

(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

-DECEMBER 19, 2011-

Regular meeting of the City Council was held on Monday, December 19, 2011 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:00 P.M. by the Council President.

Roll call showed the following members present: Councilwoman Luciano, Councilmen Donahue, Navarro, Archetto (appeared at 7:15 P.M.), Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

Absent: Councilman Stycos -1.

Also Present: Gerald Cordy, Director of Administration; Mark Capuano, Deputy Director of Administration; Robert Strom, Director of Finance; Evan Kirshenbaum, Assistant City Solicitor; Patrick Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor; Carlos Lopez, Director of Constituent and Government Affairs.

Council President Lupino indicated that Councilman Stycos is out of town for the holidays and Councilman Archetto will be late due to exams at work.

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, 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 7-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Navarro, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -7.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

Council President Lupino stated that through the efforts of a lot of dedicated and helpful people, Cranston High School East was awarded \$10,000 for their music program.

II. PUBLIC HEARINGS

(limited to docketed matters)

John Bolton, Esq., appeared to represent Chapel Associates regarding proposed Ordinance 10-11-2 and stated that this Ordinance received unanimous approval by the Ordinance Committee.

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III. RESOLUTIONS

None.

IV. REPORT OF COMMITTEES

FINANCE COMMITTEE

(Vice-President Robert J. Pelletier, Chair)

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

On motion by Councilman Santamaria, seconded by Council Vice-President Pelletier, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Navarro, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -7.

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

On motion by Councilman Santamaria, seconded by Councilwoman Luciano, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Navarro, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -7.

TAX INTEREST WAIVER APPROVALS – AS RECOMMENDED BY CITY TREASURER.

On motion by Councilwoman Luciano, seconded by Council Vice-President Pelletier, it was voted to approve the above list of Tax Interest Waivers. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Navarro, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -7.

TAX INTEREST WAIVER DENIALS – AS RECOMMENDED BY CITY TREASURER.

On motion by Councilwoman Luciano, seconded by Council Vice-President Pelletier, it was voted to approve the above list of Tax Interest Waivers. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Navarro, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -7.

ANNUAL FISCAL AUDIT FY 2011 – BRAVER PC

James Prescott of Braver, PC, appeared to speak and stated that this is the final Audit but not the final copy. They are still waiting for legal letter from some of the City attorneys, but no changes are expected. This is a final draft.

Council Vice-President Pelletier asked Mr. Woerner to give his opinion regarding this report. Mr. Woerner stated that he believes the statements are fairly represented.

On motion by Council Vice-President Pelletier, seconded by Councilman Santamaria, it was voted to accept the Audit Report. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

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MUNICIPAL INVESTMENT SHARING – STATE AWARD TO FIDELITY

Mr. Strom stated that the State went out to bid and Fidelity won the bid. There are approximately 44 of the 50 states that operate this type of investment vehicle. He stated that as he obtains more information of how this will work, he will advise the Council.

Council President Lupino asked that Mr. Strom update the Council on the investments on a quarterly basis.

Council Vice-President Pelletier asked that Mr. Strom give this update to the Finance Committee.

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

10-11-2 ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Changes of Zone – New London Ave.) [\[click here to view\]](#)

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

RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMITTEE TO DEVELOP A REDISTRICTING PLAN FOR THE SIX WARDS OF THE CITY OF CRANSTON [\[click here to view\]](#)

On motion by Councilman Navarro, seconded by Councilman Archetto, it was voted to approve the above Resolution.

On motion by Council Vice-President Pelletier, seconded by Councilman Archetto, it was voted to amend the above Resolution to original draft.

Under Discussion:

Council Vice-President Pelletier stated that he does not want to give the voters the perception that the Council has political influence over their votes. This is why he reconsidered his original vote in Committee.

Councilwoman Luciano stated that it is unethical to have Council members serve on this Committee.

Councilman Favicchio agreed with Council Vice-President Pelletier and Councilwoman Luciano.

Councilman Archetto agreed that the Council members serving on this Committee gives a bad perception and the Board of Canvassers should be the ones allowed to serve on this Committee.

Councilman Santamaria stated that in 2000, there were three public hearings held on Redistricting and he urged the Council members to attend those meetings.

Councilman Donahue stated that he is in agreement with Council Vice-President Pelletier’s amendment.

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Roll call was taken on motion to amend the above Resolution and motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

Roll call was taken on motion to adopt above Resolution as amended and motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

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

RATIFICATION OF SETTLED CLAIMS: Lisa Bardley \$65.00 tire damage.

On motion by Council Vice-President Pelletier, seconded by Councilman Santamaria, it was voted to approve the above Ratified Settled claim. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

V. PUBLIC HEARINGS (open to any matters)

None.

VI. ELECTION OF CITY OFFICIALS

TAX POLICY REVIEW COMMISSION

Councilman Archetto stated that Mike Sepe of Garfield Ave. has asked to serve on this Commission. Council President Lupino stated that he has not received any requests. He asked that a request be sent to him for next month.

JUVENILE HEARING BOARD:

Vincent Turchetta, appointment as a regular member

Sponsors: Council President Lupino and Councilman Navarro

Council Vice-President Pelletier asked to be added as a sponsor.

On motion by Council Vice-President Pelletier, seconded by Councilman Santamaria, it was voted to appointment ***Vincent Turchetta*** as a regular member of the ***Juvenile Hearing Board***. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

Louis Ricci, III, appointment as a regular member

Sponsors: Councilman **Santamaria**

Council Vice-President Pelletier asked to be added as a sponsor.

On motion by Council Vice-President Pelletier, seconded by Councilman Santamaria, it was voted to appointment ***Louis Ricci, III*** as a regular member of the ***Juvenile Hearing Board***. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

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VII. REPORT OF CITY OFFICERS

None.

VIII. EXECUTIVE COMMUNICATIONS

CRANSTON FIRE DEPARTMENT:

James Dawber, Continuation in Service request

On motion by Council Vice-President Pelletier, seconded by Councilman Navarro, it was voted to approve the above request. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

Capt. Steven A. Callahan, Disability Pension request

On motion by Councilman Favicchio, seconded by Council Vice-President Pelletier, it was voted to approve the above request. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

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

Legal fees report was presented and discussed.

CLAIMS SETTLED BY LAW DEPARTMENT: Tori Amaral, Administratrix, Frances Torres ppa Brandon Tella, and their attorney Mark Morse \$12,500 wrongful death; William P. Rampone, Esq., \$243.75 Guardian Ad Litem.

No discussion held.

Mr. Cordy stated that on December 14th, the City received communication from RI Emergency Management regarding our Hazard Mitigation Plan application for 37 homes on Amanda Ct. and Perkins Ave. for buyout. They have notified the City that 36 homes did not meet necessary requirements for a benefit cost analysis. There are some options available to us, but it is very complicated and this will be discussed at the January 30th Flood Committee meeting. We are in the process of notifying all the applicants of this.

Councilman Santamaria asked that Mr. Cordy appear at the January Flood Committee meeting to discuss this.

Councilman Navarro stated that the people will be very disappointed in this and are going to feel they were misled. Mr. Cordy stated that he has stated many times at various meetings that there were no guarantees. This is a grant from FEMA and the City was just a conduit.

Councilman Santamaria, as Chair of the Flood Committee, asked that Mr. Cordy reach out to Senator Reed and Whitehouse. Mr. Cordy stated that they have been closely involved in this process.

Council President Lupino asked that in the notification to the 36 applicants who have been denied, it also state that they attend the January Flood Committee meeting to hear what other options there are.

IX. COUNCIL PRESIDENT COMMUNICATIONS

ADMINISTRATIVE UPDATE ON LANDFILL ODOR ISSUE

Council President Lupino stated that with the added press regarding the odor of the landfill, he asked Mr. Lopez if the City has received any information from the Health Department or D.E.M. as far as any hazards from the odor. Mr. Lopez stated that due to the increase in media coverage of this issue and due to the holiday, it has been difficult to get information. He promised that by the next Council meeting, he should have some answers from the Governor's Office and the Department of Health. Council President Lupino stated that due to the importance of this issue, any updates be sent in Executive Communication from the mayor or Mr. Lopez. He also asked that residents call RI Resource Recovery with any complaints when they smell the odor, so it can be monitored.

X. COUNCIL MEMBER COMMUNICATIONS

Councilman Archetto:

- *Sprague Mansion Civil War Re-enactment* – Administration to report

Councilman Archetto stated that this is in the process of being worked on. He asked that this item be withdrawn.

- *Catanzaro Pizza – rubbish dumpster*

Councilman Archetto stated that this establishment has a dumpster placed on Old Park Ave. and for next month's meeting, he would like to know if it is going to be removed. Council President Lupino stated that this should be placed on next month's Safety Services and Licenses Committee meeting, since they meet prior to the Council meeting.

- *Zoning Board of Review Minutes*

Councilman Archetto stated that the Council receives minutes of the Zoning Board of Review, but questioned why they do not receive results of the decisions. City Clerk stated that the decisions are recorded in the Land Evidence Records. Councilman Archetto asked that the Clerk contact the Chair of the Zoning Board of Review to see if the decisions can be forwarded to the Clerk and she can forward them to the City Council.

Councilman Santamaria:

- *Hurricane Cleanup – State Bid on Debris*

Councilman Santamaria asked that this item be continued.

- *Wal-Mart, Plainfield Pike*

Councilman Santamaria stated that Wal-mart has applied for a 24-hour license and Safety Services and Licenses Committee denied that request. The residents have complained of lighting to their homes, trash and rodents. There are trailers parked in the parking lot during the night and Wal-mart encourages it on their website. On another website, it states that trailers cannot be parked at the Plainfield Pike location. He asked that the Building Official go to the site and notify Wal-mart that no trailers are to be parked there or cite them and he also asked that the Administration report back regarding this issue. Mr. Cordy stated that the City is checking into whether the City can prohibit the parking of trailers in the parking lot. The Administration is aware of the residents' concerns. The parking lot lights have been addressed and they meet the requirements. As to the trash issue, the Building Official has been there numerous times to address this.

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Councilman Santamaria, as Chair of Safety Services and Licenses Committee, he requested that Wal-mart be issued a Show Cause Hearing and be asked to attend the next Safety Services and Licenses Committee meeting to address these issues.

Councilman Favicchio asked that the Building Official attend the next Safety Services and Licenses Committee meeting so he can answer questions. Mr. Cordy stated that the Administration will take this request under advisement.

Council Vice-President Pelletier:

- *Sewer Illegal Tie-Ins*

Council Vice-President Pelletier asked for update from Solicitor regarding illegal Tie-Ins with the Town of Johnston and Inter-Jurisdictional Agreement. Solicitor stated that the status of the agreement is we still do not have one. There are ongoing discussions between our attorney and RI Resource Recovery regarding the exit agreement and maybe Executive Session would be best to discuss these issues. Council Vice-President Pelletier stated that he would like status of the \$2 million bill we are owed from RI Resource Recovery. He asked that this be added to Executive Session for the next Public Works Committee meeting. Solicitor stated that due to the complex matter, a night should be designated just for this particular issue. Councilman Navarro, Chair of Public Works Committee, stated that he will schedule a special meeting for this issue.

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:

Planning Commission – January 3, 2012

- 12-11-1 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (860 Reservoir Avenue- Zone Change).
[\[click here to view\]](#)
- 12-11-2 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – 45-51 Sockanosset Crossroad).
[\[click here to view\]](#)
- 12-11-3 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Zoning Board of Review Hearing Procedure).
[\[click here to view\]](#)
- 12-11-4 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Commercial Accessory Uses). [\[click here to view\]](#)

Public Works Committee – January 12, 2012

Resolution Requesting that the Cranston School Department Utilize Custodians for Trash Collection [\[click here to view\]](#)

Finance Committee – January 12, 2012

Resolution Authorizing and Endorsing the Application for Enterprise Zone Redesignation under the Rhode Island Enterprise Zone Program [\[click here to view\]](#)

Resolution Authorizing a Presentation before the Finance Committee of The City Council by The Berkshire Group and other similarly situated companies, to Assist in Developing Cost Saving Strategies for the 2012-2013 Budget Process [\[click here to view\]](#)

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Ordinance Committee – January 12, 2012

- 12-11-1 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (860 Reservoir Avenue- Zone Change).
[\[click here to view\]](#)
- 12-11-2 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – 45-51 Sockanosset Crossroad).
[\[click here to view\]](#)
- 12-11-3 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Zoning Board of Review Hearing Procedure).
[\[click here to view\]](#)
- 12-11-4 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Commercial Accessory Uses). [\[click here to view\]](#)
- 12-11-5 Ordinance in amendment of Title 5, Chapter 4 of the Code of the City of Cranston, 2005, “Business Licenses and Regulations” (Radius Maps for Notification of Abutters). [\[click here to view\]](#)
- 12-11-6 Ordinance in amendment of Chapter 2 of the Code of the City of Cranston, 2005, “Administration and Personnel” (Repeal Classified Service).
[\[click here to view\]](#)

Claims Committee

Margarete H. Hosemann Jr., personal injury claim DOI November 21, 2011

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Councilman Navarro, seconded by Council Vice-President Pelletier, it was voted to refer the above new business to the respective Committees. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

XIII. MISCELLANEOUS BUSINESS ON CLERK’S DESK

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

Mr. Cordy stated that we are waiting for money to be transferred from Washington to NRCS and, hopefully, it will be completed soon.

This item is continued.

MUNICIPAL COURT 2012 PROPOSED SESSION SCHEDULE [\[click here to view\]](#)

On motion by Council Vice-President Pelletier, seconded by Councilman Navarro, it was voted to accept the above proposed schedule. Motion passed on a vote of 8-0. 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 meeting adjourned at 9:00 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)