

(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

-MAY 23, 2011-

Regular meeting of the City Council was held on Monday, May 23, 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: Robin Muksian-Schutt, Director of Administration; Gerald Cordy, Deputy Director of Administration; Robert Strom, Director of Finance; Evan Kirshenbaum, Assistant City Solicitor; Pat Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

On motion by Councilman Santamaria, seconded by Council Vice-President Pelletier, 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

THOMAS BARBIERI, RHODE ISLAND MIDDLE SCHOOL PRINCIPAL OF THE YEAR

Council President Lupino presented Proclamation to Mr. Barbieri.

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CRANSTON NATIONAL BUDLONG LITTLE LEAGUE'S 50TH ANNIVERSARY

Councilman Navarro presented Citation to the President of the League.

II. PUBLIC HEARINGS

(limited to docketed matters)

Paul Valletta, President of Local 1363, appeared to speak and stated that at the February Council meeting, he asked what fees the City is paying for outside legal counsel recently hired for arbitration. At that meeting, the Director of Administration stated that she did not have to give this information. He provided copies of Charter Section 8.02, which states that the City Solicitor, "shall", not "may", represent the City. He indicated that there is a Solicitor and five Assistant Solicitors and the City should not be spending money we do not have. He also provided copies of Section 15.05 of the Charter entitled "Employment of Special Counsel". He stated that this Section states that outside legal counsel has to attend a regular Council meeting and has to give their hourly rate for the particular case he or she was hired to handle. Since February 28th, there were other grievances filed and he is asking that the Administration report this evening of what the hourly rate is for those cases for outside legal counsel.

III. RESOLUTIONS

RESOLUTION NO. 2011-16 IN RECOGNITION OF MAY AS MENTAL HEALTH MONTH (Passed April 25, 2011 - sponsored by Council President Lupino).

Council President Lupino stated that this Resolution was adopted at the last Council meeting. It is listed on the agenda this evening for informational purposes only.

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IV. REPORT OF COMMITTEES

SAFETY SERVICES & LICENSES COMMITTEE

(Richard D. Santamaria, Jr., Chair)

**CLASS B VICTUALLING ALCOHOLIC BEVERAGE LICENSE – NEW
LICENSE ABOVE THE CAP #71**

Chapel Restaurant LLC d/b/a Chapel Grille

3000 Chapel View

On motion by Council Vice-President Pelletier, seconded by Councilman Archetto, it was voted to approve this license application. 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.

**4-11-2 ORDINANCE IN AMENDMENT OF TITLE 10, CHAPTER 32 OF
THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED
‘MOTOR VEHICLES AND TRAFFIC’ (Garden Hills Parkway and
Garden Hills Dr.)**

On motion by Councilman Favicchio, seconded by Council Vice-President Pelletier, the above Ordinance 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.

PUBLIC WORKS COMMITTEE

(Emilio L. Navarro, Chair)

**4-11-3 ORDINANCE AUTHORIZING THE PURCHASING AGENT TO
CONVEY AN EASEMENT TO NOTARIANNI REALTY, INC. FOR
USE OF CITY PROPERTY REPRESENTING A PORTION OF
WEIR AVE.**

Council Vice-President Pelletier motioned to adopt the above Ordinance.
Councilman Santamaria seconded the motion.

Under Discussion:

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

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Council President Lupino asked that new owner, at some point, be a good neighbor and maintain property. Solicitor indicated that after the Committee meeting last week, he asked Assistant Solicitor Marsella to draft the agreement stating that it is subject to a right of reversion to the City if Grantee fails to maintain property.

Roll call was taken on motion to adopt above Ordinance and 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.

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

**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)**

Councilman Navarro motioned to adopt the above Ordinance. Councilman Stycos seconded the motion.

On motion by Councilman Stycos, seconded by Council Vice-President Pelletier, it was voted to amend the above Ordinance as follows: line 24 and 25, delete “on where to access information explaining which materials should be recycled and the environmental and economic benefits” and on line 24, after words “a note”, add “encouraging”. 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.

Roll call was taken on motion to adopt above Ordinance as amended and 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 Councilman Stycos, seconded by Councilman Navarro, 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.

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RESOLUTION AUTHORIZING REAL ESTATE AND TANGIBLE TAX ABATEMENTS

On motion by Councilman Favicchio, 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.

RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS

On motion by Councilwoman Luciano, seconded by Councilman Favicchio, 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 URGING CONGRESSIONAL APPROVAL OF CONTINUATION OF FUNDING OF THE COMMUNITY SERVICES BLOCK GRANT

On motion by Councilman Favicchio, seconded by Councilman Santamaria, 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.

CLAIMS COMMITTEE
(Steven A. Stycos, Chair)

RATIFICATION OF SETTLED CLAIMS: Sharon Fratantuono \$156.76 damaged snow blower; Virginia Gammino \$300.00 pothole damage; Robert Quinn \$82.65 pothole damage; Natividad Ortega \$248.05 auto damage.

On motion by Councilman Stycos, seconded by Council Vice-President Pelletier, 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": Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -9.

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V. PUBLIC HEARINGS

(open to any matters)

Jerry Trobetti, Laurel Hill Ave., appeared to speak and stated that he is strongly opposed to tax increase. This is not the right time. People are living on a fixed income, they're out of work. He asked that the Council find solutions to the problem and rather than to keep on taking from the people.

Leonora Costello, 1590 Plainfield Pike, appeared to speak and stated that she has attempted to speak to her Councilman, Councilman Santamaria, and he will not return her calls. Solicitor stated to Ms. Costello that she filed a claim in regards to flood damage and Councilman Santamaria serves on the Claims Committee and he is ethically barred from speaking to her regarding her claim, since the meetings are in Executive Session. He also indicated to Ms. Costello that her claim is being reviewed and a decision will be rendered and at that point, Councilman Santamaria will be able to speak to her then. Ms. Costello stated that she was not aware that Councilman Santamaria was on the Claims Committee.

Dick Tomlins, 400 Farmington Ave., appeared to speak and stated that we need to have more open government and we have to spend less. The Council President had no amendments to the Budget during the Budget process and there was no Republican Council member that made any amendments to the Budget that had any impact at all. This Council did vote for a tax increase.

Valerie Schiulli, 27 Farm St., appeared to speak and asked that Council not knock the Cranston Public School System because her daughter just graduated from West Point at the top of her class and we have a great school system in the City.

VI. ELECTION OF CITY OFFICIALS

JUVENILE HEARING BOARD:

- **Pamela Schiff**, Alternate Member– Councilman Stycos

On motion by Council Vice-President Pelletier, seconded by Councilman Santamaria, it was voted to appoint **Pamela Schiff** as an Alternate member of the ***Juvenile Hearing Board***. 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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VII. REPORT OF CITY OFFICERS

None.

VIII. EXECUTIVE COMMUNICATIONS

**REPORT ON HIRING OF SPECIAL COUNSEL, CONSULTANTS, ETC.,
PURSUANT TO CHARTER SECTION 15.05**

Ms. Schutt presented monthly update of Police reports.

Ms. Schutt responded to Mr. Valletta's issue of legal counsel fees and rates and stated that the protocol has been and has always been that the Administration notifies the City Council when letter of engagement is signed. The Administration has started to put the hourly rates on bi-monthly report.

Ms. Schutt reported that the Administration has just engaged labor attorney, Jeff Castle to handle a Police matter at hourly rate of approximately \$135 per hour. Once there is an engagement letter from Attorney Castle, his rate will be listed on the bi-monthly report.

Councilman Santamaria questioned if the City has the same information from the School Department regarding outside legal counsel. Mr. Strom stated that he has put in a request for hourly rate or retainer fees. He will try to obtain this information for the next Council meeting.

Councilman Stycos asked Mr. Strom if he is having difficulty getting information from the School Department. Mr. Strom stated, not at this time, but he has been busy with the Budget and has not pursued this, but he will now that the Budget process is over.

Councilman Stycos asked how much the City is paying Attorney Vincent Ragosta. Ms. Schutt stated, approximately \$135-145 per hour. She also stated that the City is also paying Attorney Kinder \$195 per hour. Most of the outside legal attorneys are giving us municipal discounts.

Council President Lupino asked that the outside legal counsel report be provided monthly rather bi-monthly.

Councilman Navarro asked what the amount is for outside legal counsel year to date. Mr. Strom stated that we budgeted \$250,000 and we are at \$229,000 to date. Next year, we have budgeted \$300,000.

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IX. COUNCIL PRESIDENT COMMUNICATIONS

Council President Lupino stated that last year, he and former Councilman Aceto discussed in Public Works Committee an issue regarding non-profits, in particular Johnson & Wales University. Back on April 11, 2011, the Mayor wrote a letter to the President of Johnson & Wales and the Mayor today advised him that he has not received a response from Johnson & Wales. Ms. Schutt stated that the Mayor will meet on June 1st with Johnson & Wales along with the Tax Assessor and the Solicitor and the Solicitor will report back to the City Council if they wish an update. Council President Lupino stated that this issue came up at Public Works Committee and it should be discussed publicly. Solicitor stated that no decisions will be made at that meeting and ultimately, the City Council will be updated. This meeting is to open lines of communications of what our position is and what their position is.

Council President Lupino stated that residents have contacted him and Councilman Santamaria regarding a situation on Comstock and Scituate. They are complaining about Commercial business there. There are several proposals coming up in this area that would be impacted by this. Ms. Schutt stated that the Mayor has met with the owner of the condominium complex impacted. The owner has been cited for the bouncy house. The City is trying to research if they are in violation of State Law. This isn't straight commercial zoning issue, and the question is complicated by the definition of farming under state law. Council President Lupino stated that there is an ice cream establishment in that area, which in the past has had outdoor movies and they have never applied for an Entertainment License. This is turning into a mini amusement park. Ms. Schutt stated that as the season progresses, we will keep checking on this and if there are any violations, we will cite them.

X. COUNCIL MEMBER COMMUNICATIONS

Councilman Santamaria asked that the Administration have the former gas station parking lot on the corner of Atwood Ave. and Phenix Ave. cleaned up. The grass is overgrown.

Councilman Santamaria questioned if there is a date set to have an Executive Session meeting regarding status of illegal sewer tie-ins. Solicitor stated that this is a situation that is constantly evolving. He feels we have a positive relationship with DEM.

XI. OLD BUSINESS

None.

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XII. INTRODUCTION OF NEW BUSINESS

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

Safety Services and Licenses Committee – June 6, 2011

5-11-1 Ordinance in amendment of Title 5, of the Code of the City of Cranston, 2005, entitled “Business Licenses” (Tobacco License Fee). [\[click here to view\]](#)

Public Works Committee – June 16, 2011

Resolution requesting that the Mayor conduct a traffic study on Peveril Road and Derbyshire Road for traffic calming measures. [\[click here to view\]](#)

Resolution in support of Extended Producer Responsibility. [\[click here to view\]](#)

Request from National Grid for proposed new Joint Pole location at Bateman Ave.

Finance Committee – June 16, 2011

5-11-2 Ordinance in amendment of Title 3, of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (Tax Assessment Board of Review Compensation). [\[click here to view\]](#)

Resolution urging the Governor to openly bid for debit card services used by the State of Rhode Island. [\[click here to view\]](#)

Resolution establishing a Homestead Tax Exemption Study Commission. [\[click here to view\]](#)

Tax Incentive Application for 1591 Cranston St., LLC and Dr. John A. Volpe for Five Year Commercial Tax Incentive. [\[click here to view\]](#)

Ordinance Committee – June 16, 2011

5-11-3 Ordinance in amendment of Chapter 2.08, of the Code of the City of Cranston, 2005, entitled “City Departments”. [\[click here to view\]](#)

5-11-4 Ordinance in amendment of Chapter 5.68 of the Code of the City of Cranston, 2005, entitled “Tobacco Dealers” (Tobacco Ban Pharmacy Sales). [\[click here to view\]](#)

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Claims Committee

- *Property damage claim of Ronald Fuoroli for damage due to alleged snow plow on January 11, 2011 at 5 Garfield Ave.
 - *Property damage claim of Elaine Blomemberg for mailbox damage from alleged snow plow incident on February, 2011 at 230 Olney Arnold Rd.
 - *Property damage claim of Scott Ruzzo for incident on March 27, 2011 due to alleged pothole at Manhasset and Sabra.
 - *Property damage claim of Vincent Meyer for incident on April 30, 2011 due to alleged motor vehicle accident at Garden Hills Parkway.
 - *Property damage claim of Dorothea Amato for incident on May 1, 2011 due to alleged motor vehicle damage accident at 69 Whipple Ave
- *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, Favichio, Council Vice-President Pelletier and Council President Lupino -9.

XIII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

CONSERVATION EASEMENT FOR 684 NATICK AVE. (Awaiting Executed Copy) [\[click here to view\]](#)

Mr. Cordy stated that NRCS is requesting for a new appraisal to be done and we are waiting for new appraisal to be finished.

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)