

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

REGULAR MEETING – CITY COUNCIL

-MARCH 28, 2011-

Regular meeting of the City Council was held on Monday, March 28, 2011 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:10 P.M. by the Council President.

Roll call showed the following members present: Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

Also Present: Mayor Allan W. Fung; Robin Muksian-Schutt, Director of Administration; Gerald Cordy, Deputy Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Robert Strom, Director of Finance; Patrick Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

On motion by Council Vice-President Pelletier, seconded by Councilman Santamaria, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

FIRE CHIEF JAMES GUMBLEY

Council President Lupino presented Citation to Chief Gumbley.

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ZACHARY IANNUCCI – Recycling Program Immaculate Concept School

Mayor Fung presented Proclamation to Mr. Iannucci and **Councilman Favicchio** presented Citation from all the members of the City Council.

**NICHOLAS FORCINO – Troop 6, Cranston Boy Scouts of America-achieving the
Citizenship in the Community Merit Badge**

Councilman Santamaria presented Citation to Mr. Forcino.

II. PUBLIC HEARINGS

(limited to docketed matters)

Kathy Wells, 152 Columbia Ave., appeared to speak in support of the Ordinance and Resolution in regards to the Juvenile Hearing Board Composition and also suggested that openings, if any, to any board, should be made available on the City's website for the public.

III. RESOLUTIONS

RESOLUTION PROMOTING DIVERSIFICATION OF THE CITY'S BOARDS AND COMMISSIONS. Sponsored by Council members Donahue, Luciano and Favicchio. [\[click here to view\]](#)

Council Vice-President Pelletier, Councilmen Archetto, Navarro, Santamaria and Council President Lupino all asked to be added as co-sponsors of this Resolution.

On motion by Council Vice-President Pelletier, seconded by Councilman Donahue, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

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RESOLUTION SUPPORTING LEGISLATIVE AMENDMENTS TO PROTECT RHODE ISLAND'S CITIES AND TOWNS AND THEIR PUBLIC OFFICIALS/EMPLOYEES. Sponsored by Council Vice-President Pelletier and Councilwoman Luciano. [\[click here to view\]](#)

Councilman Navarro indicated that this Resolution should be forward to the appropriate Committee.

On motion by Councilman Navarro, seconded by Councilman Archetto, the above Resolution was referred to the Ordinance Committee for review and review supporting legislation. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

IV. REPORT OF COMMITTEES

PUBLIC WORKS COMMITTEE

(Emilio L. Navarro, Chair)

RESOLUTION ESTABLISHING NEW LOCAL SEWER USER DISPOSAL LIMITS [\[click here to view\]](#)

On motion by Council Vice-President Pelletier, seconded by Councilman Santamaria, the above Resolution was adopted on a vote 9-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

RESOLUTION APPROVING THE TRANSFER OF LAND LOCATED AT 1771 PONTIAC AVE. TO THE CITY OF CRANSTON IN ACCORDANCE WITH SECTION 2.08.080 OF THE CITY CODE [\[click here to view\]](#)

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

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FINANCE COMMITTEE
(Vice-President Robert J. Pelletier, Chair)

RESOLUTION AUTHORIZING REAL ESTATE AND TANGIBLE TAX ABATEMENTS [\[click here to view\]](#)

On motion by Councilwoman Luciano, seconded by Councilman Navarro, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS [\[click here to view\]](#)

On motion by Councilman Navarro, seconded by Councilwoman Luciano, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

TAX INTEREST WAIVER APPROVAL for Michael Rodrigues.

On motion by Councilman Navarro, seconded by Councilman Donahue, it was voted to approve the Tax Interest Waiver Approval for Michael Rodrigues. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

TAX INTEREST WAIVER APPROVALS as recommended by City Treasurer.

On motion by Councilwoman Luciano, seconded by Councilman Donahue, it was voted to approve the above Tax Interest Waiver Approvals as recommended by City Treasurer. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

TAX INTEREST WAIVER DENIAL of Jason Nicotero as recommended by City Treasurer.

On motion by Councilman Favicchio, seconded by Councilman Donahue, it was voted to approve the above Tax Interest Waiver Denial of Jason Nicotero. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

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RESOLUTION IN SUPPORT OF AMENDMENT OF 17-11-1 ENTITLED ‘AN ACT RELATING TO ELECTIONS-VOTING DISTRICT AND OFFICIALS’.

[\[click here to view\]](#)

On motion by Councilman Navarro, seconded by Councilman Donahue, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

ORDINANCE COMMITTEE

(Paul H. Archetto, Chair

MUNICIPAL COURT PROPOSED SESSIONS SCHEDULE FOR 2011. [\[click here to view\]](#)

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to approve the Municipal Court proposed session schedule for 2011. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

1-11-05 ORDINANCE IN AMENDMENT OF CHAPTER 2.72 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED “JUVENILE HEARING BOARD” (Membership Composition). As Amended 3/17/2011. Referred without Recommendation pursuant to Council Rule 26b.
[\[click here to view\]](#)

On motion by Councilman Navarro, seconded by Councilman Archetto, it was voted to adopt the above Ordinance.

Under Discussion:

Councilman Favicchio stated that he would be in favor of expanding the board to nine members and taking the gender out.

Council President Lupino handed the gavel to Council Vice-President Pelletier.

Council President Lupino stated that specifying gender is going against the intent of this Ordinance. He agrees that this board does need women on it and that will happen, but we should not be dictating it in the Ordinance. He encourages diversity on all of our boards.

Gavel was handed back to the Council President.

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Council Vice-President Pelletier stated that he strongly encourages women on all boards. Expanding the board to nine members also causes a quorum issue.

Roll call was taken on motion to adopt the above Ordinance and motion failed on a vote of 4-5. The following being recorded as voting "aye": Councilmen Stycos, Navarro, Archetto and Santamaria -4. The following being recorded as voting "nay": Councilwoman Luciano, Councilmen Donahue, Favicchio, Council Vice-President Pelletier and Council President Lupino -5.

On motion by Councilman Favicchio, seconded by Councilman Archetto, it was voted to reconsider the above vote. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

On motion by Councilman Favicchio, seconded by Councilman Stycos, it was voted to amend this Ordinance by deleting lines 56, 57 and 58.

Under Discussion:

Councilman Donahue stated that at the Ordinance Committee meeting, the Chair of the Juvenile Hearing Board stated that he was concerned about expanding the board and would cause problem with quorum.

Roll call was taken on motion to amend this Ordinance passed on a vote of 8-1. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio and Council President Lupino -8. The following being recorded as voting "nay": Council Vice-President Pelletier -1.

On motion by Councilman Favicchio, seconded by Councilman Archetto, it was voted to adopt the above Ordinance as amended. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

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CLAIMS COMMITTEE
(Steven A. Stycos, Chair)

Ratification of settled claims for: property damage claim for Brandi Sullivan \$58.27 pothole; Karl & Lisa Anastasi \$50.00 mailbox; Steven & Patricia DiSciullo \$50.00 mailbox; Anthony & Osiris Ferraro \$50.00 mailbox; Leon W. Pelletier \$271.42 pothole; Crescenzo Pompeii \$941.57 auto accident; Deborah Spagnoli \$50.00 mailbox; Donald K. Salvatore, Jr. \$50.00 mailbox; Margaret Silvestri \$188.74 pothole; Daniel Marella \$251.38 pothole; Franco & Pasqualina Agresti \$50.00 pothole; Timothy D. Gregson \$85.59 pothole; Kevin Manni \$56.18 pothole; Christina Caldarone \$31.70 pothole; Michael & Elaine Psikakos \$50.00 mailbox; Lorena Perez \$164.42 pothole; Janet Fromm \$50.00 mailbox; Jo-Ann Fede \$131.98 pothole; Dawn & Thomas Perrotta \$50.00 mailbox; personal injury and property damage claim of Nicholas Noonan and Attorney John Calvino \$6,850.57 auto accident.

On motion by Councilwoman Luciano, seconded by Councilman Santamaria, it was voted to approve the above ratified settled claims. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

V. PUBLIC HEARINGS

(open to any matters)

Dick Tomlins, 400 Farmington Ave. appeared to speak regarding pension.

VI. ELECTION OF CITY OFFICIALS

BOCAP – Majority re-appointment – Colleen Crudele

Councilman Navarro, majority leader, re-appointed Colleen Crudele to the Board of Contract and Purchase.

TAX ASSESSMENT BOARD OF REVIEW – Robert Harootunian – re-appointment

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to re-appoint Robert Harootunian as a member of the Tax Assessment Board of Review.

Under Discussion:

Councilman Stycos stated that he will be voting against this re-appointment because this board violated Open Meetings Law and they exceeded the amount of meetings that are allowed per year.

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Council Vice-President Pelletier stated “point of order”, this is a re-appointment of a member and not about the process.

Councilman Archetto stated that Mr. Harootunian has served the City in various areas for many years and he knows he will improve this Board.

Council Vice-President Pelletier stated that Mr. Harootunian and the other members of the Board have only just become aware of the correct process they need to comply with and are now doing so.

Roll call was taken on motion to re-appoint Robert Harootunian as a member of the Tax Assessment Board of Review and motion passed on a vote of 8-1. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8. The following being recorded as voting “nay”: Councilman Stycos -1.

CONSERVATION COMMISSION – Advise and Consent

Steven J. Pilz, Mayoral Re-appointment

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to approve the Mayor’s Advice and Consent of the re-appointment of Steven Pilz as a member of the Conservation Commission. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

VII. REPORT OF CITY OFFICERS

None.

VIII. EXECUTIVE COMMUNICATIONS

REPORT ON HIRING OF SPECIAL COUNSEL, CONSULTANTS, ETC.,
pursuant to Charter Section 15.05.

None.

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REQUEST TO BE PLACED ON PENSION CHIEF JAMES B. GUMBLEY, Cranston Fire Dept.

On motion by Council Vice-President Pelletier, seconded by Councilman Archetto, it was voted to approve the above request. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

Ms. Schutt presented monthly Fire and Police reports.

Council President Lupino questioned why the legal fees report is not in the Council’s packets. Ms. Schutt stated that the Council receives the report every other month from Ms. Marino. Council President Lupino stated that the hourly rate is not part of that report. Ms. Schutt stated that this will be included in the report next month.

IX. COUNCIL PRESIDENT COMMUNICATIONS

None.

X. COUNCIL MEMBER COMMUNICATIONS

Seven Mile Rd. Traffic Report Status – Council Vice-President Pelletier

Council Vice-President Pelletier suggested maybe placing signage on the Cranston side on either end indicating “no through traffic or no trucking”. Mr. Cordy stated that the Administration will have the Traffic Engineer look into that and look at some options.

Ms. Wall indicated that the Code has a section “local access only”. Council Vice-President Pelletier asked that the Administration check with the Traffic Engineer and perhaps draft an Ordinance using this section of the Code.

Mutual Aid to Johnston for Command Staff Status Update – Councilman Donahue

Ms. Schutt stated that the command staff aspect is null and void at this point, but mutual aid continues.

Pothole Hotline Status – Council President Lupino

Council President Lupino questioned the status of this and the links to the City’s website. Ms. Schutt stated that the hotline is up and running. She has to check on the links.

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XI. OLD BUSINESS

None.

XII. INTRODUCTION OF NEW BUSINESS

City Clerk read the following introduced items and the Committees and the date referred for public hearing:

Public Works Committee – April 14, 2011

Resolution urging the Mayor to take all necessary steps to enter into and execute a construction and maintenance agreement with the State of Rhode Island in furtherance of the Pocasset River Bridge Rehabilitation Project. [\[click here to view\]](#)

Resolution requesting that the Administration install speed bumps and traffic calming measures on Princess Ave. in front of Arlington Elementary School. [\[click here to view\]](#)

Resolution requesting that the Administration install speed bumps and traffic calming measures on Crescent Ave. and Harmon Ave. in front of Stadium Elementary School. [\[click here to view\]](#)

Resolution requesting that the Mayor and Public Works Director address a dangerous and defective sidewalk located at 64 Pershing St. [\[click here to view\]](#)

Resolution requesting that the Mayor and Public Works Director address a dangerous and defective sidewalk located at 40 Frankfort Ave. [\[click here to view\]](#)

Resolution requesting that the Mayor and Public Works Director address a dangerous and defective sidewalk located at 30 Cedar Ave. [\[click here to view\]](#)

Request from National Grid for pole location at Vallone Rd.

Finance Committee – April 14, 2011

3-11-1 Ordinance in amendment of Chapter 3 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (Tax Incentive Commercial Five Year). [\[click here to view\]](#)

3-11-2 Ordinance in amendment of Chapter 3 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (Tax Incentive Commercial Ten Year). [\[click here to view\]](#)

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3-11-3 Ordinance in amendment of Chapter 3 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (Tax Incentive Industrial Five Year). [\[click here to view\]](#)

3-11-4 Ordinance in amendment of Chapter 3 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (Tax Incentive Industrial Ten Year). [\[click here to view\]](#)

3-11-5 Ordinance in amendment of Chapter 8 of the Code of the City of Cranston, 2005, entitled “Health and Safety” (Emergency Medical Service Fees). [\[click here to view\]](#)

3-11-6 Ordinance authorizing the City to utilize Eastern Cranston Recreation Impact Fees for development of a community garden. [\[click here to view\]](#)

3-11-7 Ordinance in amendment of Chapter 3.12 of the Code of the City of Cranston, 2005, entitled “Taxes Generally” (Tax Bill Recycling Notice). [\[click here to view\]](#)

Resolution requesting that the Governor and the General Assembly restore the State’s Pilot Funding to the City of Cranston and not proceed the proposed slashing of \$232,023.00 in Cranston’s Pilot Funding allocation. [\[click here to view\]](#)

Resolution establishing a Committee to implement consolidation of the City and School Personnel Departments. [\[click here to view\]](#)

Safety Services and Licenses Committee – April 4, 2011

3-11-8 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Woodridge School No Parking). [\[click here to view\]](#)

3-11-9 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Repeal Brooks St. No Parking). [\[click here to view\]](#)

Resolution opposing the location of any medical marijuana compassion centers in the City of Cranston. [\[click here to view\]](#)

Ordinance Committee – April 14, 2011

Resolution requesting that the Cranston School Committee carefully study and examine the long term cost implications of the proposed privatization of the City’s School bus operation. [\[click here to view\]](#)

Resolution encouraging the Rhode Island General Assembly to lift the existing moratorium on historic tax credits for projects with significant civic impact. [\[click here to view\]](#)

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Claims Committee

- *Property damage claim of Verizon from incident on January 21, 2011 at 37 Mapleton St.
 - *Property damage claim of Verizon from incident on December 27, 2010 at Mercy St. & Sevier St.
 - *Property damage claim of Suzanne Downing from incident on March 3, 2011.
 - *Property damage claim of Julie Henry from incident on March 13, 2011.
 - *Property damage claim of Tiffany Court from incident on February 25, 2011.
 - *Property damage claim of Virginia Gammino from incident on February 25, 2011.
 - *Property damage claim of Bruce Villella from incident on February 25, 2011.
 - *Property damage claim of Daniel Beardsley from incident on January 12, 2011.
 - *Property damage claim of Meredith & Edward Nowak, Jr. from incident on January 19, 2011.
 - *Subrogation from Amica Insurance for their insurer Andrew Lutynski for property damage claim from incident on January 12, 2011.
 - *Personal injury claim of Jean Dady and Marie Saint Nelus from incident on March 7, 2011.
 - *Property damage claim of Evelyn Tagliaferri from incident on January 15, 2011.
 - *Property damage claim of Donna Scuncio from incident on February 25, 2011.
 - *Property damage claim of Peter Beaudoin from incident on March 4, 2011.
 - *Property damage claim of Paul Celani from incident on February 9, 2011.
 - *Property damage claim of Richard Viti from incident on March 5, 2011.
 - *Property damage claim of Say Vy from incident on February 20, 2011.
 - *Property damage claim of Theresa Gelfuso from incident on August, 2010.
- *forwarded only to City Council, Solicitor and Anna Marino

On motion by Council Vice-President Pelletier, seconded by Councilman Santamaria, it was voted to refer the following new business to the respective Committees. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

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XIII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

Conservation Easement for 684 Natick Ave. (Awaiting Executed Copy)[\[click here to view\]](#)

Mr. Cordy stated that there is no change on the status from last month.

Resolution urging the Mayor to look into the feasibility of creating pedestrian access between the Post Office and Auburn Library. [\[click here to view\]](#)
Awaiting Mayor's response Sec. 2.04.020

Council President Lupino read the Mayor's response in regards to this Resolution, which was passed last month.

Council President Lupino asked that this item be placed on the September Council Docket for follow-up.

The meeting adjourned at 8:45 P.M.

Maria Medeiros Wall, J.D.
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)