

(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

-SEPTEMBER 26, 2011-

Regular meeting of the City Council was held on Monday, September 26, 2011 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:25 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: Gerald Cordy, Director of Administration; Mark Capuano, Deputy Director of Administration; Robert Strom, Director of Finance; Christopher Rawson, City Solicitor; Evan Kirshenbaum, Assistant City Solicitor; Pat Quinlan, City Council Legal Counsel; Colonel Marco Palumbo.

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.

Council President Lupino thanked the Council members, Administration and staff department members for their thoughts and sympathy shown in the death of his father. He also thanked the safety personnel and other City employees and Administration for all their work during the recent Hurricane Irene.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

Councilman Navarro presented Proclamation to the RI League of Women Voters in celebration “Food Day”.

II. PUBLIC HEARINGS

(limited to docketed matters)

Andrea Iannazzi, Chair of School Committee, appeared to speak in favor of proposed Ordinance 8-11-1S.

Liz Larkin, President of Cranston Teachers Alliance, appeared to speak in favor of proposed Ordinance 8-11-1S and thanked the Finance Committee for recommending approval of this Ordinance.

-SEPTEMBER 26, 2011-

Albert Benetti, 24 Concord Ave., appeared to speak and questioned if, by the Council approving all contracts, including the Schools, does this make the Council 100% responsible for these contracts. If the School Committee has approved the teachers contract, does that make it legal?

Olga Pagano, 96 Warman Ave., appeared to speak regarding proposed Ordinance 4-11-5 and stated that the neighbors ask that the Council keep the restrictions that the Ordinance Committee recommended.

III. RESOLUTIONS

None.

IV. REPORT OF COMMITTEES

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

RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS

On motion by Councilman Favicchio, seconded by Councilman Stycos, 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 Councilman Favicchio, seconded by Councilman Stycos, 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 APPROVALS AS RECOMMENDED BY CITY TREASURER

On motion by Councilman Favicchio, seconded by Councilman Stycos, it was voted to approve the list of Tax Interest Waiver Approvals as recommended by the 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.

-SEPTEMBER 26, 2011-

**8-11-1S ORDINANCE RATIFYING SCHOOL COMMITTEE'S
COLLECTIVE BARGAINING AGREEMENT WITH THE
CRANSTON TEACHERS' ALLIANCE, LOCAL 1704, AFT (School
Years 2011-2013).**

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

Under Discussion:

Councilman Stycos stated that at the Finance Committee meeting, he asked Council President Lupino if he was going to vote on this Ordinance, since his wife is a school teacher and he stated that according to an Ethics Commission opinion he received in 2003, he will vote on this Ordinance. Councilman Stycos stated that he went online and read that decision and it is his opinion that Council President Lupino should not vote on this contract. If this contract only had to do with raises, he could vote on it. This contract makes at least two changes specifically to two certain groups of teachers, which his wife is a member of. He urged Council President Lupino not to vote on this Ordinance and recuse himself from voting on this contract. Council President Lupino stated that the ruling from the Ethics Commission is Rule 2003229 and he stands on the ruling given by the Ethics Commission. As to Mr. Benetti's question, the ratification of the contract is only another step in the approval process. Care and control of the funds, that is governed by State Law. By the City Council ratifying the contracts, is not taking any control from the School Department.

Roll call was taken on motion to adopt the 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.

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.**

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

Under Discussion:

Councilman Stycos asked if the restrictions are on all the lots.
Council legal counsel to address to the Council.

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to amend the above Ordinance as follows: page 2, line 1, add "with restriction of no drive thru and no nightclub, which will run with the land". 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 Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to amend the above Ordinance as follows: page 2, end of line 3, add "Zoning relief from the drive thru restriction is prohibited". 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.

-SEPTEMBER 26, 2011-

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)

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, 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.

SAFETY SERVICES & LICENSES COMMITTEE
(Richard D. Santamaria, Jr., Chair)

6-11-6 ORDINANCE AMENIDNG TITLE 10.32 “STOPPPING, STANDING AND PARKING ON CERTAIN STREETS” (Stop, Heather St. at Brown St.) (As amended in Committee 9/12/2011)

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, 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.

CLAIMS COMMITTEE
(Steven A. Stycos, Chair)

RATIFICATION OF SETTLED CLAIMS: Daniel O’Neil \$150.00 pothole; Verizon \$2,732.37 pole damage.

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, 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.

V. PUBLIC HEARINGS
(open to any matters)

Richard Tomlins, 400 Farmington Ave., appeared to speak regarding the teachers contract and stated that that is a good contract.

Valerie Schuele, 27 Farm St., appeared to speak and thanked the City Council for voting on the School teachers’ contract. She questioned why Council President Lupino did not recuse himself from voting on the contract.

Albert Benetti, 24 Concord Ave., appeared to speak and stated that there is a paper street off Park Ave., which is a one-way and cars park on this street facing the wrong direction. This is a one-way street and it is a head-on collision waiting to happen. These are violations and he asked that the Police drive to this area after 8 p.m. and ticket those cars. If violations don’t solve the problem, then maybe this street should be changed back to a two-way street. He also asked if the members of General Assembly from Cranston have been asked for help for pension reform coming up. Council President Lupino stated that as far as the City Council, they have not, but the RI League of Cities and Towns has been actively in that process. Mr. Benetti stated that he does not elect them. The City Council has an obligation to send a letter to the Cranston Delegation asking for their help.

-SEPTEMBER 26, 2011-

Jean Powers, 30 Brettonwoods Dr., appeared to speak and presented a handout of a statement she read into the record.

Alice Petrone, 24 Brettonwoods Dr., appeared to speak and stated that a when a tree was removed near her driveway, it broke electric lines and she lost power for one week. No one should be putting up with that. She had to move out of her home during that time. Her driveway was also damaged by a pay loader and her insurance company will not cover it. This has been brought to the attention of the Mayor's Office and her Council member. It has been almost a month and nothing has been done. Councilman Navarro suggested that Ms. Petrone file a claim with the City. Ms. Petrone stated that she is aware of the Claims process, but she is concerned about the unethical question of people in the Administration and Police Department. Mr. Cordy stated that the Mayor's Office is aware of this issue and it is being reviewed by the Solicitor's Office. Councilman Archetto asked for more information regarding this issue. Mr. Quinlan stated that the Law does not allow question and answer between the City Council and public speakers without giving public notice. This issue can be referred to a date and time certain, but should not be discussed this evening without giving public notice and without having the other party present. Council President Lupino stated that per the Council's legal counsel, out of abundance of caution, discussion needs to be stopped. Solicitor Kirshenbaum suggested that the Ms. Petrone and Ms. Powers file a claim so his office can properly evaluate what the damages are and if the City is liable. Council President Lupino stated that the Claims issue can be discussed at Claims Committee. The allegations issue has to be discussed in Executive Session because it involves City employees. Mr. Cordy stated that the Administration can update the City Council in about one week on this issue.

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 DISABILITY PENSION CAPTAIN STEVEN A. CALLAHAN, CRANSTON FIRE DEPARTMENT

This item is continued.

CLAIM SETTLED BY THE LAW DEPARTMENT: Rebecca Kleihauer-Salome and Attorney Paul S. Cantor \$6,000.00 auto accident.

Solicitor Rawson explained above claims.

-SEPTEMBER 26, 2011-

IX. COUNCIL PRESIDENT COMMUNICATIONS

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

Solicitor Kirshenbaum asked that this be continued and he should have answer to discovery in Executive Session.

Council President Lupino asked that this item be continued.

X. COUNCIL MEMBER COMMUNICATIONS

Councilman Stycos:

- *Status report on repainting sidewalks*

Mr. Cordy reported on this.

Councilman Santamaria:

- *Status report on Atwood/Walnut Grove Intersection traffic signal*

Mr. Cordy stated that preliminary designs have been reviewed and some changes have been made. Construction and work will begin in 2012.

Council Vice-President Pelletier:

- *Traffic report for Hazelton*

Mr. Cordy asked that Council Vice-President Pelletier contact Carlos Lopez in the Mayor's Office regarding this.

- *Storm Drain Cleanup – status update*

Mr. Cordy stated that the cleanup was approached on a slow plow district schedule.

- *Property on Metropolitan Ave.*

Council Vice-President Pelletier stated that there is a piece of property on Metropolitan Ave., which is partially owned by the City and partially by Providence Water and it needs to be cleaned up. He asked if the City can help the School Department in cleanup this property up. **Mr. Cordy** stated that he will check into this.

Councilman Archetto:

Councilman Archetto asked for status update next month on the following two items:

- Progress for Providence Water
- Speed bumps on Harmon Ave.
- Bike Path near Bain

XI. OLD BUSINESS

None.

-SEPTEMBER 26, 2011-

XII. INTRODUCTION OF NEW BUSINESS

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

Safety Services & Licenses Committee – October 3, 2011

9-11-5 Ordinance in amendment of Title 10.32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Stop Intersections-Enumerated-Cliffdale Ave., Park Ave., Longview Dr., Garden Hills Parkway, Fernbrook Dr. and Oaklawn Ave.).

Public Works Committee – October 13, 2011

9-11-1 Ordinance in amendment of Title 9.08 of the Code of the City of Cranston, 2005, entitled “Public Peace, Morales and Welfare”, “Offenses Pertaining to Property – Tree Removal and Pruning”.

Right of First Refusal Agreement between the City of Cranston and Cranston Western Little League.

Finance Committee – October 13, 2011

9-11-3 Ordinance in amendment of Title 8, Chapter 40 of the Code of the City of Cranston, 2005, entitled “Security Alarm Systems” (Police False Security Alarm Notification).

9-11-4 Ordinance in amendment of title 8, Chapter 40 of the Code of the City of Cranston, 2005, entitled “Security Alarm Systems” (Police False Alarm Assessment Schedule).

Resolution requesting that the General Assembly amend the Mayoral Academy Statute.

Ordinance Committee – October 13, 2011

9-11-2 Ordinance in amendment of Title 15.12 of the Code of the City of Cranston, 2005, entitled “Housing Standards” (Non-resident Landlords).

Claims Committee

- *Property damage claim of Veronique Lima from incident on August 8, 2011 at 79 Alton St.
- *Property damage claim of Diamante and Marilyn Santilli from an incident on August 28, 2011 at 272 Wilbur Ave.
- *Property damage claim of Vincent Ferdinandi from incident on August 20, 2011 at Pole #19/Laten Knight Rd.
- *Property damage claim of Jody A. Cowdin from incident on August 16, 2011 at Wilbur Ave. – across from Twigg’s.
- *Property damage claim of Stephen T. Gentile from incident on August 16, 2011 at Phenix Ave. – across from 1896 Phenix Ave.
- *Property damage claim of Paul Mahoney from incident during Hurricane Irene at 1958 Lincoln Ave.
- *Property damage claim of Travis Metivier from incident on 969 Bald Hill Rd., Warwick, on September 7, 2011.

*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 above 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.

-SEPTEMBER 26, 2011-

XIII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

RESOLUTION URGING THE MAYOR TO LOOK INTO THE FEASIBILITY OF CREATING PEDESTRIAN ACCESS BETWEEN THE POST OFFICE AND AUBURN LIBRARY. (Progress Report from the Mayor 2.04.02). [\[click here to view\]](#)

Mr. Cordy stated that this item is now being handled by Mr. Capuano and he will give follow-up on this item next month.

The meeting adjourned at 10:05 P.M.

Maria Medeiros Wall, J.D.
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)