

*(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**

**-AUGUST 22, 2011-**

Regular meeting of the City Council was held on Monday, August 22, 2011 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:05 P.M. by the Council President.

**Council President Lupino** indicated that Councilwoman Luciano and Councilman Donahue will not be present this evening due to medical reasons. He also stated that Councilman Navarro will be late.

Roll call showed the following members present: Councilmen Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -6.

Absent: Councilwoman Luciano, Councilmen Donahue and Navarro -3.

Also Present: Gerald Cordy, Director of Administration; Mark Capuano, Deputy Director of Administration; Robert Strom, Director of Finance; Christopher Rawson, City Solicitor; Pat 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 6-0. The following being recorded as voting “aye”: Councilmen Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -6.

### **I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS**

None.

### **II. PUBLIC HEARINGS**

(limited to docketed matters)

**Robert Murray, Esq.**, appeared to represent petitioner for proposed Ordinance 4-11-5 and stated that his client is not opposed to the nightclub restriction, but would like to have the no drive-thru restriction removed.

**Louis DeMarco**, 16 Miles Ave., appeared to speak regarding proposed Ordinance 4-11-5 and stated that the neighbors are in favor of approving the C-3 with restrictions. The neighbors have agreed to the C-3, but restrictions be kept, especially the no drive-thru.

**Olga Pagano**, 96 Warman Ave., appeared to speak regarding proposed Ordinance 4-11-5 and stated that the neighbors have, against their wishes, agreed to a C-3 with restrictions. A drive-thru or nightclub cannot happen behind her home.

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**III. RESOLUTIONS**

None.

**IV. REPORT OF COMMITTEES**

**ORDINANCE COMMITTEE**  
**(Paul H. Archetto, Chair)**

**4-11-5            ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (CHANGE OF ZONE) – 800 OAKLAWN AVE. AND 828-836 OAKLAWN AVE.** As amended in Committee 8/11/2011. [\[click here to view\]](#)

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to adopt the above Ordinance.

Under Discussion:

**Council President Lupino** indicated a scrivener’s error on line #38 of the Ordinance and “if” should state “is”.

**Councilman Stycos** asked that at the next Ordinance Committee meeting, an Executive Session be scheduled to hear the Solicitor and Council legal counsel on their views regarding all the properties in the City that are not in compliance with the Comprehensive Plan. As it was stated at the last meeting, there are hundreds of properties in the City that this would affect. He asked if this means that they automatically have their Zone changed to comply with the Comprehensive Plan. This is what we need the Solicitor and the Council legal counsel to address to the Council.

**Councilman Archetto**, Chair of Ordinance Committee, asked that the City Clerk schedule an Executive Session for the next Ordinance Committee meeting.

**Councilman Archetto** asked the opinion of the Administration regarding this proposed Zone Change. Mr. Cordy stated that the Administration’s position has not changed from the beginning. The applicant has asked for a Zone Change, which is consistent with the Comprehensive Plan and we have no choice but to grant them a C-3.

Roll call was taken on motion to adopt the above Ordinance and motion failed on a vote of 4-2 since Charter requires majority vote of City Council members. The following being recorded as voting “aye”: Councilmen Archetto, Favicchio, Council Vice-President Pelletier and Council President Lupino -4. The following being recorded as voting “nay”: Councilmen Stycos and Santamaria -2.

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to reconsider the above motion. Motion passed on a vote of 5-1. The following being recorded as voting “aye”: Councilmen Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -5. The following being recorded as voting “nay”: Councilman Stycos -1.

**Council President Lupino** stated that this Ordinance will be taken up later on in the meeting and possibly Councilman Navarro will be present.

**-AUGUST 22, 2011-**

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

**RESOLUTION URGING THE MAYOR TO TAKE ALL NECESSARY STEPS TO ENTER INTO AND EXECUTE AN AGREEMENT WITH THE STATE OF RHODE ISLAND FOR STATE AND FEDERAL FUNDING UNDER THE SAFE ROUTES TO SCHOOL PROJECT FOR HUGH B. BAIN MIDDLE SCHOOL AND AREA ELEMENTARY SCHOOLS [click here to view](#)**

On motion by Councilman Archetto, seconded by Council Vice-President Pelletier, the above Resolution was adopted on a vote of 6-0. The following being recorded as voting "aye": Councilmen Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -6.

**RESOLUTION URGING THE MAYOR TO TAKE ALL NECESSARY STEPS TO ENTER INTO AND EXECUTE AN AGREEMENT WITH THE STATE OF RHODE ISLAND FOR STATE AND FEDERAL FUNDING UNDER THE SAFE ROUTES TO SCHOOL PROJECT FOR PARK VIEW MIDDLE SCHOOL AND AREA ELEMENTARY SCHOOLS [click here to view](#)**

On motion by Councilman Favicchio, seconded by Council Vice-President Pelletier, the above Resolution was adopted on a vote of 6-0. The following being recorded as voting "aye": Councilmen Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -6.

**TAX INTEREST WAIVER APPROVALS AS RECOMMENDED BY CITY TREASURER**

On motion by Councilman Favicchio, seconded by Council Vice-President Pelletier, it was voted to approve the Tax Interest Waiver Approvals as recommended by City Treasurer. Motion passed on a vote of 6-0. The following being recorded as voting "aye": Councilmen Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -6.

**RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS**  
[click here to view](#)

On motion by Councilman Favicchio, seconded by Council Vice-President Pelletier, the above Resolution was adopted on a vote of 6-0. The following being recorded as voting "aye": Councilmen Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -6.

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

On motion by Councilman Favicchio, seconded by Council Vice-President Pelletier, the above Resolution was adopted on a vote of 6-0. The following being recorded as voting "aye": Councilmen Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -6.

**CLAIMS COMMITTEE**  
**(Steven A. Stycos, Chair)**

**RATIFICATION OF SETTLED CLAIMS:** Elaine Blumenberg \$50.00 mailbox; Ronald J. Fuoroli \$226.48 auto damage; Cirella Guiliano \$137.78 auto damage.

On motion by Councilman Favicchio, seconded by Councilman Archetto, it was voted to approve the above Ratified Settled claims. Motion passed on a vote of 6-0. The following being recorded as voting "aye": Councilmen Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -6.

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**V. PUBLIC HEARINGS**

(open to any matters)

**Dick Tomlins**, 400 Farmington Ave., appeared to speak regarding the proposed Mayoral Charter School. He stated that there will be a rally on Wednesday at 5 PM and urged everyone to attend.

**Erin Robinson**, 195 Orchard St., appeared to speak regarding the sober house at 189 Orchard St. She asked for the Council's help in considering an Ordinance addressing this issue. She presented pictures of items that have been found on property, such as dirty needles. She stated that she has lived at this location for twelve years. Councilman Santamaria asked that this issue be placed before the Safety Services and Licenses Committee for September meeting. Council President Lupino stated that this issue is not a new issue and it is a Police matter. If illegal activity is seen, the Police should be called.

**Resident of 125 Orchard St.**, appeared to address the same issues as Ms. Robinson stated. She stated that she has lived at this location for forty years and this has never happened in the neighborhood before. The residents need help now.

**VI. ELECTION OF CITY OFFICIALS**

None.

**VII. REPORT OF CITY OFFICERS**

None.

**VIII. EXECUTIVE COMMUNICATIONS**

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

No discussion was held.

**REQUEST TO BE PLACED ON PENSION LT. ROBERT BROTHERS, CRANSTON POLICE DEPARTMENT**

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to approve the above request. Motion passed on a vote of 6-0. The following being recorded as voting "aye": Councilmen Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -6.

**CLAIM SETTLED BY THE LAW DEPARTMENT:** Progressive Insurance \$1,015.76 auto damage; Jean Dady Saint Nelus & Martinous Law Associates \$9,000 auto accident.

**Solicitor Rawson** explained above claims.

**IX. COUNCIL PRESIDENT COMMUNICATIONS**

- ***Johnson & Wales Letter*** – Update from Administration to recent meeting

**Mr. Strom** stated that a meeting was held with Johnson & Wales last week. There has been no settlement at this point. There will be further discussions.

**Council President Lupino** asked that this item be continued.

- ***Update on Inter-Jurisdictional Agreements for sewers***

**Solicitor Rawson** stated that there was a meeting between the Johnston Public Works Department and our consultant.

**Council President Lupino** asked that a follow-up be given at the September Public Works Committee meeting.

**Council Vice-President Pelletier** asked Solicitor Rawson to ask Assistant Solicitor Kirshenbaum for an Executive Session for the September meeting.

**X. COUNCIL MEMBER COMMUNICATIONS**

**Councilman Navarro:**

- ***Report from Administration on settled legal issues with the law firms listed on the June legal fees report***

No discussion.

- ***Legal opinion from City Council legal counsel regarding Advice and Consent requirement for indefinitely 'acting' department heads***

No discussion.

**Council Vice-President Pelletier:**

- ***Oaklawn Ave. Car Wash – Zoning status report from Administration***

**Mr. Cordy** referred to the report he provided to the Council regarding this issue.

**Councilman Archetto:**

- ***Work being done by Providence Water in the Arlington Area***

**Mr. Cordy** referred to the report he provided to the Council regarding this issue.

**Councilman Santamaria:**

- ***Intersection of Walnut Grove and Atwood Ave. Traffic Signal***

**Mr. Cordy** referred to the report he provided to the Council regarding this issue.

- **Councilman Santamaria** stated that there are *two properties on Valente Dr.*, which are a mess and the grass at *196 Brayton Ave.* is approximately 4' high. The City needs to go out and clean these properties and place liens on the property and collect the fees.

## -AUGUST 22, 2011-

- *Status update on Salt Barn*

Mr. Cordy stated that paving is being organized now.

Council President Lupino addressed the abandoned properties in the City and questioned if the utility companies notify the City when the utilities are shut off and at what point the City is notified. Mr. Cordy stated that to his knowledge, the City is not notified. The City finds out if neighbors call to advise us of utility shut off.

### 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 – September 15, 2011

**Request from National Grid** for permission to open highway at Zinnia Dr. to install vent poles. [\[click here to view\]](#)

**Request from National Grid** for permission to open highway at Cranston St. @ Depot Ave. to install vent poles. [\[click here to view\]](#)

**Request from National Grid** for permission to open highway at Park Ave. @ Station to install vent poles. [\[click here to view\]](#)

#### Ordinance Committee – September 15, 2011

**8-11-1** Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Scituate Ave., Sundale Rd. and Charcalee Dr. – Zone Change). [\[click here to view\]](#)

**8-11-2** Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (11 Comstock Parkway – Zone Change). [\[click here to view\]](#)

**8-11-3** Ordinance in amendment of Title 5, Chapter 4 of the Code of the City of Cranston, 2005, entitled “Business Licenses and Regulations” (Business Hours of Operation). [\[click here to view\]](#)

#### Claims Committee

\*Property damage claim of Mary Bernardo from incident on August 9, 2011 due to alleged branches from a tree during a rainstorm.

\*forwarded only to City Council, Solicitor and Anna Marino

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to refer the above new business to the respective Committees. Motion passed on a vote of 6-0. The following being recorded as voting “aye”:  
Councilmen Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -6.

**-AUGUST 22, 2011-**

**ORDINANCE COMMITTEE (Cont.)**  
**(Paul H. Archetto, Chair)**

**4-11-5            ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE  
OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’  
(CHANGE OF ZONE) – 800 OAKLAWN AVE. AND 828-836  
OAKLAWN AVE. [\[click here to view\]](#)**

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to continue this Ordinance to the September Council meeting. Motion passed on a vote of 6-0. The following being recorded as voting “aye”:  
Councilmen Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -6.

**XIII. MISCELLANEOUS BUSINESS ON CLERK’S DESK**

None.

**Council President Lupino** stated that a special Council meeting will be held on Monday, August 29, 2011 at 6:50 P.M. to consider new business that needs to be referred.

The meeting adjourned at 8:30 P.M.

Maria Medeiros Wall, J.D.  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)