shall only be changed as the Council, upon the recommendation of the Mayor, shall prescribe from time to time by Ordinance.

SECTION 2. Section 29.4 (Sale of Real Estate) of Chapter 2 of the Code of the City of Cranston, is hereby amended by deleting the title

[Sale of Real Estate] and substituting Disposition of Real Estate

and is further amended by adding the following:

(e) No real estate or building belonging to the City of Cranston shall be sold, conveyed or leased without the prior approval of the City Council, as granted from time to time by Ordinance.

(f) Upon the sale of any such real estate or building, the proceeds of such sale shall be placed in a restricted account for future capital expenditures or shall be used to pay down bonded indebtedness.

SECTION 3. This Ordinance shall take effect upon its final adoption.

Approved as to form and legality:

 J.O. Alston, Esq.
 City Solicitor

 Date

**City of Cranston
Application Requesting
TAX INCENTIVE FOR COMMERCIAL ZONED PROPERTY**

RECEIVED
2004 JAN 14 PM 2:06
CRANSTON CITY CLERK

- 1. Name & Address of Applicant: TIFFANY & Co.
727 FIFTH AVE. NEW YORK, NY 10022
- 2. Location of Property: 40 KENNEY DR. CRANSTON, RI 02920 Phone#: (401) 463-0146
- 3. Assessor's Plat and Lot: A.P. 13 / LOT 62
- 4. Name and Address of Occupant of the Proposed Construction (if different from the applicant):
TIFFANY & Co. 40 KENNEY DRIVE CRANSTON, RI 02920
- 5. Estimated Cost of New Construction: \$ NOT APPLICABLE (Attach pertinent documentation supporting estimate)
- 6. Describe Proposed New Facility: # of stories ONE STORY # of sq.ft./floor 75,000
Type of Construction: EXISTING STEEL & CONCRETE BLOCK CONSTRUCTION
Proposed Use of Facility: LIGHT METAL FORMING (MANUFACTURING)
- 7. Estimated Cost of Renovation/Expansion: \$ 3,499,720 (see attached sheet)
(Attach pertinent documentation supporting estimate)
- 8. Are Alterations/construction permitted under present zoning? Yes No
- 9. Current Number of Employees: 6
- 10. Future Anticipated amount of employees: 16 TO 25 PERSONS
- 11. Are taxes on the property current? YES.

It is the understanding of the applicant(s) that the incentive, if approved, is applicable only for property constructed in commercially zoned sites, where the new construction or remodeling of existing facilities: that meet the approval of the building inspector, tax assessor, city planner or their designees, and the City Council; that all current and past taxes due by the applicant(s) must be paid in accordance with the rules set forth by the city ordinance; that the incentive would pertain to only that portion of the assessment attributable to the new construction or renovation of new facilities; that the incentive may be revoked in the event of fraud or misrepresentation by the applicant(s).

[Signature]
Signature of Applicant
AUGUST 20, 2003
Date

Application must be submitted **before** the issuance of the Certificate of Occupancy from the Building Inspector, please forward your completed application to:
Director of Economic Development
City of Cranston
869 Park Avenue
Cranston, RI 02910

-JANUARY 26, 2004-

**XI. REPORT OF COMMITTEES
COMMITTEE ON ORDINANCE (CONT.)**

**12-03-1 "ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF
1992 (TASCA)."**

Attorney Levin appeared to represent the applicant and stated that applicant has agreed that the Site Plan Review Committee, if this is approved tonight, will include provisions stated in Attorney Giorgi's letter. He also stated that at the Ordinance Committee meeting, there was a concern of traffic study and applicant consulted Beta Group Engineering and he presented a report from them. Council President Pastore asked if there are any add-ons regarding tax incentives. Mr. Flynn stated that there have been no discussions of any tax incentives.

On motion by Councilwoman McFarland, seconded by Councilman Ferolito, the above Ordinance was adopted on a vote of 8-0 along with items submitted this evening. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -8.

**12-03-2 "ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF
THE CITY OF CRANSTON, 1970, ENTITLED 'ZONING'
(CHANGE OF ZONE-TASCA)."**

On motion by Councilwoman McFarland, seconded by Councilman Fung, the above Ordinance was adopted on a vote of 8-0 along with the items submitted this evening. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -8.

12-03-1

THE CITY OF CRANSTON



ORDINANCE OF THE CITY COUNCIL
AMENDING THE COMPREHENSIVE PLAN OF 1992 (TASCA)

No. 2004-3

Passed:
January 26, 2004

Peter T. Pastore, Jr., Council President

Approved:
February 6, 2004

EFFECTIVE PURSUANT TO SECT. 3.14 OF THE CITY CHARTER.
Stephen P. Laffey, Mayor

It is ordained by the City Council of the City of Cranston as follows:

WHEREAS, the City Council adopted a comprehensive plan on February 24, 1992, pursuant to City Plan Commission adoption, subject to conditions contained in Section 45-22.2-8(c) of the General Laws of Rhode Island, after a public hearing thereon, and

WHEREAS, a property owner has requested an amendment of the 1992 Comprehensive Plan.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRANSTON AS FOLLOWS:

SECTION 1. Element 2 of the 1992 Comprehensive Plan entitled "Land Use Plan" is hereby amended at the subsection entitled "Land Use Plan Map" by deleting therefrom Industrial designation on plan entitled "City of Cranston Future Land Use" for the real property located on Tax Assessor's Plat 13, Lot No. 87 and by adding thereto:

Commercial and Services to the same real property

SECTION 2. This ordinance shall take effect as an element of the City's primary land use policy upon its final adoption. For the purposes of the State of Rhode Island, this ordinance shall become effective upon its approval as a revision which brings the Comprehensive Plan into substantial conformance with, or which does not conflict with Section 45-22.2-8(c) of the General Laws of Rhode Island.

Approved as to form and legality:

1/26/04
Date

City Solicitor

CITY OF CRANSTON

APPLICATION FOR AMENDMENT TO
THE COMPREHENSIVE PLAN

The following is an application for amendment to the 1992 Comprehensive Plan

Property Location (Number and Street Address) 26 Slater Road, Cranston, Rhode Island

Assessor's Plat # 13 *Assessor's Lot #(s) 87

(*If only a portion of a lot - provide a metes and bounds description of area to be changed).

Owner's Name John F. Quinn & Anna Quinn

Owner's Address 73 Plainfield Pike, Foster, Rhode Island

Owner's Telephone Number (401) 397-5077

Contact Person if different
from Owner: Carl S. Levin, Esq., Calenda & Taconi, Ltd.

Telephone Number (401) 490-3020

Current Land Use Designation Industrial, ~~with~~ *Callher* 12/19/03

Proposed Land Use Designation Commercial, C-5. *Services Callher* 12/19/03
~~distribution of motor vehicle parts; motor vehicle service; repair service;
body repair service; paint shop; salesroom for display of motor vehicles.~~

Date: 12/5/03

Owner: *John F. Quinn*

Owner: *Anna Quinn*

Petition Filed With:

(Please ✓ appropriate box)

City Council/City Clerk

City Planning Commission

THE CITY OF CRANSTON



**ORDINANCE OF THE CITY COUNCIL
AMENDING CHAPTER 30 OF THE CODE OF THE CITY OF CRANSTON,
1970, ENTITLED "ZONING"(CHANGE OF ZONE) (TASCA)**

No. 2004-4

Passed:
January 26, 2004

Peter T. Pastore, Jr., Council President

Approved: EFFECTIVE PURSUANT TO SECT. 3.14 OF THE CITY CHARTER
February 6, 2004 **Stephen P. Laffey, Mayor**

It is ordained by the City Council of the City of Cranston as follows:

SECTION 1. That the Zoning Map accompanying and made a part of Chapter 30 of the Code of the City of Cranston, Rhode Island, 1970, entitled "Zoning", and adopted November 28, 1994, effective December 31, 1994, is hereby amended by deleting therefrom the following:

(By deleting from an INDUSTRIAL M-2 DISTRICT (General Industry) portion of zoning lot 39 on zoning plat 13 as further defined as follows in the attached description entitled "Exhibit A").

SECTION 2. That the Zoning Map accompanying and made a part of Chapter 30 of the Code of the City of Cranston, Rhode Island, 1970, entitled "Zoning" as adopted November 28, 1994, effective December 31, 1994, is hereby amended by adding thereto the following:

By adding to a COMMERCIAL C-5 DISTRICT (Heavy Business Industry) portion of zoning lot 39 on zoning plat 13 as further defined as follows in the attached description entitled "Exhibit A").

SECTION 3. This ordinance shall take effect upon its final adoption.

Approved as to form and legality:

1/26/04
City Solicitor

200409160000240 Bk: 2764 Pg: 103
RECORDED Cranston, RI Pg 2 of 3
09/16/2004 10:55:00 AMD

EXHIBIT A

That certain tract or parcel of land, together with all buildings and improvements thereon, located northerly of Slater Road in the City of Cranston, County of Providence, State of Rhode Island, being bounded and described as follows:

Starting at a point, in the northerly street line of Slater Road, said point being the most southeasterly corner of that lot laid out and numbered, as lot number three (3) on the layout plan of Howard Industrial Park-Phase II said point also being the most southwesterly corner of the herein described parcel;

Thence running in a northerly direction by and with other land now or formerly of the Howard Development Corporation, a distance of two hundred eighty-six and 55/100 (286.55) feet to a corner; said corner being the most northeasterly corner of said lot; said corner also being the most northwesterly corner of the herein described parcel;

Thence turning an interior angle of $123^{\circ}-07'-25''$ and running in a northeasterly direction, by and with land now or formerly of the State of Rhode Island, a distance of four hundred seventy-eight and 96/100 (478.96) feet to a corner, said corner being the most northerly corner of the herein described parcel;

Thence turning an interior angle of $106^{\circ}-23'-45''$ and running in a southeasterly direction, by and with other land now or formerly of the Howard Development Corporation, a distance of three hundred five and 47/100 (305.47) feet to a corner; said corner being the most southeasterly corner of the herein described parcel;

Thence turning an interior angle of 90° and running in a southwesterly direction, by and with the aforementioned northerly street line of Slater Road a distance of one hundred twenty-five and 32/100 (125.32) feet to a point of curvature;

Thence running in a generally easterly direction along a curve to the right, said curve having a radius of 725.871 feet and subtending an angle of $49^{\circ}-31'-10''$, an arc distance of six hundred twenty seven and 35/100 (627.35) feet to the point and place of beginning.

Meaning and intending to be those lots laid out and numbered as lots 4 and 5 on the lot layout plan of Howard Industrial Park Phase II, WATERMAN ENGINEERING COMPANY NOVEMBER 1987.

**CITY OF CRANSTON
DEPARTMENT OF RECORDS - CITY CLERK'S OFFICE**

APPLICATION FOR CHANGE OF ZONE

Name(s) and address(es) of
owner(s) of property

John F. Quinn & Anna Quinn

73 Plainfield Pike, Foster, Rhode Island

Zoning Plat Number

13 Lot No(s)* Partion of

Street Address or
Location on Street

26 Slater Road, Cranston, Rhode Island

*lot 39 - see attached
call
12/5/03*

*If only a portion of a lot, attach a full metes and bounds description.

Present Zoning:

Industrial, M-2

Zoning Requested:

Commercial, C-5

Property to be used for:

Motor vehicle sales; wholesale & distribution of motor
vehicle parts; motor vehicle service; repair service; body repair service; paint
shop; salesroom for display of motor vehicles.

Date: 12/5/03

John F. Quinn
Owner

Anna Quinn
Owner

[Signature]
Applicant

Applicant

URSILLO, TEITZ & RITCH, LTD.
Counsellors At Law

Michael A. Ursillo
Andrew M. Teitz
Scott A. Ritch*
Nancy E. Giorgi*
Also admitted in MA*, CT*

2 Williams Street
(at South Main Street)
Providence, Rhode Island 02903-2918

Tel (401) 331-2222
Fax (401) 751-5257
Cable: LINCOLN
e-mail: zoning@utrllaw.com

January 26, 2004

Peter T. Pastore, Jr.
Council President
City of Cranston
869 Park Avenue
Cranston, Rhode Island 02910

RE: Ordinance 12-03-1 Amending the Comprehensive Plan
Ordinance 12-03-2 Amending the Zoning Map from M2 to C5
Tasca Ford – Slater Road

Dear Council President Pastore and Honorable Members:

This law firm represents the company McLaughlin & Moran, Inc. of 40 Slater Road, Howard Industrial Park, Cranston, Rhode Island and the land owner Moran Associates. The McLaughlin & Moran facility is located adjacent to and down the hill from the proposed 'Tasca Town' Wholesale and Body Shop Support Facility.

McLaughlin & Moran request that the City Council impose certain conditions which will mitigate site impacts resulting from the change in use proposed for the former Rhode Island Plastics facility. The conditions which McLaughlin & Moran propose are attached to this letter.

Mr. Samuel K. Suls, Vice President of Finance and Chief Financial Officer for McLaughlin & Moran, Inc., and the company's legal counsel will be in attendance at the public hearing scheduled for January 26, 2004 to present the proposed conditions and answer any questions of the Council.

Thank you in advance for the City Council's kind consideration of McLaughlin & Moran's request.

Sincerely,


Nancy E. Giorgi, Esq.

cc. Samuel K. Suls

**CONDITIONS ON
APPROVAL OF CHANGE OF ZONE**

ASSESSOR'S PLAT 13, LOT 87

Tasca Ford – Slater Road
Cranston, Rhode Island

1. The proposed development plan shall be reviewed by the Site Plan Review Committee at which time the Committee shall require that satisfactory provisions and arrangements have been or will be made concerning the following:

- Natural buffering, in the form of an evergreen screen, inside the eastern property line of Lot 87 shall provide a visual screen from the McLaughlin & Moran property.
- All storm water and surface drainage on and from Lot 87 shall be diverted away from the McLaughlin & Moran property during site preparation and site construction and the final drainage plans for the site shall provide for the collection and disposal of all current and potential storm water and surface drainage directly on Lot 87 or on the property of the existing Tasca facility.
- Activities conducted in conjunction with the proposed motor vehicle service, repair service, body repair service and paint shop shall be in strict compliance with all Rhode Island Department of Environmental Management regulations including, but not limited to, regulations regarding air quality and waste disposal.
- A traffic study and analysis shall be provided by the applicant and the Committee shall consider whether limitations or conditions should be imposed regarding ingress and egress to the lot onto Slater Drive and to existing or proposed structures thereon with particular reference to automotive safety and convenience, traffic flow and control, and access in case of fire, emergency or catastrophe. The Committee shall give specific consideration to access and turning movements on Slater Road.

2. Notice of all public meetings at which the proposed Tasca Support Facility will be discussed, including meetings of the Site Plan Review Committee, shall be sent to all direct abutters to Lot 87.

BETA Group, Inc.
Engineers • Scientists • Planners

6 Blackstone Valley Place, Suite 101
Lincoln, RI 02865
(401) 333-2382 • fax (401) 333-9225
www.BETA-Inc.com

January 26, 2004

Mr. Kevin M. Flynn
Planning Director
Cranston City Hall
869 Park Avenue
Cranston, RI 02910

Re: *TASCA* Dealership Expansion
Pontiac Avenue
Cranston, Rhode Island

Dear Mr. Flynn:

BETA Group, Inc. has been retained to review the potential traffic impact of a proposed expansion of the *TASCA* auto dealership on Pontiac Avenue in Cranston, Rhode Island. Our office previously prepared a Traffic Impact Study and construction documents for the access to the existing facility.

The original project included construction of a 68,000 square foot building containing corporate offices, a showroom, service area, vehicle prep area, an auto-body repair facility, and a wholesale parts distribution center. For access, a new signalized driveway was constructed opposite the Route 37 Eastbound Off-ramp. A traffic and drainage study with construction plans were submitted and approved by the Department of Transportation as part of their Physical Alteration Permit process. We have met with representatives from the Design and Traffic Sections to review the expansion proposal. Based upon our meeting, we have received a letter from the Department indicating that no additional reviews will be need by their office. A final site plan will be submitted for their records.

As you are aware, due to the success of the auto dealership business at this location, it has become necessary to expand the existing operations in order to properly meet the sales and service demand of the facility. In order to do this, *TASCA* has obtained an option to purchase an existing manufacturing building (RI Plastics), immediately abutting the rear (southeast) property boundary. The existing warehouse type building and associated parking will be retained and renovated. A new access road will link the existing *TACA* property with the adjacent parcel. Primary access to the new combined property will be provided through the existing signalized dealership entrance, in addition to the existing driveways on Slater Road within the industrial park.

It is the intent of the owner to relocate several elements of the business provided in the existing building in an effort to better service existing clients, while allowing for future growth. The auto-body shop and wholesale parts distribution center will be moved to the new building acquired for the expansion. This will permit better utilization of the existing cramped operation through expansion of the quick service area, which is presently limited to five bays, by a total of nine bays that are presently occupied by the auto body repair shop. The additional bays to be used for the quick service department will allow the dealership to service its clients in a more timely manner, by reducing waiting time for minor services (oil change, alignments, etc.) and reduce lead time for scheduled appointments.

We have reviewed the operation of the existing signalized site driveway intersection to determine if there were any capacity issues resulting from its original installation. BETA completed manual turning movement counts and field studies of existing peak hour operations. We found that the estimated trip rate for the dealership (2.8 trips per TGSAF) during peak daily conditions to be accurate, where peak driveway volumes ranged from 145 to 190 during the daily peak hour. The volume distribution was also confirmed where approximately 90% of the site exiting traffic turn right out of the driveway. This factor minimizes the influence of the site driveway volume on the intersection operations. The opposite approach (Route 37 eastbound off-ramp) creates the minor approach demand for the traffic signal as right turning TASCAs driveway vehicles turn right on red, or during the advanced southbound left turn phase on Pontiac Avenue. No excessive queuing was observed on the site driveway approach where a maximum of four vehicles was observed at any one time and they were serviced in a single phase.

As indicated, the proposed expansion includes conversion of an existing manufacturing building approximately 55,000 square foot in size to a commercial dealership use by relocating the auto-body shop and wholesale distribution center from the main dealership building. The area gained in the existing auto dealership building will be reallocated to the quick service area in an effort to provide improved operations and service to existing customers.

Presently the quick service department handles on average 54 vehicles per day for the existing five bays. Of the nine bays available from the auto body relocation, only five are anticipated to be dedicated to the quick service operation essentially doubling these capabilities. It is not the intent though, or is the expansion anticipated to, result in a doubling of the service volume. As the present operation is at capacity resulting in long service times and appointment lead times, it is the intent to reduce the present inconvenience of the busy facility.

Expanding the bays as proposed, in theory would approximately double the service capabilities. This on average would result in approximately 54 additional vehicles entering and leaving the site on a daily basis. It should be noted that the quick service department hours of operation are extensive and extend from 7:00 AM to midnight, and is open on Saturdays. These hours permit a greater distribution of quick service related traffic where customers are not required to drop off their vehicle by 8:00 AM and pick it when a typical service department closes at 5:00 PM. It is estimated that up to 30% of the quick service volume occurs in the evening hours after traffic volumes on the servicing roadways are substantially reduced. This doubling of service related traffic is greater than what is anticipated as part of the expansion plan, but has been estimated to

BETA

be conservative. Clearly this low daily volume will not impact the site access drive intersection operations.

A further conservative analysis would be to assume the increase in dealership building area would permit a corresponding (2.8 trips per TGSF) increase in site driveway related traffic. This highly conservative assumption would result in an additional 156 gross trips through the Pontiac Avenue intersection during the daily PM Peak period. This value would need to be decreased by a value relating to the manufacturing use that is presently permitted in the existing manufacturing facility. Using ITE values, a peak hour volume of 50 vehicles could be generated by the existing facility, resulting in a net increase in peak hour traffic through the intersection of 106 vehicles.

This highly conservative assumption of additional volume of traffic at the intersection, resulting from the dealership expansion will have minimal impact on the operations of the traffic signal during daily peak hour operations. The traffic distribution from the site driveway is expected to be maintained at 90% right turns, which minimizes vehicle delays on the major and minor approach by reducing vehicle calls.

Based upon the information provided, we feel that the proposed dealership expansion will have only a minor impact on the operations of the traffic signal at the site driveway. This intersection will continue to operate at a good Level of Service B during the daily peak hour of traffic, with minor delays realized and vehicles being serviced through the intersection in a single phase. Presently, and in the future, the traffic volumes of the Route 37 off-ramp do and will control the minor approach phase demand at the intersection. The dealership has only a minor influence on its operation as a majority of the site driveway related traffic is right turning (90%), and is often serviced without a call. The addition of 94 peak hour exiting vehicles, under the conservative 2.8 per TGSF trip assumption should not have a detrimental affect on the operations of the traffic signal or require timing adjustments to improve operations.

We hope this information is helpful in your review of the application to convert the manufacturing facility to a commercial use relating to the *TASCA* auto dealership on Pontiac Avenue.

Very truly yours,
BETA Group, Inc.



Paul J. Bannon
Project Manager - Transportation

BETA



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island Department of Transportation
 OFFICE OF THE CHIEF ENGINEER
 Two Capitol Hill, Rm 224
 Providence, RI 02903-1124
 PHONE 401-222-2492
 FAX 401-222-3435 TDD 401-222-4971

January 26, 2004

Mr. Paul J. Bannon
 BETA GROUP, INC.
 6 Blackstone Valley Place, Suite 101
 Lincoln, RI 02865

Subject: PAPA No. 990921
 TASCA Auto Dealership
 Pontiac Avenue
 Cranston, RI

Dear Mr. Bannon:

I have received your letter and associated plan regarding the proposed expansion of the TASCA Auto Dealership, located on Pontiac Avenue in Cranston.

We have reviewed the statements regarding the traffic impacts and concur that the purchase of the adjacent property, an existing 55,000 square foot building (formerly RI Plastics), and the relocation of the auto-body shop and wholesale parts distribution center to that facility will have minimal impact on the operation of the traffic signal on Pontiac Avenue/Route 37 off-ramp. Likewise, since the only physical changes to the existing buildings will be the construction of a driveway connecting the two sites and all drainage will be retained on-site, previously submitted drainage calculations are still valid.

Based on the above, a new or revised physical alteration permit application is not necessary at this time. However, once the final plans are complete, please forward a set to us for our files.

Yours sincerely,

Edmund T. Parker, Jr., P.E.
 Chief Engineer

Cc: Messrs. Farhoumand, Nickelson, Fielding, Smith, Ms. D'Amico and file

Stephen P. Laffey
Mayor

Kevin M. Flynn
Planning Director



30G
William R. Guglietta, Esq.
Chairman

Paul M. Petit
Vice-Chairman

PLANNING COMMISSION
Cranston City Hall
869 Park Avenue Cranston, RI 02910

Marco Schiappa, P.E.
Joseph T. Corrente
Ellen O'Hara
Charles Rossi
Jerome I. Baron

January 12, 2003

Mrs. Paula McFarland, Chairperson
Ordinance Committee of the City Council
869 Park Avenue
Cranston, RI 02910

Re: Ordinance 12-03-1 Amending the Comprehensive Plan from "Industrial" to "Commercial and Services"
Ordinance 12-03-2 Amending the Zoning Map from M-2 (industrial) to C-5 (commercial)

Dear Mrs. McFarland,

Please be advised that the Planning Commission took the following actions at its meeting of Tuesday January 6, 2004.

Ordinance 12-03-1 Amending the Comprehensive Plan

Pursuant to State Law the Planning Commission held a public hearing on this ordinance. The hearing included a presentation by the applicant and the applicant's consultants as well as an opportunity for public question and comment.

The staff analysis, findings, and recommendations are attached in a memorandum to the Planning Commission dated December 29, 2003 from Director of Planning, Kevin Flynn. The memo includes findings of consistency with relevant citations from the City's Comprehensive Plan.

Based on testimony provided at the public hearing and staff recommendation, and upon motion by Mr. Baron, seconded by Mr. Corrente, the Commission voted to accept the planning staff's findings as their own and recommend APPROVAL of the Comprehensive Plan Amendment (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Baron, Mr. Corrente, and Mr. Rossi. Voting nay: none. Abstaining: Councilwoman. O'Hara).

Ordinance 12-03-2 Amending the Zoning Map from M-2 to C-5

Based on testimony and staff recommendation, and upon motion made by Mr. Schiappa, seconded by Mr. Rossi, the Commission voted to accept the planning staff's findings as their own and recommend APPROVAL of the Change of Zone from M-2 to C-5 (Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Baron, Mr. Corrente, and Mr. Rossi. Voting nay: none. Abstaining: Councilwoman O'Hara).

The staff memorandum to the Planning Commission dated December 29, 2003 summarizes the background, conditions, and consistency of the application with the general purposes of zoning ordinances outlined in RIGL 45-24-30. This memorandum is attached.

Respectfully submitted,

Michael J. DeLuca
Secretary

Atc: 12/29/03 Staff Memo

Telephone: (401) 461-1000 ext 3136

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City of Cranston

Planning Department

MEMO

Date: December 29, 2003
To: Planning Commission
From: Kevin M. Flynn
Subject: Ordinances 12-03-1, 12-03-2 Tasca Expansion
DRAFT RECOMMENDATIONS

BACKGROUND

Tasca Ford / Lincoln Mercury has submitted two ordinances for property abutting that which is currently the home to a major auto dealership and service facility on Pontiac Avenue. Their current property underwent a comprehensive plan amendment and zone change in 1998, and the construction of the dealership followed shortly thereafter. The success of the operation has led to the current application, which would entail the acquisition of a 4.7 acre parcel with an existing industrial facility located on it. The property is currently zoned M-2, as is the rest of the Howard Industrial Park, and is indicated in the future land use map of the Comprehensive Plan as 'industrial'. Part of the expansion plan would call for automobile service to be provided within a portion of the building. This requires a comprehensive plan amendment and an accompanying change of zone application. The parcel in question (plat 13, lot 87) abuts the existing Tasca property to the south, and itself has frontage on Slater Road. It is currently the home of Rhode Island Plastics. If approved it would leave an industrial property at the corner of Slater and Pontiac, owned by Swarovski. That property would have 'commercial and services' parcels located on both of its abutting property lines. (see enclosed map)

ACTION REQUESTED

Ordinance 12-03-1 would amend the Comprehensive Plan Future Land Use designation of this parcel from "industrial" to "commercial and services".

Ordinance 12-03-2 would change the zoning classification of this property from "M-2" to "C-5".

FINDINGS RELATIVE TO THE COMPREHENSIVE PLAN

While the 1992 Comprehensive Plan makes no specific recommendation for changing the designation of this property, it is important to note that the plan was amended in 1998 to allow for the development of the former State of Rhode Island VIN site into the Tasca dealership. Although the Comprehensive Plan provides strong advocacy for maintaining a vibrant industrial tax base, the

current land use is not a typical retail operation. It provides a high number of highly skilled and well paid jobs, and also contributes substantially to the tax base of the City of Cranston. Its contribution to sales tax revenue for the state is several million dollars annually. A major concern with the original application was in the area of traffic congestion. The installation of a traffic signal at the entrance to the Tasca facility (and immediately at the east bound off ramp from Route 37) has provided for effective traffic mitigation.

The staff finds that the application is consistent with the following goals and policies of the comprehensive plan:

Goal LU 5 – ensure that redevelopment of major sites for economic development purposes is accomplished in harmony with the protection of environmental and residential qualities..

Policy ED-5.1 – adjust zoning map boundaries of commercial districts along major arterials.. to provide for adequate commercial services while minimizing impacts along adjoining residential neighborhoods..

While the location in question is not along a major arterial, it will service the major facility along Pontiac Avenue, and the vast majority of its traffic will also be serviced through the Pontiac Avenue entrance.

Policy LU 7.1 – Correct zoning of industrially zoned areas that are unsuitable for industrial use because of environmental factors, land use conflicts or changing economic conditions.

While it would be difficult to argue that the location in question is unsuitable for industrial development, a reasonable argument can be made for 'changing economic conditions' wherein the success of the dealership over the past two years has been so substantial that expansion of the property is now necessary to keep pace with demand. It is unlikely that the area can accommodate additional expansion from Tasca, given the nature of the two remaining abutting properties. It is also important to recognize that this action should not be perceived as providing an undesirable precedent for future non industrial land uses within the Howard Industrial Park.

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 12-03-1 for the reasons cited above.

FINDINGS RELATIVE TO ZONING ORDINANCE 12-3-2

As noted in reference to the comprehensive plan application, ordinance 12-03-2 would seek to change the zoning of plat 13, lot 87 from the current M-2 designation to a C-5 designation. This would be identical to the zoning designation of the existing Tasca property, which was changed by City Council action in 1998. The C-5 designation is the most intense of commercial zones, and allows a number of uses in common with an M-2 zone, including office use and wholesale distribution. Approximately 50% of the structure to be acquired would be put to these uses, which are allowed under the current M-2 designation. The auto service part of the building is the use that requires the change of zone. It should be noted that the M-2 zone does make provision for truck related servicing which is a special permit use in that zone. However, this provision does not apply to auto repair.

STAFF RECOMMENDATION

Staff recommends approval.

Staff finds that ordinance 12-03-2 is consistent with the following general purposes of zoning as noted in RIGL 45-24-30:

- Promoting the public health, safety, and general welfare,
- Providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future trends,
- Providing for orderly growth and development which recognizes the goals and patterns of land use contained in the comprehensive plan
- Promoting implementation of the comprehensive plan,
- Providing for efficient review of development proposals

-JANUARY 26, 2004-

XIV. PUBLIC HEARINGS ON UNDOCKETED ITEMS

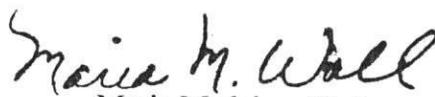
Ken Rouleau, 66 Nelson Rd., appeared to speak as a taxpayer, citizen and firefighter. He asked that the Council, Mayor and Executive Task Force attend the Performance Audit Committee meeting.

Aram Garabedian, 173 Belvedere Dr., appeared to speak regarding the following:

- Fire Department Performance Audit
- The reason for the one notch increase in bond rating is because taxpayers of this City are paying far more in taxes this year than in the past. The taxpayers deserve most of the credit.
- Soundproofing of the Mayor's Office - This is an improvement, a construction. If an Administrator goes around installing soundproofing, he is not following the rules in the Budget.
- Lawn decorations at City Hall during the holidays - He quoted Section 3.16 of the Charter and stated that Rules and Regulations need to be passed by the Council for all the City properties. Councilwoman McFarland stated that no one has addressed how the interior of City Hall or any of the other public buildings are decorated during the holidays.
- The Charter Review Commission should be formed. One reason is the Highway Garage was purchased contrary to the spirit of our City Charter.
- Investment Commission, which is very narrow, should be expanded. Weakness is the City Solicitor is on this Commission, which he feels is a conflict if she has to render an opinion on legality of action the Committee has taken.
- There are areas in the Charter that are inconsistent with the Mayor dealing with two year four year terms.

Pat Greshi, 376 Pontiac Ave., appeared to speak regarding the Fire Department Performance Audit. She stated that they are our pride and joy to the City. It is insulting that the City is spending taxpayers' monies on studies. Maybe studies should be cut down.

The meeting adjourned at 8:40 P.M.


 Maria Medeiros Wall
 City Clerk


 Rosalba Zanni
 Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio Stenotypist).

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