

*(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

**-MAY 29, 2012-**

Regular meeting of the City Council was held on Monday, May 29, 2012 in the Council Chambers, City Hall, Cranston, Rhode Island.

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

Roll call showed the following members present: Councilwoman Luciano, Councilmen Donahue, Stycos, Archetto, Councilmen Santamaria, Favicchio and Council President Lupino -7.

Absent: Council Vice-President Navarro -1

\*Councilwoman Bucci. Not in attendance due to Temporary Restraining Order issued April 3, 2012 Saccoccio v. City Council C.A. P12-1561

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

On motion by Councilman Santamaria, seconded by Councilman Donahue, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Archetto, Councilwoman Bucci, Councilmen Santamaria, Favicchio and Council President Lupino -7.

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

None.

### **II. PUBLIC HEARINGS**

**Francisco Colon**, 220 Macklin St., appeared to speak regarding the appeal of Phenix Truck and Auto Repair at 225 Macklin St. He stated that his issue is with the owner of the property and not the business owner. He stated that the neighborhood has been infested with rats and there are six bays in front of 225 Macklin St., which his property looks at. He questioned what would prevent the property owner from allowing other auto repair businesses from using the other bays. He asked that the City Council consider the needs of the residents in the neighborhood when considering this appeal.



**-MAY 29, 2012-**

**Steven Carrera**, 5 Priscilla, Fourth Ward Vice-Chair of Democratic Committee and City Committee Treasurer, appeared to speak and stated that the people of Fourth Ward have gone without representation far too long. This Council is well within its right to request the Court to issue a decision on this issue.

**Sylvia Cambio**, 226 Macklin St., appeared to speak regarding the appeal of Phenix Truck and Auto Repair. She stated that the issues the neighbors have are noise and smell of oil. There are trucks and cars all over the street. She asked that the City Council please help the area residents.

**Dick Tomlins**, 400 Farmington Ave., appeared to speak regarding the Ward 4 Council vacancy and stated that the residents of this Ward have gone long enough without representation. He asked that the City Council have this issue brought to a conclusion.

**Deloris Issler**, 108 Eldridge St., appeared to speak regarding the Ward 4 Council vacancy and those residents having no representation. She indicated that she, as a Ward 2 resident, has no representation. She questioned where Council Vice-President Navarro is. He has not been attending any meetings. She also stated that she would like to see Code enforcement and law enforcement

### **III. RESOLUTIONS**

#### **RESOLUTION IN SUPPORT OF THE RHODE ISLAND SUPERIOR COURT AND JUDGE TAFT-CARTER IN ISSUING A PROMPT JUDGMENT REGARDING COUNCILWOMAN BUCCI. [[click here to view](#)]**

**Councilman Santamaria** stated that he will be recusing from any discussion or vote on this Resolution, since he works for the Courts.

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

Under Discussion:

**Councilman Stycos** questioned Mr. Quinlan if this is a good idea tactically. Mr. Quinlan stated that he can't comment on whether this is a good idea.

**Councilman Favicchio** stated that he will vote in opposition to this Resolution. This is totally unethical. There is a separation of powers issues. He does understand the frustration, but all parties have attorneys representing them. He will recuse since he is an attorney.

**Council President Lupino** asked that all remarks made by Councilman Favicchio be stricken since he is recusing.

Council President Lupino handed the gavel to Councilman Donahue, Minority Leader, in the absence of Council Vice-President Navarro and Councilman Santamaria, Majority Leader, recused.

**Council President Lupino** stated that he questioned just how temporary a Temporary Restraining Order is. The reason the Judge placed the Temporary Restraining Order was because there was no written decision from the Board of Elections. We now have a decision. We need to move forward and ask that the Judge remove the Temporary Restraining Order. It is not fair to the Ward 4 residents by not having any representation. He encouraged the City Council to support this Resolution.

Gavel was handed back to Council President Lupino.

**-MAY 29, 2012-**

**Councilwoman Luciano** stated that she does not think this is the correct way to approach this. She thinks the attorneys need to handle this. Ward 4 does have representation. She is a City-Wide Council member and represents the whole City, including Ward 4 and if any of the Ward 4 residents have a concern, they can contact her as a City-Wide Council member.

On motion by Council President Lupino, seconded by Councilman Archetto, it was voted to amend the above Resolution as follows: last paragraph, second line, after "requests", strike "that" and add "of the Solicitors that they send a letter to"; after "Judge Taft-Carter", add "asking her to". Motion passed on a vote of 3-2. The following being recorded as voting "aye": Councilmen Stycos, Archetto and Council President Lupino - 3. The following being recorded as voting "nay": Councilwoman Luciano and Councilman Donahue -2. Councilmen Santamaria and Favicchio recused.

Roll call was taken on motion to adopt the above Resolution as amended and motion passed on a vote of 3-2. The following being recorded as voting "aye": Councilmen Stycos, Archetto and Council President Lupino -3. The following being recorded as voting "nay": Councilwoman Luciano and Councilman Donahue -2. Councilmen Santamaria and Favicchio recused.

#### **IV. REPORT OF COMMITTEES**

##### **FINANCE COMMITTEE**

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

#### **RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS**

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

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

On motion by Councilman Donahue, seconded by Councilman Favicchio, it was voted to approve the above list of Tax Interest Waiver Approvals as recommended by the City Treasurer. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio and Council President Lupino -7.

#### **SAFETY SERVICES & LICENSES COMMITTEE**

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

#### **PHOENIX TRUCK AND AUTO SERVICE, 225 MACKLIN ST. – AUTO REPAIR LICENSE APPEAL FROM MAY 7, 2012 DENIAL**

**Council President Lupino** asked if there is anything in the Code that the trucks being repaired have to be within a certain weight. Solicitor Kirshenbaum stated that looking at the Code, there is no size limitation. Council President Lupino stated that during the Safety Services and Licenses Committee meeting, he voted in favor of this license application and he will vote in favor of it this evening because there is no legal reason to deny the applicant the right to operate out of this location. The issues the residents have raised are with the property owner. He also stated that the City should try to work with the business owner and maybe restrictions can be placed on the license. Solicitor Kirshenbaum stated that Deputy Director of Administration, Mark Capuano, has been working on this issue with Building Official, Stan Pikul, and he read an email from Mr. Pikul in response to an inspection he made of this business today. He also stated that he sees no problem approving this license for this applicant and sending a violation to the property owner regarding the maintenance of the property.

**Russell Cucino**, applicant of Phoenix Truck and Auto Service, appeared to speak and stated that he will not be burning grease oil and he will not be doing any body work.

**Councilman Favicchio** asked what the hours of operation will be. Mr. Cucino stated, Monday thru Friday 8-5 and Saturday 8-12. He would definitely be willing to work the neighbors.

**Councilwoman Luciano** stated that the source of the problem is the property owner. She questioned why the property owner is not being fined. She suggested bringing the Zoning Board of Review restrictions up to date and clean up the property and then re-address this license application.

**Council President Lupino** asked that the City Council approve the license based on hours of operation stated by the applicant and call in the property owner to address the issue stated by the neighbors.

**Councilman Santamaria** asked how many times the inspectors have been to the area and if the owner has ever been cited. Council President Lupino stated that the only thing that is before the Council is the appeal of Phoenix Truck and Auto Service.

On motion by Councilman Donahue, seconded by Councilwoman Luciano, it was voted to approve the above license application. Motion passed a vote of 5-2. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Favicchio and Council President Lupino -5. The following being recorded as voting "nay": Councilmen Archetto and Santamaria -2.

**4-12-6 ORDINANCE IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'MOTOR VEHICLES AND TRAFFIC' (Sprague Ave. and Douglas St. – Stop Intersections-Enumerated). [[click here to view](#)]**

On motion by Councilman Archetto, seconded by Councilwoman Luciano, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio and Council President Lupino -7.

## **V. PUBLIC HEARINGS**

(open to any matters)

**Steven Carrera**, 5 Priscilla, appeared to speak regarding Mayor's proposal during the Budget process to increase salary of the Public Works Director. He voiced his displeasure with this and stated that the City needs to place fiscal restraints because the State will not come to our rescue. With respect to the City Council defunding the Personnel Department, Section 14 of the City Charter provides for the Department of Personnel. He seriously questions the motivation of doing this.

**Susan Blake**, 16 Richard St., appeared to speak regarding rat problem in the Auburn area. She stated that the Rodent Control Officer has been out to the area last year, but this problem needs to be addressed somehow other than on a call basis. This is a huge problem in the whole Auburn area.

**Robert Harotoonian**, 6 Harvard St., member of the Tax Assessment Board of Review, appeared to speak and read a letter from the Board members addressed to Councilman Stycos regarding questions Councilman Stycos asked during the Budget process in regards to meetings and procedures of this Board. He stated that a member of the Board, Rory Budlong, has resigned and thirty one people have been interviewed for this position and none want to have any part of this because they do not want to be subjected to any scrutiny and because of the stipend elimination.

**Dick Tomlins**, 400 Farmington Ave., appeared to speak and addressed Councilman Stycos and questioned why he does not salute the flag and cite the Pledge of Allegiance. Council President Lupino stated that this is a personal attack. Mr. Tomlins stated that this is disrespectful of Councilman Stycos and the Chambers is a public room and taxpayers pay the Council Members' salaries.

## THE CITY OF CRANSTON

**RESOLUTION OF THE CITY COUNCIL**  
**IN SUPPORT OF THE RHODE ISLAND SUPERIOR COURT AND JUDGE**  
**TAFT-CARTER IN ISSUING A PROMPT JUDGMENT REGARDING**  
**COUNCILWOMAN BUCCI**

No. 2012-27

\*AS AMENDED BY CITY COUNCIL 5/29/2012

*Passed:*  
 May 29, 2012

  
 \_\_\_\_\_  
 Anthony J. Lupino, Council President

Resolved that,

**WHEREAS**, the Cranston City Council is dealing with many important issues facing its citizens, including economic, budgetary and social problems.

**WHEREAS**, on February 27, 2012, Maria Bucci was properly appointed by the Council to fill a vacancy on the Cranston City Council.

**WHEREAS**, on April 3, 2012, Judge Sarah Taft-Carter issued a temporary restraining order barring Councilwoman Bucci from participating in Council meetings, effectively leaving Ward 4 without representation.

**WHEREAS**, after an unfounded challenge to Councilwoman Bucci's appointment, on April 19, 2012, the Rhode Island Board of Elections held that former Ward 4 Council Pelletier was always domiciled in Ward 4, making Councilwoman Bucci's appointment proper under the City Charter.

**WHEREAS**, the temporary restraining order issued on April 3, 2012 is still in effect, although any issue dealing with domicile and the appointment of Councilwoman Bucci has already been decided by the Rhode Island Board of Elections and representatives of the Council have asked Judge Taft-Carter to overturn the TRO.

**NOW THEREFORE, BE IT RESOLVED**, that the Cranston City Council hereby requests **\*of the Solicitors that they send a letter to that** Judge Taft-Carter **\*asking her to** finally lift the temporary restraining against Councilwoman Bucci, allowing her to serve her Ward 4 Constituents in accordance with the Cranston City Charter and Rhode Island General Laws.

Sponsored by: Council President Lupino and Councilman Archetto

U/Resolutions/Taft Carter - Bucci

THE CITY OF CRANSTON

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

No. 2012-28

*Passed:*  
May 29, 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)



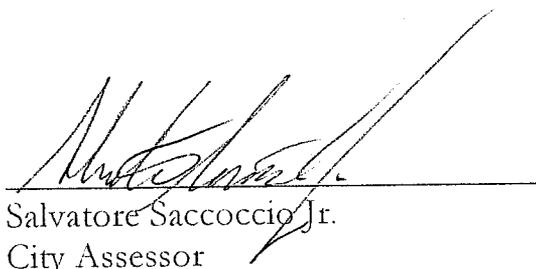
DIVISION OF ASSESSMENT  
869 PARK AVE  
CRANSTON, RI 02910

## MEMO

DATE: May 7, 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, 2008	7,094	301.09
December 31, 2009	18,511	785.61
December 31, 2010	<u>18,812</u>	<u>798.40</u>
Totals:	44,417	1,885.10

  
\_\_\_\_\_  
Salvatore Saccoccio Jr.  
City Assessor

\*\*\* MECRIABT.CH.REP \*\*\* Printed 05/02/2012 at 11:20:46 by KARBUR

City of Cranston  
2009 Motor Vehicle  
Adapement List

Vehicle ID	Year	Make	Model	Original Value	Adjusted Value	Original Tax	Adjusted Tax
33013940	2005	NISSA	IY 234	18,025	18,025	510.34	510.34
ID SMTA08825N702673 CARVALHO NELSON S 107 ALLEN AVENUE Cranston RI 02910							
48012510	2007	HD		15875	15875	419.10	419.10
ID 1HD1FY417Y614053 RITOLI RAYMOND M 297 MAYFIELD AVE Cranston RI 02920							
00000000	0000					221.61	221.61
ID Vehicle 0000							
						197.49	197.49
Original : STOLEN/SOLD/JUNK/TOT Adjusted Tax:							

For Tax Year: 2009

Original Value	Tax	Accounts
33900	929.44	on 2
Adjusted Tax	301.09	
	628.35	

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Page 1

City of Cranston  
2010 Motor Vehicle  
Abatement List

1	32019810	0000013298	2	33013800	0000023632	3	34033610	0000046772
	Vehicle 2000	JEEP		Vehicle 2005	NISSA		Vehicle 1995	MERZ
	ID 1J4FA5955YP762486			ID 5N1AA08B25N702673		ID WDBG433E6S232764		
	BOSCIA CARMEN P			CARVALHO NELSON S		DUPLAN ROMY C		
	1 COLD BROOK COURT			107 ALLEN AVENUE		160 ARCADIA AVE		
	Cranston RI 02920			Cranston RI 02910		Cranston RI 02910		

Original Value	5,930	Original Tax	1,194.48	Original Value	3321	Original Tax	137.59	Original Value	876	Original Tax	179.57
STOLEN/SOLD/JUNK/TOT	130.69	STOLEN/SOLD/JUNK/TOTA	130.69	STOLEN/SOLD/JUNK/TO	137.59	STOLEN/SOLD/JUNK/TO	137.59	STOLEN/SOLD/JUNK/TO	33.14	STOLEN/SOLD/JUNK/TO	33.14
Adjusted Tax:	1,063.79	Adjusted Tax:	1,063.79	Adjusted Tax:	137.59	Adjusted Tax:	137.59	Adjusted Tax:	146.43	Adjusted Tax:	146.43

4	38014860	0000071525	5	50000180	0000142352		00000000	0000000000
	Vehicle 2007	HYUN		Vehicle 2001	FORD		Vehicle 0000	
	ID KRBUM12B77U650682			ID 2FMZAS1431BA16918			ID	
	HORNER LAURIE S			TAGLIAFERRI ROBERT				
	347 AQUEDUCT RD			31 CITY VIEW PARKWAY				
	Cranston RI 02910			Cranston RI 02921				

Original Value	12,750	Original Tax	519.89	Original Value	3082	Original Tax	519.50	Original Value		Original Tax	
STOLEN/SOLD/JUNK/TOT	374.61	STOLEN/SOLD/JUNK/TOTA	374.61	STOLEN/SOLD/JUNK/TO	409.92	STOLEN/SOLD/JUNK/TO	409.92	STOLEN/SOLD/JUNK/TO		STOLEN/SOLD/JUNK/TO	
Adjusted Tax:	145.28	Adjusted Tax:	145.28	Adjusted Tax:	409.92	Adjusted Tax:	409.92	Adjusted Tax:		Adjusted Tax:	

For Tax Year: 2010

Original Value	25959	Tax	2581.03	on 5	Accounts
Adjusted Tax	1765.42		785.61		

\*\*\* MECHRIABT\_CR.REP \*\*\* Printed 05072012 at 11:20:00 by KARBUR

City of Cranston  
2011 Motor Vehicle  
Abatement List

Vehicle ID	Year	Make	Model	Value	Tax	Original Value	Original Tax	Adjusted Value	Adjusted Tax	
31003350	2002	NISS		611515	254.72	6,312	257.40	6,312	257.40	
Vehicle 2002 ID 1M4AL11D42C172736 AGORO FANAZAT A 88 ELDRIDGE ST Cranston RI 02910										
32019730	2000	JEEP		863691	198.66	7509	76.88	7509	76.88	
Vehicle 2000 ID 1J4FA59SSYP762486 BOSCIA CARMEN P 1 COLD BROOK COURT Cranston RI 02920										
34033110	1991	TOYT		1254	195.40	2596	429.87	2596	429.87	
Vehicle 1991 ID J73FJ80M2M0033246 DUPLAN RONY C 160 ARCADIA AVE Cranston RI 02910										
42003380	2007	HON		836448	628.11	5000180	004420	5000180	004420	
Vehicle 2007 ID 1HGCM72737A015134 LANG KERRIE J 100 ELENA ST Cranston RI 02920										
38014600	2007	HYUN		5	110.21	6,312	257.40	6,312	257.40	
Vehicle 2007 ID KMBJM12877J650682 HORNER LAURIE S 347 AOUEDUCT RD Cranston RI 02910										

For Tax Year: 2011

Original Value	Original Tax	Adjusted Value	Adjusted Tax
25762	2271.68	25762	2271.68
798.40	798.40	798.40	798.40
1473.28	1473.28	1473.28	1473.28

on 6 Accounts

Recommend To Approve:

<u>NAME</u>	<u>ADDRESS</u>	<u>TAX AMT</u>	<u>INTEREST</u>	<u>REASON</u>
Antin, Louis	36 Glen Ridge Rd	5,582.97	\$504.81	hardship
Bucci, Robert	71 Lookout Ave	2,793.94	\$279.40	death
Burns, Mary	73 Ellison St	1,906.94	\$190.68	hardship
Cardillo, Nicola	720 Pippin Ordhard Rd	2,681.79	\$268.13	illness
DiPippo, Adolph	13 Esther St	500.35	\$50.00	illness
Gilmore, Khalil	273 Pontiac Ave	194.33	\$31.98	hardship
Jean-Phillippe, Monet	141 Julia St	679.04	\$61.11	hardship
Marinucci, Sandra	102 Garden City Dr	233.85	\$61.15	illness
Paquin, Jean	219 Warwick Ave	702.05	\$70.20	lostcheck
Principe, Anna	245 Mayfield Ave	1,041.73	\$144.23	lostcheck
Rachdouni, Marel	73 Council Rock Rd	\$2,405.45	\$240.54	hardship
Santucci, Anna	250 Garden Hills Dr	4,892.43	\$133.37	hardship

Recommend To Deny:

04-12-6

THE CITY OF CRANSTON

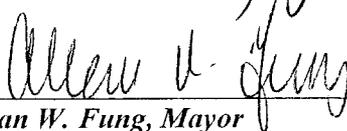
**ORDINANCE OF THE CITY COUNCIL**  
IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY  
OF CRANSTON, 2005, ENTITLED "MOTOR VEHICLES AND TRAFFIC"  
(Sprague Ave. and Douglas St. - Stop Intersections-Enumerated)

No. 2012-12

*Passed:*  
May 29, 2012

  
\_\_\_\_\_  
Anthony J. Lupino, Council President

*Approved:*  
May 30, 2012

  
\_\_\_\_\_  
Allan W. Fung, Mayor

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

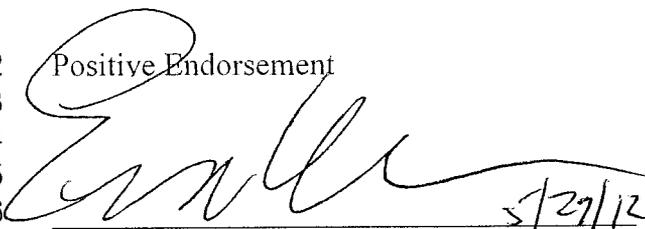
**Section 1.** Chapter 10.32, Section .020 entitled " Stop Intersections-Enumerated"  
is hereby amended by adding thereto the following:

Sprague Avenue, at its intersection with Douglas Street.

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

Positive Endorsement

Negative Endorsement (attach reasons)

  
\_\_\_\_\_  
5/29/12

Christopher Rawson, City Solicitor Date  
Evan Kirshenbaum, Asst. Solicitor

\_\_\_\_\_  
Christopher Rawson, City Solicitor Date

Sponsored by: Councilman Archetto

Referred to Safety Services and Licenses Committee May 7, 2012

U/Ordinances/Traffic/Sprague and Douglas

**VI. ELECTION OF CITY OFFICIALS**

**Library Board of Trustees:**

**Jack A. Tregar, appointment June 1, 2012 – July 31, 2014**

On motion by Councilman Favicchio, seconded by Councilman Stycos, it was voted to appoint Jack A. Tregar as a member of the Library Board of Trustees. Motion passed on a vote of 6-0. The following being recorded as voting "aye": Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio and Council President Lupino -6. Councilwoman Luciano was not present for roll call vote.

**VII. REPORT OF CITY OFFICERS**

None.

**VIII. EXECUTIVE COMMUNICATIONS**

**Report** on hiring of special counsel, consultants, etc., pursuant to Charter Section 15.05.

None.

**REQUEST TO BE PLACED ON PENSION: *LIEUTENANT THOMAS D. CONWAY, CRANSTON FIRE DEPARTMENT***

**Mr. Cordy** appeared to speak.

On motion by Councilman Favicchio, seconded by Councilman Donahue, it was voted to approve the above request. Motion passed on a vote of 6-0. The following being recorded as voting "aye": Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio and Council President Lupino -6. Councilwoman Luciano was not present for roll call vote.

**REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR: *STEPHEN CROFT, CRANSTON FIRE DEPARTMENT***

**Mr. Cordy** appeared to speak.

On motion by Councilman Favicchio, seconded by Councilman Donahue, it was voted to approve the above request. Motion passed on a vote of 6-0. The following being recorded as voting "aye": Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio and Council President Lupino -6. Councilwoman Luciano was not present for roll call vote.

**Claims Settled by Solicitor:** Amanda Voccola & Attorney Joseph Altieri \$4,000.00 personal injury; Adina Simone & Attorney Joyce Faraone \$5,500.00 personal injury.

No discussion was held.

**IX. COUNCIL PRESIDENT COMMUNICATIONS**

**Council President Lupino** stated that for the next Finance Committee meeting, he would like the Economic Development Director to provide a report of employment that is connected to the Tax Incentive for the Park Theatre.

## X. COUNCIL MEMBER COMMUNICATIONS

### Councilman Stycos:

- Administration to look into Custodians picking up trash at City Hall and other City buildings which have custodians instead of having Recreation do it.

Mr. Cordy stated that this has been looked into and it is being done.

### Councilman Santamaria:

- Street Paving List

Mr. Cordy provided the street paving list.

Council President Lupino asked that this item be placed on the next Public Works Committee Agenda.

### Councilman Santamaria:

- Dollar Tree Store – Plainfield Pike

Councilman Santamaria stated that there was a 3:00 A.M. pickup last week. He asked that a letter be sent to the corporate office and dumpster company advising them of the hours. Solicitor Kirshenbaum stated that he will find out who the dumpster company is and who is requesting the pickup at that time and then have that person show up at a Show Cause hearing.

Council President Lupino questioned if there is a date scheduled for an Executive Session for Public Works Committee to discuss the landfill issue. Solicitor Kirshenbaum stated that he is meeting with representatives from Broadrock tomorrow and will know more. Council President Lupino asked that an Executive Session be scheduled for the June 4, 2012 Public Works Committee meeting to address this.

Councilman Santamaria stated that he would like to schedule a meeting of the Rules Sub-Committee to address a few items, such as Zone Change Ordinance and the process for a Resolution to be passed.

### Councilman Archetto:

Councilman Archetto announced a meeting of the Tax Policy Review Commission will be meeting on Tuesday, May 30, 2012 at 6:30 P.M.

## 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:

### Public Works Committee – June 4, 2012

Easement Deed from City of Cranston to Joann Simpson for Vaughn Lane. [[click here to view](#)]

## EASEMENT DEED

City of Cranston, located in the State of Rhode Island, the current owner in fee simple of the parcel of Land most commonly known as Assessors Plat 3011 Lots 196 and 197, located in the City of Cranston, in consideration in the amount of \$1.00 (One Dollar) the receipt of which is acknowledged, does hereby convey and grant a perpetual easement to Joann Simpson of the City of Cranston, County of Providence, State of Rhode Island.

Legal Description: Of the easement area is demonstrated in Exhibit A hereto attached,

The holders of said easement agrees to assume any Liability for any damage to the land in question and for any Tort Liability that may occur in the subject area by themselves, their guest and/or business invitees, while they are using said easement area.

### Scope of Easement:

Easement holders their successors, assignees, invitees and/or agents are given the right to use said easement area for any legally permitted use. The easement is for the benefit of the easement holders only.

Governing Law: This instrument shall be governed and constructed under the laws of the State of Rhode Island.

Binding Effect, Appurtenant Easements and Covenants: The terms of this Easement Agreement and all covenants and easements granted by this Easement Agreement shall constitute covenants and easements running with, appurtenant to, the land affected thereby. All terms, covenants and easements shall inure to the benefit of and be binding upon the parties hereto and their successors and assigns to the extent they have an interest in the benefited or burdened land.

This transfer is such that no R.I.G.L. 44-30-71.3 withholding is required as grantor is a resident or R.I. as evidenced by affidavit.

The undersigned hereby certify they are exempt from the smoke detector law and carbon monoxide as provided in R.I.G.L. 23-28.35-14 et seq.

This transfer is such that no tax stamps are required.

Witness my hand this 9th day of May, 2012.

Allan W. Fung  
City of Cranston  
By: Mayor Allan W. Fung

STATE OF RHODE ISLAND

COUNTY OF PROVIDENCE

In Cranston, RI on the 9th day of May, 2012, before me personally appeared Mayor Allan W. Fung, to me known and known by me to be the party executing the foregoing instrument and he acknowledged said instrument by him executed, to be his free act and deed and the free act and deed of the City of Cranston.

Grantee Address:

CMR  
Notary Public: Christopher M. Rawson  
My Commission Exps: 1/30/13

EXHIBIT A

**Deed Description – Vaughn Lane Easement  
February 29, 2012**

**City of Cranston – Assessors Plat 30/1, lots 196 & 197**

That certain parcel of land, situated on the westerly side of the center of Vaughn Lane, in the City of Cranston, County of Providence and State of Rhode Island, bounded and described as follows;

Beginning at an point on the westerly side of Vaughn lane, said point being the most northerly corner of Record Lot 4 on that Plat entitled "Arkwright Interlaken Inc. Plat" said plat filed with the records of land evidence in the City of Cranston on Plat Card 450;

Thence running in a southeasterly direction along an arc of a curve having a radius of two-hundred seventy-one and 9/10 feet (271.90') and the westerly side of Vaughn Lane an arc distance of fifty-three and 83/100 feet (53.83') to a point;

Thence turning an interior angle of 77°13'36" to the chord of the previously described curve and running in a northeasterly direction a distance of thirty-one and 27/100 feet (31.27') to a point;

Thence running in a northwesterly direction along the arc of a curve having a radius of two-hundred forty and 90/100 feet (240.90') an arc distance of forty-three and 82/100' feet (43.82') to a point, with the chord of said curve forming an interior angle of 103°14' with the previously described line;

Thence turning an interior angle of 95°12'40" to the chord of the previously described curve and running in a southwesterly direction a distance of thirty-one feet (31.00') to the point and place of beginning.

The last described line forms a chord angle of 84°19'44" with the first described line and said parcel contains 1,516 square feet, more or less.



**-MAY 29, 2012-**

**Safety Services & Licenses Committee – June 4, 2012**

- 5-12-1 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Veh. & Traffic” (No Parking on Certain Streets-Generally – Strathmore Place). [[click here to view](#)]

**Finance Committee – June 14, 2012**

- 5-12-2 Ordinance in amendment of Chapter 3 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (Ten Year Tax Incentive Program for Taco, Inc.). [[click here to view](#)]

**Claims Committee**

- \*Personal injury claim of Sandra Deangelis for alleged incident on April 7, 2012.
- \*Property damage claim of Paula Arlia for alleged incident on March 24, 2012.
- \*Property damage claim of Deb and Robert Turcotte for alleged incident on May 2, 2012.

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

On motion by Councilman Donahue, seconded by Councilman Favicchio, it was voted to refer the above new business to the respective Committees. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilwoman Luciano, Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio and Council President Lupino -7.

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

None.

The meeting adjourned at 9:30 P.M.



Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)

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"  
(No parking on certain streets-Generally)

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 10.32, Section .040 entitled " No parking on certain streets-Generally" is hereby amended by adding thereto the following:

Strathmore Place, both sides.

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

Positive Endorsement  
reasons)

Negative Endorsement (attach

\_\_\_\_\_  
Christopher Rawson, City Solicitor

\_\_\_\_\_  
Christopher Rawson, City Solicitor

Date

Date

Sponsored by: Councilman Stycos

Referred to Safety Services & Licenses Committee June 4, 2012

05-12-2

THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**  
IN AMENDMENT OF CHAPTER 3 OF THE CODE OF THE CITY OF  
CRANSTON, 2005, entitled "REVENUE AND FINANCE"  
(Ten Year Tax Incentive Program for Taco, Inc.)

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:*

**PREAMBLE**

WHEREAS, the City Council, pursuant to Section 44-3-9 and Section 44-3-47 of the General Laws of the State of Rhode Island, as amended, has the authority to offer a tax incentive program to existing businesses which are expanding, in an effort to retain, strengthen, expand and increase its workforce within the city if granting of the exemption meets certain conditions set forth in said Sections of the General Laws of the State of Rhode Island; and

WHEREAS, granting of the exemption will inure to the benefit of the city by reason of the willingness of qualified businesses or property owners to replace, reconstruct, convert, expand, retain or remodel existing buildings or facilities with modern buildings or facilities resulting in an increase or maintenance in plant investment by the firm or property owner in the city; and

WHEREAS, Taco, Inc. ("Taco") has made application under, and has satisfied each condition of the above mentioned sections of the Rhode Island General Laws; and

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37 WHEREAS, Taco is a commercial concern which presently operates its corporate  
38 headquarters within the city of Cranston. Taco desires to expand its facilities for operational  
39 efficiency, create greater potential for future growth and allow for Taco to permanently maintain  
40 its headquarters in Cranston. Taco proposes to expand its existing operations to land adjacent to  
41 its existing headquarters at Cranston and Field Street by adding on to its headquarters a two-  
42 story, 25,000 square foot addition that will accommodate classrooms, laboratories, a library,  
43 offices and support functions (the "Project"); and

44 WHEREAS, the Project will serve as an innovation and development center for  
45 employees and business partners which will ensure that Taco remains at the forefront of  
46 innovation in its industry; and

47 WHEREAS, the Project will also showcase Taco's cutting edge technology and promote  
48 Taco's products; and

49 WHEREAS, the functions served by the Project are critical to Taco's continued success  
50 at its present location; and

51 WHEREAS, the Project will cause an increase in the tax base of the city and will enable a  
52 large number of city residents to remain employed in Cranston and shall further highlight the city  
53 as one of economic opportunity; and

54 WHEREAS, Taco has committed to increase its employment over the course of five (5)  
55 years; and

56 WHEREAS, it is in the interest of the residents of the city of Cranston to grant such an  
57 exemption to promote the development and construction of the Project in the city, and such  
58 exemption will inure to the benefit of the city in increased revenue;

59 **Be it Ordained by the City of Cranston:**

60 SECTION 1. That the findings set forth in the preceding Preamble Clauses are hereby  
61 made and confirmed.

62 SECTION 2. That Taco shall be entitled to a tax incentive program for the Project for a  
63 period not exceeding ten (10) years from the date the certificate of occupancy is issued for the  
64 Project and shall be subject to the following terms and conditions:

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A. That for the entire duration of the ten (10) year tax incentive program, the aforementioned facility must be owned and operated by Taco or a related entity. That if for any reason Taco vacates the aforementioned premises, abandons, or sells the facility to an unrelated entity, corporation, partnership or person, the city of Cranston shall have the right to perfect a lien placed upon said property pursuant to subsections B and C of this section.

B. That for the entire ten (10) year period Taco shall grant to the city of Cranston a lien encumbering said property including all improvements placed thereon, in the amount of the value of the tax incentive. Said lien shall be filed with the registry of deeds located in the city of Cranston.

C. The terms of said lien shall include the right of the city of Cranston to perfect a lien following the occurrence of any of the following events and the failure of Taco to cure such default continuing for thirty (30) days:

1. The sale of the aforementioned site to any unrelated corporation, individual, partnership and the like, other than the recipient of said tax incentive or a related business entity;
2. Nonpayment of any tax, use charge, or assessment levied by the city of Cranston associated with the use and occupation of any site owned by Taco in the city of Cranston; or
3. The abandonment by Taco of said property.

D. That in the event the city of Cranston perfects said tax lien due to a default of any provision contained in subsection C of this section that is not timely cured, the city of Cranston shall be entitled to the entire amount of the lien regardless of when said default should occur. The city of Cranston shall subordinate its lien upon a reasonable request made by either Taco or its lender. Nothing contained in this chapter shall hamper, impede or prevent the financing of Taco or the reasonable requests of the financial institution with whom Taco conducts business.

E. Failure to timely pay the taxes under this incentive program when due, and the continuation of such failure for thirty (30) days, will (in addition to the foreclosure remedies provided herein) result in forfeiture of all future benefits under this program and all future taxes due to be assessed without the benefit of the incentives.

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97 I. Upon the expiration of the ten (10) year tax incentive program for the Project, and  
98 the compliance with all terms by Taco, the city of Cranston shall provide a release of the lien  
99 described herein.

100 SECTION 3. The following tax incentive program shall be as follows:

101 A. First Year. Taco shall pay an amount equal to ten (10) percent of its total property tax  
102 (excluding land) for new construction or an amount equal to ten (10) percent of any additional  
103 property tax attributable to the addition or expansion to the existing structure (the "Reduced  
104 Tax"). The Reduced Tax for the entire ten (10) year term of this tax incentive program shall be  
105 based on the valuation of any addition or expansion to the existing structure as of the date of  
106 Substantial Completion thereof. During the term of this tax incentive program any revaluation of  
107 the subject property shall not include any increase related to the expansion or improvement of  
108 the subject property.

109 B. Second Year. Taco shall pay an amount equal to twenty (20) percent of its total  
110 property tax (excluding land) for new construction or an amount equal to twenty (20) percent of  
111 any additional property tax attributable to the addition or expansion to the existing structure.

112 C. Third Year. Taco shall pay an amount equal to thirty (30) percent of its total property  
113 tax (excluding land) for new construction or an amount equal to thirty (30) percent of any  
114 additional property tax attributable to the addition or expansion to the existing structure.

115 D. Fourth Year. Taco shall pay an amount equal to forty (40) percent of its total  
116 property tax (excluding land) for new construction or an amount equal to forty (40) percent of  
117 any additional property tax attributable to the addition or expansion to the existing structure.

118 E. Fifth Year. Taco shall pay an amount equal to fifty (50) percent of its total property  
119 tax (excluding land) for new construction or an amount equal to fifty (50) percent of any  
120 additional property tax attributable to the addition or expansion to the existing structure.

121 F. Sixth Year. Taco shall pay an amount equal to sixty (60) percent of its total property  
122 tax (excluding land) for new construction or an amount equal to sixty (60) percent of any  
123 additional property tax attributable to the addition or expansion to the existing structure.

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124 G. Seventh Year. Taco shall pay an amount equal to seventy (70) percent of its total  
125 property tax (excluding land) for new construction or an amount equal to seventy (70) percent of  
126 any additional property tax attributable to the addition or expansion to the existing structure.

127 H. Eighth Year. Taco shall pay an amount equal to eighty (80) percent of its total  
128 property tax (excluding land) for new construction or an amount equal to eighty (80) percent of  
129 any additional property tax attributable to the addition or expansion to the existing structure.

130 I. Ninth Year. Taco shall pay an amount equal to ninety (90) percent of its total property  
131 tax (excluding land) for new construction or an amount equal to ninety (90) percent of any  
132 additional property tax attributable to the addition or expansion to the existing structure.

133 J. Tenth Year. Taco shall pay an amount equal to one hundred (100) percent of its total  
134 property tax (excluding land) for new construction or an amount equal to one hundred (100)  
135 percent of any additional property tax attributable to the addition or expansion to the existing  
136 structure.

137 SECTION 4. This chapter shall expire ten (10) years following the date of the issuance  
138 of the certificate of occupancy for the Project.

139 SECTION 5. This Ordinance shall take effect upon its passage.

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141 Positive Endorsement Negative Endorsement (attach reasons)

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146 Christopher Rawson, City Solicitor Date Christopher Rawson, City Solicitor Date

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151 Sponsored by: Councilman Archetto

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153 Referred to Finance Committee June 14, 2012

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