

(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

-JANUARY 23, 2012-

Regular meeting of the City Council was held on Monday, January 23, 2012 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 Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

Absent: Councilman Donahue -1.

Also Present: Gerald Cordy, Director of Administration; Mark Capuano, Deputy Director of Administration; Robert Strom, Director of Finance; Evan Kirshenbaum, Assistant City Solicitor; Steven Marsella, Assistant City Solicitor; Patrick Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

Council President Lupino indicated that Councilman Donahue contacted him and he may not attend this meeting, he is ill.

Council President Lupino asked Municipal Court Judge Raymond Coia to lead in the Pledge of Allegiance.

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 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

PROCLAMATION ON THE OCCASION AND CELEBRATION OF THE 100TH ANNIVERSARY OF THE FOUNDING OF THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 271

Council President Lupino presented Proclamation to Judge Raymond Coia, Executive Board Member of the Laborers' International Union of North America, Local 271.

-JANUARY 23, 2012-

II. PUBLIC HEARINGS

(limited to docketed matters)

Joseph Shekarski, Esq., appeared to represent applicant for Ordinance 12-11-1 and requested a 60-day continuance due to the fact that his client is away on business.

Anthony Liberatore, Director of Parks and Recreation, appeared to speak regarding "Resolution Requesting that the Cranston School Department Utilize Custodians for Trash Collection". He stated that, although the Sponsor's intentions are very good and appreciated, he does not see the need for a custodian to pick up one trash barrel and his staff has to go to these Schools every day and pick up 8-10 barrels from the fields.

Timothy Dodd, Esq., appeared to represent neighbors who are opposed to any continuance to any date certain of Ordinance 12-11-1. He referred to Council Rule 25 and to RIGL 45-24-51 and stated that this Statute was satisfied at the Ordinance Committee. Nowhere in the notice sent to the abutters and the advertisement in the Cranston Herald, does it refer to RIGL 45-24-51. This matter has been sufficiently heard and requires no more testimony and no need for a continuance.

III. RESOLUTIONS

RESOLUTION TO THE DEPARTMENT OF TRANSPORTATION CLARIFYING START DATE FOR INSTALLATION OF TRAFFIC SIGNAL AT ATWOOD AVE. AND WALNUT GROVE [\[click here to view\]](#)

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

Councilman Santamaria asked that at the end of the Resolution, the Clerk add "and Cranston Delegation". No one objected.

IV. REPORT OF COMMITTEES

PUBLIC WORKS COMMITTEE

(Emilio L. Navarro, Chair)

RESOLUTION REQUESTING THAT THE CRANSTON SCHOOL DEPARTMENT UTILIZE CUSTODIANS FOR TRASH COLLECTION [\[click here to view\]](#)

Councilman Stycos motioned to approve the above Resolution. Councilman Favicchio seconded the motion for discussion purposes. No discussion was held.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend the above Resolution as follows: line 31, delete "Park View Middle School, Bain Middle School and" and line 32, after "trash at", add "the" and line 33, amend "facilities" to "facility" and delete remainder of line 33. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

On motion by Councilman Stycos, seconded by Councilman Santamaria, it was voted to amend the above Resolution as follows: add a fifth paragraph to read as follows: "Be It Further Resolved, that a copy of this Resolution be sent to the Superintendent and School Committee with a request that they respond to the resolution by April 1, 2012". Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

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

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

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

On motion by Councilman Navarro, 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 Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

TAX INTEREST WAIVER APPROVALS – AS RECOMMENDED BY CITY TREASURER.

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

TAX INTEREST WAIVER DENIALS – AS RECOMMENDED BY CITY TREASURER.

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

RESOLUTION AUTHORIZING AND ENDORSING THE APPLICATION FOR ENTERPRISE ZONE REDESIGNATION UNDER THE RHODE ISLAND ENTERPRISE ZONE PROGRAM

Council Vice-President Pelletier motioned to approve the above Resolution. Councilman Favicchio seconded the motion.
Under Discussion:

Councilman Santamaria asked how we know that the businesses are complying and who monitors to make sure that the jobs created and how the money is being spent. Lawrence DiBoni, Director of Economic Development, appeared to speak and stated that every year, the business has to report to the RI Enterprise Zone.

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

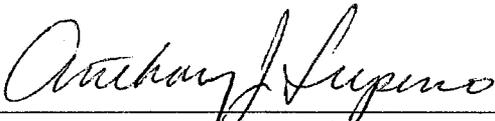
RESOLUTION OF THE CITY COUNCIL

REQUESTING THE DEPARTMENT OF TRANSPORTATION EXPEDITE THE START DATE FOR INSTALLATION OF TRAFFIC SIGNAL AT ATWOOD AVE. AND WALNUT GROVE

*As Amended City Council January 23, 2012

No. 2012-1

Passed:
January 23, 2012



Anthony J. Lupino, Council President

Resolved that

WHEREAS, the Residents located in the Atwood Avenue and Walnut Grove intersection of the City of Cranston have experienced serious safety concerns with respect to access and traffic to their area as a result of a lack of traffic light and/or traffic signal; and

WHEREAS, the Cranston City Council by Resolution no. 2009-35 passed on July 27, 2009 requested a study for an installation of a traffic signal at this intersection which request was studied and approved by the Department of Transportation and

WHEREAS, the serious safety issues in this area, prompted the Cranston City Council committed \$30,000 of its own funds to expedite the completion of this project, on May 24, 2010, Ordinance no. 2010-9; and

WHEREAS, the Department of Transportation had scheduled construction of this project to start in 2012; and

WHEREAS, the Department of Transportation has recently in a letter dated January 4, 2012 to Representative Ucci has indicated that construction of this project is will not commence until the spring of 2013, and

NOW BE IT THEREFORE RESOLVED THAT the Cranston City Council hereby requests that the Rhode Island Department of Transportation make this a priority installation and commence construction in 2012 as originally scheduled.

BE IT FURTHER RESOLVED, that the City Clerk forward a certified copy of this Resolution to the State Traffic Commission and the Rhode Island Department of Transportation* immediately upon passage.

*and the Cranston Delegation

Sponsored by: Sponsored by Councilman Santamaria and Council President Lupino.

U/Resolution/ Atwood and Walnut Grove

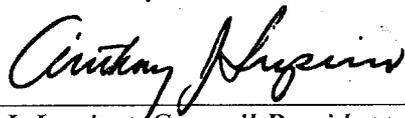
THE CITY OF CRANSTON

**RESOLUTION OF THE CITY COUNCIL
REQUESTING THAT THE CRANSTON SCHOOL DEPARTMENT UTILIZE
CUSTODIANS FOR TRASH COLLECTION**

**As Amended City Council January 23, 2012*

No. 2012-2

*Passed:
January 23, 2012*


Anthony J. Lupino, Council President *mwall*

WHEREAS, the Cranston School Committee, the Cranston City Council and Mayor Allan Fung have declared their desire to consolidate school and city operations where possible to reduce operating costs,

WHEREAS, the Cranston School Committee has achieved consolidation savings by directing its custodians to collect trash at twelve city playgrounds next to elementary schools for several years,

BE IT RESOLVED, that the Cranston City Council thanks the School Committee for its actions which have given City Recreation Department employees more time to maintain City parks, and

BE IT FURTHER RESOLVED, that the Cranston City Council requests that the Cranston School Department direct its custodians at ~~*Park View Middle School, Bain Middle School and~~ Garden City Elementary School to collect the trash at ***the City athletic *facilities facility next to those three schools *and that a certified copy of this Resolution be sent to the Superintendent and School Committee with a request that they respond by April 1, 2012.**

Sponsored by Councilman Steven Stycos

Referred to Public Works Committee: January 12, 2012

THE CITY OF CRANSTON

RESOLUTION OF THE CITY COUNCIL
AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS AS RECOMMENDED BY CITY
ASSESSOR

No. 2012-3

Passed:
January 23, 2012



Anthony J. Lupino, Council President

Resolved, That

The request of the City Assessor for the following abatements for manifest errors and reasons therein stated be granted and that a certified copy of this Resolution be for the respective amounts a sufficient voucher for the City Treasurer.

(See attached list of Abatements)

U/RES.MV ABATE



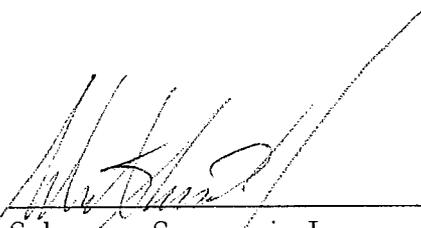
DIVISION OF ASSESSMENT
869 PARK AVE
CRANSTON, RI 02910

MEMO

DATE: January 5, 2012
TO: His Honor the Mayor and the Honorable City Council
FROM: City Assessor
RE: Motor Vehicle Abatements

The following assessments are recommended for abatement in the amounts and for the reasons hereinafter set forth:

<u>Assessment Date</u>	<u>Value</u>	<u>Tax</u>
December 31, 2009	9,518	403.94
December 31, 2010	<u>50,201</u>	<u>2,130.52</u>
Totals:	59,719	2,534.46



Salvatore Saccoccio Jr.
City Assessor

*** MECRIABT_CR.REP *** Printed 01032012 at 12:12:09 by KARBUR

City of Cranston
2010 Motor Vehicle
Abatement List

Line	Vehicle ID	Year	Value	Tax	Original Value	Original Tax	Adjusted Value	Adjusted Tax
1	32017190 Vehicle 2009 ID WMMWF73559TT95236 BMW FINANCIAL SERVICES NA LLC 5550 BRITTON PKWY Hilliard OH 43026	2009	0000012228	886328	0000045016	671.96	0000078886	385.66
2	34028180 Vehicle 2002 ID 411BF28BX2U242066 DOMINGUEZ DENARI MARISOL 223 PARK AVE Cranston RI 02905	2002	0000045016	5580	0000000000	220.74	0000000000	17.34
3	41007730 Vehicle 1998 ID JHLRD1842MC107067 KIRWIN RHONDA A 39 ORCHARD VALLEY DRIVE Cranston RI 02921	1998	0000078886	2867	0000000000	368.32	0000000000	368.32
4	41010900 Vehicle 2007 ID 5N1ART8M97CG40656 KRUPA JOHN J 104 WELLSPRING DR Cranston RI 02920	2007	0000079858	229,380.92	0000000000	451.22	0000000000	451.22

Original Value : 7,599
STOLEN/SOLD/JUNK/TOT : 341.68
Adjusted Tax : 293.04

Original Value : 37996
Tax : 230897.44
Adjusted Tax : 230493.50

For Tax Year: 2010

on 4 Accounts

City of Cranston
2011 Motor Vehicle
Abatement List

Item #	Vehicle ID	Year	Make	Model	Value	Tax	Original Value	Original Tax	Adjusted Value	Adjusted Tax
1	31001510	2001	FORD	ABREU MAXIMO A 54 LAKEVIEW DR CRANSTON RI 02910	0000000511	878529	14,797	1,458.41	0000000511	0
2	32013950	1997	FORD	BIANCA RUSSELL J 30 BRIDGETON RD CRANSTON RI 02910	0000011090	IP 454	2394	611.31	0000011090	0
3	32017110	2009	MINI	HILLIARD OH 43026	0000012235	886328	1833	328.22	0000012235	0
4	38000450	2007	HYUN	HAFFERTY ERNEST M 9 RAWLINSON AVE CRANSTON RI 02920	0000064054	XE 805	7,219	297.58	0000064054	0
5	41007860	1998	HOND	KIRWIN RHONDA A 39 ORCHARD VALLEY DRIVE CRANSTON RI 02921	0000077704	031926	1998	303.24	0000077704	0
6	46026050	2004	SUZI	POLESE WILLIAM J 104 WALES ST CRANSTON RI 02920	0000117652	764919	2928	117.13	0000117652	0
7	49017140	2007	NISS	SHODIPO ADEYEMI O 12 DUNKHAM AVE CRANSTON RI 02905	0000134054	765947	7,219	297.58	0000134054	0
8	50012430	2000	TOYT	THECARTIN SHARON 153 ALPINE ESTATES DR CRANSTON RI 02921	0000146527	947730	50012430	63.58	0000146527	0
9	52003490	1999	VOLK	VAZQUEZ CARMEN R 63 WHIPPLE AVE CRANSTON RI 02920	0000149185	PS 153	52003490	13.09	0000149185	0

For Tax Year: 2011

Original Value : 56596
Adjusted Value : 190165.65
Original Tax : 2130.52
Adjusted Tax : 190165.65

on 9 Accounts

Jan-12 Waiver of Interest Applications

Page 1

Recommend To Approve:

<u>NAME</u>	<u>ADDRESS</u>	<u>TAX AMT</u>	<u>INTEREST</u>	<u>REASON</u>
DeBeradinis, Nancy	61 Plantation Dr	2,573.12	\$227.32	death
Felton, James	22 Fairweather Ave	705.98	\$28.24	lostcheck
Marcus, Adrienne	202 Armington St	1,167.98	\$175.20	lostcheck
Saflund, Monique	102 Betsy Williams Dr	96.22	\$17.32	lostcheck
Simonian, Sylvia	82 Pleasant St	962.52	\$115.50	lostcheck
Whitaker, Robert	134 Oakland Ave	1,484.81	\$222.75	lostcheck
Zabbo, Kim	104 Canonchet Dr	2,185.04	\$174.80	hardship

Recommend To Deny:

1106 Pontiac Ave Associates	1106 Pontiac Ave	2,027.77	\$243.33	business
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THE CITY OF CRANSTON

RESOLUTION OF THE CITY COUNCIL

Authorizing and Endorsing the Application for Enterprise Zone Redesignation under the Rhode Island Enterprise Zone Program

No. 2012-4

Passed: January 23, 2012

Anthony J. Lupino, Council President

Resolved, That

WHEREAS, The City of Cranston is desirous of submitting a redesignation application to the State of Rhode Island Enterprise Zone Council under the provisions of Title 42, Chapter 64.3 of the General Laws of Rhode Island, As Amended for the redesignation of the City of Cranston Enterprise Zone located within the jurisdiction of the City of Cranston; and,

WHEREAS, This Redesignation requires the City of Cranston, Rhode Island make certain assurances and accept such terms and conditions that are required under Title 42, Chapter 64.3 of the General Laws of Rhode Island; and

WHEREAS, The City Council of the City of Cranston, desires to support said application for redesignation to the Rhode Island Enterprise Zone Council; and

WHEREAS, The City of Cranston recognizes that no changes or modifications have been made to the original designation of the Enterprise Zone established on January 1, 1992.

The current Census Tracts included in the Cranston Enterprise Zone:

- Tract 135, block group 1
Tract 136, block group 1, 2, 3
Tract 137 block group 1, 2, 3, 4
Tract 138, block group 1, 2 and
Tract 141

NOW, THEREFORE, BE IT RESOLVED THAT,

The Mayor of the City of Cranston be authorized and empowered to submit redesignation application to the Rhode Island Enterprise Zone Council for the acceptance and redesignation of the City of Cranston Enterprise Zone established on January 1, 1992.

BE IT FURTHER RESOLVED That the Mayor be, and hereby is authorized and empowered to make any and all assurances; accept any and all terms and conditions necessary and required to meet obligations and requirements of the Enterprise Zone Council as part of the redesignation process, and in consideration of such redesignation, the City Council of the City of Cranston hereby acknowledges its responsibilities and duties to undertake further actions as shall be essential to meet the requirements and obligations of such redesignation as to them shall seem necessary and proper and shall have been recommended by the Mayor, the Director of Economic Development and the Director of Planning.

This Resolution shall become effective immediately upon its passage by the Cranston City Council.

Sponsored by Councilman Michael W. Favicchio

Referred to Finance Committee January 12, 2012

-JANUARY 23, 2012-

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

[\[click here to view\]](#)

Council Vice-President Pelletier motioned to approve the above Resolution. Councilwoman Luciano seconded the motion.

Under Discussion:

Council Vice-President Pelletier asked Councilman Favicchio, Sponsor of this Resolution, how soon the company can make this presentation. Councilman Favicchio stated that as soon as he has a date, he can contact the company. Council Vice-President Pelletier asked Clerk to place this item on the Finance Committee agenda for the February meeting.

Councilman Navarro stated that this is more of an Administrative matter. The company can make a presentation, but ultimately, the company would have to meet with the Administration and the City Directors, since they put the Budget together.

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

ORDINANCE COMMITTEE
(Paul H. Archetto, Chair)

12-11-1 ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'ZONING' (Change of Zone – 860 Reservoir Ave.)

Mr. Quinlan stated that he and Solicitors Kirshenbaum and Marsella have reviewed this and this matter must come before the full City Council.

Solicitor Marsella stated that the Solicitor's Office has reviewed Mr. Quinlan's research and they concur that the vote has to go before the full City Council.

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to continue the above Ordinance to the March 26th Council meeting.

Under Discussion:

Councilman Santamaria questioned why, in the future, Zone Change hearings can be held before the full City Council and bypass Committee. Council President Lupino stated that it gives the public an opportunity to attend either hearings.

Councilman Navarro stated that there was a Zone Change a few months ago, which was denied in Committee and never came before the full City Council. Mr. Quinlan stated that that applicant never asked to come before the full City Council for an appeal.

Councilman Stycos asked the City Clerk she received a request for a continuance from the applicant or the attorney. City Clerk stated, no. She has not received an e-mail or phone call.

Council President Lupino stated that, at the Ordinance Committee meeting, the applicant was not allowed to give a full presentation.

Council President Lupino handed gavel to Vice-President Pelletier.

-JANUARY 23, 2012-

Council President Lupino stated that the members of the public who spoke at the Ordinance Committee kept mentioning a drive-thru, but the applicant never mentioned a drive-thru. The continuance would be an opportunity for the public to air out their issues. It would be prudent for the public to come up with agreements on issues they have.

Gavel was handed back to Council President Lupino.

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

Council President Lupino asked Attorney Shekarski if he is prepared to move forward with a presentation. Attorney Shekarski stated that his client is out of State and his experts are not available. He asked for a continuance again.

Council President Lupino asked for a motion on the Ordinance.

On motion by Councilman Navarro, seconded by Councilman Archetto, it was voted to deny this Ordinance.

Under Discussion:

Councilman Stycos asked Attorney Shekarski when he learned his experts would not be present this evening. Attorney Shekarski stated that he notified Mr. Quinlan on Thursday afternoon that his experts would not be able to attend this evening. If this Ordinance is denied this evening, he will be going to Superior Court and will also ask for attorney fees. The night of the Ordinance Committee meeting, he listened to all the public concerns and most were false. He was only given four minutes to present his application. He was not given the opportunity to present traffic testimony or address any part of the plan.

Roll call was taken on motion to deny this Ordinance and motion passed on a vote of 5-3. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto and Santamaria -4. The following being recorded as voting "nay": Councilman Favicchio, Council Vice-President Pelletier and Council President Pelletier -3.

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](#)]

On motion by Council Vice-President Pelletier, seconded by Councilman Navarro, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting "aye": Councilmen Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -7. Councilwoman Luciano was not present for roll call vote.

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](#)]

Councilman Santamaria motioned to approve the above Ordinance. Council Vice-President Pelletier seconded the motion for discussion purposes.

Under Discussion:

Council Vice-President Pelletier questioned line 43 of the Ordinance and asked when swearing in of members takes place. Solicitor Kirshenbaum addressed Chapter 15 of the Charter and stated that they can be sworn in before they start serving.

-JANUARY 23, 2012-

Councilman Stycos asked that a vote be taken by section.

On motion by Council Vice-President Pelletier, seconded by Councilman Stycos, it was voted to approve Section 1 of the Ordinance.

On motion by Councilman Stycos, seconded by Councilman Navarro, it was voted to amend lines 43 and 44 of the Ordinance as follows: line 43, after "in before", delete "the City Council", line 44 after "clerk", add "who". Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

Roll call was taken on motion to approve Section 1 of the Ordinance as amended. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to approve Section 2 of the Ordinance.

Under Discussion:

Councilman Archetto stated that none of the members of the Zoning Board of Review attended the Ordinance Committee meeting to speak regarding this Ordinance and no one is present this evening. Mr. Quinlan stated that the Zoning Board of Review is not subject to the City Council, other than appointment power, they do not have an obligation to be present this evening.

Solicitor Marsella stated that according to State Law, the Zoning Board of Review does not have to vote the same evening. State Law also states that the Zoning Board of Review has the right to set their own rules and procedures.

Council President Lupino asked if this Ordinance is binding if it is passed this evening. Solicitor Marsella stated that in his and Solicitor Rawson's opinion, it does not, because State Law specifically states that they have the right to set their own procedures.

Roll call was taken on motion to approve Section 2 of the Ordinance and motion failed on a vote of 3-5. The following being recorded as voting "aye": Councilmen Stycos, Archetto and Santamaria -3. The following being recorded as voting "nay": Councilwoman Luciano, Councilmen Navarro, Favicchio, Council Vice-President Pelletier and Council President Lupino -5.

Councilman Navarro motioned to approve Section 3 of the Ordinance. Council Vice-President Pelletier seconded the motion for discussion purposes.

On motion by Councilman Stycos, seconded by Councilman Favicchio, it was voted to amend lines 93 and 94 as follows: line 93, after "in before", delete "the City Council" and line 94, after "city clerk", add "who". Motion passed on a vote of 8-0. Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to approve Section 3 of the Ordinance as amended. Motion passed on a vote of 8-0. Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

THE CITY OF CRANSTON

**RESOLUTION OF THE CITY COUNCIL
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**

No. 2012-5

**AS AMENDED IN COMMITTEE 1/12/2012*

Passed:

January 23, 2012



Anthony J. Lupino, Council President

Resolved, That

WHEREAS, The City of Cranston is facing budgetary shortfalls due to Pension Reform mandates from the State of Rhode Island, and from current economic conditions, and,

WHEREAS, there are various companies that provide services designed to review any and all aspects of municipal and institutional operations budgets at no cost to the municipality or the institution; and,

WHEREAS, THE City Council of the City of Cranston is desirous of exploring any and all methods of cost savings on behalf of the taxpayers of the City of Cranston

NOW, THEREFORE, BE IT RESOLVED THAT,

The City Council of the City of Cranston hereby takes initiative of seeking presentations before the ~~*appropriate committees~~ **Finance Committee** of The Berkshire Group and any other similar company to assist in formulating cost saving strategies prior to the budget hearings relative to the 2012-2013 City Budget.

Sponsored by Councilman Michael W. Favicchio

Referred to Finance Committee January 12, 2012

U/Resolutions/Berkshire Group Presentation



EXHIBIT A

CFS Partners LP 45-51 Sockanosset Crossroad

Metes and Bounds Description Assessor's Plat 10/4 Lot 1360 Cranston, Rhode Island

That certain parcel of land, with all buildings and improvements, situated on the northeasterly side of Sockanosset Cross Road in the City of Cranston, in the County of Providence, in the State of Rhode Island and Providence Plantations and being more particularly described as follows:

Beginning at a point on the northeasterly street line of Sockanosset Cross Road at the most westerly corner of the herein described parcel and also being shown as Station 86+00.61 Left 21.67 feet as shown on Rhode Island Highway Plat No. 2411A;

Thence North 06°54'57" East, bounded westerly by and now or formerly of State of Rhode Island, a distance of 19.47 feet;

Thence North 39°15'07" East, bounded northwesterly by land now or formerly of State of Rhode Island, a distance of 161.06 feet;

Thence northeasterly, bounded northwesterly by said land of State of Rhode Island, along a curve concave to the southeast having a radius of 1,000.00 feet, a central angle of 08°32'40", a chord bearing of South 43°31'28" West and a chord distance of 148.99 feet, an arc distance of 149.13 feet;

Thence North 47°47'48" East, bounded northwesterly by said land of State of Rhode Island, a distance of 265.15 feet to land now or formerly of The City of Providence (A.P. 10/4 Lot 116);

Thence South 58°17'28" East, bounded northeasterly by said land of The City of Providence, a distance of 123.07 feet to land now or formerly of Renaissance Development Corporation (A.P. 10/4 Lot 1502);

Thence South 46°52'40" West, bounded southeasterly by said land of Renaissance Development Corporation, a distance of 299.63 feet;

Thence South 39°09'48" West, bounded southeasterly by said land of Renaissance Development Corporation and by land now or formerly of Goodyear Realty, LLC (A.P. 10/4 Lot 1501), a distance of 301.30 feet to the northeasterly street line of Sockanosset Cross Road;

Thence North 53°42'06" West, along the northeasterly street line of Sockanosset Cross Road, a distance of 111.61 feet;

Thence North 52°53'41" West, along the northeasterly street line of Sockanosset Cross Road, a distance of 11.33 feet to the point and place of beginning.

The above described parcel contains 75,330 square feet (1.73 acres) more or less.

CITY OF CRANSTON
DEPARTMENT OF RECORDS - CITY CLERK'S OFFICE

25.

OK
JA

APPLICATION FOR CHANGE OF ZONE

201201270010180 Bk:LR4485 Pg:342
RECORDED Cranston, RI 3/4
01/27/2012 12:49:50 PM ZONE CHG ORD

Name(s) and address(es) of
owner(s) of property

CFS Partners LP

75 Sockanosset Crossroad

Suite 204

Cranston, RI 02920

RECEIVED
11 DEC 15 PM 12:38
CRANSTON
CITY CLERK

Zoning Plat Number

10/4 1360 & 712 see attached metes
Lot No(s)* and bounds description
AP 38 Lot 6 portion of bike path acquired by applicant

Street Address or
Location on Street

45-51 Sockanosset Crossroad

*If only a portion of a lot, attach a full metes and bounds description.

Present Zoning:

Industrial M-2

Zoning Requested:

Commercial C-3

Property to be used for:

General Business

Date: 12-13-11

CFS Partners LP by its general partner CFS Parth
Partners, Inc.

By: [Signature]
Owner

Owner
CFS Partners LP by its general partner CFS
Partners, Inc.

By: [Signature]
Applicant

Applicant

Allan W. Fung
Mayor

Peter S. Lapolla
Planning Director



201201270010180 Bk:LR4485 Pg:343
RECORDED Cranston, RI 4/4
01/27/2012 12:49:50 PM ZONE CHG ORD

26.
Charles Rossi
Chairman

Michael Smith
Vice Chairman

Mark Motte
Gene Nadeau
James Moran
Robert Strom
David Ventetuolo
Acting Director
Public Works

CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

12 JAN -4 PM 12:52

January 4, 2012

Councilman Paul Archetto
Ordinance Committee Chair
Cranston City Hall
869 Park Avenue
Cranston, RI 02910

RE: Ordinance #12-11-2 In Amendment of Title 17 of the Code of the City of Cranston, 2005, Entitled "Zoning" (Change of Zone – 45-51 Sockanosset Crossroad)

Dear Councilman Archetto:

On January 3, 2012, the above referenced ordinance was reviewed by the City Plan Commission for the purpose of providing the Council with an advisory recommendation, as required by Section 45-24-52 of the Rhode Island General Laws and Section 17.120.030 of the Cranston Zoning Code.

The owner of the land identified as 45-51 Sockanosset Road [Zoning Plat 10/4 Lots 1360 and 712 and a portion of Assessors Plat 38 Lot 6] has filed an application with the City Council to rezone said land. The request before the City Council is to rezone said land from M-2 Industrial to C-3 General Business.

The Plan Commission has reviewed this proposed zone change and would make the following comments:

A portion of Assessors Plat 28 Lot 6 was purchased from the State of Rhode Island and joined to Zoning Plat 10/4 Lots 1360 and 712 by an Administrative Subdivision in June, 2010. This land was part of an unused rail line that has been designated by the State as a potential bike path. The Future Land Use Map of the 2010 Comprehensive Plan designates a future land use of open space for the "bike path" parcel. The portion of Assessors Plat 28 Lot 6 was acquired prior to the adoption of the 2010 Comprehensive Plan and does not change the "bike path" parcel's land use designation as open space.

The Future Land Use Plan of the 2010 Comprehensive Plan designates a future land use of Highway Commercial and Services for Zoning Plat 10/4 Lots 1360 and 712. The 2010 Comprehensive Plan further indicates that C-3 is an appropriate zoning classification for Highway Commercial and Services.

Excepting the "bike path" land, the parcels of land to the west of the land being rezoned is zoned C-3 and the land to the east of the land being rezoned is zoned C-4.

Recommendation: In that the proposed zoning classification of C-3 is consistent with the Future Land Use Plan of the 2010 Comprehensive Plan and it reflects the current zoning for the adjacent parcel, upon motion made by Mr. Smith and seconded by Mr. Nadeau, the Plan Commission unanimously voted to adopt a resolution approving the ordinance and its passage by the City Council.

Ayes: Chairman Rossi, Mr. Smith, Mr. Motte, Mr. Nadeau and Mr. Strom. Nays: none.

Respectfully submitted,

Peter S. Lapolla
Director

Telephone: (401) 461-1000 ext 3136

Fax: (401) 780-3171

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED "ZONING" (Zoning Board of Review Hearing Procedure)

*Section 1 and 3 as amended City Council January 23, 2012
**Section 2 proposed original amendment denied City Council Jan. 23, 2012
No. 2012-3

Passed:
January 23, 2012

Handwritten signature of Anthony J. Lupino
Anthony J. Lupino, Council President

Approved:

February 2, 2012 pursuant to Sect. 3.14 of the City Charter.
Allan Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

SECTION 1. Chapter 17.108.120 of the Code of Ordinances is hereby amended as follows:
17.108.020 Membership.

The board shall consist of five members, each of whom shall be a qualified elector of the city; any of whom shall have professional training and experience in the area of real estate development, engineering, architecture, urban planning, law or any other related field.

To equalize the representation of the board, future board members shall be appointed from the following five geographic areas:

- A. One member shall be from either ward 1 or ward 2;
B. One member shall be from either ward 3 or 5;
C. One member shall be from either ward 4 or 6 and two at large members one shall be from Eastern Cranston -- which shall consist of neighborhoods east of Reservoir Avenue and one shall be from Western Cranston -- which shall consist of neighborhoods west of Reservoir Avenue.

The board as constituted at the time of adoption of this chapter shall be continued; thereafter the city council shall appoint the members of the board as the terms of the present members expire.

All members appointed as of March, 1985 shall be limited to one additional term beyond that term in which they were serving. All new members shall be limited to two consecutive terms. All appointments shall be for a term of five-years. Each member of the board shall hold office until his or her successor is chosen and qualified. In case any vacancy shall occur in the board from any cause, the city council shall appoint a member of the board to fill such vacancy for the remainder of the term.

Board members shall be sworn in before the City Council. The city clerk who shall administer to each member an oath or affirmation to the effect that such zoning board member shall faithfully perform the duties of his office and shall support the

Handwritten initials 'OK' and 'Cul'

46 constitution and laws of the State of Rhode Island and the United States of America and
47 the ordinances and the zoning code of the City of Cranston

48 The members of the board may be removed by the city council for such cause as it shall
49 deem sufficient and shall express in the order of removal.

50 There shall be four alternate members to the board, to be appointed for a term of one
51 year. The mayor shall appoint the first and third alternate members and the city council shall
52 appoint the second and fourth alternate members by a majority vote. These alternate members
53 shall sit and may actively participate in hearings. The first alternate member shall vote if a
54 member of the board is unable to serve at a hearing and the second alternate shall vote if two
55 members of the board are unable to serve at a hearing. The third alternate member shall serve if
56 three members of the board are unable to serve at a hearing, and the fourth alternate member
57 shall serve if four members of the board are unable to serve at a hearing. In the absence of the
58 first alternate member, the second alternate shall serve in the position of the first. No member or
59 alternate may vote on any matter before the board unless they have attended all hearings
60 concerning that matter.

61 The chairperson, or in his or her absence, the acting chairperson, may administer oaths
62 and compel the attendance of witnesses by the issuance of subpoenas.

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64
65 **SECTION 2** Chapter 17.108.070 of the Code of Ordinances is hereby amended as
66 follows:

67 **17.108.070 Public hearings.**

68 No action shall be taken by the board until after a public hearing has been held upon the
69 proposed action before the board, which shall first give written notice of the time and place of
70 such public hearing and the nature and purpose thereof, to the petitioner and to all owners of any
71 real property within four hundred (400) feet of the perimeter of the real property which is the
72 subject matter of the petition, by ordinary mail at least twenty (20) days before the date of such
73 hearing and by publication of such notice in a daily newspaper of general circulation within the
74 city at least twenty (20) days prior to the date of such hearing. Within four days after a decision
75 has been rendered by the board, the board shall mail, by ordinary mail, a copy of the decision to
76 all owners of real property who were originally notified of the hearing before the board, the
77 applicant, the zoning enforcement officer and the Associate Director of the Division of Planning
78 of the Rhode Island Department of Administration. The notice required by this section indicating
79 the time and place for such public hearing and the nature and purpose thereof, shall also contain
80 a statement that the recipient of such notice shall be allowed to address the zoning board on the
81 subject matter of the notice and if he or she so desires, he or she may be represented by an
82 attorney and have expert witnesses testify on his or her behalf. Should the decision of the zoning
83 board be unfavorable, the petitioner may appeal same to the Providence County Superior Court
84 within a period of twenty (20) days following the recording of the zoning board decision, in
85 accordance with RIGL Sections 45-24-69, 45-24-70 and 45-24-71. ~~**The Zoning Board and the~~
86 ~~Planning Board upon closing the testimonial portion of the hearing on a matter shall~~
87 ~~proceed to deliberate and vote on that matter before beginning the testimonial portion of~~
88 ~~the public hearing on any other matter~~ **Proposed original amendment denied by City

Handwritten initials: EW

89 Council January 23, 2012. *Handwritten signature: Maria Wall, City Clerk*

90

91 SECTION 3 Chapter 17 of the Code of Ordinances is hereby amended by adding thereto
92 the following:

93 **17.109 Members of the City Plan Commission shall be sworn in before the ~~City Council~~ city clerk**
94 **~~The city clerk~~ shall administer to each member an oath or affirmation to the effect that** who
95 **such City Plan Commission member shall faithfully perform the duties of his office and**
96 **shall support the constitution and laws of the State of Rhode Island and the United States**
97 **of America and the ordinances and the zoning code of the City of Cranston.** Ew
98
99

*and planning

100 SECTION 3~~x~~⁴ This Ordinance shall take effect upon its final adoption.

103 Positive Endorsement

Negative Endorsement (attach reasons)

104
105
106 3/nds
107 3 Sects 1 and 3

106 dispute 2
107 Ew

110 Christopher Rawson, Esq. City Solicitor / Date

Christopher Rawson, Esq., City Solicitor/Date

113 Sponsored by Councilman Stycos

116 Referred to Ordinance Committee Jan 12, 2012

117

Allan W. Fung
Mayor

Peter S. Lapolla
Planning Director



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CITY CLERK

30.
Charles Rossi
Chairman

Michael Smith
Vice Chairman

Mark Motte
Gene Nadeau
James Moran
Robert Strom
David Ventetuolo
Acting Director
Public Works

CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

January 4, 2012

Councilman Paul Archetto
Ordinance Committee Chair
Cranston City Hall
869 Park Avenue
Cranston, RI 02910

Corrected Recommendation

RE: Ordinance #12-11-3 In Amendment of Title 17 of the Code of the City of Cranston, 1970, Entitled "Zoning" (Zoning Board of Review Hearing Procedure)

Dear Councilman Archetto:

On January 3, 2012, the above referenced ordinance was reviewed by the City Plan Commission for the purpose of providing the Council with an advisory recommendation, as required by Section 45-24-52 of the Rhode Island General Laws and Section 17.120.030 of the Cranston Zoning Code.

Members of the City Council have proposed Ordinance 12-11-3 [Zoning Board of Review Hearing Procedure] the purpose of which is to amend the City's Zoning Ordinance [Chapter 17 of the City Code] with regards to how both the City Plan Commission and the Zoning Board of Review are to conduct their hearings. In summary, the proposed ordinance will:

- Amend Section 17.108.020 to require the Zoning Board of Review be sworn in before the City Council.
- Amend Section 17.108.070 to require The Zoning Board of Review and the City Plan Commission to vote on the matter pending before them at the close of the public testimonial portions on said matter.
- Add a new Section [Section 17.109] to require the City Plan Commission to be sworn in before the City Council.

The Plan Commission has reviewed the above noted ordinance and would make the following comments:

The Ordinance proposes to amend Section 17.108.020 Membership by the inserting the following at the end of the first paragraphs in the Section:

Board members shall be sworn in before the City Council. The city clerk shall administer to each member an oath or affirmation to the effect that such zoning board member shall faithfully perform the duties of his office and shall support the constitution and laws of the State of Rhode Island and the United States of America and the ordinances and the zoning code of the City of Cranston.

- While the change proposed under the ordinance is strictly a policy matter under zoning and may not impact the implementation of the zoning ordinance, the Plan Commission suggests that the City Council may wish to consult with the Zoning Board of Review [ZBR] as to their opinion on this matter. The Commission also suggests that it would be nice to know what the oath may be prior to enacting the ordinances.

The Ordinance proposes to amend Section 17.108.070 Public Hearings by the inserting the following at the end of the Section:

Telephone: (401) 461-1000 ext 3136

Fax: (401) 780-3171

The Zoning Board and the Planning Board upon closing the testimonial portion of the hearing shall proceed to deliberate and vote on that matter before beginning the testimonial portion of the public hearing on any other matter.

- The Plan Commission notes that the ordinance proposes to dictate how both the ZBR and the City Plan Commission are to conduct their meetings. For the ZBR, RIGL Chapter 45-24 clearly grants the ZBR the authority to develop practices and procedures to govern the administration of the Zoning Ordinance with specific reference to how they conduct their public hearings. In that State law would take precedent over any local ordinance, staff would question the validity of this particular section of the proposed ordinance. With regards to the Plan Commission, the Plan Commission is governed by Chapter 13 of the City Charter and RIGL CHAPTER 45-23 Rhode Island Land Development and Subdivision Review Enabling Act of 1992. Authority to promulgate regulations which govern subdivisions and land development projects, including how the Plan Commission is to conduct their public hearings, is derived from both the City Charter and RIGL CHAPTER 45-23. Again, the Plan Commission would note that both State law and City's Charter would take precedent over any local ordinance and the Commission questions the validity of this particular section of the proposed ordinance. Finally, the Plan Commission would also note that the actions of the City Plan Commission are governed through RIGL Chapter 45-23 and not RIGL Chapter 45-24. The City cannot regulate the actions of the Commission through an amendment to the Zoning Ordinance.

The Ordinance proposes to amend Section 17.109 by inserting the following language:

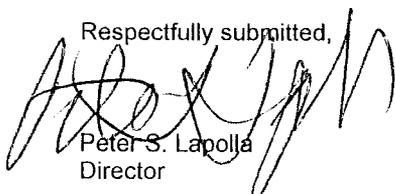
17.109 Members of the City Plan Commission shall be sworn in before the City Council. The city clerk shall administer to each member an oath or affirmation to the effect that such City Plan Commission member shall faithfully perform the duties of his office and shall support the constitution and laws of the State of Rhode Island and the United States of America and the ordinances and the zoning code of the City of Cranston.

- As noted above the Plan Commission is governed by Chapter 13 of the City Charter and authority to regulate development is derived from RIGL CHAPTER 45-23 Rhode Island Land Development and Subdivision Review Enabling Act of 1992. Staff would again suggest that the City can not impose conduct and standards on the Plan Commission through the Zoning Ordinance.

Recommendation: Given that at least two sections of the ordinance, as proposed, conflict with the City Charter and State Law; and given that the ordinance interjects the City Council into the functioning of what should be independent bodies, upon motion made by Mr. Smith and seconded by Mr. Nadeau, the City Plan Commission unanimously voted to make no recommendation on Section 17.108.020 and to recommend denial on Section 17.108.070 and proposed Section 17.090.

Ayes: Chairman Rossi, Mr. Smith, Mr. Motte, Mr. Nadeau and Mr. Strom. Nays: none.

Respectfully submitted,



Peter S. Lapolla
Director

-JANUARY 23, 2012-

12-11-5 ORDINANCE IN AMENDMENT OF TITLE 5, CHAPTER 4 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'BUSINESS LICENSES AND REGULATIONS' (Radius Map for Notification of Abutters) [\[click here to view\]](#)

On motion by Councilman Archetto, seconded by Council Vice-President Pelletier, the above Ordinance was adopted on a vote of. Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

CLAIMS COMMITTEE
(Steven A. Stycos, Chair)

RATIFICATION OF SETTLED CLAIMS: Annette Martinelli \$746.22 vehicle damage; Michael Ribezzo \$95.28 tire damage; Safety Insurance for T. Briand \$479.99 rental; Colleen Masterson \$79.00 tire damage.

On motion by Councilman Archetto, seconded by Council Vice-President Pelletier, it was voted to approve the above Ratified Settled claim. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto, Favicchio, Council Vice-President Pelletier and Council President Lupino -7. Councilman Santamaria recused.

V. PUBLIC HEARINGS
(open to any matters)

Diana Gordon, 363 Pontiac Ave., appeared to speak and asked that businesses not be pushed away.

Paul Valetta, President of Firefighters Union, appeared to speak regarding Resolution regarding Berkshire Group Presentation and stated that the City does not need a consulting firm to take money away from the taxpayers of the City. That is the job of the elected officials. He also stated that he hopes that there will be an RFP.

Valerie Schiulli, 27 Farm St., appeared to speak and stated that the full City Council is where votes should be taken.

VI. ELECTION OF CITY OFFICIALS

JUVENILE HEARING BOARD:

Pamela Schiff, Alternate Re-appointment – Council Vice-President Pelletier

On motion by Council Vice-President Pelletier, seconded by Councilman Archetto, it was voted re-appoint Pamela Schiff as an Alternate member of the Juvenile Hearing Board. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

CRANSTON PUBLIC LIBRARY BOARD OF TRUSTEES:

Rosemary DaSilva, January 24, 2012 to July 25, 2014
(completing unexpired term of Frank A. Montanaro)

On motion by Council Vice-President Pelletier, seconded by Councilwoman Luciano, it was voted to appoint Rosemary DaSilva as a member of the Cranston Public Library Board of Trustees. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

-JANUARY 23, 2012-

Frederick A. Miller, January 1, 2012 to July 27, 2013
(completing unexpired term of Joseph Cicione)

Vote on this appointment was taken at a previous meeting.

ZONING BOARD OF REVIEW:

Craig Norcliff – re-appointment as 4th Alternate Member – Councilman Navarro
(term expires November 23, 2012)

On motion by Council Vice-President Pelletier, seconded by Councilman Favicchio, it was voted to re-appoint Craig Norcliff as a Fourth Alternate member of the Zoning Board of Review. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

Lori Carlino – re-appointment as 2nd Alternate – Councilman Santamaria

On motion by Councilman Santamaria, seconded by Council Vice-President Pelletier, it was voted to re-appoint Lori Carlino as a Second Alternate member of the Zoning Board of Review. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

PERSONNEL APPEAL BOARD:

Gennaro Trombetti – (Democrat) – Councilman Archetto

On motion by Councilman Archetto, seconded by Councilman Santamaria, it was voted to appoint Gennaro Trombetti as a member of the Personnel Appeal Board. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

VII. REPORT OF CITY OFFICERS

None.

VIII. EXECUTIVE COMMUNICATIONS

CRANSTON FIRE DEPARTMENT:

Deputy Chief Jeffrey Wall, request to be placed on pension

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

TAX POLICY REVIEW COMMISSION: *Mark Collins*

No vote needed.

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

IN AMENDMENT OF TITLE 5, CHAPTER 4 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED "BUSINESS LICENSES AND REGULATIONS" (Radius Maps for Notification of Abutters)

No. 2012-2

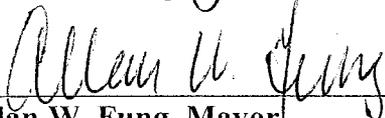
Passed:

January 23, 2012


Anthony J. Lupino, Council President

Approved:

January 27, 2012


Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 5.04, Section .060 entitled " Hours of Business" is hereby amended by adding thereto the following:

For businesses located within the City of Cranston whose hours of operation are subject to this Chapter, the hours of operation listed on their initial application and approved by the committee may not be increased until voted upon by the Committee on Safety Services after a public hearing for which advance written notice has been given. Written notice of the date, time and place of the public hearing and proposed change in hours of operation shall be sent by regular mail to all owners of real property whose property is located in or within not less than two hundred (200) feet of the business seeking to increase its hours of operation. The radius shall be measured from the perimeter of the lot lines on which the business is located. The cost of said notice and radius map shall be paid by the business seeking to increase its hours of operation.

No shops, store or other place of trade or entertainment in the city, excepting licensed taverns, shall be kept open between 1:00 a.m. and 4:00 a.m.; provided, however, that for sufficient cause shown to the police committee any shop, store or other place of trade or entertainment in the city, except one holding an alcoholic beverage license, may be granted a license to keep open for a longer time upon payment of the license fee required.

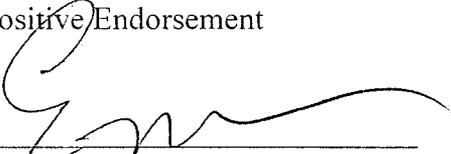
An applicant who has been denied a license to keep open all night cannot reapply for the license within a period of six months from the date of denial unless there is a substantial change of circumstances as evidenced by an affidavit signed by the applicant.

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Section 2. This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)



City Solicitor Date

City Solicitor Date

Sponsored by: Council President Lupino; Councilman Stycos and Councilman Santamaria

Referred to Ordinance Committee January 12, 2012

-JANUARY 23, 2012-

CLAIMS SETTLED BY LAW DEPARTMENT: Frank Pettinato and Attorney Richard J. Savage \$3,000.00.

No discussion held.

IX. COUNCIL PRESIDENT COMMUNICATIONS

TAX POLICY REVIEW COMMISSION:

George David & Peter Spinelli

CRANSTON HISTORICAL CEMETERIES COMMISSION:

John Baxter

LANDFILL ODOR ISSUE ADMINISTRATIVE UPDATE (Cont. 12/19/2011)

Council President Lupino stated that there has been new update since the last meeting. Council members have received communication via e-mail.

X. COUNCIL MEMBER COMMUNICATIONS

Councilman James Donahue:

- **Board of Contract and Purchase** – *Manuel Miguel*, Minority Leader's Re-appointment

Councilman Santamaria:

- **Hurricane Cleanup** – State Bid on Debris Removal (Cont. 12/19/2011)

Councilman Santamaria asked that this item be continued.

- **Wal-Mart, Plainfield Pike** – Administration report: lighting, trailer park on lot, trash

Mr. Cordy addressed trailers and campers parking in the parking lot during the evening. The Police has looked into this. A suggestion was made to have a meeting with developer who owns the property or Wal-Mart. Neighborhood policing may be in order to solve some of the problems. A meeting was scheduled and developer did not participate in that meeting. The manager was very cooperative. It was discovered that the trucks and campers are being parked overnight in the parking lot area of the empty building and is not owned by Wal-Mart. A follow-up meeting has been scheduled.

Councilman Santamaria asked if the lighting issue can be looked into again, since the property owners are still complaining. **Mr. Cordy** stated that the lighting may be coming from the loading dock area, since the parking lot area has been looked at and meets all the criteria.

-JANUARY 23, 2012-

Council President Lupino stated that he has not seen designated parking areas designated just to Wal-Mart. It is their parking lot. He asked what community policing would involve. Mr. Cordy stated that this is a concept of the Police Department and the people involved to try to come up with resolutions to the issues. He also stated that there are campers with generators parked in the parking lot and people are living there. He asked Administration for formal reports of what actions can be taken regarding this. Mr. Cordy stated that the Solicitor is working on this.

Council Vice-President Pelletier:

- *Natick Ave. Bridge*

Council Vice-President Pelletier asked when completion date is for this. Mr. Cordy stated that the only thing we are waiting for is pedestrian railing and the painting of the road.

Councilman Stycos:

- *Correspondence from Fire Union regarding Fire Pension Fund*

Councilman Stycos indicated to a letter from the Fire Union dated January 17th, where the Fire Union were willing to meet with the Mayor regarding Fire Pension Fund and they have not heard back from the Mayor. Mr. Cordy stated that he will check into this. Mr. Strom stated that his opinion is the Mayor is waiting to see how the State Pension develops and then he will respond to the Fire Union.

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 and Licenses Committee – February 6, 2012

- 1-12-1 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2010, entitled “Motor Vehicles and Traffic” (Macbeth St. at Burr St.). [\[click here to view\]](#)
- 1-12-2 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2010, entitled “Motor Vehicles and Traffic” (Burr St. Southbound at Macbeth St.) [\[click here to view\]](#)
- 1-12-3 Ordinance in amendment of Title 10, Chapter 12 of the Code of the City of Cranston, 2010, entitled “Motor Vehicles and Traffic” (Garfield Ave. Crosswalk). [\[click here to view\]](#)
- 1-12-4 Ordinance in amendment of Title 8, Chapter 44 of the Code of the City of Cranston, 2010, entitled “Health and Safety” (Tobacco Discount Ban). [\[click here to view\]](#)
- 1-12-5 Ordinance in amendment of Title 8, Chapter 44 of the Code of the City of Cranston, 2010, entitled “Health and Safety” (Tobacco Flavored Ban). [\[click here to view\]](#)
- 1-12-7 Ordinance in amendment of Title 15 of the Code of the City of Cranston, 2010, entitled “Building and Construction” (Overnight Camping Ban for Retain Properties). [\[click here to view\]](#)

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THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY
OF CRANSTON, 2005 , ENTITLED "MOTOR VEHICLES AND TRAFFIC"
(Macbeth Street at Burr Street)

No.

Passed :

Anthony J. Lupino, Council President

Approved:

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 10.32, Section .020 entitled "Stop Intersections-Enumerated"
is hereby amended by adding the following:

Macbeth Street at its intersection with Burr Street

Section 2. This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

Christopher Rawson, City Solicitor Date

Christopher Rawson, City Solicitor Date

Sponsored by: Councilman Santamaria

Referred to Safety Services and Licenses Committee February 6, 2012

39.
Rec'd 12/20/2011
(m)

City of Cranston

Department of Public Works/ Public Safety Division

Interoffice Memorandum

To: Maria Wall
From: Dave Ferguson *DF*
Subject: Traffic Ordinance proposal –Macbeth Street stop condition (10.32.020)

Date: December 19, 2011

CC: Cordy, Capuano, Lopez, Giarrusso; file

This ordinance proposal has been prepared for introduction at the January 23, 2012 City Council Meeting.

SPONSOR: Councilman Santamaria

Section .020, located in Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled "Stop intersections – Enumerated." should be amended to **ADD:**

Macbeth Street at its intersection with Burr Street.

Attachment: Staff Report



THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY OF CRANSTON, 2005 , ENTITLED "MOTOR VEHICLES AND TRAFFIC"
(Burr Street Southbound at Macbeth)

No.

Passed :

Anthony J. Lupino, Council President

Approved:

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 10.32, Section .020 entitled "Stop Intersections-Enumerated" is hereby amended by adding the following:

Burr Street, southbound approach, at its intersection with Macbeth Street

Section 2. This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

Christopher Rawson, City Solicitor

Date

Christopher Rawson, City Solicitor

Date

Sponsored by: Councilman Santamaria

Referred to Safety Services and Licenses Committee February 6, 2012

City of Cranston
Department of Public Works/ Public Safety Division
Interoffice Memorandum

To: Maria Wall
From: Dave Ferguson 
Subject: Traffic Ordinance proposal –Burr Street southbound leg stop condition
(10.32.020)

Date: January 3, 2012

CC: Cordy, Capuano, Lopez, Giarrusso; file

This ordinance proposal has been prepared for introduction at the January 23, 2012 City Council Meeting.

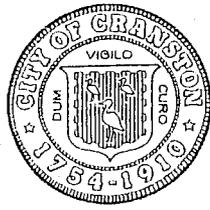
SPONSOR: Councilman Santamaria

Section .020, located in Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled “Stop intersections – Enumerated.” should be amended to **ADD:**

Burr Street, southbound approach, at its intersection with Macbeth Street.

Attachment: Staff Report

ALLAN W. FUNG
MAYOR



DAVID VENTETUOLO
ACTING DIRECTOR

DEPARTMENT OF PUBLIC WORKS

Inter-Office Memorandum

TO: Anthony J. Lupino, Council President

FROM: Dave Ferguson, Public Safety Manager/Traffic Engr. *DF*

SUBJ: Traffic Engineers Report on Ordinance proposal – Burr Street southbound leg stop condition (10.32.020)

DATE: January 3, 2012

In keeping with Section 9.06 of the Charter, as contained in the Cranston Municipal Code, dated 2005, I have reviewed the ordinance proposal, sponsored by Councilman Santamaria.

As with all ordinance proposals, this office undertakes an in-house and field investigation to determine what factors lead to and potentially support the request. These investigations were completed and the following applies.

The data reviewed included, our currently codified Code Book, all approved traffic related ordinances subsequent to December 20, 2010, accident data, existing roadway geometry, sight lines and other data specific to stop sign criteria as defined and delineated in the Manual on Uniform Traffic Control Devices (MUTCD), 2009 and the latest amendments. There is currently no approved stop condition for Burr Street at its intersection with Macbeth Street.

This three-legged "T" intersection services two (2) low volume, 25 MPH, 2-lane residential roadways. The approach legs of the intersection are at right angles to each other. Although the northerly leg has a negative vertical change in grade from the intersection, it does not appear to lend itself to difficulty for eastbound Macbeth Street motorists to immediately recognize southbound Burr Street motorists as they approach the intersection. The remaining two legs were also noted as being free of any physical elements that would restrict sight lines of motorists approaching the intersection.

Accident data was obtained for the period covering 12/08 to 12/11. During the 3 year period zero (0) accidents were recorded at the intersection. The lack of accidents at the intersection would appear to support the absence of sight distance issues noted during the field review.

It is important to note there are two (2) safety related concerns that, if approved, would result from the ordinance proposal before you.

Cranston R.I.

Mapping Cranston's Future

Home Contact

Interactive



Find Layers

Press the **Create a PDF** button to generate a printable version of this map in a new window.

NOTE: To maintain proper print resolution, please print the PDF files at the proportions which they were generated. In the print dialog options, select the Adobe Reader is installed to view the PDF map.

Enter a Title (50 characters)

Burr-Macbeth stop cond...

Enter a Scale

1:1148

Page Orientation

Landscape Portrait

Page Dimension

8.5x11 11x8.5

Create a PDF Map

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 10, CHAPTER 12 OF THE CODE OF THE CITY
OF CRANSTON, 2005, ENTITLED "MOTOR VEHICLES AND TRAFFIC"
(Garfield Avenue Crosswalk)

Passed:

Anthony J. Lupino, Council President

Approved:

Allan Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 10.12, Section .032 entitled " Crosswalks-Enumerated" is hereby amended by adding thereto the following:

Across Garfield Avenue, in front of the Cranston Police Station public entrance.

Section 2. This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

Christopher Rawson, City Solicitor Date

Christopher Rawson, City Solicitor Date

Sponsored by: Councilman Archetto

Referred to Safety Services February 6, 2012

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 8, CHAPTER 44 OF THE CODE OF THE CITY OF
CRANSTON, 2012, ENTITLED "HEALTH AND SAFETY"
(TOBACCO DISCOUNT BAN)

No.

Passed:

Anthony J. Lupino, Council President

Approved:

Allan Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 5.68, entitled " TOBACCO DEALERS" is hereby amended by adding thereto the following:

5.68.010- Definitions

"Tobacco products" means any substance containing tobacco leaf, including, but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco or rolling papers.

"Vending machines" means any mechanical, electric or electronic self service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.

"Compliance check violation" means any sale of tobacco products to and/or by a person who is less than eighteen (18) years of age.

"Coupon" shall mean any card, paper, note, form, statement, ticket or other issue distributed for commercial or promotional purposes to be later surrendered by the bearer so as to receive an article, service or accommodation without charge or at a discount price

"Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary use and consists of or contains (1) any roll of tobacco wrapped in paper (2) tobacco in any form, that is functional in the product which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling is likely to be offered to or purchased by, consumers as cigarettes; or (3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco

46 used in the filler, or its packaging and labeling, is likely to be offered to or purchased by
47 consumers as a cigarette.

48
49 “Listed or non-discounted price” shall mean the higher of the price listed for a
50 tobacco product on its package or the price listed on any related shelving, posting,
51 advertising or display at the place where the tobacco product is sold or offered for sale
52 plus all applicable taxes if such taxes are not included in the state price, and before the
53 application of any discounts or coupons.

54
55 “Tobacco Product” means any product containing tobacco or nicotine, included
56 but not limited to cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco,
57 dissolvable tobacco products and electronic cigarette cartridges.

58
59 **5.68.011- Ban on Tobacco Coupons and Discounts**

60
61 It shall be unlawful for any person who holds a license issued under this article
62 or any agent or employee of the same to

- 63 (1) Accept or redeem, offer to accept or redeem, or cause or hire any person to
64 accept or redeem or offer to accept or redeem any coupon that provides any
65 tobacco products without charge or for less than the listed or non-discounted
66 price or
- 67 (2) Accept or redeem, offer to accept or redeem, or cause or hire any person to
68 accept or redeem or offer to accept or redeem any coupon that provides any
69 cigarettes without charge or for less than the listed or non-discounted price or
- 70 (3) Sell tobacco products to consumers through any multipack discounts (e.g.
71 buy-two-get-one free) or otherwise provide or distribute to consumers any
72 tobacco products without charge or for less than the listed or non-discounted
73 price in exchange for the purchase of any other tobacco product or
- 74 (4) Sell cigarettes to consumers through any multi-pack discounts (e.g. buy-two-
75 get-one free) or otherwise provide or distribute to consumers any cigarette
76 without charge or for less than the listed or non-discounted price in exchange
77 for the purchase of any other cigarette.

78
79
80 **Section 2.** This Ordinance shall take effect upon its final adoption.

81		
82	Positive Endorsement	Negative Endorsement (attach reasons)
83		
84		
85		
86	_____ Christopher Rawson, City Solicitor	_____ Christopher Rawson, City Solicitor
87	Date	Date

88
89 Sponsored by: Councilman Archetto
90
91 Referred to Safety Services February 6, 2012

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 8, CHAPTER 44 OF THE CODE OF THE CITY OF
CRANSTON, 2012, ENTITLED "HEALTH AND SAFETY"
(TOBACCO FLAVORED BAN)

No.

Passed:

Anthony J. Lupino, Council President

Approved:

Allan Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Chapter 8.44, entitled " SMOKING" is hereby amended by adding thereto the following:

8.44.050 Ban on Sale of Flavored Tobacco Products

A. Definitions

"Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary use and consists of or contains (1) any roll of tobacco wrapped in paper (2) tobacco in any form, that is functional in the product which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling is likely to be offered to or purchased by, consumers as cigarettes; or (3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to or purchased by consumers as a cigarette.

"Characterizing Flavor" means a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, imparted either prior to or during consumption of a tobacco product or component part thereof, including but not limited to tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice and concepts such as spicy, arctic, ice, cool, warm, hot, mellow, fresh and breeze: provided, however, that not tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information.

"Component Part" means any element of a tobacco product, including but not limited to, the tobacco, filter and paper, but not including any constituent.

"Constituent" means any ingredient, substance, chemical or compound other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacture or packing of the tobacco product.

"Flavored Tobacco Product" means any tobacco product or any component part thereof that contains a constituent that imparts a characterizing flavor.

The City of Cranston

ORDINANCE OF THE CITY COUNCIL

**IN AMENDMENT OF TITLE 15 OF THE CODE OF THE CITY OF CRANSTON, ENTITLED
"BUILDING AND CONSTRUCTION"
(Overnight Camping Ban for Retain Properties)**

No..

Passed:

Anthony J. Lupino, Council President

Approved:

Allan Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Title 15, Article 32, Section .010 of the Code of Ordinances is hereby amended by adding thereto:

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Tent" or "trailer" means any tent, temporary structure, house car, automobile, truck or automobile trailer used for or adaptable for use as living quarters.

"Tourist camp" or "trailer grounds" means any place where two or more tents or trailers are located, or any premises designed or intended for the purpose of supplying the public with locations for two or more tents or trailers.

"Retail Establishment" means any shop, store or other place of trade or entertainment located within the city.

"Unit" means any section of ground in any tourist camp or trailer grounds used or designed for use as the location of a single tent or trailer.

Section 2. Title 15, Article 28, Section .020 of the Code of Ordinances is hereby amended by adding thereto:

~~15.28~~ 32.020 - Permit for establishment of camps or grounds required—Application.

It shall be unlawful for any person to establish or maintain or to permit the establishment or maintenance of a tourist camp or trailer grounds upon any property owned or controlled by him or her in the city, unless there exists a valid permit therefore, granted by the police committee of

47 the city council and existing in compliance with the provisions of this chapter. The application
 48 for such permit shall be accompanied by plans of the proposed or existing tourist camp or trailer
 49 grounds, showing the location of all buildings, driveways, unit layouts, toilet facilities, bath,
 50 laundry facilities, slop sinks and other improvements, and such permit may be granted to anyone
 51 meeting the requirements in a complete and proper manner in the discretion of the police
 52 committee of the city council.

53
 54 **Section 3.** Title 15, Article 32 of the Code of Ordinances is hereby amended by adding thereto:

55
 56 15.32.021 – Retail Establishments banned from allowing overnight camping.

57
 58 It shall be unlawful for any retail establishment to establish, maintain, or allow any kind of
 59 overnight camping in a tent or a trailer, as defined by this section, upon any property owned or
 60 controlled by him or her in the city. If a retail establishment knows or should know that their
 61 property will be used as an ad hoc camp ground, they must take affirmative steps to dissuade said
 62 activity. Affirmative steps include, but are not limited to, posting visible signs with specific
 63 reference to this ordinance or taking steps to dissuade trespassers.

64
 65 **Section 4.** Title 15, Article 32 of the Code of Ordinances is hereby amended by adding thereto:

66
 67 15.32.041 – Penalties for violating this chapter.

68
 69 If any section of this chapter, entitled Tourists Camps and Trailer Grounds, is violated, the
 70 following fines shall be assessed against the property owner:

- 71
 72 \$100 for the first offense.
 73 \$250 for the second offense.
 74 \$500 for each subsequent offense.

75
 76 In the case of a retail establishment being assessed a fine under this chapter, if the establishment
 77 posted adequate, visible signage upon their premises with reference to this ordinance which
 78 states camping is not allowed, the retail establishment will be exempt from the fine, and a \$100
 79 fine will be assessed to the violators on the retail establishment’s premises.

80 Any violation of this chapter shall be enforced by the Cranston Police Department. All fines
 81 assessed shall be made payable to the city treasurer, and deposited within the City’s general
 82 fund.

83
 84 **Section 5.** This Ordinance shall take effect upon its final adoption.

85	Positive Endorsement	Negative Endorsement (attach reasons)
86	_____	_____
87	Christopher Rawson, City Solicitor Date	Christopher Rawson, City Solicitor Date
88		

89 Sponsored by: Councilman Santamaria

90

91 Referred to Safety Services Committee February 6, 2012

-JANUARY 23, 2012-

Planning Commission – February 7, 2012

1-12-6 Ordinance in amendment of Chapter 16 of the Code of the City of Cranston, 2010, entitled “Zoning” (Fletcher Ave. – Zone Change). [\[click here to view\]](#)

Public Works Committee – February 16, 2012

Resolution in support of reinstating the 50/50 sidewalk repair program. [\[click here to view\]](#)

Request from National Grid for pole location at Old Scituate Ave. [\[click here to view\]](#)

Finance Committee – February 16, 2012

Resolution loan order authorizing the issue of \$530,000 bonds of the City to finance the purchase of Public Works and Highway equipment and construction of a Salt Storage Facility; authorizing the City to apply for federal and state advances for that purpose; authorizing the issue of \$530,000 temporary notes for that purpose; and authorizing advances from the General Treasury for that purpose. [\[click here to view\]](#)

Resolution loan order authorizing the issue of \$4,335,000 bonds of the City to finance the acquisition, construction and rehabilitation of Fire Stations and facilities and the purchase of equipment for the Fire Department; authorizing the City to apply for federal and state advances for that purpose; authorizing the issue of \$4,335,000 temporary notes for that purpose; and authorizing advances from the General Treasury for that purpose. [\[click here to view\]](#)

Resolution loan order authorizing the issue of \$6,300,000 bonds of the City to finance the construction and equipping of a new fire station in the Western part of the City of Cranston and the repair, renovation and improvement of existing fire stations throughout the City of Cranston; authorizing the City to apply for federal and state advances for that purpose; authorizing the issue of \$6,300,000 temporary notes for that purpose; and authorizing advances from the General Treasury for that purpose. [\[click here to view\]](#)

Resolution loan order authorizing the issue of \$6,000,000 bonds of the City to finance the repair, construction and rehabilitation of drainage improvements and the remediation and mitigation of drainage and flooding problems, throughout the City of Cranston; authorizing the City to apply for federal and state advances for that purpose; authorizing the issue of \$6,000,000 temporary notes for that purpose; and authorizing advances from the General Treasury for that purpose. [\[click here to view\]](#)

Ordinance Committee – February 16, 2012

Resolution urging the Municipal Court to vigorously enforce existing Minimum Housing Laws and impose penalties for violations. [\[click here to view\]](#)

1-12-6 Ordinance in amendment of Chapter 16 of the Code of the City of Cranston, 2010, entitled “Zoning” (Fletcher Ave. – Zone Change). [\[click here to view\]](#)

Claims Committee

*Janet Gamba, property damage claim from alleged incident on January 6, 2011.

*Linda Markelewicz, property damage claim from alleged incident on December 1, 2011.

*Patricia Quirk, personal injury claim from alleged incident on December 10, 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 Stycos, Navarro, Archetto, Santamaria, Favicchio, Council Vice-President Pelletier and Council President Lupino -8.

1-12-06

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF
CRANSTON, 2005, ENTITLED "ZONING"
(Fletcher Avenue- Zone Change)

No.

Passed:

Anthony J. Lupino, Council President

Approved:

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. That the Zoning Map accompanying and made a part of Chapter 17 of the Code of the City of Cranston, Rhode Island, 2005, entitled, "Zoning", as adopted January 24, 1966, as amended, is hereby deleting :

[from an S-1 Zone, Lot 3194 and a portion of Lot 1 located on Zoning Plat 12-1, located on the northerly side of Fletcher Avenue between State Street and Tabor Street (see Metes and Bounds description attached hereto as Exhibit "A" made a part hereof)]

And by adding thereto the following:

M-1. Lot 3194 and a portion of Lot 1 located on Zoning Plat 12-1, on the northerly side of Fletcher Avenue between State Street and Tabor Street (see Metes and Bounds description attached hereto as Exhibit "A" made a part hereof).

Section 2. This ordinance shall take effect upon its final adoption.

Positive Endorsement:

Negative Endorsement: (Attach reasons)

Christopher M. Rawson Date
City Solicitor

Christopher M. Rawson Date
City Solicitor

Petition filed by: Joseph Piti

Referred to Ordinance Committee February 16, 2012
U/Ordinance/Zone Change/Fletcher Avenue

CITY OF CRANSTON
DEPARTMENT OF RECORDS - CITY CLERK'S OFFICE

APPLICATION FOR CHANGE OF ZONE

Name(s) and address(es) of
owner(s) of property

JOSEPH PITI

14 JOYCE ANN DRIVE

SMITHFIELD, RI 02917

Zoning Plat Number

12-1 Lot No. 3194 and portion of
Lot No(s)*Lot No. 1 (*see Metes and
Bounds description attached hereto as Exhibit "A"*)

Street Address or
Location on Street

127, 131 and 133 Fletcher Avenue.

Located on the northerly side of Fletcher Avenue,
between State Street and Tabor Street.

*If only a portion of a lot, attach a full metes and bounds description.

Present Zoning:

S-1

Zoning Requested:

M-1

Property to be used for:

Uses permitted in an M-1 Industrial Zone

Date:

11/09/12

Owner, JOSEPH PITI

Owner

Applicant, JOSEPH PITI

Applicant

Exhibit "A"

That certain tract or parcel of land located on the northerly side of Fletcher Avenue, situated in the City of Cranston, County of Providence and State of Rhode Island bounded and described as follows;

Beginning at a point on the center-line of Fletcher Avenue, said point being identified as Station 6+08.63 on the State of Rhode Island Highway Plat # 760, said Plat on record with the State of Rhode Islands Department of Transportation and said point also being the most southerly corner of the parcel described herein;

Thence running in a northwesterly direction along the center-line of Fletcher Avenue a distance of two-hundred feet (200.0') to a point;

Thence turning an interior angle of 90° and running in a northeasterly direction bounded westerly partly by land now or formerly of Park Avenue Realty and in part by now or formerly of Nicholas and John Deraimo a distance of five-hundred twenty-five feet (525.0') to a point;

Thence turning an interior angle of 90° and running in an easterly direction a distance of two-hundred ninety-eight and $57/100$ feet (298.57') to a point, said point being a point located on the most easterly lot line of said land now or formerly of Joseph Piti;

Thence turning an interior angle of $96^{\circ}49'30''$ and running in southwesterly direction bounded easterly by land now or formerly of Catholic Cemeteries a distance of three-hundred seventy and $97/100$ feet (370.97') to a point;

Thence turning an interior angle of $81^{\circ}44'$ and running in a northwesterly direction bounded southerly by land now or formerly of said Catholic Cemeteries a distance of one-hundred forty-two and $7/10$ feet (142.70') to a point;

Thence turning an interior angle of $271^{\circ}26'30''$ and running in a southerly direction bounded easterly by land now or formerly of said Catholic Cemeteries a distance of one-hundred sixty and $25/100$ feet (160.25') to the center-line of Fletcher Avenue and the point and place of beginning.

The last described line forms an interior angle of 90° with the first described line.

THE CITY OF CRANSTON

RESOLUTION OF THE CITY COUNCIL
IN SUPPORT OF REINSTATING THE 50/50 SIDEWALK REPAIR PROGRAM

Passed:

Anthony J. Lupino, Council President

Resolved that,

WHEREAS, the City of Cranston and all other Cities and Towns in Rhode Island have experienced severe financial constraints and cutbacks.

WHEREAS, the City of Cranston has been financially constrained and has been working diligently to responsibly solve the fiscal problems.

WHEREAS, the City of Cranston has an ordinance on record which supports a 50/50 Sidewalk Program

WHEREAS, it is evident that the City of Cranston is not enforcing the 50/50 program.

NOW THEREFORE, BE IT RESOLVED, that the Cranston City Council hereby requests that the Department of Public Works, the administration of the City of Cranston or any other entity working within the City on installing sidewalks enforce the 50/50 ordinance.

Sponsored by: Councilman Archetto

Referred to Public Works Committee February 16, 2012

nationalgrid

RECEIVED
12 JAN 12 AM 10:33
CRANSTON
CITY CLERK
TOWN CLERK

PETITION OF THE NATIONAL GRID FOR
JOINT OR IDENTICAL POLE LOCATION

TO THE HONORABLE _____ TOWN COUNCIL _____
OF _____ CRANSTON _____ RHODE ISLAND
THE NATIONAL GRID

Respectfully asks permission to locate and maintain poles, wires and fixtures, including the necessary sustain and protecting fixtures to be owned and used in common by you petitioner along and across the following public ways:

OLD SCITUATE AVENUE PROPOSE NEW JO POLE LOCATION REVISED

Wherefore your petitioners pray that they be granted joint of identical location for existing poles and permission to erect and maintain poles and wires together with such sustaining and protecting fixtures as the may find necessary, said poles erected or to erected substantially in accordance with the plan filed herewith marked:207157

DATED 10/20/2011

Your petitioner agrees to reserve or provide space for one cross arm at a suitable point on each of said poles for the fire, police, telephone signal wires belonging to the municipality and used by it exclusively for municipal purposes.

THE NATIONAL GRID

BY: John Castro
John Castro, Engineering

THE VERIZON

BY: Stanley Stanley
ORDER

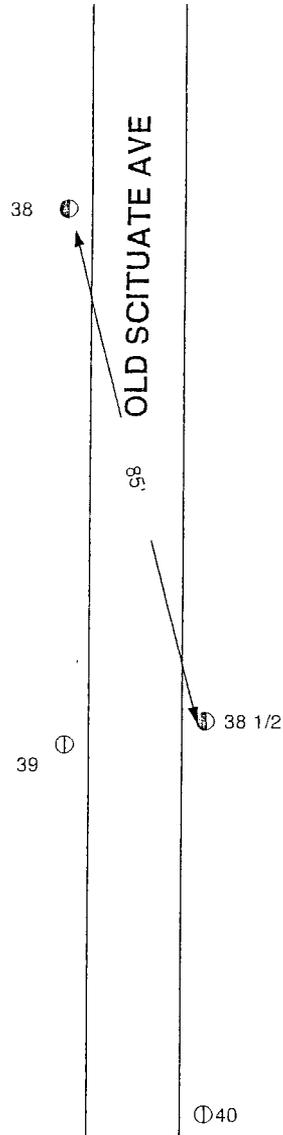
The foregoing petition been read, it was voted that the consent at the

For the use of public ways named for the purposes stated in said petition be and it hereby is granted-----
work to be done subject to the supervision of

A true copy of the vote at the _____

Adopted _____ and recorded in Records Book# _____ Page#

CLERK



JOINT OWNED POLE PETITION		nationalgrid And Verizon New England, Inc.	
<input checked="" type="radio"/> Proposed NGRID Pole Locations		Date: 1/6/2012	WR11789988
<input type="radio"/> Existing NGRID Pole Locations		Plan Number: 207157	
<input checked="" type="radio"/> Proposed J.O. Pole Locations		To Accompany Petition Dated: 10/20/11	
<input type="radio"/> Existing J.O. Pole Locations		To The: TOWN Of CRANSTON	
<input checked="" type="radio"/> Existing Telephone Co. Pole Locations		For Proposed: NEW Pole: 39 Location: OLD SCITUATE	
<input checked="" type="radio"/> Existing NGRID Pole Location To Be Made J.O.		Date Of Original Grant:	
<input checked="" type="checkbox"/> Existing Pole Locations To Be Removed			
DISTANCES ARE APPROXIMATE			

THE CITY OF CRANSTON

RESOLUTION OF THE CITY COUNCIL

LOAN ORDER AUTHORIZING THE ISSUE OF \$530,000 BONDS OF THE CITY TO FINANCE THE PURCHASE OF PUBLIC WORKS AND HIGHWAY EQUIPMENT AND CONSTRUCTION OF A SALT STORAGE FACILITY; AUTHORIZING THE CITY TO APPLY FOR FEDERAL AND STATE ADVANCES FOR THAT PURPOSE; AUTHORIZING THE ISSUE OF \$530,000 TEMPORARY NOTES FOR THAT PURPOSE; AND AUTHORIZING ADVANCES FROM THE GENERAL TREASURY FOR THAT PURPOSE

No.

Passed:

Anthony J. Lupino, Council President

SECTION 1. The sum of \$530,000 is appropriated to finance the purchase of public works and highway equipment and construction of a salt storage facility (the "Project").

SECTION 2. The Mayor and the Director of Finance are authorized to issue \$530,000 bonds of the City at one time or from time to time under Chapter 392/522 of the Public Laws of 2006, approved by the electors of the City at the general election held on November 7, 2006, in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may, subject to and pursuant to Section 9 of Chapter 392/522 of the Public Laws of 2006, apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purpose specified in Section 1 hereof.

SECTION 4. The said officers from time to time may issue and refund not exceeding \$530,000 interest bearing or discounted notes under Section 3 of Chapter 392/522 of the Public Laws of 2006 in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 5. The manner of sale and the forms, denominations, maturities, interest rates and other details of the bonds and notes shall be fixed by the said officers.

SECTION 6. Pending the issue of bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 4 hereof, the City Treasurer at the written direction of the Mayor may, pursuant to Section 4 of Chapter 392/522 of the Public Laws of 2006, expend funds from the general treasury of the City for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Director of Finance and the Mayor are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing, including, without limitation, a Preliminary Official Statement, a final Official Statement, all in such form and with such provisions as such officers shall deem advisable; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this loan order in order to effectuate said borrowing and the intent hereof.

SECTION 8. The Director of Finance and the Mayor are hereby authorized to take all lawful action necessary under the Internal Revenue Code of 1986, as amended (the "Code") to insure that the interest on the bonds and the notes will be and continue to be excluded from gross income for federal income tax purposes to the extent provided in Section 103 of the Code, and to refrain from taking any action which will cause interest on the bonds or the notes to lose the benefit of exclusion from gross income provided by Section 103(a) of the Code. The Director of Finance and the Mayor are further authorized to take all lawful action necessary or desirable to designate the bonds and the notes as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code.

SECTION 9. This loan order is an affirmative action of the City Council of the City toward the issuance of bonds or notes in accordance with the purposes of the laws of the State. This loan order constitutes the City's declaration of official intent, pursuant to Treasury Regulation §1.150(2), to reimburse the City for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the additional bonds or notes. Such amounts to be reimbursed shall not exceed \$530,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

U/Resolutions/Loan Order/Highway Salt Storage (\$530,000)

SECTION 10. The Director of Finance and the Mayor are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Disclosure Certificate in connection with the bonds or notes in the form as shall be deemed advisable by the Director of Finance and the Mayor in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this loan order or the bonds or notes, failure of the City to comply with the Disclosure Certificate shall not be considered an event of default; however, any bondholder or noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Disclosure Certificate.

SECTION 11. This loan order shall take effect upon its approval by the Mayor after its passage.

Sponsored by:

Referred to Finance Committee February 16, 2012

U/Resolutions/Loan Order/Highway Salt Storage (\$530,000)

THE CITY OF CRANSTON

RESOLUTION OF THE CITY COUNCIL

LOAN ORDER AUTHORIZING THE ISSUE OF \$4,335,000 BONDS OF THE CITY TO FINANCE THE ACQUISITION, CONSTRUCTION AND REHABILITATION OF FIRE STATIONS AND FACILITIES AND THE PURCHASE OF EQUIPMENT FOR THE FIRE DEPARTMENT; AUTHORIZING THE CITY TO APPLY FOR FEDERAL AND STATE ADVANCES FOR THAT PURPOSE; AUTHORIZING THE ISSUE OF \$4,335,000 TEMPORARY NOTES FOR THAT PURPOSE; AND AUTHORIZING ADVANCES FROM THE GENERAL TREASURY FOR THAT PURPOSE

No.

Passed:

Anthony J. Lupino, Council President

SECTION 1. The sum of \$4,335,000 is appropriated to finance acquisition, construction and rehabilitation of fire stations and facilities and the purchase of equipment for the fire department (the "Project").

SECTION 2. The Mayor and the Director of Finance are authorized to issue \$4,335,000 bonds of the City at one time or from time to time under Chapter 396/525 of the Public Laws of 2006, approved by the electors of the City at the general election held on November 7, 2006, in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may, subject to and pursuant to Section 9 of Chapter 396/525 of the Public Laws of 2006, apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purpose specified in Section 1 hereof.

SECTION 4. The said officers from time to time may issue and refund not exceeding \$4,335,000 interest bearing or discounted notes under Section 3 of Chapter 396/525 of the Public Laws of 2006 in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 5. The manner of sale and the forms, denominations, maturities, interest rates and other details of the bonds and notes shall be fixed by the said officers.

U/Resolutions/Loan Order/Fire Stations Equipment (\$4,335,000)

SECTION 6. Pending the issue of bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 4 hereof, the City Treasurer at the written direction of the Mayor may, pursuant to Section 4 of Chapter 396/525 of the Public Laws of 2006, expend funds from the general treasury of the City for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Director of Finance and the Mayor are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing, including, without limitation, a Preliminary Official Statement, a final Official Statement, all in such form and with such provisions as such officers shall deem advisable; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this loan order in order to effectuate said borrowing and the intent hereof.

SECTION 8. The Director of Finance and the Mayor are hereby authorized to take all lawful action necessary under the Internal Revenue Code of 1986, as amended (the "Code") to insure that the interest on the bonds and the notes will be and continue to be excluded from gross income for federal income tax purposes to the extent provided in Section 103 of the Code, and to refrain from taking any action which will cause interest on the bonds or the notes to lose the benefit of exclusion from gross income provided by Section 103(a) of the Code. The Director of Finance and the Mayor are further authorized to take all lawful action necessary or desirable to designate the bonds and the notes as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code.

SECTION 9. This loan order is an affirmative action of the City Council of the City toward the issuance of bonds or notes in accordance with the purposes of the laws of the State. This loan order constitutes the City's declaration of official intent, pursuant to Treasury Regulation §1.150(2), to reimburse the City for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the additional bonds or notes. Such amounts to be reimbursed shall not exceed \$4,335,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 10. The Director of Finance and the Mayor are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Disclosure Certificate in connection with the bonds or notes in the form as shall be deemed advisable by the Director of Finance and the Mayor in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this loan order or the bonds or notes, failure of the City to comply with the Disclosure Certificate shall not be considered an event of default; however, any bondholder or noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Disclosure Certificate.

SECTION 11. This loan order shall take effect upon its approval by the Mayor after its passage.

Sponsored by:

Referred to Finance Committee February 16, 2012

U/Resolutions/Loan Order/Fire Stations Equipment (\$4,335,000)

THE CITY OF CRANSTON

RESOLUTION OF THE CITY COUNCIL

LOAN ORDER AUTHORIZING THE ISSUE OF \$6,300,000 BONDS OF THE CITY TO FINANCE THE CONSTRUCTION AND EQUIPPING OF A NEW FIRE STATION IN THE WESTERN PART OF THE CITY OF CRANSTON AND THE REPAIR, RENOVATION AND IMPROVEMENT OF EXISTING FIRE STATIONS THROUGHOUT THE CITY OF CRANSTON; AUTHORIZING THE CITY TO APPLY FOR FEDERAL AND STATE ADVANCES FOR THAT PURPOSE; AUTHORIZING THE ISSUE OF \$6,300,000 TEMPORARY NOTES FOR THAT PURPOSE; AND AUTHORIZING ADVANCES FROM THE GENERAL TREASURY FOR THAT PURPOSE

No.

Passed:

Anthony J. Lupino., Council President

SECTION 1. The sum of \$6,300,000 is appropriated to finance the construction and equipping of a new fire station in the western part of the City of Cranston and the repair, renovation and improvement of existing fire stations throughout the City of Cranston (the "Project").

SECTION 2. The Mayor and the Director of Finance are authorized to issue \$6,300,000 bonds of the City at one time or from time to time under Chapter 336/397 of the Public Laws of 2008, approved by the electors of the City at the general election held on November 4, 2008, in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may, subject to and pursuant to Section 9 of Chapter 336/397 of the Public Laws of 2008, apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purpose specified in Section 1 hereof.

SECTION 4. The said officers from time to time may issue and refund not exceeding \$6,300,000 interest bearing or discounted notes under Section 3 of Chapter 336/397 of the Public Laws of 2008 in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 5. The manner of sale and the forms, denominations, maturities, interest rates and other details of the bonds and notes shall be fixed by the said officers.

SECTION 6. Pending the issue of bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 4 hereof, the City Treasurer at the written direction of the Mayor may, pursuant to Section 4 of Chapter 336/397 of the Public Laws of 2008, expend funds from the general treasury of the City for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Director of Finance and the Mayor are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing, including, without limitation, a Preliminary Official Statement, a final Official Statement, all in such form and with such provisions as such officers shall deem advisable; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this loan order in order to effectuate said borrowing and the intent hereof.

SECTION 8. The Director of Finance and the Mayor are hereby authorized to take all lawful action necessary under the Internal Revenue Code of 1986, as amended (the "Code") to insure that the interest on the bonds and the notes will be and continue to be excluded from gross income for federal income tax purposes to the extent provided in Section 103 of the Code, and to refrain from taking any action which will cause interest on the bonds or the notes to lose the benefit of exclusion from gross income provided by Section 103(a) of the Code. The Director of Finance and the Mayor are further authorized to take all lawful action necessary or desirable to designate the bonds and the notes as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code.

SECTION 9. This loan order is an affirmative action of the City Council of the City toward the issuance of bonds or notes in accordance with the purposes of the laws of the State. This loan order constitutes the City's declaration of official intent, pursuant to Treasury Regulation §1.150(2), to reimburse the City for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the additional bonds or notes. Such amounts to be reimbursed shall not exceed \$6,300,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 10. The Director of Finance and the Mayor are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Disclosure Certificate in connection with the bonds or notes in the form as shall be deemed advisable by the Director of Finance and the Mayor in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this loan order or the bonds or notes, failure of the City to comply with the Disclosure Certificate shall not be considered an event of default; however, any bondholder or noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Disclosure Certificate.

SECTION 11. This loan order shall take effect upon its approval by the Mayor after its passage.

Sponsored by:

Referred to Finance Committee February 16, 2012

U/Resolutions/Loan Order/Fire Stations (\$6,300,000)

THE CITY OF CRANSTON

RESOLUTION OF THE CITY COUNCIL

LOAN ORDER AUTHORIZING THE ISSUE OF \$6,000,000 BONDS OF THE CITY TO FINANCE THE REPAIR, CONSTRUCTION AND REHABILITATION OF DRAINAGE IMPROVEMENTS, AND THE REMEDIATION AND MITIGATION OF DRAINAGE AND FLOODING PROBLEMS, THROUGHOUT THE CITY OF CRANSTON; AUTHORIZING THE CITY TO APPLY FOR FEDERAL AND STATE ADVANCES FOR THAT PURPOSE; AUTHORIZING THE ISSUE OF \$6,000,000 TEMPORARY NOTES FOR THAT PURPOSE; AND AUTHORIZING ADVANCES FROM THE GENERAL TREASURY FOR THAT PURPOSE

No.

Passed:

Anthony J. Lupino, Council President

Resolved, That

SECTION 1. The sum of \$6,000,000 is appropriated to finance the repair, construction and rehabilitation of drainage improvements, and the remediation and mitigation of drainage and flooding problems, throughout the City of Cranston (the "Project").

SECTION 2. The Mayor and the Director of Finance are authorized to issue \$6,000,000 bonds of the City at one time or from time to time under Chapter 332/439 of the Public Laws of 2008, approved by the electors of the City at the general election held on November 4, 2008, in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may, subject to and pursuant to Section 9 of Chapter 332/439 of the Public Laws of 2008, apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purpose specified in Section 1 hereof.

SECTION 4. The said officers from time to time may issue and refund not exceeding \$6,000,000 interest bearing or discounted notes under Section 3 of Chapter 332/439 of the Public Laws of 2008 in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 5. The manner of sale and the forms, denominations, maturities, interest rates and other details of the bonds and notes shall be fixed by the said officers.

SECTION 6. Pending the issue of bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 4 hereof, the City Treasurer at the written direction of the Mayor may, pursuant to Section 4 of Chapter 332/439 of the Public Laws of 2008, expend funds from the general treasury of the City for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Director of Finance and the Mayor are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing, including, without limitation, a Preliminary Official Statement, a final Official Statement, all in such form and with such provisions as such officers shall deem advisable; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this loan order in order to effectuate said borrowing and the intent hereof.

SECTION 8. The Director of Finance and the Mayor are hereby authorized to take all lawful action necessary under the Internal Revenue Code of 1986, as amended (the "Code") to insure that the interest on the bonds and the notes will be and continue to be excluded from gross income for federal income tax purposes to the extent provided in Section 103 of the Code, and to refrain from taking any action which will cause interest on the bonds or the notes to lose the benefit of exclusion from gross income provided by Section 103(a) of the Code. The Director of Finance and the Mayor are further authorized to take all lawful action necessary or desirable to designate the bonds and the notes as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code.

SECTION 9. This loan order is an affirmative action of the City Council of the City toward the issuance of bonds or notes in accordance with the purposes of the laws of the State. This loan order constitutes the City's declaration of official intent, pursuant to Treasury Regulation §1.150(2), to reimburse the City for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the additional bonds or notes. Such amounts to be reimbursed shall not exceed \$6,000,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

U/Resolutions/Loan Order/Drainage and Flooding (\$6,000,000)

SECTION 10. The Director of Finance and the Mayor are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Disclosure Certificate in connection with the bonds or notes in the form as shall be deemed advisable by the Director of Finance and the Mayor in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this loan order or the bonds or notes, failure of the City to comply with the Disclosure Certificate shall not be considered an event of default; however, any bondholder or noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Disclosure Certificate.

SECTION 11. This loan order shall take effect upon its approval by the Mayor after its passage.

Sponsored by:

Referred to Finance Committee February 16, 2012

U/Resolutions/Loan Order/Drainage and Flooding (\$6,000,000)

THE CITY OF CRANSTON

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RESOLUTION OF THE CITY COUNCIL
URGING THE MUNICIPAL COURT TO VIGOROUSLY ENFORCE
EXISTING MINIMUM HOUSING LAWS AND IMPOSE PENALTIES
FOR VIOLATIONS

No.

Passed:

Anthony J. Lupino, Council President

Resolved, That

WHEREAS, There exists in the City numerous dwellings, commercial real estate and vacant land which are in substandard condition due to various reasons; and

WHEREAS, The Director of Minimum Housing and his staff have been burdened by the increase in substandard housing due to foreclosures, short sales, abandonment of property and neglect; and

WHEREAS, the State of Rhode Island Property Maintenance Code requires the enforcement of said standards within the City; and

WHEREAS, the City Council has received numerous complaints of substandard housing, abandoned structures and neglect of property;

NOW, THEREFORE, BE IT RESOLVED THAT,

The City Council of the City of Cranston urges its Municipal Court to vigorously enforce Articles 8.28, and 15.12 of the Municipal Code of The City Of Cranston. This resolution shall be effective immediately upon its passage by the Cranston City Council.

Sponsored by Councilman Michael W. Favicchio

Referred to Ordinance Committee February 16, 2012

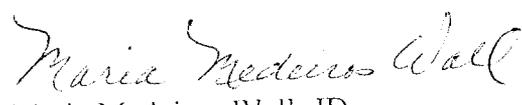
XIII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

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.

The meeting adjourned at 10:35 P.M.


Maria Medeiros Wall, JD
City Clerk


Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)

