

*(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**

**-OCTOBER 24, 2011-**

Regular meeting of the City Council was held on Monday, October 24, 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.

**Council President Lupino** acknowledged former Councilman Jeffrey Barone in the audience and asked him to lead in the Pledge of Allegiance.

Roll call showed the following members present: Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro (appeared at 8:05 P.M.), 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; Evan Kirshenbaum, Assistant City Solicitor; Steve Woerner, City Council Internal Auditor; Carlos Lopez, Director of Constituent and Government Affairs.

**Council President Lupino** announced that the Cranston High School East Band is looking for the public's vote in a competition they are in and \$50,000 grant is at stake.

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, 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 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

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

None.

### **II. PUBLIC HEARINGS**

(limited to docketed matters)

None.

### **III. RESOLUTIONS**

None.

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**IV. REPORT OF COMMITTEES**

**SAFETY SERVICES & LICENSES COMMITTEE**

**(Richard D. Santamaria, Jr., Chair)**

**9-11-05      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.)**

On motion by Council Vice-President Pelletier, seconded by Councilman Donahue, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

**FINANCE COMMITTEE**

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

**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 list of Tax Interest Waiver Approvals as recommended by the City Treasurer. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

**RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS**

On motion by Councilman Santamaria, seconded by Councilwoman Luciano, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

**RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS**

On motion by Councilman Santamaria, seconded by Councilwoman Luciano, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

**RESOLUTION REQUESTING THAT THE GENERAL ASSEMBLY AMEND THE MAYORAL ACADEMY STATUTE**

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to adopt the above Resolution.

**Under Discussion:**

**Councilman Stycos** stated that, as elected officials, the City Council should be involved in any decisions made in the Mayoral Academy.

**Councilman Archetto** agreed and stated that by the City Council being involved, there would be checks and balances.

Roll call was taken on motion to adopt the above Resolution and motion passed on a vote of 5-3. The following being recorded as voting “aye”: Councilmen Stycos, Archetto, Santamaria, Council Vice-President Pelletier and Council President Lupino -5. The following being recorded as voting “nay”: Councilwoman Luciano, Councilmen Donahue and Favicchio -3.

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**9-11-3 ORDINANCE IN AMENDMENT OF TITLE 8, CHAPTER 40 OF THE CODE OF THE CITY OF CRANSTON, ENTITLED 'SECURITY ALARM SYSTEMS' (Police False Security Alarm Notification)**

On motion by Councilman Donahue, seconded by Council Vice-President Pelletier, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

**PUBLIC WORKS COMMITTEE**  
**(Emilio L. Navarro, Chair)**

**RIGHT OF FIRST REFUSAL AGREEMENT BETWEEN THE CITY OF CRANSTON AND CRANSTON WESTERN LITTLE LEAGUE**

On motion by Council Vice-President Pelletier, seconded by Councilman Donahue, it was voted to approve the above agreement.

Under Discussion:

**Council Vice-President Pelletier** asked if this agreement would preclude any other organization from the use of those fields and if it only includes the baseball fields and not the soccer fields. Council President Lupino stated that this agreement includes Varrato and Santamaria Fields and it does not preclude any other organization.

**Councilman Donahue** stated that his only concern is if this would set a precedent of other requests from other organizations. Mr. Cordy stated that this is a valid concern, but if another organization comes forward with such a request, he is sure that the City could work something out.

**Councilman Stycos** stated that he feels this is much too broad.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend this agreement as follows: page two, #4, first line from 4 years to 2 years and 4<sup>th</sup> line, amend 5 years to 2 years.

Under Discussion:

**Councilman Santamaria** asked how the four years were reached. Solicitor Kirshenbaum stated that he believes the reason was since so many leagues have folded over, four years would grant stability to an organization.

**Anthony Liberatore**, Director of Parks and Recreation, appeared to speak and stated that whether it is two years or four years, is the same. We are just trying to protect these fields. If Councilman Stycos wishes to change the years, he does not think the Administration would have a problem with that.

**Council President Lupino** stated that he thinks the league is planning to make more improvements to the fields and this is the reason for the years listed in the agreement. Mr. Liberatore stated that that is correct.

Roll call was taken on motion to amend the above agreement and motion failed on a vote of 2-6. The following being recorded as voting "aye": Councilmen Stycos and Archetto -2. The following being recorded as voting "nay": Councilwoman Luciano, Councilmen Donahue, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -6.

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On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend the above agreement to add a #7 to state: "The City or Cranston Western Little League shall have the right to terminate this agreement with 30-days notice.

### Under Discussion:

**Councilman Favicchio** stated that 30 days is an awfully short period of time to terminate this kind of an agreement.

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

Roll call was taken on motion to approve the above agreement and motion passed on a vote of 7-1. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -7. The following being recorded as voting "nay": Councilman Stycos -1.

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

**RATIFICATION OF SETTLED CLAIMS:** Middlesex Mutual Insurance for Veronica Lima \$639.36 vehicle damage; Jodys A. Cowdin \$272.38 tire 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 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

### **V. PUBLIC HEARINGS** (open to any matters)

**Robert J. Ruggiero**, 33 Brettonwoods Dr., appeared to speak regarding damage to his neighbors', Alice Petrone and Jean Powers, properties due to Tropical Storm Irene.

**Jean Powers**, 30 Brettonwoods Dr., appeared to speak and regarding damage to her property due to a pay loader during Tropical Storm Irene. She asked what the procedure is to place this issue on the docket for the next meeting.

**Council President Lupino** stated that the only way this Council can discuss this issue in Executive Session is for someone to file a claim.

**Alice Petrone**, 24 Brettonwoods Dr., appeared to speak and stated that she will pursue the Claims process. She also read a letter sent to her by Solicitor Rawson regarding this issue and remarks she made at the last Council meeting.

**Solicitor Kirshenbaum** stated that he met with Ms. Petrone at her home today and viewed the property in preparation for an eventual claim that will be filed.

### **VI. ELECTION OF CITY OFFICIALS**

None.

Council President Lupino asked that for the next meeting, the clerk place on the Docket the following: Appointments to the Tax Homestead Commission.

**VII. REPORT OF CITY OFFICERS**

None.

**VIII. EXECUTIVE COMMUNICATIONS**

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

**Councilman Santamaria** questioned the fee for Little, Medeiros, Kinder, Bulman and Whitney in the amount of \$69,341.17 and asked when this case will come to an end and if there will be more bills. Solicitor Kirshenbaum stated that this is a very big case and there will be more bills.

**Tax Assessment Board Minutes**

**Mr. Strom** indicated to a question asked by Councilman Stycos at last month's meeting as to why the Council has not received minutes from the Tax Assessment Board. He stated that the board has only met once, October 5<sup>th</sup> and the Assessor is waiting for the board to provide him with the final documents and at that time, the minutes will be provided to the Clerk's Office to be distributed to the Council.

**REQUEST TO BE PLACED ON DISABILITY PENSION CAPTAIN STEVEN A. CALLAHAN, CRANSTON FIRE DEPARTMENT**

**Mr. Cordy** appeared to speak and stated that since the City has not received any medical exam documents yet, he asked that this item be removed from the docket until such time the Administration receives the documentation.

**Council President Lupino** asked that this be removed from the Docket for now.

**REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR CAPTAIN KEVIN P. MORRIS, CRANSTON FIRE DEPARTMENT.**

**Mr. Cordy** appeared to speak.

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

**REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR, LT. KEVIN R. HODNETT, CRANSTON FIRE DEPARTMENT.**

**Mr. Cordy** appeared to speak.

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

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**REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR, *ACTING DEPUTY THOMAS J. SCHMITT*, CRANSTON FIRE DEPARTMENT.**

**Mr. Cordy** appeared to speak.

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to approve this request.

**Under Discussion:**

**Councilman Stycos** stated that since he does not know anything about this process, he asked that the Council defer voting on this item and refer it to the Finance Committee.

**Council President Lupino** stated that the process is not before the Council, it is just the request. This is an Administrative matter.

On motion by Councilman Stycos, seconded by Councilman Navarro, it was voted to defer voting on the above request and refer the process to the Finance Committee.

**Under Discussion:**

**Councilman Stycos** stated that if this is an Administrative matter, why is this before the City Council for approval. Council President Lupino stated that he believes the Ordinance requires City Council approval. Solicitor Kirshenbaum stated that looking at the Code, there is quite a procedure that the person has to go through to qualify for a disability. The Code does require majority vote of the City Council.

Roll call was taken on motion to defer voting on the above request and referring it to the Finance Committee and motion failed on a vote of 3-6. The following being recorded as voting "aye": Councilmen Stycos, Archetto and Favicchio -3. The following being recorded as voting "nay": Councilwoman Luciano, Councilmen Donahue, Navarro, Santamaria, Council Vice-President Pelletier and Council President Lupino -6.

Roll call was taken on motion to approve the above request 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.

**REVIEW OF TRANSPORTATION IMPROVEMENT PROGRAM (T.I.P.)**

**Mr. Cordy** appeared to speak and stated that RI D.O.T. requires the City Council to be updated on this in order to maintain federal funding eligibility.

**Council President Lupino** asked if this affects any of our existing projects. Mr. Cordy stated, no.

**IX. COUNCIL PRESIDENT COMMUNICATIONS**

- ***Correspondence from Auditor General dated October 4, 2011 regarding Pensions***

**Mr. Strom** stated that the City has not yet responded to this letter. On October 17<sup>th</sup>, the City had a conference call with the Auditor General to discuss the pensions and what their expectations were from us. We are waiting for our actuarial report, which has not been presented to us yet. A draft should arrive any day. Until we get this information, it was agreed by the Auditor General to delay our response.

**Council President Lupino** asked Mr. Strom to draft a letter to the Auditor General specifying or addressing the conversation with them. He also asked that Mr. Strom copy Mr. Woerner and the City Council on any information or communication.

**X. COUNCIL MEMBER COMMUNICATIONS**

**Council Vice-President Pelletier:**

- ***Property on Metropolitan Ave. – update on cleanup of this property (Cont. from 9/26/2011)***

**Council Vice-President Pelletier** stated that he had asked Carlos Lopez to speak to School Committee Member Stephanie Culhane regarding this and possibly having the City help in cleaning up this property. Mr. Lopez stated that he was not able to contact School Committee Member Culhane, but he spoke to Joel Zisserson, Director of Plant and Transportations, and he and Mr. Zisserson have to do some research on this because Mr. Zisserson does not feel this is School property and hopefully come up with a plan of action.

**Councilman Archetto:**

- ***Progress for Providence Water doing work on City streets***

**Mr. Cordy** stated that this will take three to four weeks for Providence Water to finish the work and put final patches. Councilman Archetto asked for a list of streets from Providence Water and this list be sent to him. Mr. Cordy stated that he will make this request, whether Providence Water will comply, he does not know.

- ***Speed bumps on Harmon Ave.***

**Mr. Cordy** stated that the City is awaiting construction dollars for this from the State. Councilman Archetto asked that when the City receives confirmation of this, he be advised.

- ***Bike Path near Bain School***

**Councilman Archetto** stated that constituents have complained to him about debris along the bike path from Bain School to Cranston St. and asked if the Administration plans to have that cleaned. Mr. Lopez stated that the City is working on this this week. There are City crews cleaning up storm debris up and down the bike path. He also stated that the Parks and Recreation Department will be doing the annual Fall cleanup in anticipation of the coming Winter.

**Councilman Archetto** asked that the following item be placed on the docket for the next meeting: ***Cranston Historical Society dealing with the Sprague Mansion.*** Council President Lupino asked Councilman Archetto to send a memo to the Administration outlining the issues.

**Councilman Santamaria:**

- ***Construction on Plainfield Pike***

**Councilman Santamaria** stated that due to construction on Plainfield Pike near Wal-Mart, a lane was taken away on the Cranston side. He stated that the constituent who called him regarding this stated to him that this was requested by the Town of Johnston. He asked if the Traffic Engineer is aware of this, even though this is a State road. Mr. Cordy stated that this was presented by the Town of Johnston and the City of Cranston is looking into this and bring our concerns to the State Traffic Commission.

## -OCTOBER 24, 2011-

### Councilman Stycos:

- *Brettonwoods Dr. Issue*

**Councilman Stycos** stated that the Public Works Committee should consider addressing the questions asked by the residents of the contractor who removed the tree and if he had authority to do that. Council President Lupino stated that that would be up to the Chair of Public Works Committee, but if and any discussion should be held in Executive Session because of potential litigation.

### Council President Lupino:

- *Odor coming from Treatment Plant*

**Council President Lupino** asked for an update from the Administration.

**Mr. Lopez** stated that Governor Chafee's Constituent Affairs Liaison and D.E.M. was sent to the Vinagro Pig Farm and nothing was out of order at that location. It turns out that the odor is coming from the Landfill. There are issues there. D.E.M. is on the case and promise to keep the City of Cranston updated.

**Council President Lupino** asked for an update at the Public Works Committee meeting either from the Governor's Office or D.E.M.

On motion by Councilman Santamaria, seconded by Council Vice-President Pelletier, it was voted to place this issue on the next Public Works Committee agenda. Possibly in Executive Session. 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.

## XI. OLD BUSINESS

None.

## XII. INTRODUCTION OF NEW BUSINESS

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

### Safety Services & Licenses Committee – November 7, 2011

**10-11-1** Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Olney Arnold Rd. and Rowe Dr.).

### Public Works Committee – November 17, 2011

**Request from National Grid** for pole location at Pomham St.

### Finance Committee – November 17, 2011

**10-11-5** Ordinance ratifying the School Committee's Collective Bargaining Extension Agreement with the Rhode Island Laborers' District Council on behalf of Local Union 1322 (School Bus Drivers).

**Resolution** encouraging the Rhode Island General Assembly to pass legislation allowing advertising on and in School buses.

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### **Ordinance Committee – November 17, 2011**

**10-11-2** Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-New London Ave.).

**10-11-3** Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning”, as amended (The James H. Armington House Local Historic District).

### **Claims Committee**

\*Property damage claim of Karen Santaniello from incident on July 5, 2011.

\*Property damage claim of Robert Easton from incident on August 28, 2011.

\*Claim of Gregoria Ysabel for alleged loss of income from incident on or about May 2, 2011.

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

**Councilman Stycos** indicated that he sponsored Ordinance 10-11-4 In amendment of Title 17 of the Code of the City of Cranston, 2005, entitled ‘Zoning’ (Zoning Reform) is not drafted properly and asked that it be removed from being introduced.

On motion by Councilman Stycos, seconded by Council Vice-President Pelletier, it was voted to remove proposed Ordinance 10-11-4 from introduction. 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 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.

**Council Vice-President Pelletier** asked for red-line version for Ordinance 10-11-5 by the Committee meeting.

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

**CONSERVATION EASEMENT** for 684 Natick Ave. (Awaiting Executed Copy).

**Mr. Cordy** stated that hopefully we can move forward next month on this.

The meeting adjourned at 9:05 P.M.

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)