

(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

-FEBRUARY 25, 2013-

Regular meeting of the City Council was held on Monday, February 25, 2013 in the Council Chambers, City Hall, Cranston, Rhode Island.

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

Roll call showed the following members present: Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

Also Present: Gerald Cordy, Director of Administration; Carlos Lopez, Chief of Staff; Robert Strom, Director of Finance; Evan Kirshenbaum, Assistant City Solicitor; Patrick Quinlan, City Council Legal Counsel; Roy Damiano, City Council Internal Auditor; Colonel Marco Palombo.

Council President Lanni asked for a moment of Silent Prayer for John DeMaula, the City's Recycling Coordinator, who recently passed away.

On motion by Councilman Aceto, seconded by Council Vice-President Farina, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

None.

II. PUBLIC HEARINGS

(limited to docketed matters)

Anthony Liberatore, Director of Parks and Recreation, appeared to speak in favor of "Resolution authorizing the Mayor to enter into a Right of First Refusal Agreement with CLCF for property located at 61 Brayton Ave."

III. RESOLUTIONS

None.

-FEBRUARY 25, 2013-

IV. REPORT OF COMMITTEES

ORDINANCE COMMITTEE

(Paul H. Archetto, Chair)

1-13-02 ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE RI DEPARTMENT OF EDUCATION FOR THE TRANSFER OF OWNERSHIP OF CRANSTON AREA CAREER AND TECHNICAL CENTER TO THE CITY OF CRANSTON FOR \$3.2 MILLION DOLLARS

On motion by Councilman Aceto, seconded by Councilman Botts, it was voted to adopt the above Ordinance.

Under Discussion:

Councilman Stycos stated that there was a question on pollution on the site and he asked that Mr. Votto, who is present in the audience, be allowed to speak regarding this issue. **Raymond Votto**, School Chief Operating Officer, stated that DEM cleared that portion of the facility and there are no problems with that site. Mr. Cordy stated that he has not received the final formal report yet, but this is consistent with the verbal explanation that was given to him today.

Roll call was taken on motion to adopt the above Ordinance and motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

FINANCE COMMITTEE

(Steven A. Stycos, Chair)

RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS

On motion by Councilman Aceto, seconded by Council Vice-President Farina, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS

On motion by Councilman Aceto, seconded by Councilman Botts, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

TAX INTEREST WAIVER APPROVALS AS RECOMMENDED BY CITY TREASURER

On motion by Councilman Aceto, seconded by Councilman Botts, 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 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

TAX INTEREST WAIVER DENIALS AS RECOMMENDED BY CITY TREASURER

On motion by Councilman Aceto, seconded by Councilman Botts, it was voted to approve the above list of Tax Interest Waiver Denials as recommended by the City Treasurer. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9

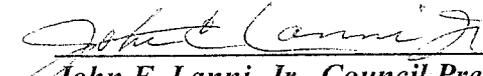
THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE RI DEPARTMENT OF EDUCATION FOR THE TRANSFER OF OWNERSHIP OF CRANSTON AREA CAREER AND TECHNICAL CENTER TO THE CITY OF CRANSTON FOR \$3.2 MILLION DOLLARS

No. 2013-1

Passed: February 25, 2013


John E. Lanni, Jr., Council President

Approved:

February 25, 2013


Allan W. Fung, Mayor

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

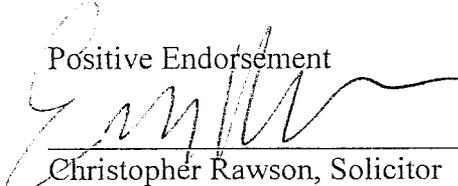
SECTION 1. Ordinance No. 2012-16 previously approved by the Council on July 23, 2012 is hereby revoked and rescinded in its entirety including the proposed terms of the agreement and superseded by this Ordinance and attached proposed agreement (See Attached Exhibit A).

SECTION 2: The City of Cranston shall accept transfer of ownership of property, specifically a parcel of land and the improvements thereon at 100 Metropolitan Avenue, from the State of Rhode Island Department of Education to the City of Cranston for \$1.00 consideration. The City will receive three million two hundred thousand dollars (\$3,200,000) from the State of Rhode Island for improvements and repairs. The City Council of the City of Cranston hereby authorizes, approves, confirms, and ratifies the aforementioned Agreement. (See attached Exhibit A).

SECTION 3: This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

 2/25/13

Christopher Rawson, Solicitor Date

Christopher Rawson, Solicitor Date

Referred to Ordinance Committee February 14, 2013
Sponsored by Mayor Fung



EXHIBIT "A"
AGREEMENT TO TRANSFER OF OWNERSHIP
OF THE
CRANSTON AREA CAREER AND TECHNICAL CENTER

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This Agreement is made and entered into this _____ day of _____, 2013, by and between the City of Cranston ("City of Cranston") and the Cranston School District ("CSD") and the State of Rhode Island and Providence Plantations, by and through the State Board of Education, the Rhode Island Department of Elementary and Secondary Education ("RIDE") and the Rhode Island Department of Administration (collectively, the "State").

RECITALS

WHEREAS, pursuant to the title search (appendix 1), the City of Cranston conveyed in fee simple a parcel of land and the improvements thereon at 100 Metropolitan Avenue in the City of Cranston, more specifically described in the attached Exhibit A, to the State Board of Education to use for "vocational purposes" (the "Real Property"), and;

WHEREAS, as owner of the Real Property, the State Board of Education (in trust for the State of Rhode Island in accordance with R.I.G.L. 16-60-1 (b)) is responsible for the Real Property's care and upkeep;

WHEREAS, the Real Property is in need of capital repairs and the Governor's FY 2013 Capital Budget has included appropriations for those capital repairs, to be distributed as follows:

FY 2013	
Within 30 days of execution	\$1,927,417.00
FY 2014	
August 15, 2013	\$ 872,583.00
FY 2015	
August 15, 2014	\$ 400,000.00

WHEREAS, CSD operates the Cranston Area Career and Technical Center ("CTC") on the Real Property;

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WHEREAS, the State of Rhode Island, by and through the State Board of Education and the State of Rhode Island through its Department of Administration wish to convey the Real Property to the City of Cranston and wish CSD to continue operating a career and technical center on the Real Property or elsewhere;

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WHEREAS, the State Properties Committee must approve the transfer of real property from the State Board of Education and the State of Rhode Island to the City of Cranston pursuant to R.I. Gen. Laws § 37-5-5; and

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WHEREAS, it is in the interest of all parties that the mutually agreed upon conditions pursuant to which the State Board of Education and the State of Rhode Island transfers the Real Property to the City of Cranston be set forth.

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AGREEMENT

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NOW, THEREFORE, it is agreed that:

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1. Obligations of the State Board of Education

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a. On or before August 15, 2014, the State of Rhode Island shall grant (without recourse to CSD) and transfer the sum of THREE MILLION TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$3,200,000.00) to be used exclusively by CSD for capital projects identified by CSD in its sole discretion at the Real Property or the appurtenances thereto, including [but not limited to], any areas of Real Property dedicated to activities related to the CTC (the "Capital Projects"). The State agrees that the improvements and repairs identified in Appendix 3 will be submitted to the State Board of Education for approval for any applicable housing aid available for such improvements, in conformance with the applicable State Board of Education Regulations.

b. On August 15, 2014, the State Board of Education and the State of Rhode Island shall convey good, marketable title by Quit Claim Deed to the Real Property to the City of Cranston.

c. Assuming conveyance as contemplated hereby, the State Board of Education shall have no liability or other lawful responsibility for any and all conditions arising on or from the Real Property after August 15, 2014, except for any liabilities to third parties not party to this contract arising from conditions of the Real Property prior to such time.

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140 d. For so long as CSD operates a career and technical center, the
141 Rhode Island Department of Education shall allocate to CSD funding through the
142 Carl D. Perkins Vocational and Education Act of 1998 or similar federal program,
143 in accordance with the prescribed allocation formula and programmatic
144 requirements set forth in the federal regulations.

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146 2. Obligations of the City of Cranston and of CSD

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148 a. CSD covenants that the Capital Projects will be competitively bid in
149 the manner required by the State Purchasing Act, R.I. Gen. Laws §§37-2-1, et
150 seq. CSD further covenants that its bidding specifications for the Capital Project
151 shall require contractors to include the State Board of Education and the State of
152 Rhode Island as insured parties in any and all insurance required from the
153 contractor by CSD. CSD, the State Board of Education, and the State of Rhode
154 Island, through the Department of Administration, will confer and agree upon the
155 insurances to be procured to protect the parties from liability resulting from
156 construction work performed as part of any Capital Project or Projects. The
157 parties shall also confer and agree on any additional insurance that may be
158 necessary and proper to protect the interests of the parties.

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160 b. CSD covenants that it will take such steps as are reasonably
161 necessary to accommodate any requests by the State Board of Education to
162 audit the Capitol Projects.

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164 c. On August 15, 2014, the City of Cranston shall accept title to the
165 Real Property, provided that the State Board of Education and the State of
166 Rhode Island shall retain tort and/or environmental liability to third parties who
167 are not parties to this contract for any and all property conditions existing on the
168 Real Property prior to the time CSD accepts ownership of the property, and
169 further contingent upon the State of Rhode Island providing such funding as has
170 been promised under the terms and conditions of this agreement. Nothing in this
171 contract shall be construed to require the State of Rhode Island or the State
172 Board of Education to provide the CSD with additional funds beyond those
173 already specified in this contract to remediate any environmental conditions
174 existing now or in the future in the Real Property.

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176 d. CSD will continue to operate a career and technical center for so
177 long as future state education aid, School Committee funding, and City of
178 Cranston funding is sufficient for such continuation. In no case will operation of a
179 career and technical center cease before June 30, 2015.

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e. Any Capital Project or Projects undertaken at the Real Property shall be conducted in conformance with the RIDE 1.0 School Construction Regulations as amended from time to time. In addition, the renovation work shall undergo review by the Rhode Island State Building Commissioner's Office and the State Fire Marshall's Office.

f. The City of Cranston shall transfer all care, custody and control of the Real Property to CSD pursuant to R.I. Gen. Laws 16-2-9, 16-2-15, and 16-2-18. Upon transfer, CSD shall maintain care, custody and control of the Real Property as it does its other school facilities.

3. Other Obligations of the Parties

(A) Nothing herein shall be deemed to obligate CSD to use all or any specific part of the Real Property as a career and technical center, and nothing herein shall preclude CSD from using all or any specific part of the Real Property for other educational purposes, provided in either case, CSD operates a career and technical center.

(B) Title Examination. The City of Cranston, at its sole cost and expense, has the right to examine title to the Property. If the City of Cranston has any objections to title, it shall give RIDE written notice of such objections. Upon receiving notice of any objection to title, RIDE will make reasonable efforts to cure such objection to title before the transfer of title. If RIDE is unable to cure such objection to title before the transfer of title, the transfer date hereunder shall be extended for a reasonable time (up to thirty days), unless the City of Cranston agrees to waive such objections to title.

If after the expiration of the extended time RIDE shall have failed to cure said objections to title then at the City's election, exercisable by written notice to RIDE, this Agreement may be canceled by either the City of Cranston or CSD.

(C) Loss. Until the transfer of title and the recording of the Deed, the State shall bear the risk of loss.

If the Property or any portion thereof is damaged or destroyed prior to the Closing or if the Property or any portion thereof is taken by exercise of the power of eminent domain during such period, the City of Cranston may elect either: i) to terminate this Agreement and any and all obligations to purchase the Property by giving written notice to RIDE or ii) to consummate the transfer with compensation by the State of Rhode Island in the amount of the cost of replacement or repair.

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(D) Remedies.

a. In the event that the State Board of Education fails to substantially perform the obligations set forth in this Agreement, this Agreement shall be terminated and shall be of no further force and effort, except as otherwise expressly provided herein. Moreover, RIDE waives any and all claims, whether at law or in equity, to recover any funds expended or committed to the Capital Projects referenced in this contract regardless of termination of this Agreement.

b. In the event that the City of Cranston and/or CSD fail to substantially perform the obligations set forth in Section 2 of this Agreement, this Agreement shall be terminated and shall be of no further force and effect. Notwithstanding anything to the contrary, CSD will not be liable for repayment of the \$3,200,000.00 referred to in Paragraph 1(a) of this Agreement so long as CSD has used the funds for capital projects identified by CSD in its sole discretion at the Real Property or the appurtenances thereto and is in compliance with paragraph 2(d) of this Agreement.

(E) The State's Representations And Warranties. The State represents, warrants and covenants, as follows:

a. Authorization. The execution and delivery of this Agreement by the parties to this agreement, the performance by the parties of their covenants and agreements hereunder and thereunder, and the consummation by the parties of the transactions contemplated hereby and thereby have been duly authorized by all necessary action. When executed and delivered by the parties this Agreement will constitute the valid and legally binding obligation of the parties.

b. Encroachments. All improvements now on the Property are entirely within the boundary lines of the land described on Appendix 2, and no other adjoining property encroaches upon the land.

c. Environmental. As of the date hereof neither of the parties: (1) have caused or are aware of a release or threat of release of Materials (as defined herein) on any of the premises or personal property owned or controlled by the State, or any abutting property, which could give rise to liability under any Superfund and Hazardous Waste Laws (as defined herein) or any other federal, state, or local law, rule or regulation; (2) have arranged for the transport of or transported any Materials in a manner as to violate, or result in potential liabilities under, any Superfund and Hazardous Waste Laws; (3) have received any notice, order or demand from the Environmental Protection Agency or from the State of

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Rhode Island under any Superfund and Hazardous Waste Laws; (4) have incurred any liability under any Superfund and Hazardous Waste Laws in connection with the mismanagement, improper disposal, or release of Materials; (5) are aware of any inspection or investigation of any of the premises or personal property owned or controlled by Borrower or abutting property by any federal, state or local agency for possible violations of the Superfund and Hazardous Waste Laws.

To the best of the knowledge of the parties to this agreement, none of them have committed or omitted any act which caused the release of Materials on such premises or property which could give rise to a lien, penalties, fines or other charges thereon by any federal, state or local government.

The term "Materials" means any "oil", "hazardous material", "hazardous wastes" or "hazardous substances" as defined under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 et seq., as amended, the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §6901 et seq., as amended, or under applicable state law, and regulations adopted thereunder, and the foregoing are collectively the "Superfund and Hazardous Waste Laws".

1. The parties to this contract mutually agree to equitably share between Cranston and the State of Rhode Island any costs or claims including remediation costs arising from environmental pollution occurring on the premises during the time the premises were held in trust for the state of Rhode Island by the State Board of Education for Elementary and Secondary Education.
2. Cranston is invited, urged, and cautioned to inspect the premises before receiving title to the premises and shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any part of the premises.
3. Except as specifically stated in this agreement, Cranston agrees that no warranties by the State Board of Education or the state of Rhode Island either express or implied are given with regard to the condition of the premises.

324 (F) Environmental Condition.

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326 a. Phase 1. City of Cranston, at its sole cost and expense, has
327 the right to perform a Phase 1 environmental site assessment for the Real
328 Property. The State will furnish to the City of Cranston copies of any
329 environmental reports which exist. The City of Cranston shall give the State
330 written notice of any environmental condition affecting the Real Property which
331 the Rhode Island Department of Environmental Management or the
332 Environmental Protection Agency would require to be remedied (environmental
333 condition) and shall provide the State with a copy of any written report
334 concerning such site assessment.

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336 b. Substantial Environmental Condition. If the City of Cranston
337 has notified the State of any such environmental condition on the Real Property,
338 and if the cost to remedy same shall cost in excess of \$5,000.00, then the State
339 may elect to terminate this Agreement and any and all obligations, contractual or
340 otherwise, to purchase the Real Property, by giving written notice to City of
341 Cranston, within thirty (30) days after receipt by the State of a written notice from
342 the City of Cranston of such environmental condition and the amount of the cost
343 to remedy same.

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345 (G) Further Action. Each of the parties hereto shall use such party's
346 best efforts to take such actions as may be necessary or reasonably requested
347 by the other parties hereto to carry out and consummate the transactions
348 contemplated by this Agreement.

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350 (H) No Waiver. Notwithstanding any course of dealing between the
351 parties, neither failure nor delay on the part of any party to exercise any right,
352 power, or privilege hereunder shall operate as a waiver thereof, nor shall any
353 single or partial exercise of any right, power, or privilege hereunder preclude any
354 other or further exercise thereof or the exercise of any other right, power, or
355 privilege. No notice to or demand upon the other party shall be deemed to be a
356 waiver of the obligation of such party or of the right of the party to take further
357 action without notice or demand.

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359 (I) Binding Effect. This Agreement shall be binding upon and inure to
360 the benefit of State and the City of Cranston and their respective successors and
361 assigns. If two or more parties are named, then their obligations hereunder are
362 joint and several, except that this agreement shall not require the State Board of
363 Education to transfer any funds to the CDS not appropriated by the General
364 Assembly to the use of the CDS in conformity with this contract.

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366 (J) Governing Law. This Agreement shall be governed by and
367 construed in accordance with the internal substantive laws of the State of Rhode
368 Island.

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372 (K) Section Headings. The section headings are for the convenience
373 of the parties and shall not alter, modify, amend, limit or restrict the contractual
374 obligations of the parties.

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376 (L) Counterparts. This Agreement may be executed in counterparts,
377 each of which shall be deemed an original, but all of which taken together shall
378 constitute one and the same instrument.

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380 (M) Complete Agreement.

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382 This Agreement represents the complete agreement of the parties and
383 supersedes all prior agreements and communications. This Agreement may not
384 be modified except by a writing signed by both parties. In the event of any
385 dispute over the interpretation, construction or application of this Agreement, the
386 parties agree that such matters shall be subject to proceedings before a court of
387 competent jurisdiction within the State of Rhode Island.
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FOR THE STATE OF RHODE ISLAND AND STATE BOARD OF EDUCATION

Deborah A. Gist, Commissioner of Elementary
And Secondary Education, at the direction of the
State Board of Education
And as the Executive Agent of the Board

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

In Providence, on this _____ day of _____, 2013, before me personally
appeared Deborah A. Gist, to me known and known by me to be the
Commissioner of Elementary and Secondary Education and the Executive Agent
of the State Board of Education, who executed the foregoing instrument as the
Executive Agent of the State Board of Education and she acknowledged said
instrument by her so executed to be her free act and deed in her said capacity
and the free act and deed of the State Board of Education.

Notary Public
My Commission Expires: _____

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Richard Licht, Director
Department of Administration

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

In Providence, on this _____ day of _____, 2013, before me personally appeared Richard Licht, to me known and known by me to be the Director of the Department of Administration, who executed the foregoing instrument and he acknowledged said instrument by him so executed to be his free act and deed in his said capacity and the free act and deed of the Rhode Island Department of Administration.

Notary Public
My Commission Expires: _____

Ronald N. Renaud, Chair
State Properties Committee

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

In Providence, on this _____ day of _____, 2013, before me personally appeared Ronald N. Renaud, to me known and known by me to be the Chair of the State Properties Committee, who executed the foregoing instrument and he acknowledged said instrument by him so executed to be his free act and deed in his said capacity and the free act and deed of the Rhode Island State Properties Committee.

Notary Public
My Commission Expires: _____

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FOR THE CITY OF CRANSTON

Allan Fung, Mayor

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

In Providence, on this _____ day of _____, 2013, before me personally appeared Allan Fung, to me known and known by me to be the Mayor of the City of Cranston, who executed the foregoing instrument and he acknowledged said instrument by him so executed to be his free act and deed in his said capacity and the free act and deed of the City of Cranston.

Notary Public
My Commission Expires: _____

John Lanni, President
Cranston City Council

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

In Providence, on this _____ day of _____, 2013, before me personally appeared John Lanni, to me known and known by me to be the President of the City of Council, who executed the foregoing instrument and he acknowledged said instrument by him so executed to be his free act and deed in his said capacity and the free act and deed of the City of Council.

Notary Public
My Commission Expires: _____

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FOR THE CRANSTON PUBLIC SCHOOLS

Dr. Judith Lundsten, Superintendent of Schools

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

In Providence, on this _____ day of _____, 2013, before me personally appeared Dr. Judith Lundsten, to me known and known by me to be the Interim Superintendent of Cranston Public Schools, who executed the foregoing instrument and she acknowledged said instrument by her so executed to be her free act and deed in her said capacity and the free act and deed of the Cranston Public Schools.

Notary Public
My Commission Expires: _____

FOR CRANSTON SCHOOL COMMITTEE

Andrea M. Iannazzi, Chairperson

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

In Cranston, on this _____ day of _____, 2013, before me personally appeared Andrea M. Iannazzi, to me known and known by me to be the Chairperson of the Cranston School Committee, who executed the foregoing instrument and she acknowledged said instrument by her so executed to be her free act and deed in her said capacity and the free act and deed of the Cranston School Committee.

Notary Public
My Commission Expires: _____

THE CITY OF CRANSTON

RESOLUTION OF THE CITY COUNCIL
AUTHORIZING REAL ESTATE/TANGIBLE TAX ABATEMENTS AS
RECOMMENDED BY CITY ASSESSOR

No. 2013-4

Passed: February 25, 2013



John E. Lanni, Jr., 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.RE ABATE

ALLAN FUNG
MAYOR



DIVISION OF ASSESSMENT
869 PARK AVE
CRANSTON, RI 02910

SALVATORE SACCOCCIO JR.
CITY ASSESSOR

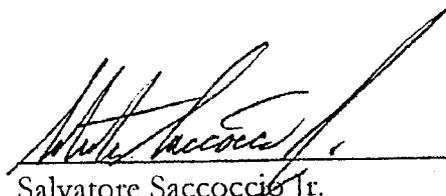
DAVID COLE
DEPUTY ASSESSOR

MEMO

DATE: February 6, 2013
TO: His Honor the Mayor and the Honorable City Council
FROM: City Assessor
RE: Real Estate and Tangible 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, 2011	263,513	\$7403.88



Salvatore Saccoccio Jr.
City Assessor

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Page 1

City of Cranston
2012 Abatement List

1	0408453501 011-0034 Location 208 AUSDALE RD DIFUSCO FRANK & HF LECNA TEN B 208 AUSDALE RD CRANSTON RI 02910	Value Original : 126550 Exemption Omit : 6613 Adjusted : 119937	Tax Original : 2890.39 ASSESSORS APPE : 151.04 Adjusted : 2739.35
2	1717988001 012-3194 Location 127 FLETCHER AV PITI JOSEPH 127 FLETCHER AVE CRANSTON RI 02920	Value Original : 1187500 ASSESSORS APPE : 121300 Adjusted : 1066200	Tax Original : 38655.95 ASSESSORS APPE : 4155.74 Adjusted : 35500.21
3	1910120505 007-1837 Location 133 CRESCENT AV RHODE ISLAND HOUSING & MORTGAG 44 WASHINGTON STREET PROVIDENCE RI 02903	Value Original : 135800 Exemption Omit : 135800 Adjusted :	Tax Original : 3097.10 Adjusted :

Value Tax
Original 1418650 45643.44
Abatements 283513 7403.88 on 3 Accounts
Adjusted 1158137 38239.56

THE CITY OF CRANSTON

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

No. 2013-5

Passed: February 25, 2013
*John E. Lanni, Jr., 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

ALLAN FUNG
MAYOR



DIVISION OF ASSESSMENT
869 PARK AVE
CRANSTON, RI 02910

SALVATORE SACCOCCIO JR.
CITY ASSESSOR

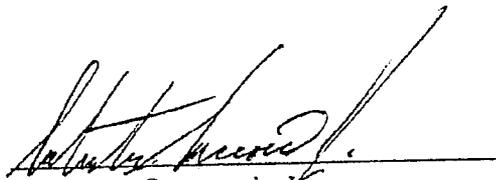
DAVID COLE
DEPUTY ASSESSOR

MEMO

DATE: February 6, 2013
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, 2006	3,733	158.43
December 31, 2009	2,950	125.20
December 31, 2010	6,780	287.77
December 31, 2011	<u>53,470</u>	<u>2269.30</u>
Totals:	66,933	\$2,840.70


Salvatore Saccoccio Jr.
City Assessor

City of Cranston
2012 Motor Vehicle
Abatement List

1	33027520	000028453	2	33043200	000033807	3	34024628	000070002	7
Vehicle 2002	HOND	PU 241	Vehicle 2011	HONDA	TC 307	Vehicle 1999	MERC	D	7
ID 1HGCG185B2A041717			ID JHLRE4H31BC007459			ID 1MEFM509XA017382			
CLARK DONALD S			CROHAN THOMAS H			DIPIRO PETER			
1214 CRANSTON ST			365 ANTHONY ST			51 CHURCH HILL DRIVE			
Cranston RI 02920			Seekonk MA 02771			Cranston RI 02920			
Value	Tax		Value	Tax		Value	Tax		
Original : 4,691	177.87		Original : 22225	949.17		Original : 528	22.32		
OUT OF COMMUNITY	177.87		DECEASED	949.17		EXEMPTION OMITTED	22.32		
Adjusted Tax:			Adjusted Tax:			Adjusted Tax:			
4	37013000	0000059567	5	42015520	0000084045	6	45082290	0000106789	
Vehicle 2008	MAZD	886641	Vehicle 2005	TOYT	HV 470	Vehicle 2011	HOND		851475
ID JM1BK12G881832808			ID 2T1BR32E95C443141			ID 1HGCP3F87BA014175			
GLAMTZ MARILYN P			LINO LUIS H			OKEKE EZIOBO FELIX E			
33 COLLINGWOOD DR			951 DYER AVE APT 100			146 RICHARD ST			
CRANSTON RI 02921			Cranston RI 02910			CRANSTON RI 02910			
Value	Tax		Value	Tax		Value	Tax		
Original : 12,550	943.23		Original : 3615	205.32		Original : 9603	454.07		
STOLEN/SOLD/JUNK/TOT	219.97		STOLEN/SOLD/JUNK/TOTA	142.69		DECEASED	454.07		
Adjusted Tax:	723.26		Adjusted Tax:	82.43		Adjusted Tax:			
7	48008430	0000110826	8	46026720	0000117123	9	48015370	0000124174	
Vehicle 2002	ISUZ	983990	Vehicle 2003	HYUN	612304	Vehicle 2001	NISS	TC 308	
ID 4S2DH58W124302053			ID KMH0N55DX3U082193			ID 3N1BB51001L120230			
PARSON FRANCES M			PONCHAK NATHAN D			ROCHA JAMIE L			
155 WHITTING ST			75 ARNHOLD AVE			54 VERVENA ST			
Cranston RI 02920			Cranston RI 02905			Cranston RI 02920			
Value	Tax		Value	Tax		Value	Tax		
Original : 2,387	238.22		Original : 2598	94.34		Original : 2010	67.82		
STOLEN/SOLD/JUNK/TOT	75.78		STOLEN/SOLD/JUNK/TOTA	94.34		OUT OF COMMUNITY	67.82		
Adjusted Tax:	162.43		Adjusted Tax:			Adjusted Tax:			
10	49012650	0000132127		00000000	0000000000		00000000	0000000000	
Vehicle 2009	PONT	9R 543	Vehicle 0000	ID		Vehicle 0000	ID		
ID 1G2HP52K0YF285068			ID			ID			
SCUNGIO DENISE A									
187 MAIN ST									
HESTERLY RI 02891									
Value	Tax		Value	Tax		Value	Tax		
Original : 2,033	85.08		Original :			Original :			
OUT OF COMMUNITY	85.08		Adjusted Tax:			Adjusted Tax:			
Adjusted Tax:			Adjusted Tax:			Adjusted Tax:			

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Page 2

City of Cranston
2012 Motor Vehicle
Abatement List

For Tax Year: 2012

	Value	Tax		
Original	: 62282	3217.42		
Adjusted Tax	:	2289.30	on 10	Accounts
		948.12		

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City of Cranston
2011 Motor Vehicle
Abatement List

1	42015400	0000064080		2	43002850	0000087750		3	46026400	0000117757	
	Vehicle 2005	TOYT	MV 470		Vehicle 2005	TOYT	NB 970		Vehicle 2003	HYUN	812384
	ID 2T1BR32E95G443141				ID 2T1BR32E55C650900				ID KMHDM55DX3U082193		
	LIND LUIS H				MALHOT MATTHEW T				PONCHAK NATHAN D		
	141 MIDWOOD ST				399 WOODBINE STREET				75 ARNOLD AVE		
	Cranston RI 02910				Cranston RI 02910				Cranston RI 02905		
	Value	Tax		Value	Tax			Value	Tax		
Original :	7,502	207.18		4974	197.01			2818	96.08		
STOLEN/SOLD/JUNK/TOT		22.01			197.01				67.85		
Adjusted Tax:		274.25							29.13		

For Tax Year: 2011

	Value	Tax	
Original :	15084	591.15	
Adjusted Tax :		287.77 on 3 Accounts	
		303.38	

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City of Cranston
2010 Motor Vehicle
Abatement List

1	43003710	0000068890	NB 970	00000000	000000000	00000000	000000000
	Vehicle 2005	1077		Vehicle 0000		Vehicle 0000	
	ID 21BR32SS5C550886			ID		ID	
	MALHOT MATTHEW T						
	399 WOODBINE STREET						
	Cranston RI 02910						
	Original Value	9,120	Tax	365.83	Original Value		
	STOLEN/SOLD/JUNK/TOT		Tax	125.20	Adjusted Tax:		
	Adjusted Tax:			240.63			

For Tax Year: 2010

	Original Value	9120	Tax	365.83	Accounts
	Adjusted Tax			125.20	on 1
				240.63	

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Page 1

City of Cranston
2007 Motor Vehicle
Abatement List

1	48000090	0000115234		00000000	0000000000	00000000	0000000000
	Vehicle 2001	JAG	VB 728	Vehicle 0000	ID	Vehicle 0000	ID
	ID SAJDAVIN21FM04160						
	FABON DAVID						
	6 GLEN RD						
	CRANSTON RI 02910						
		Value	Tax	Original	:	Value	Tax
	Original :	8,489	180.96	Original :			
	STOLEN/SOLD/JUNK/TOT		158.43	Adjusted Tax:			
	Adjusted Tax:		22.53	Adjusted Tax:			

For Tax Year: 2007

	Value	Tax	
Original :	8489	180.96	
Adjusted Tax :		158.43	on 1 Accounts
		22.53	

Jan-13

Waiver of Interest Applications

Recommend To Approve:

<u>NAME</u>	<u>ADDRESS</u>	<u>TAX AMT</u>	<u>INTEREST</u>	<u>REASON</u>
Colan, Bruce	54 Burnside St	977.75	\$118.03	hardship
Cerep, Stephen	49 Lexington Ave	1,186.48	\$166.38	lostcheck
Dailey, Deborah	174 Ferncrest Dr	1,596.76	\$169.85	illness
DeCorpo, Mario	137 Southern St	2,638.30	\$154.46	illness
Jordan, Jennifer	74 North Clarendon St	4,079.71	\$357.21	illness
Leach, Alice	80 Crestwood Rd	1,351.40	\$189.26	illness
Salisbury, Patricia	56 Lawnaere Dr	1,416.73	\$217.46	death
Ventetuolo, Edward	131 Belmont Rd	1,031.51	\$144.41	illness

Recommend To Deny:

Ruggeri's Market	429 Atwood Ave	11,975.92	\$1,796.41	business
------------------	----------------	-----------	------------	----------

-FEBRUARY 25, 2013-

1-13-4 ORDINANCE IN AMENDMENT OF TITLE 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'ADMINISTRATION AND PERSONNEL/MUNICIPAL COURT' (Judges' Salaries and Auxiliary Judge Duties

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

Under Discussion:

Councilman Stycos stated that the Code requires fiscal notes on Ordinances that deal with funds. As to this Ordinance, there is no extra money involved, there should be a statement stating this. He asked Mr. Strom to look at the Code and report at the next Finance Committee meeting, based on the Code, his opinion of when there needs to be a fiscal note and when there is none needed.

Roll call was taken on motion to adopt the above Ordinance and motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

RESOLUTION IN SUPPORT OF LEGISLATION TO ALLOW THE CITY TO USE INCOME CRITERIA IN DETERMING WHETHER TO GRANT PROPERTY TAX RELIEF

On motion by Councilman Aceto, seconded by Councilman Archetto, it was voted to refer the above Resolution back to the Finance Committee for further study.

Under Discussion:

Councilman Stycos stated that at the Finance Committee meeting, there were a lot of concerns of what the amount was going to be. This is why he agrees that this Resolution should be referred back to the Finance Committee. Councilman Stycos distributed a handout of some figures of some possibilities that are used elsewhere.

Roll call was taken on motion to refer this Resolution back to the Finance Committee for further study and motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

PAPERLESS MEETINGS:

Quotes for City Council laptops & internet access

[\[click for hardware quotes\]](#) [\[click for internet quote\]](#)

Council Vice-President Farina stated that he and Councilman Botts met with Mr. Aguiar from the IT Department and he reported on the quotes.

Councilman Aceto stated that he will not be needing a tablet or a laptop. He will be using his own personal one.

Councilman Favicchio asked where these equipments will be stored and who would be responsible for them.

Council Vice-President Farina stated that they would be the responsibility of the City Council members. Once the Council members' term is over, they would be turned over to the City.

On motion by Councilman Santamaria, seconded by Councilman Stycos, it was voted to approve the Cox Communication hookup for the wireless access in the Council Chambers.

Under Discussion:

Mr. Strom asked if there has been any discussion of whether the Council has to go with a notebook or if a Council member would like a laptop, if they could be split. Council Vice-President Farina stated that Mr. Aguiar stated that a split could be done.

Councilman Botts stated that he also has an IPAD and would not need one if they go with an IPAD.

-FEBRUARY 25, 2013-

Discussion took place on where the funding would come for this. Mr. Strom stated that it could come from the City Council budget or City's IT Department.

Council President Lanni stated that no vote is needed on the type of equipment. The City Clerk will prepare bid waiver based on what each Council member prefers. City Clerk asked that the City Council members notify her by Wednesday as to what their preference is so she can prepare a bid waiver in time for the next Board of Contract & Purchase meeting.

Roll call was taken on motion to approve the Cox Communication hookup for the wireless access in the Council Chambers and motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

PUBLIC WORKS COMMITTEE
(Mario Aceto, Chair)

Rhode Island Resource Recovery Corporation appeal dated November 9, 2012 of October 30, 2012 Decision on 2011 Industrial Pretreatment Invoice for Fee Adjustment. (Bill for \$300,000, Requesting waiver of \$290,000.00). Cont. from 1/28/2013. [[click here to view](#)]

Rhode Island Resource Recovery Corporation appeal dated November 9, 2012 of October 30, 2012 Decision on 2012 Industrial Pretreatment Invoice for Fee Adjustment. (Bill for \$300,000, Requesting waiver of \$290,000.00). Cont. from 1/28/2013. [[click here to view](#)]

Solicitor Kirshenbaum stated that the City has received a request from RIRRC for documents. He asked that these items be left on the Docket. We do not know when appeal will be decided on.

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A RIGHT OF FIRST REFUSAL AGREEMENT WITH CLCF FOR PROPERTY LOCATED AT 61 BRAYTON AVE.

On motion by Council Vice-President Farina, seconded by Councilman Botts, it was voted to adopt the above Resolution.

Under Discussion:

Councilman Stycos stated that he feels that money should not be a factor on what league uses what field. He also stated that, basically, we are saying to a league, if you have money you get to use the field compared to a poorer league.

Mr. Liberatore appeared to speak and stated that by a league spending money on their field, it does not mean they take care of the field. His staff still maintains the fields, but the league shows that they are willing to spend the money.

Roll call was taken on motion to adopt the above Resolution and motion passed on a vote of 8-1. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -8. The following being recorded as voting "nay": Councilman Stycos -1.

CLAIMS COMMITTEE
(Sarah Kales Lee, Chair)

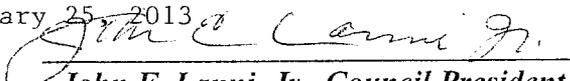
Ratification of settled claim: Julio Archila \$5,451.32 vehicle damage.

On motion by Councilman Aceto, seconded by Councilman Santamaria, it was voted to approve the above ratified claims. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 2, OF THE CODE OF THE CITY OF
CRANSTON, 2012, ENTITLED "ADMINISTRATION AND
PERSONNEL/MUNICIPAL COURT"
(Judges' Salaries and Auxiliary Judge Duties)**

NO. 2013-2

Passed: February 25, 2013

John E. Lanni, Jr. Council President

Approved:
March 6, 2013 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. Title 2, Chapter 40, entitled " MUNICIPAL COURT" is hereby amended as follows:

2.40.100 - Costs.

A. The municipal court shall be authorized to impose court costs for each violation in an amount equal to the court costs imposed by the ~~Administrative Adjudication Court of the state of Rhode Island~~ **Traffic Tribunal**. Further, the municipal court shall be authorized to impose additional court costs in the amount of four dollars for each violation as a reimbursement fee to the ~~Administrative Adjudication Court~~. The payment of said costs, shall be part of the sentence.

B. All payments shall be deposited in the general treasury of the city.

2.40.120 - Compensation of municipal court judge and municipal court clerk.

A. The compensation of the ~~e~~**Chief Judge** of the municipal court shall be fifteen thousand five hundred twenty -five dollars (\$15,525.00) per year, unless otherwise amended by ordinance by **of** the city council.

B. The compensation of the Senior Associate ~~j~~**Judge and Associate Judges** of the municipal court shall be ~~ten~~ **three thousand seven hundred fifty** dollars (\$10,000.00) **(\$3,750.00)** per year, unless otherwise amended by ordinance by **of** the city council.

44 C. The compensation of the eClerk of the municipal court shall be zero dollars,
45 unless otherwise amended by ordinance ~~by~~ of the city council.

46
47 D. The compensation of the Chief Judge, the Senior Associate Judge, the
48 Associate jJudges, and the eClerk may be amended increased by ordinance of the
49 city council.

50
51
52 **2.40.130 - Acting judge/acting clerk/auxiliary judge**

53 In case of sickness, absence, or other disability or ineligibility of the Chief
54 ~~municipal court jJudge~~, the Cranston ~~sSenior aAssociate municipal court~~ Judge
55 and/or a ~~Associate municipal court jJudges~~ shall serve as the acting Chief ~~municipal~~
56 ~~court jJudge~~, with all powers and duties of the Chief ~~municipal court jJudge~~, and
57 shall receive the pro rata salary of the Chief ~~municipal court jJudge~~ during his or
58 her tenure as acting Chief ~~municipal court-t jJudge~~. Said pro rata salary shall be
59 deducted from the salary of the Chief ~~municipal court jJudge~~

60 There shall be appointed by the city council for a term of two years from
61 the first Monday in January following each council election, a Cranston Auxiliary
62 jJudge . Said judge shall have ~~no permanent salary, but shall receive per diem-~~
63 ~~compensation representing the pro rata salary of the probate court judge in whose~~
64 ~~place said auxiliary judge shall serve.~~ The Cranston Auxiliary jJudge shall be a
65 qualified elector of the city, an attorney-at-law admitted to practice in the courts of
66 Rhode Island, and shall at the time of his or her appointment have so practiced for
67 five years. Said Cranston Auxiliary jJudge shall be empowered, to serve as the
68 acting Presiding-Municipal or pProbate eCourt jJudge, whenever the Municipal
69 or pProbate Court jJudge is temporarily unable to serve as Municipal or pProbate
70 Court jJudge due to illness, absence or other disability. ~~In that event, the auxiliary-~~
71 ~~judge shall receive the pro rata salary of the probate court judge during his or her-~~
72 ~~tenure as the acting probate court judge; said pro rata salary shall be deducted from-~~
73 ~~the salary of the probate court judge.~~ The compensation of the Auxiliary Judge
74 shall be three thousand seven hundred fifty dollars(\$3,750.00) per year unless
75 otherwise amended by the City Council.

76 In case of sickness, absence, or other disability or ineligibility of the
77 municipal court eClerk which shall be less than fourteen (14) days, said eClerk may
78 appoint an acting eClerk, at the same compensation, or at such salary as the city
79 council may determine, for the term of such sickness, absence, disability, or
80 ineligibility of said eClerk. The acting municipal court eClerk shall perform all
81 duties of the municipal court eClerk in his or her absence. In the event of a sickness,
82 absence, or other disability or ineligibility of the municipal court eClerk which shall
83 be fourteen (14) or more days, the city council may, by resolution, appoint an acting
84 municipal court eClerk, for the term of such sickness, absence, disability or
85 ineligibility of the municipal court eClerk, at the same compensation, or at such
86 salary as the city council may determine. An acting municipal court eClerk shall

87 perform all duties of the municipal court eClerk, and in the performance of said
88 duties, shall have the same effect as if performed by the municipal court eClerk.

89
90 **Section 2.** This Ordinance shall take effect January 7, 2013
91

92		
93	Positive Endorsement	Negative Endorsement (attach
94		reasons)
95		
96		
97	<hr/>	<hr/>
98	Christopher Rawson, City Solicitor	Christopher Rawson, City Solicitor
99		
100	Date	Date

101
102
103 Sponsored by: Council President John E. Lanni, Jr.

104
105
106 Referred to Finance Committee February 14, 2013

Exhibit "A"**RIGHT OF FIRST REFUSAL AGREEMENT**

WHEREAS: **The City of Cranston (hereinafter "City")** is the owner of property located at **61 Brayton Avenue, Cranston, Rhode Island ("Property")**, and

WHEREAS: **Cranston League for Cranston's Future (hereinafter "CLCF")** is a Rhode Island Non-Profit Corporation which operates youth softball activities within the City of Cranston, and

WHEREAS: CLCF has expended time and resources in the upkeep, maintenance and improvement of the Taft, Capirchio, Perry and Presidents Fields (hereinafter "Fields") located at the Property, and

WHEREAS: CLCF has requested that the Parks and Recreation Department of the City grant it a right of first refusal for the use of the Fields for softball activities, and

WHEREAS, the City has agreed to enter into said agreement with CLCF.

NOW THEREFORE: For nominal consideration, the receipt of which is acknowledged, the parties agree as follows:

1. **Right of First Refusal:** In the event that the City should receive a bona fide request from a third party for the use of the Fields and the third party request is acceptable to the City, the City will not grant the request to use the Property without first offering the dates and times to CLCF pursuant to the terms of this paragraph. The City shall forward, in writing, the third party request to CLCF delineating the dates, times and the name of the field(s) that a Third Party is requesting use of. The request shall be forwarded to either the President or Director of CLCF. CLCF shall have five (5) days to respond, in writing, to the City of the exercise or waiver of its right to use the Fields during those requested

time periods. Should CLCF not respond to the written request of the City within the aforementioned time period, then the right of first refusal shall automatically be deemed waived for the requested dates and time of field use.

2. CLCF may not assign this agreement without written consent of the City. CLCF shall not rent, lease or otherwise grant the right to use said Fields to a third party and shall at no time charge or collect any revenue from the use, maintenance or enjoyment of said Fields.
3. This agreement shall in no way bind or mandate that the City offer the use of the Fields to CLCF on an annual basis but shall only grant the Right of First Refusal to CLCF if the City allows said Fields to be used by any group or organization.
4. The term of this agreement shall be for Four (4) years ("Term"). Not less than 60 days before the end of the Term, but in no event after the end of the Term, CLCF shall have the Option to renew the Right of First Refusal according to the terms provided herein for an additional term of Five (5) years. Said Option shall be delivered to the City in writing. Should CLCF fail to deliver a written request exercising said Option in the period described above, then the Right of First Refusal shall automatically terminate and be void.
5. Each provision of this Agreement shall be considered severable, and if for any reason any provision that is determined to be invalid and contrary to any existing or future law, such invalidity shall not impair the operation of or affect those provisions of this Agreement that are not invalid.
6. None of the parties shall be deemed to have waived any rights hereunder unless said waiver shall be in writing and signed by all the parties. The waiver of any party of any

breach of this Agreement shall not operate or be construed to be a waiver of any subsequent breach.

Dated the 25th day of February, 2013

CITY OF CRANSTON

BY Allan W. Fung Date 2/25/13

Allan W. Fung, Mayor

CRANSTON LEAGUE FOR CRANSTON'S FUTURE

BY: [Signature] Date 2/25/13

Joseph DiTraglia, President

-FEBRUARY 25, 2013-

V. PUBLIC HEARINGS

(open to any matters)

Suzanne Arena, 88 Lakeland Rd., appeared to speak and stated that she has sent emails, through the City's website, to Council President Lanni and was not acknowledged. The emails were a suggestion of implementing a citizens of the year award. This would be a great inspiring thing that could be done. She asked that the following be addressed: correct the list of all the new Council members with emails on the City's website and she asked that the Council respond to the emails sent to them. Council President Lanni stated to Ms. Arena that the reason her email was not addressed was his computer was down for the last two weeks due to water in his basement and the equipment had to be removed from the basement.

VI. ELECTION OF CITY OFFICIALS

FLOOD COMMISSION: *Nicholas Capobianco, Jr.* - Councilman Santamaria

On motion by Councilman Archetto, seconded by Councilman Aceto, it was voted to appoint ***NICHOLAS CAPOBIANCO, JR.*** as a member of the Flood Commission. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

Councilman Santamaria stated that he will be stepping down as Chair of the Flood Commission.

On motion by Councilman Aceto, seconded by Councilman Santamaria, it was voted to appoint Councilman Archetto as Chair of the Flood Commission. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

JUVENILE HEARING BOARD: *Joseph Rhodes*, Alternate – Council President

On motion by Councilman Aceto, seconded by Councilman Botts, it was voted to appoint ***JOSEPH RHODES*** as an Alternate member of the Juvenile Hearing Board. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

VII. REPORT OF CITY OFFICERS

None.

VIII. EXECUTIVE COMMUNICATIONS

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

None.

-FEBRUARY 25, 2013-

**REQUEST TO BE PLACED ON PENSION: CAPTAIN GLENN M. BATHGATE,
CRANSTON FIRE DEPARTMENT.**

Mr. Cordy appeared to speak.

On motion by Councilman Aceto, seconded by Councilman Botts, it was voted to approve the above request. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

Claim Settled by the Solicitors office: Michelle Araujo \$1,780.33 vehicle damage.

No discussion was held.

IX. COUNCIL PRESIDENT COMMUNICATIONS

Council President Lanni stated that the City has a huge unfunded pension liability. He and the entire Council have offered their assistance to the Administration. The biggest thing that can be accomplished is to tackle this issue and also work together.

X. COUNCIL MEMBER COMMUNICATIONS

Councilman Santamaria:

- ***Cranston Street Corridor Project*** (Resolution No. 2010-77) Adm. update. (Cont. from 1/28/2013).

Mr. Cordy stated that the City has reached out to RIDOT to see if there are any requirements to advertise meetings and the response was no. The City will be working on scheduling this meeting.

- ***Fletcher Avenue Flood wall engineering study*** – Adm. Update. (Cont. from 1/28/2013).

Councilman Santamaria stated that a meeting was held last week regarding this issue and this is moving forward.

- ***List of private vendors used for towing and snowstorms***, including financials (Cont. 1/28/2013).

Councilman Santamaria asked that this item be removed from the Docket. He asked for cost of last blizzard.

Mr. Strom stated that the latest number for cost of the snowstorms and private vendors is approximately \$400,000. There may be available some reimbursement through FEMA for a good portion of this.

Mr. Cordy stated that there is potentially an opportunity for this reimbursement. We should know in approximately a week or two and that reimbursement should be 75%.

- ***Dollar Tree*** – Plainfield Pike – early dumpster pickup.

Councilman Santamaria asked that this be placed on the March 4th Safety Services meeting for Show Cause.

-FEBRUARY 25, 2013-

Councilman Stycos:

- ***Gun Buy-Back Program***

Colonel Palombo appeared to speak and stated that we are currently coordinating with other communities for a regional approach. We are looking at doing this in April. To his recollection, this has never been done before.

Councilman Archetto:

- ***Speeding on Laurel Hill Ave.***

Colonel Palombo stated that there were 251 stopped and 120 violations as of January 1st.

Councilman Archetto stated that we need to look at some type of barrier as protection if a car runs the stop sign at this area and it would prevent hitting the house and also speed bumps or more signage of slow down.

Mr. Lopez stated that the Traffic Engineer has been asked to look at placing brighter or more visible signage advising motorists of stop sign coming up, however, what is not being considered is barriers. This is a danger to a motorist if they hit the barrier. As a matter of practice, the Administration has never supported speed bumps. This is a challenge for emergency vehicles responding to emergencies. What is being considered to be looked at is plateaus or tables.

- ***Snow Removal Policy***

Councilman Archetto addressed a letter he received from a constituent in the Arlington area, whose area was not plowed for approximately 36 hours during the blizzard.

Councilman Aceto asked that this item be placed on the Public Works Agenda for discussion.

Mr. Lopez stated that at no time does snow plowing become a political issue for this Administration. There were many challenges with this storm, it was a blizzard. There were additional challenges in Ward 3, such as vehicles parked in the streets making it very difficult for the plows to plow the streets. When the Police were called to enforce the parking ban, they were not able to get the tow company out there because they had pulled their equipment from the roads for the safety of their employees. While he understands the residents' frustration and Councilman Archetto's frustration, the City plow drivers and the private vendors did the best they could in an area with so many challenges and under difficult circumstances.

Councilman Santamaria stated that he is concerned that we need bigger trucks. In the upcoming budget, we should look at purchasing bigger trucks. They could be used year long, not just in the winter.

Council Vice-President Farina thanked the Public Works Department and the Administration employees who worked very hard during the blizzard. He agrees with the need to purchase a few bigger trucks for the future.

Mr. Cordy stated that the policy for snow plowing is to get the primary roads open for emergencies and then secondary roads. The problem with the blizzard was the large trucks getting stuck in the roads and rerouting large trucks from other areas to help those trucks that were stuck. Another problem was the snow was coming down so fast and with drifts it was hard to keep up with the plowing.

Councilman Stycos asked what the procedure is for the spotters that check on the vendors plowing. Mr. Lopez stated that there are spotters who drive through the district assigned to them checking on the roads to make sure the private vendors are plowing the streets correctly.

-FEBRUARY 25, 2013-

Councilman Aceto asked that the following be addressed at the next Public Works Committee meeting in regards to the blizzard: what was done good, what was done bad and how it can be improved.

- **Wales St. and Princess Ave. – blocked**

Councilman Archetto stated that he and Councilman Stycos met on February 15th with the Public Works Director and made him aware an establishment, Nemo, who blocked Wales St. and Princess Ave. with a backhoe with sod and dirt. This was to be removed. As of today, it has not been removed. Mr. Lopez stated that he will address this.

Councilman Botts:

- ***Early dumpster pickup at Harwood St.***

Councilman Botts stated that he received an email Friday from a constituent on Harwood St., whose home is across from a Doctor's Office. The constituent complained of an early dumpster pickup at this location. Mr. Lopez asked that Councilman Botts forward the email to him and he will follow-up with the constituent to get more information and the Doctor's Office will be contacted to address this.

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:

Ordinance Committee – March 14, 2013

Resolution in support of turning on the lights at City Hall. [[click here to view](#)]

Resolution opposing Acts relating to labor and labor relations – Certified School Teachers' Binding Arbitration. [[click here to view](#)]

2-13-1 Ordinance in amendment of Title 5, of the Code of the City of Cranston, 2005, entitled "Business Licenses and Regulations" (Yard Sales).
[[click here to view](#)]

2-13-02 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Westcott Ave. – No Parking Generally). [[click here to view](#)]

Finance Committee – February 14, 2013

2-13-03 Ordinance ratifying the LIUNA (Laborers International Union of North America) Contract, Local 1322 (FY July 1, 2012-June 30, 2015).
[[click here to view](#)]

2-13-04 Ordinance in amendment of Title 3 of the Code of the City of Cranston, 2005, entitled "Revenue and Finance" (Tax Incentive Reform Commercial Five Year). [[click here to view](#)]

THE CITY OF CRANSTON

RESOLUTION OF THE CITY COUNCIL
IN SUPPORT OF TURNING ON THE LIGHTS AT CITY HALL

No.

Passed:

John E. Lanni, Jr., Council President

Resolved that,

WHEREAS, the City of Cranston conducts public meetings and hearings at City Hall during the evenings; and

WHEREAS, due to the lack of illumination at the front of the City Hall building, citizens arriving at City Hall are unsure as to whether City Hall is open; and.

WHEREAS, there has been public confusion when persons arrive for meetings and hearings at City Hall in evening and find the front of the building completely darkened;

NOW THEREFORE, BE IT RESOLVED, that the Cranston City Council hereby requests that the Mayor and Administration of the City turn on the lights on either side of the main entrance into City Hall on each evening when a hearing or meeting is being held at City Hall so that the public may participate in these processes to the greatest extent possible.

Sponsored by: Councilwoman Lee

Referred to Ordinance Committee March 14, 2013

1 THE CITY OF CRANSTON

2
3 **RESOLUTION OF THE CITY COUNCIL**
4 **OPPOSING ACTS RELATING TO LABOR AND LABOR RELATIONS –**
5 **CERTIFIED SCHOOL TEACHERS’ BINDING ARBITRATION**

6 No.

7
8 *Passed:*

9 _____
10 *John E. Lanni, Jr., Council President*

11 *Resolved that,*

12 *WHEREAS*, mandatory binding arbitration takes budgetary decisions out of the
13 hands of the duly elected officials of Cranston and places budgetary decisions into the
14 hands of a non-elected arbitrator that does not answer to the taxpayers of Cranston; and

15 *WHEREAS*, current state law does not provide for mandatory continuation of an
16 existing teacher collective bargaining agreement; and

17 *WHEREAS*, a Superior Court justice recently ruled that state statute, defining
18 when a contract ends, obviates any clause, agreed to, allowing for a continuation of a
19 public employee contract; and

20 *WHEREAS*, school districts and cities and towns have seen an enormous
21 reduction of state aid; and

22 *WHEREAS*, Cranston taxpayers are already overburdened by high property taxes;
23 and

24 *WHEREAS*, Cranston has been labeled a distressed community by the State of
25 Rhode Island due to its high property taxes in relation to the income of its citizens; and

26 *WHEREAS*, school districts and cities and towns must comply with RIGL §44-5-
27 2 which caps the property tax levy increase at a maximum of 4% in a given budget year;
28 and

29 *WHEREAS*, according to RIGL §16-2-9(d) “The school committee of each
30 school district shall be responsible for maintaining a school budget which does not result
31 in a debt”; and

32 *WHEREAS*, Cranston is under a Superior Court consent order to rectify a school
33 department debt of \$6.7 million caused by overspending of previous school committees;
34 and

35 **WHEREAS**, House Bill H5340, as well as other prior legislative acts, have
36 proposed changes in state law that would mandate that an expired contract shall continue
37 under the same terms and conditions and would compel mandatory binding arbitration;
38 and

39 **WHEREAS**, these mandates would serve as a disincentive for unions to bargain
40 in good faith and benefits to continue unchanged indefinitely thus forcing school districts
41 and cities and towns to possibly violate RIGL §44-5-2 and §16-2-9(d).

42 **NOW, THEREFORE, BE IT RESOLVED**, that we, the Cranston City Council
43 respectfully request that the General Assembly oppose House Bill H5340 and any other
44 legislative proposal that would mandate binding arbitration and contract continuation in
45 expired teacher collective bargaining agreements.

46

47 Sponsored by Councilman Botts; Council President Lanni; and Councilman Favicchio

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49 Referred to Ordinance Committee March 14, 2013

THE CITY OF CRANSTON

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ORDINANCE OF THE CITY COUNCIL

**IN AMENDMENT OF TITLE 5, OF THE CODE OF THE CITY OF CRANSTON,
2005, ENTITLED "BUSINESS LICENSES AND REGULATIONS"
(Yard Sales)**

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

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

Section 1. Title 5, Chapter 80, entitled " Miscellaneous Business Licenses and Regulations" is hereby amended as follows:

5.80.070 - Yard and garage sales.

A. The owner of any residential home or property within the city shall not allow more than ~~two~~twelve yard sales, garage sales or any other similar type sales to be held at said home or property within a given year, one per month.

B. The items or articles that may be sold at said yard sale or garage sale shall be substantially limited to those which are commonly found within or about the owner's residence and not merchandise which is specifically acquired for the purpose of being sold at a yard or garage sale.

C. The maximum size of each sign shall be six (6) square feet.

D. Each sign must have the owner's name, address, and phone number affixed to it.

E. Signs placed in the public right-of-way may not obstruct or otherwise interfere with vehicular or pedestrian traffic.

F. In no case may yard sale signs be posted on street signs, stop signs, or traffic control devices.

42 G. Each sign may be placed inside the public right-of-way from three days prior
 43 to the yard sale until one day after the yard sale. After 8:00 a.m. on the second day
 44 after the yard sale, signs must be removed. Any signs left posted after that shall
 45 be considered to be litter and the yard sale owner shall be subjected to a littering
 46 fine of \$50.00 per day that the sign is left posted.

47 **H. Enforcement**

48 The Cranston police department shall enforce this section.

49
 50 **Section 2.** This Ordinance shall take effect on April 1, 2013.

51
 52 Positive Endorsement Negative Endorsement (attach reasons)

53
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 56 _____
 57 Christopher Rawson, City Solicitor

58 Date

56 _____
 57 Christopher Rawson, City Solicitor

58 Date

59 Sponsored by: Councilman Archetto

60

61 Referred to Ordinance Committee March 14, 2013

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"
(Westcott Avenue – no parking generally)

No.

Passed:

John E. Lanni, Jr. 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 .040 entitled " No Parking on Certain Streets" is hereby amended by adding thereto the following:

10.32.040 - No parking on certain streets—Generally.

No vehicle shall remain standing for any period of time within or upon any of the following streets or highways or parts thereof:

Westcott Avenue, east side, from a point at the Intersection of Westcott Avenue and Fiat Avenue for one hundred (100) feet southerly on Westcott Avenue

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 Ordinance Committee March 14, 2013

THE CITY OF CRANSTON

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ORDINANCE OF THE CITY COUNCIL
RATIFYING THE LIUNA (LABORERS INTERNATIONAL UNION OF NORTH
AMERICA) CONTRACT, LOCAL UNION 1322
(FY July 1, 2012-June 30, 2015)

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

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

Section 1. The City of Cranston has through its corporate officials, bargained collectively with the LIUNA (Laborers International Union of North America), Local 1322, which is the certified bargaining representative of municipal laborers as set forth in the contract; and the Union and the City of Cranston have reached an understanding respecting the terms of a contract resulting from concession bargaining.

Section 2. That the agreement in writing between the City of Cranston and the Local 1322, a copy of which is attached hereto and made a part hereof, is hereby ratified, confirmed and approved by this City Council.

Section 3. That except as modified by the terms of the aforesaid agreement, the City of Cranston shall retain all powers vested in it by law and its charter over the management, regulation and control of said city municipal laborers.

Section 4. This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

Christopher M. Rawson, Solicitor Date

Christopher M. Rawson, Solicitor Date

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Fiscal Note

I hereby certify that it is anticipated that sufficient funds will be available to fund this contract, and I have provided a fiscal impact analysis, in accordance with Sec. 3.04.152 of the Cranston City Code.

Robert F. Strom, Director of Finance

Sponsored by Mayor Allan W. Fung

Referred to Finance Committee March 14, 2013

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF CHAPTER 3.92 OF THE CODE OF THE CITY OF
CRANSTON, 2005, ENTITLED "REVENUE AND FINANCE"
(Tax Incentive Reform Commercial Five Year)

No.

Passed:

John E. Lanni, Jr. Council President

Approved:

Allan W. Fung, Mayor

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

Section 1. Title 3, Chapter 92, entitled " FIVE-YEAR ECONOMIC DEVELOPMENT TAX INCENTIVE PROGRAM FOR COMMERCIAL ZONED PROPERTY" is hereby amended to read as follows:

3.92.020 - Program description.

The city council establishes a tax incentive program for construction of new commercial facilities or the expansion of current commercial facilities in C-1, C-2, C-3, C-4 and C-5 zoned parcels in the city of Cranston. This tax incentive program shall be for a period not exceeding five years and shall be subject to the following terms and conditions.

A. Eligible projects shall include:

1. Total new construction of a commercial facility consisting of a total floor plan of a minimum of three thousand (3,000) square feet and a minimum of three employees and a minimum construction cost of two hundred fifty thousand dollars (\$250,000.00) and not to exceed two million dollars (\$2,000,000.00).
2. Renovation of an existing building consisting of a total floor plan of three thousand (3,000) square feet and a minimum construction cost of two hundred fifty thousand dollars (\$250,000.00) and not to exceed two million dollars (\$2,000,000.00).

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3. Nothing in this chapter shall be deemed to permit the exemption or stabilization herein provided for any commercial concern relocating from one city or town within the state of Rhode Island to another and must comply with R. I. Gen. Laws Section 44-3-9; and

4. Nothing in this chapter shall be deemed transferable to another.

- B. For purposes of this section, commercial facility or property used for commercial purposes means any building or structures used essentially for offices or commercial enterprises, including but not limited to professional office space, e.g. brokerage and investment services, medical, legal and insurance uses, and operation centers, bank branches, restaurants but shall exclude any and all facilities or property used for retail sales.
- C. New or expanding commercial facilities must apply for designation under this tax incentive program for the new or expanded construction. Further, the new or expanding business must have obtained approval for eligibility for participation in this program prior to the receipt of a certificate of occupancy from the building inspector. Application forms are available at the office of economic development.
- D. Eligibility for participation in this tax incentive program shall require the collective approval of the building inspector, economic development director, tax assessor, city planner or their designees, and the city council.
- E. At the time of the application each business must commit to the creation of jobs:
1. Existing businesses expanding their facility must commit to increasing its employment over the course of three years.
 2. New businesses moving their businesses to Cranston who construct a new facility must commit to creating a minimum of three jobs within the first year of operation, and must ~~maintain~~ increase employment by three to five jobs each year during the entire five-year period to be eligible to continue to receive tax benefits.
 3. If the new business does not ~~maintain~~ create the three to five new jobs each year during the entire five-year period then the business shall no longer be entitled to receive the tax incentive benefit and shall be taxed at the regular rates and shall immediately be removed from the tax incentive program.

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4. Businesses must submit a copy of their quarterly wage and tax reports to the economic development department in the city of Cranston.
- F. All participating businesses either new or expanding are required to comply with all federal, state and municipal rules and regulations regarding job safety and hiring practices.
- G. All new or expanding business including any and all subsidiaries, affiliates, subdivisions, parents or other entities of said businesses with ten (10) percent or more common ownership, unless otherwise approved by the city council, must provide proof that all municipal taxes, fees and other assessments are paid and current and have been current for the last three years in order for said business to be eligible under this tax incentive program.
- H. Notwithstanding any vote and findings by the city council, the property shall be assessed for and shall pay that portion of the tax if any assessed by the city in which the real property is located, for the purpose of paying the indebtedness of the state or any political subdivision thereof to the extent assessed upon or apportioned to the city, and the interest thereon, and for appropriation to any sinking fund of the city, which portion of the tax shall be paid in full, and the taxes so assessed and collected shall be kept in a separate account and used only for that purpose.
- I. The city planner, the tax assessor, the building inspector and the director of economic development shall promulgate with city council approval such rules and regulations and provide suitable documents necessary to effect the purpose of this article.
- J. The mayor shall submit to the finance committee in the month of March an annual report prepared by the city planner, the tax assessor and the director of economic development which will identify all businesses participating in this tax incentive program and shall verify the applicant's compliance with all provisions of this chapter. Said report shall include the amount of incentive granted to each business previously approved, the number of jobs and/or the amount of expansion created by said new businesses, and the remaining term for said incentive program for each business. Said annual report shall also include the assessed value, the taxes generated and the taxes defeased as a result of the participation in the tax incentive program for each participating business.
- K. That for the entire duration of the five-year tax incentive the aforementioned facility must be solely owned and operated by the recipient of said tax incentive. That if for any reason the recipient of said tax incentive vacates the aforementioned premises, abandons, or sells the

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facility to another entity, corporation, partnership or person, or does not maintain three new jobs prior to the expiration of the five-year tax incentive the city of Cranston shall have the right to perfect a lien equal to the incentive amount given to date, placed upon said property pursuant to subsections M and N below. The city of Cranston shall also have the right to assess a penalty requiring the business to pay an amount equal to the total amount of the tax incentive given to the business to date.

L. That for the entire period of said tax incentive program (five years) the recipient of said tax incentive 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 land evidence records of the city of Cranston.

M. The terms of said lien shall include the right of the city of Cranston to perfect a lien without further notice to recipient of said tax incentive upon the following conditions:

- 1. The sale of aforementioned site to any corporation, individual, partnership and the like including any other owner other than the recipient of said tax incentive.
- 2. The non-payment or late payment of any tax, use charge, or assessment levied by the city of Cranston associated with the use and occupation of any site owned by said applicant in the city of Cranston.
- 3. The abandonment by recipient of said tax incentive of said property.

N. That in the event the city of Cranston perfects a tax lien due to a default of any provision contained in subsection (M) above, 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 may consider subordination of its lien upon a reasonable request made by either the owner of the property or their lender. Nothing contained in this chapter shall hamper, impede or prevent the financing of the property owner or the reasonable requests of the financial institutions with whom the property owner conducts business.

O. Failure to timely pay the taxes under this incentive program when due (in addition to the foreclosure remedies provided herein) will result in forfeiture of all future benefits under this program and all future taxes due to be assessed without the benefit of the incentives.

177 P. Upon the expiration of the five-year tax incentive program and the
 178 compliance with all terms by the recipient of said tax incentive, the city of
 179 Cranston shall provide a release of the lien described herein.
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181 **Section 2.** This Ordinance shall take effect upon its final adoption.
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183	184 Positive Endorsement	Negative Endorsement (attach reasons)
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188	Christopher Rawson, City Solicitor Date	Christopher Rawson, City Solicitor Date

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192 Sponsored by: Councilmen Santamaria and Stycos

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194 Referred to Finance Committee March 14, 2013

1 THE CITY OF CRANSTON

2
3 **ORDINANCE OF THE CITY COUNCIL**

4 IN AMENDMENT OF TITLE 3.96 OF THE CODE OF THE CITY OF CRANSTON,
5 2005, ENTITLED "REVENUE AND FINANCE"
6 (Tax Incentive Reform Commercial Ten Year)

7
8 No.

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10 *Passed:*

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12 John E. Lanni, Jr. Council President

13
14 *Approved:*

15
16 Allan W. Fung, Mayor

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

19
20 **Section 1. Title 3, Chapter 96, entitled " TEN -YEAR ECONOMIC**
21 **DEVELOPMENT TAX INCENTIVE PROGRAM FOR COMMERCIAL ZONED**
22 **PROPERTY"** is hereby amended to read as follows:
23

24 3.96.020 - Program description.

25 The city council establishes a tax incentive program for construction of new
26 commercial facilities or the expansion of current commercial facilities in C-1, C-2, C-3,
27 C-4 and C-5 zoned parcels in the city of Cranston. This tax incentive program shall be
28 for a period not exceeding ten (10) years and shall be subject to the following terms and
29 conditions.

30 A. Eligible projects shall include:

- 31
32 1. Total new construction of a commercial facility consisting of a total
33 floor plan of a minimum of three thousand (3,000) square feet and
34 a minimum of ten (10) employees and a minimum construction cost
35 greater than two million dollars (\$2,000,000.00).
36
37 2. Renovation of an existing building consisting of a total floor plan
38 of three thousand (3,000) square feet and a minimum construction
39 cost of greater than two million dollars (\$2,000,000.00).
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41 3. The purchase of an existing facility with a minimum purchase price
42 of two million five hundred thousand dollars (\$2,500,000.00)

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4. Nothing in this chapter shall be deemed to permit the exemption or stabilization herein provided for any commercial concern relocating from one city or town within the state of Rhode Island to another and must comply with R.I. Gen. Laws Section 44-3-9; and

5. Nothing in the chapter shall be deemed transferable to another.

- B. For purposes of this section, commercial facility or property used for commercial purposes means any building or structures used essentially for offices or commercial enterprises, including but not limited to professional office space, e.g. brokerage and investment services, medical, legal and insurance uses, and operation centers, bank branches, restaurants but shall exclude any and all facilities or property used for retail sales.
- C. New or expanding commercial facilities must apply for designation under this tax incentive program for the new or expanded construction. Further, the new or expanding business must have obtained approval for eligibility for participation in this program prior to the receipt of a certificate of occupancy from the building inspector. Application forms are available in the office of economic development.
- D. Eligibility for participation in this tax incentive program shall require the collective approval of the economic development director, building inspector, tax assessor, city planner or their designees, and the city council.
- E. At the time of the application each business must commit to the creation of jobs:
1. Existing businesses expanding their facility must commit to increasing its employment over the course of five years.
 2. New businesses moving their businesses to Cranston who either construct a new facility or purchase an existing facility must create a minimum of ten (10) jobs, ~~and must maintain a minimum of ten (10) jobs~~ must increase employment by a minimum of three—five jobs each year during the entire duration of the ten (10) year period to be eligible to continue to receive the tax benefit.
 3. If the new business does not ~~create maintain~~ the original ten (10) jobs increase employment by a minimum of three—five jobs each year during the entire ten (10) year period then the business shall no longer be entitled to receive the tax incentive benefit and shall be taxed at the regular rate and shall immediately be removed from the tax incentive program.

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4. Businesses must submit a copy of their quarterly wage and tax reports to the economic development department in the city of Cranston.

- F. All participating businesses either new or expanding are required to comply with all federal, state and municipal rules and regulations regarding job safety and hiring practices.
- G. All new or expanding business including any and all subsidiaries, affiliates, subdivisions, parents or other entities of said businesses with ten (10) percent or more common ownership, unless otherwise approved by the city council, must provide proof that all municipal taxes, fees and other assessments are paid and current and have been current for the last three years in order for said business to be eligible under this tax incentive program.
- H. Notwithstanding any vote and findings by the city council, the property shall be assessed for and shall pay that portion of the tax if any assessed by the city in which the real property is located, for the purpose of paying the indebtedness of the state or any political subdivision thereof to the extent assessed upon or apportioned to the city, and the interest thereon, and for appropriation to any sinking fund of the city, which portion of the tax shall be paid in full, and the taxes so assessed and collected shall be kept in a separate account and used only for that purpose.
- I. The city planner, the tax assessor, the building inspector and the director of economic development shall promulgate with city council approval such rules and regulations and provide suitable documents necessary to effect the purpose of this article.
- J. The mayor shall submit to the finance committee in the month of March an annual report prepared by the city planner, the tax assessor and the director of economic development which will identify all businesses participating in this tax incentive program and shall verify the applicant's compliance with all provisions of this chapter. Said report shall include the amount of incentive granted to each business previously approved, the number of jobs and/or the amount of expansion created by said new businesses, and the remaining term for said incentive program for each business. Said annual report shall also include the assessed value, the taxes generated and the taxes defeased as a result of the participation in the tax incentive program for each participating business.
- K. That for the entire duration of the ten (10) year tax incentive the aforementioned facility must be solely owned and operated by the recipient of said tax incentive. That if for any reason the recipient of said tax

- 135 incentive vacates the aforementioned premises, abandons, or sells the
 136 facility to another entity, corporation, partnership or person, prior to the
 137 expiration of the ten (10) year tax incentive the city of Cranston shall have
 138 the right to perfect a lien (equal to the incentive amount given to date)
 139 placed upon said property pursuant to subsections L and M below. The city
 140 of Cranston shall also have the right to assess a penalty requiring the
 141 business to pay an amount equal to the total amount of the tax incentive
 142 given to the business to date.
 143
- 144 L. That for the entire period of said tax incentive program (ten (10) years) the
 145 recipient of said tax incentive shall grant to the city of Cranston a lien
 146 encumbering said property including all improvements placed thereon, in
 147 the amount of the value of the tax incentive. Said lien shall be filed with the
 148 land evidence records of the city of Cranston.
 149
- 150 M. The terms of said lien shall include the right of the city of Cranston to
 151 perfect a lien without further notice to recipient of said tax incentive upon
 152 the following conditions:
 153
- 154 1. The sale of aforementioned site to any corporation, individual,
 155 partnership and the like including any other owner other than the
 156 recipient of said tax incentive.
 157
 - 158 2. The non-payment or late payment of any tax, use charge, or
 159 assessment levied by the city of Cranston associated with the use
 160 and occupation of any site owned by said applicant in the city of
 161 Cranston.
 162
 - 163 3. The abandonment by recipient of said tax incentive of said
 164 property.
 165
- 166 N. That in the event the city of Cranston perfects said tax lien due to a default
 167 of any provision contained in subsection (M) above, the city of Cranston
 168 shall be entitled to the entire amount of the lien regardless of when said
 169 default should occur. The city of Cranston may consider subordination of
 170 its lien upon a reasonable request made by either the owner of the property
 171 of their lender. Nothing contained in this chapter shall hamper, impede or
 172 prevent the financing of the property owner or the reasonable requests of
 173 the financial institution with whom the property owner conducts business.
 174
- 175 O. Failure to timely pay the taxes under this incentive program when due (in
 176 addition to the foreclosure remedies provided herein) will result in
 177 forfeiture of all future benefits under this program and all future taxes due
 178 to be assessed without the benefit of the incentives.
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180 P. Upon the expiration of the ten (10) year tax incentive program and the
181 compliance with all terms by the recipient of said tax incentive, the city of
182 Cranston shall provide a release of the lien described herein.
183

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

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187	Positive Endorsement	Negative Endorsement (attach reasons)
188		
189	_____	_____
190	Christopher Rawson, City Solicitor	Christopher Rawson, City Solicitor
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192	Date	Date
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194
195 Sponsored by: Councilmen Santamaria and Stycos

196
197 Referred to Finance Committee March 14, 2013

198

-FEBRUARY 25, 2013-

- 2-13-05 Ordinance in amendment of Title 3 of the Code of the City of Cranston, 2005, entitled "Revenue and Finance" (Tax Incentive Reform Commercial Ten Year).** [\[click here to view\]](#)
- 2-13-06 Ordinance in amendment of Title 3 of the Code of the City of Cranston, 2005, entitled "Revenue and Finance" (Tax Incentive Reform Industrial Five Year).** [\[click here to view\]](#)
- 2-13-07 Ordinance in amendment of Title 3 of the Code of the City of Cranston, 2005, entitled "Revenue and Finance" (Tax Incentive Reform Industrial Ten Year).** [\[click here to view\]](#)

Public Works Committee – March 4, 2013

Resolution in support of installing speed bumps and signage near the intersection of Laurel Hill Avenue and Chestnut Hill Avenue. [\[click here to view\]](#)

Claims Committee – March 4, 2013

- *Property damage claim of Anne Angilly for alleged incident on February 13, 2013.
- *Property damage subrogation claim of GMAC on behalf of insured Evelyn Cruz for alleged incident on October 10, 2012.
- *Property damage claim of Michelle Araujo for alleged incident on January 5, 2013.
- *Property damage claim of Antonio Tomar for alleged incident February 11, 2013.
- *Property damage claim of Barbara Demirjian for alleged incident on February 8, 2013.
- *Property damage claim of James Prior for alleged incident on February 9, 2013.
- *Personal injury claim of Daniel J. Hogberg for alleged incident on February 9, 2013.
- *Personal injury claim of Peter Bertulli for alleged incident on January 22, 2013.
- *Property damage claim of Julio Archilla - Jank K. Jewelry for alleged incident on December 21, 2012.
- *Property damage claim of John Meade for alleged incident on February 8, 2013.
- *Property damage claim of Melanie DiSano for alleged incident on January 22, 2013.
- *Property damage claim of Jean Manocchia for alleged incident on January 16, 2013.
- *Property damage claim of Thomas Vessella for alleged incident on January 16, 2013.
- *Property damage claim of David Fera for alleged incident on February 14, 2013.
- *Property damage claim of Louis D'Abrosca for alleged incident on February 8, 2013.

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Councilman Aceto, seconded by Council Vice-President Farina, it was voted to refer the above new business to the respective Committees. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -9.

XIII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

- 8S-12-1 Ordinance in Amendment of Title 13.08 of Code of the City of Cranston, 2005, entitled "Public Services" (Sewer Service System) and Title 13.12 entitled "Wastewater Disposal Services".** [\[click here to view Ordinance\]](#)
[\[click here to view notice\]](#) (Awaiting conclusion of DEM's public comment period.)

Solicitor Kirshenbaum stated that we are still waiting for DEM for permits. He asked that this item be continued.

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

**IN AMENDMENT OF TITLE 3.84 OF THE CODE OF THE CITY OF CRANSTON,
2005, ENTITLED "REVENUE AND FINANCE"**

(Tax Incentive Reform Industrial 5 Year)

No.

Passed:

John E. Lanni, Jr. Council President

Approved:

Allan W. Fung, Mayor

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

Section 1. Title 3, Chapter 84, entitled " **FIVE-YEAR ECONOMIC DEVELOPMENT TAX INCENTIVE PROGRAM FOR INDUSTRIALLY ZONED PROPERTY**" is hereby amended to read as follows:

3.84.020 - Program description.

The city council establishes a tax incentive program for construction of new industrial facilities or the expansion of current industrial facilities in M-1 and M-2 zoned parcels in the city of Cranston. This tax incentive program shall be for a period not exceeding five years and shall be subject to the following terms and conditions.

A. Eligible projects shall include:

1. Total new construction of an industrial facility with a minimum construction cost of two hundred fifty thousand dollars (\$250,000.00) and not to exceed two million dollars (\$2,000,000.00).
2. Renovation of an existing building with a minimum construction cost of two hundred fifty thousand dollars (\$250,000.00) and not to exceed two million dollars (\$2,000,000.00).
3. Nothing in this chapter shall be deemed to permit the exemption or stabilization herein provided for any manufacturing concern relocating from one city or town within the state of Rhode Island to another and must comply with R.I. Gen. Laws Section 44-3-9; and

- 44 4. Nothing in this chapter shall be deemed transferable to another.
45
46 B. New or expanding industrial facilities must apply for designation under this
47 tax incentive program for the new or expanded construction. Further, the
48 new or expanding business must have obtained approval for eligibility for
49 participation in this program prior to the receipt of a certificate of
50 occupancy from the building inspector. Application forms are available in
51 the office of economic development.
52
53 C. Eligibility for participation in this tax incentive program shall require the
54 collective approval of the economic development director, building
55 inspector, tax assessor, city planner or their designees, and the city council.
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57 D. At the time of the application each business must commit to the creation of
58 jobs:
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60 1. Existing businesses expanding their facility must increase its
61 employment over the course of three years.
62
63 2. New businesses moving their businesses to Cranston who construct
64 a new facility must create a minimum of three—five jobs within
65 the first year of operation and must ~~maintain a~~ increase
66 employment minimum of three—five jobs each year during the
67 entire five-year period to be eligible to continue to receive the tax
68 benefit.
69
70 3. If the new business does not ~~maintain~~ create the three—five new
71 jobs during the entire five year period then the business shall no
72 longer be entitled to receive the tax incentive benefit and shall be
73 taxed a the regular rates and shall immediately be removed from
74 the tax incentive program.
75
76 4. Businesses must submit a copy of their quarterly wage and tax
77 reports to the economic development department in the city of
78 Cranston.
79
80 E. All participating businesses either new or expanding are required to comply
81 with all federal, state and municipal rules and regulations regarding job
82 safety, hiring practices.
83
84 F. All new or expanding business including any and all subsidiaries, affiliates,
85 subdivisions, parents or other entities of said businesses with ten (10)
86 percent or more common ownership, unless otherwise approved by the city
87 council, must provide proof that all municipal taxes, fees and other
88 assessments are paid and current and have been current for the last three

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years in order for said business to be eligible under this tax incentive program.

G. Notwithstanding any vote and findings by the city council, the property shall be assessed for and shall pay that portion of the tax if any assessed by the city in which the real property is located, for the purpose of paying the indebtedness of the state or any political subdivision thereof to the extent assessed upon or apportioned to the city, and the interest thereon, and for appropriation to any sinking fund of the city, which portion of the tax shall be paid in full, and the taxes so assessed and collected shall be kept in a separate account and used only for that purpose.

H. The city planner, the tax assessor, the building inspector and the director of economic development shall promulgate with city council approval such rules and regulations and provide suitable documents necessary to effect the purpose of this article.

I. The mayor shall submit to the finance committee in the month of March an annual report prepared by the city planner, the tax assessor and the director of economic development which will identify all businesses participating in this tax incentive program and shall verify the applicant's compliance with all provisions of this chapter. Said report shall include the amount of incentive granted to each business previously approved, the number of jobs and/or the amount of expansion created by said new businesses, and the remaining term for said incentive program for each business. Said annual report shall also include the assessed value, the taxes generated and the taxes defeated as a result of the participation in the tax incentive program for each participating business.

J. That for the entire duration of the five year tax incentive the aforementioned facility must be solely owned and operated by the recipient of said tax incentive. That if for any reason the recipient of said tax incentive vacates the aforementioned premises, abandons, or sells the facility to another entity, corporation, partnership or person, prior to the expiration of the five-year tax incentive the city of Cranston shall have the right to perfect a lien (equal to the incentive amount given to date) placed upon said property pursuant to subsections L, and M below. The city of Cranston shall also have the right to assess a penalty requiring the business to pay an amount equal to the total amount of the tax incentive given to the business to date.

K. That for the entire period of said tax incentive program (five years) the recipient of said tax incentive 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 land evidence records of the city of Cranston.

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L. The terms of said lien shall include the right of the city of Cranston to perfect a lien without further notice to recipient of said tax incentive upon the following conditions:

- 1. The sale of aforementioned site to any corporation, individual, partnership and the like including any other owner other than the recipient of said tax incentive.
- 2. The non-payment or late payment of any tax, use charge, or assessment levied by the city of Cranston associated with the use and occupation of any site owned by said applicant in the city of Cranston.
- 3. The abandonment by recipient of said tax incentive of said property.

M. That in the event the city of Cranston perfects said tax lien due to a default of any provision contained in subsection (L) above, 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 may consider subordination of its lien upon a reasonable request made either the owner or their lender. Nothing contained in this chapter shall hamper, impede or prevent the financing of the property or the reasonable requests of the financial institutions with whom the property owner conducts business.

N. Failure to timely pay the taxes under this incentive program when due (in addition to the foreclosure remedies provided herein) will result in forfeiture of all future benefits under this program and all future taxes due to be assessed without the benefit of the incentives.

O. Upon the expiration of the five-year tax incentive program and the compliance with all terms by the recipient of said tax incentive, the city of Cranston shall provide a release of the lien described herein.

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

181 Sponsored by: Councilmen Santamaria and Stycos
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183 Referred to Finance Committee March 14, 2013
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THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 3.88 OF THE CODE OF THE CITY OF CRANSTON,
2005, ENTITLED "REVENUE AND FINANCE"
(Tax Incentive Reform Industrial 10 Year)

No.

Passed:

John E. Lanni, Jr. Council President

Approved:

Allan W. Fung, Mayor

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

Section 1 Title 3, Chapter 88, entitled "TEN-YEAR ECONOMIC DEVELOPMENT TAX INCENTIVE PROGRAM FOR INDUSTRIALLY ZONED PROPERTY" is hereby amended to read as follows:

3.88.020 - Program description.

The city council establishes a tax incentive program for construction of new industrial facilities or the expansion of current industrial facilities, or the purchase of existing industrial facilities, in M-1 and M-2 zoned parcels in the city of Cranston. This tax incentive program shall be for a period not exceeding ten years and shall be subject to the following terms and conditions.

A. Eligible projects shall include:

1. Total new construction of an industrial facility with a minimum construction cost of greater than two million dollars (\$2,000,000.00); or
2. Renovation of an existing building with a minimum construction cost of greater than two million dollars (\$2,000,000.00).
3. The purchase of an existing facility with a minimum purchase price of two million five hundred thousand dollars (\$2,500,000.00).
4. Nothing in this chapter shall be deemed to permit the exemption or stabilization herein provided for any manufacturing concern

- 44 relocating from one city or town within the state of Rhode Island to
 45 another and must comply with R.I. Gen. Laws Section 44-3-9; and
 46
 47 5. Nothing in this chapter shall be deemed transferable to another.
 48
 49 B. New, expanding, or existing industrial facilities must apply for designation
 50 under this tax incentive program for the new, existing or expanded
 51 construction. Further, the new, existing, or expanding business must have
 52 obtained approval for eligibility for participation in this program prior to the
 53 receipt of a certificate of occupancy from the building inspector.
 54 Application forms are available in the office of economic development.
 55
 56 C. Eligibility for participation in this tax incentive program shall require the
 57 collective approval of the economic development director, building
 58 inspector, tax assessor, city planner or their designees, and the city council.
 59
 60 D. At the time of the application each business must commit to the creation of
 61 jobs:
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 63 1. Existing businesses expanding their facility must increase its
 64 employment over the course of five years.
 65
 66 2. New businesses moving their businesses to Cranston who either
 67 construct a new facility or purchase an existing facility must create
 68 a minimum of ten (10) jobs, ~~and must maintain a minimum of ten-~~
 69 ~~(10) jobs~~ must increase employment by a minimum of three—five
 70 jobs each year during the entire duration of the ten
 71 (10) year period to be eligible to continue to receive the tax benefit.
 72
 73 3. If the new business does not ~~create~~ maintain the original ten (10)
 74 jobs increase employment by a minimum of three—five jobs each
 75 year during the entire ten (10) year period then the business shall
 76 no longer be entitled to receive the tax incentive benefit and shall
 77 be taxed at the regular rate and shall immediately be removed from
 78 the tax incentive program.
 79
 80 4. Businesses must submit a copy of their quarterly wage and tax
 81 reports to the economic development department in the city of
 82 Cranston.
 83
 84 E. All participating businesses either new, existing or expanding are required
 85 to comply with all federal, state and municipal rules and regulations
 86 regarding job safety and hiring practices.
 87
 88 F. All new, existing or expanding business including any and all subsidiaries,
 89 affiliates, subdivisions, parents or other entities of said businesses with ten

- 90 (10) percent or more common ownership, unless otherwise approved by the
91 city council, must provide proof that all municipal taxes, fees and other
92 assessments are paid and current and have been current for the last three
93 years in order for said business to be eligible under this tax incentive
94 program.
95
- 96 G. Notwithstanding any vote and findings by the city council, the property
97 shall be assessed for and shall pay that portion of the tax if any assessed by
98 the city in which the real property is located, for the purpose of paying the
99 indebtedness of the state or any political subdivision thereof to the extent
100 assessed upon or apportioned to the city, and the interest thereon, and for
101 appropriation to any sinking fund of the city, which portion of the tax shall
102 be paid in full, and the taxes so assessed and collected shall be kept in a
103 separate account and used only for that purpose.
104
- 105 H. The city planner, the tax assessor, the building inspector and the director of
106 economic development shall promulgate with city council approval such
107 rules and regulations and provide suitable documents necessary to effect the
108 purpose of this article.
109
- 110 I. The mayor shall submit to the finance committee in the month of March an
111 annual report prepared by the city planner, the tax assessor and the director
112 of economic development which will identify all businesses participating in
113 this tax incentive program and shall verify the applicant's compliance with
114 all provisions of this chapter. Said report shall include the amount of
115 incentive granted to each business previously approved, the number of jobs
116 and/or the amount of expansion created by said new businesses, and the
117 remaining term for said incentive program for each business. Said annual
118 report shall also include the assessed value, the taxes generated and the taxes
119 defeased as a result of the participation in the tax incentive program for each
120 participating business.
121
- 122 J. That for the entire duration of the ten (10) year tax incentive the
123 aforementioned facility must be solely owned and operated by the recipient
124 of said tax incentive. That if for any reason the recipient of said tax
125 incentive vacates the aforementioned premises, abandons, or sells the
126 facility to another entity, corporation, partnership or person, prior to the
127 expiration of the ten (10) year tax incentive the city of Cranston shall have
128 the right to perfect a lien, equal to the incentive amount given to date, placed
129 upon said property pursuant to subsection (L) and (M) below. The city of
130 Cranston shall also have the right to assess a penalty requiring the business
131 to pay an amount equal to the total amount of the tax incentive given to the
132 business to date.
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- 134 K. That for the entire period of said tax incentive program (ten (10) years) the
135 recipient of said tax incentive shall grant to the city of Cranston a lien

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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 land evidence records of the city of Cranston.

L. The terms of said lien shall include the right of the city of Cranston to perfect a lien without further notice to recipient of said tax incentive upon the following conditions:

1. The sale of aforementioned site to any corporation, individual, partnership and the like including any other owner other than the recipient of said tax incentive.
2. The non-payment or late payment of any tax, use charge, or assessment levied by the city of Cranston associated with the use and occupation of any site owned by said applicant in the city of Cranston.
3. The abandonment by recipient of said tax incentive of said property.

M. That in the event the city of Cranston perfects said tax lien due to a default of any provision contained in subsection (L) above, 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 may consider subordination of its lien upon a reasonable request made by either the owner of the property or their lender. Nothing contained in this chapter shall hamper, impede or prevent the financing of the property owner or the reasonable requests of the financial institution with whom the property owner conducts business.

N. Failure to timely pay the taxes under this incentive program when due (in addition to the foreclosure remedies provided herein) will result in forfeiture of all future benefits under this program and all future taxes due to be assessed without the benefit of the incentives.

O. Upon the expiration of the ten (10) year tax incentive program and the compliance with all terms by the recipient of said tax incentive, the city of Cranston shall provide a release of the lien described herein.

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

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185 Sponsored by: Councilmen Santamaria and Stycos

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187 Referred to Finance Committee March 14, 2013

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THE CITY OF CRANSTON

**RESOLUTION OF THE CITY COUNCIL
IN SUPPORT OF INSTALLING SPEED BUMPS AND SIGNAGE NEAR THE
INTERSECTION OF LAUREL HILL AVENUE AND CHESTNUT HILL
AVENUE**

No.

Passed:

John E. Lanni, Jr., Council President

Resolved that,

WHEREAS, speeding on Laurel Hill Avenue near its intersection with Chestnut Hill Avenue is a common complaint of concerned citizens; and

WHEREAS, this speeding has caused several accidents and endangers the residents of the area; and

WHEREAS, this speeding could endanger the school children in this area which is less than two blocks away from the Gladstone Street Elementary School; and

WHEREAS, although the enforcement of speed limits by the Cranston Police Department is an effective means of reducing speeds, limited resources do not allow such enforcement on a consistent City-wide basis; and

WHEREAS, there have been numerous studies evaluating the effectiveness of speed bumps in reducing pedestrian and vehicular injuries; and

WHEREAS, the April 2004 American Journal of Public Health-has found that children living on blocks with speed humps have 53% to 60% lower chance of being injured or killed by motorists; and

WHEREAS, a speed bump is a gradual rise and fall of the pavement surface along the roadway extending across the pavement width, generally, speed bumps used on residential streets are 12 to 22 feet long with a maximum height of 3 to 4 inches; and

WHEREAS, speed bumps cause a gentle vehicle rocking motion that causes drivers to slow down to approximately 20 mph at each bump, thus speed bumps become self-enforcing because drivers slow down at the bumps; and

45 ***THEREFORE, BE IT RESOLVED***, that the Cranston City Council requests that
46 the Mayor and the Administration institute a Traffic Calming Program of speed bumps on
47 Laurel Hill Avenue near its intersection with Chestnut Hill Avenue and the installation of
48 additional signage warning drivers of the presence of the bumps. These signs also shall
49 indicate the speed which drivers are advised to travel over the bump. To be properly
50 visible, the speed bump will be marked with diagonal bright stripes

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52 Sponsored by: Councilman Archetto

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54 Referred to Public Works Committee on March 4, 2013

-FEBRUARY 25, 2013-

CITY COUNCIL RULES. *Amendment of Rule 25.* [\[click here to view\]](#)

On motion by Councilwoman Lee, seconded by Council Vice-President Farina, it was voted to approve the amendment as drafted by Mr. Quinlan.

Under Discussion:

Councilman Santamaria stated that on December 19, 2012 the Rules Committee voted to adopt the Council Rules for the 2013-2015 Session. The evening of the Inauguration, the Rules were adopted, but they were not amended correctly. On January 28, 2013, this was voted on per Mr. Quinlan's drafted amendment. Subsequent to that, the City Clerk felt that since this was not listed on the January 28th docket, it should be listed on this evening's docket and voted on this evening. There was another amendment that was not listed at the January 28th meeting. He asked for a revote on this item.

Council Vice-President Farina stated that the reason he suggested the amendment regarding a matter denied in Committee should be placed on the docket for information only was for transparency for the public. If an item dies in Committee, it should die in Committee. Any Council member can re-introduce any Ordinance or Resolution at any time whether it fails or not.

Councilman Santamaria stated that any Council member who does not serve on the Committee can attend the Committee meeting and voice their opinion.

Councilman Aceto stated that in terms of Robert's Rules, if a matter is voted to deny and motion passes, he questioned whether it should be reported to the full City Council as a denial. Mr. Quinlan stated that there should be a report to the full City Council from the Committee reporting out the vote.

Councilman Santamaria gave the example of the Zone Change for Wendy's, which was denied in Committee and went to the full City Council and passed. This gave a non-transparency to the public. The public attending the Committee meeting left the meeting under the impression that the matter was denied and would not go forward when in fact, it passed at the full City Council.

Council President Lanni stated that he appointed six Council members to each Committee, one more than the prior Council President, to make sure there was always a quorum. He is in favor of this Rule change.

On motion by Councilman Santamaria, seconded by Council Vice-President Farina, it was voted to move the question. Motion passed on a vote of 6-3. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Archetto, Aceto, Santamaria, Council Vice-President Farina and Council President Lanni -6. The following being recorded as voting "nay": Councilmen Stycos, Botts and Favicchio -3.

On motion by Councilman Santamaria, seconded by Council Vice-President Farina, it was voted to approve the main motion to approve the Council Rules as amended. Motion passed on a vote of 6-3. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Archetto, Aceto, Santamaria, Council Vice-President Farina and Council President Lanni -6. The following being recorded as voting "nay": Councilmen Stycos, Botts and Favicchio -3.

1 ***ADOPTED BY CITY COUNCIL 1/7/2013**
2 ****AMENDED BY CITY COUNCIL 2/25/2013**

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CITY COUNCIL RULES

2013-2015

Resolved that the following Rules be and they are hereby adopted as the Rules of the City Council of the City of Cranston.

A. Of the Presiding Officer

1. The President shall preside at all meetings of the Council. The Vice President shall preside in the absence of the President and in the event of a vacancy in the office of the President from any cause arising shall become President. If at any meeting of the Council both the President and Vice President shall be absent, the Council shall elect by majority vote of the members present a presiding officer for that meeting.

2. The Presiding Officer shall preserve order and decorum, shall speak on points of order in preference to other members, and shall decide all points of order. Decisions by the chair on points of order are subject to an appeal to the Council by a motion regularly seconded. No other business shall be in order till the question on appeal shall have been decided by a majority vote of the members present.

3. The Presiding Officer shall set forth all principal questions in the order in which they are moved unless a subsequent or secondary motion be previous in its nature. If a subsequent or secondary motion be previous in nature, it shall be decided before the principal question can be acted upon except that in naming sums and fixing times the largest sum and the longest time shall be first.

4. The Council President shall appoint all committees of the City Council and their respective Chair and Vice-Chair. The Council President may appoint from time to time subcommittees of a given standing committee, which shall consist only of member of the committee from which it was appointed. Each subcommittee may hear testimony on matters falling within the scope of its charge and shall report to the original committee from which it was appointed. The President of the Council shall appoint the Chair and Vice-Chair of each subcommittee.

44 4A. The Council President shall recommend removal of any members of
 45 Committees including Chair and Vice-Chair to the City Council who shall by a majority
 46 vote accept or reject the Council President's recommendation.
 47

48 5. The Presiding Officer of the City Council shall assign all proposed
 49 ordinances or other matters before the City Council to the appropriate Standing or Special
 50 Committee for the Committee's consideration. If a matter comes before the Council not
 51 listed in Rules 19-23 inclusive, the Presiding Officer, at his or her sole discretion may
 52 assign the matter to the most appropriate standing or special committee.
 53

54 6. As Presiding Officer during a City Council Meeting, the President of the
 55 City Council shall have the same rights and privileges which other Council members
 56 enjoy, including the right to vote on all matters before it and to be counted for the
 57 purpose of determining whether a quorum is present. When present at a meeting of any
 58 standing or special committee, as an ex-officio member, the President shall have the right
 59 to vote on matters before the committee and to be counted for the purpose of determining
 60 whether a quorum is present in the committee.
 61

62 7. The Council President may invite individuals and guests to the Rostrum
 63 from time to time during a Council meeting.
 64

65 8. If the President wishes to speak on the substance of a matter before the
 66 Council, he/she must relinquish the Rostrum to the Vice-President who will chair the
 67 meeting until such time that the President has concluded his/her remarks. The President
 68 must make his/her comments from a Council member's desk. If the Vice-President is
 69 unavailable at the time to chair the meeting when the President wishes to relinquish the
 70 rostrum, then the President must relinquish the rostrum to the Majority Leader. If the
 71 Majority Leader is not available then the Council shall appoint some other Council
 72 member of the Majority Party to chair the meeting during his/her remarks.
 73

74 B. Of the Order of Business

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 77 9. A majority of all the members of the council shall constitute a quorum
 78 of said council, but a smaller number may adjourn from time to time until a quorum shall
 79 be present. At the commencement of each session, the roll shall be called and if a
 80 quorum be present, the reading of the minutes of the previous council meeting shall
 81 automatically be suspended unless so voted by a majority of the council members
 82 present.
 83

84 10. Order of Business.

- 85 a. Call to Order
- 86 b. Roll Call
- 87 c. Opening Ceremonies
- 88 d. Minutes of Previous Meeting
- 89 e. Public Acknowledgements and Commendations

- 90
91
92 f. Public Hearings
93 1. All Docketed Resolutions and Ordinances to be
94 reported by and presented by the Council President,
95 Council Members and Committees
96 g. Reports of Committees, Standing and Special
97 h. Public Hearing on any miscellaneous matters not on
98 Council Docket
99 i. Election of City Officials
100 j. Report of City Officers
101 k. Executive Communications
102 l. Council President Communications
103 m. Council Member Communications
104 n. New Business
105 o. Miscellaneous Business on City Clerk's Desk
106 p. Adjournment
107

108
109 C. Of Decorum and Debate
110

111 11. The Mayor, City Council members, department heads or any member
112 of the public desiring to speak, shall address the chair for a maximum of four (4) minutes
113 and after having been recognized by the chair shall not be interrupted while addressing
114 the assembly except (a) by question of order; (b) by a question of privilege; (c) for the
115 correction of mistake; (d) a call to order.
116

117 The speaker shall confine his remarks to the merits of the pending
118 question, and shall address all remarks through the chair. It shall be the duty of the
119 presiding officer to protect the speaker's right to address the assembly. During debate or
120 during voting, no member of the public or council shall be permitted to disturb the
121 assembly or hamper the transaction of business. This rule shall not preclude a
122 Councilmember's exercise of their right of personal privilege.
123

124 12. When a principal question is under debate, the chair shall recognize
125 no other subsequent motions except (a) to adjourn (undebatable); (b) to lay on the table
126 (undebatable); (c) to recess (debatable); (d) to postpone to a day specified or indefinitely
127 (debatable); (e) to commit (debatable); (f) to amend (debatable); or (g) to move the
128 previous question (undebatable). The aforementioned motions shall have precedence in
129 the order here named. Every member who shall be present when a question is put shall
130 vote thereon, unless excused by an ethical recusal or is excused by vote of two thirds of
131 the members present. Such vote shall be taken without debate.
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13. With the exception of Public Acknowledgements and Commendations which may be approved by a voice vote, all voting shall be by roll call and the yeas and nays of the individual members shall in all cases be recorded in the journal. During a roll call vote, said roll call shall not be interrupted, delayed or stopped by the Presiding Officer or any member of the council for any reason whatsoever including points of order, personal privilege or for a member to explain his vote. The roll call of members shall be taken in the following manner: that manner shall be prescribed by the Council President. No ordinance, resolution, motion or vote, except by motions of a purely procedural nature, shall be adopted by the council and no appointment or removal shall be made by less than the affirmative votes of a majority of all the members of the council.

14. A motion to reconsider is in order at any time during the same meeting or at an adjourned meeting; however, it must be made by a member who voted with the prevailing side. In the event of a tie vote, a member who voted on either side may make a motion to reconsider. Any member can second the motion. When a motion to reconsider has been decided, that vote shall not be reconsidered.

15. Every Council member shall have the opportunity to speak at least once on the principal question before a vote is taken; and no member shall speak more than once until all other members desiring to speak thereon shall have done so. No member shall speak more than twice on the same question, if any member objects, without the permission of the council being first asked and obtained. For such objection to be sustained, it shall be put to a roll call vote of the members.

D. Of Committees

16. A. There shall be appointed immediately after the organization of the City Council, the following standing committees, viz:

Committee on Finance
 Committee on Public Works
 Committee on Safety Services and Licenses
 Committee on Ordinance
 Committee on Claims

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183
184 B. All agendas must be approved by respective Committee Chairman,
185 and may comply with the following format:

- 186
187 1) Call meeting to order
188 2) Minutes of last meeting
189 3) Old Business
190 Business left on last agenda
191 4) Correspondence
192 5) Public Hearings
193 6) New Business
194 7) Adjournment
195

196 C. Special Committees may be established from time to time by a
197 majority vote of the Council. A Special Committee is hereby established to address flood
198 issues in the City pursuant to Resolution No. 2010-65.
199

200 17. The standing committees shall each consist of five members of the
201 Council, but said number may be increased at the discretion of the Council President. At
202 least one member of such standing committee shall be a member of the minority party,
203 unless the entire Council consists of members of the same party. The President of the
204 Council shall be a member ex-officio of all committees and shall be entitled to vote on all
205 matters.
206

207 The schedule of standing committee meetings shall be established by
208 chairman of each respective committee.
209

210 Special meetings of a committee may be called by the chairperson or three
211 members of that committee upon notice given three work days prior to the date of the
212 special meeting. An agenda of all business to be considered or transacted at a committee
213 meeting or minutes of the Council or committee meeting shall be mailed electronically to
214 all committee members not less than three work days before regularly scheduled or
215 special meetings and no item of business may receive a public hearing or be considered
216 or acted upon by the committee unless it appears on the agenda or on the call of the
217 special meeting, or unless all members present at the regular or special meeting consent
218 thereto.
219

220 The chairperson or the member presiding of a standing committee may in
221 his discretion limit the remarks of the citizen to a period of time not more than four (4)
222 minutes per agenda item and may, in his discretion, limit the remarks by the citizenry to a
223 period of time not less than fifteen minutes per agenda item. The chairperson or member
224 presiding of a standing committee shall preserve order and decorum among committee
225 members and citizens outside the rail. Any person addressing the committee shall
226 confine his remarks to the merit of the matter under consideration.
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18. All financial reports presented to the City Council and all matters before the Council relative to the city debt or to the revenue and expenditures of the City or relating to public welfare or to the printing of documents ordered by the City Council shall be referred to the Committee on Finance.

19. All matters before the Council relative and the setting and maintenance of poles on highways and bridges, and the sewer system, or to railroads and public conveyances or to the setting, location and maintenance of street lights, together with all contracts for lighting the public streets, parks and square of the City; all matters before the Council relating to the construction, maintenance and repair of city property and all matters before the Council relating to parks, recreation and civic affairs; all matters before the Council relating to the erection and location of buildings designated by ordinance shall be referred to the Committee on Public Works.

20. All matters before the Council relating to the management, control, care, maintenance and direction of the fire department and fire department equipment of the city, the location of street hydrants and fire alarm signals and the storage and transportation of petroleum products, hydrocarbons, and other explosives – all matters before the Council relating to the police department and all matters over which the City Council sitting as a board of license commissioners has control or jurisdiction – shall be referred to the Committee on Safety Services and Licenses.

21. All matters before the Council not specifically set forth in Rules 19-24 and not assigned to any of the committees mentioned in the Rules including, but not limited to traffic signals and street signage, shall be referred to the Committee on Ordinances.

22. All matters before the Council relating to claims against the city arising from any cause shall be referred to the Committee on Claims.

23. Any person, group or organization wishing to make a presentation to the City Council must first make said presentation to the appropriate committee as determined by the Council President.

24. Assuming a quorum of a committee is present and voting on a matter, and the vote on the matter has the majority of members voting in the affirmative, then the matter will be reported out by the Committee Chair to the full Council for their consideration with a recommendation of “passage.” Matters recommended for passage, including the budget, shall be considered by the full council as amended and passed by the committee.

273 25. Assuming a quorum of a committee is present and voting on a
 274 matter, and the vote on the matter has the majority of members voting in the negative, or
 275 results in a tie vote, then the matter will be reported out in the minutes of the committee
 276 that the matter has been voted in the negative or tie vote, and the matter will be placed on
 277 the Council Docket for informational purposes only and no vote will be taken.
 278

279 26. If a matter/ordinance has been considered by a committee, but the
 280 committee needs further information/testimony or substantial amendments or changes
 281 need to be made to it, or if the committee is not prepared to vote the matter up or down
 282 for whatever reason, the matter can be tabled by a vote of the committee for a definite
 283 period of time, not to exceed three (3) months. If after three months no action is taken on
 284 the Ordinance, it will no longer appear on the agenda and will be considered dead.
 285

286 27. For a matter to be considered by a committee again once placed on the
 287 table, a procedural motion must be made and seconded to “remove it from the table” to
 288 allow it to be considered by the committee again. A majority vote of the committee is
 289 required to remove a matter from the table.
 290

291 28. Any committee member, except the Chair, may make a motion and/or
 292 second someone else’s motion.
 293

294 29. Any Council member may request of the City Clerk that his/her name
 295 be removed as a sponsor of any ordinance or resolution at any time before its final
 296 passage by the full Council. An ordinance must have at least one sponsor in order for the
 297 ordinance to be considered for passage. Conversely, any member may request of the City
 298 Clerk that his/her name be added as a sponsor of any ordinance or resolution at any time
 299 before its final passage by the full Council.
 300

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 302 E. Of Admission to the Council Chamber
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304 30. No person shall be allowed inside the rail of the Council Chamber
 305 during a session of the Council, excepting members and officers of the Council and
 306 authorized representatives of the public media who may be assigned designated space by
 307 the Chair; unless by special invitation of the chair or of a member of the Council through
 308 and with the approval of the chair, provided, however, that the mayor, City Solicitor and
 309 the Director of Finance and Public Works and other essential personnel shall be assigned
 310 permanent seats in the Council Chamber by the Presiding Officer. All meetings of the
 311 Council and its committees shall be open to the public.
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F. Miscellaneous Provisions

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31. Notwithstanding anything to the contrary of these rules, at the conclusion of the regular business meeting each month, a member may introduce an omnibus resolution of congratulations and/or an omnibus resolution of condolence. Upon unanimous passage of said resolution or resolutions, a number shall be assigned to the resolution by the City Clerk or Deputy. If during the month subsequent to the regular business meeting any Council Member considers it appropriate that the congratulations or condolences of the City should be offered to any citizen, the Council Member may contact the City Clerk or Deputy who shall prepare the congratulations or condolences in resolution form with appropriate language using the omnibus number assigned followed by an alphabetical letter. Said Clerk or Deputy shall then transmit the document to the Council President for approval and signature. Upon said signature, the Clerk or Deputy shall transmit the document as directed by the Council Member.

The monthly omnibus resolution shall expire at the opening of the next month's regular business meeting at which time the Clerk or Deputy shall submit copies to each Council Member of all congratulations or condolence issued pursuant to the omnibus resolutions.

32. The clerk of the City Council shall cause to be printed a docket of the business to be considered at each regular meeting of the City Council. Said docket to be approved by the Council President. The Council President, the Mayor, all committee chairmen, all committees by vote thereof, having reports to make or business to present shall furnish said Clerk with a definite statement in writing of the business to be presented at least seven (7) calendar days before said meeting of the City Council, in order that the same may be printed on said docket; and no ordinance, resolution, petition, order or other matter of business shall be considered unless notice of the same shall have been given as herein provided and includes the estimated cost beyond the normal operational costs which are budgeted. Said docket and all ordinances and docketed resolutions described therein, shall be mailed by US postal mail, electronically or delivered to the members of the Council, the Mayor, and to the relevant department heads at least one hundred and twenty (120) hours previous to the meeting of the City Council.

33. The Mayor or any of the Council or committee of the Council shall be entitled to introduce ordinances. Any ordinance referred to the City Council for consideration shall be processed in accordance with Section 3.10, 3.11, 3.12, 3.13, 3.14 and 3.15 of the Cranston Home Rule Charter, said sections being wholly incorporated herein by reference thereto.

34. All matters of new business not appearing on said docket or presented in open meeting shall be referred to a standing committee unless unanimous consent of all members present is given for immediate discussion. No final action will be taken on any new business which has not satisfied the notice requirements of the Rhode Island Open Meetings Act, unless it is an unexpected occurrence requiring immediate action.
RIGL 42-46 et seq.¹

364 34A. Any matter of business appearing on the City Council docket shall
 365 not be acted upon unless a copy of the proposed legislation shall have been made
 366 available in the City Clerk's Office by 12 o'clock noon the Wednesday prior to the
 367 council meeting. Any matter of business appearing on said docket shall be made
 368 available to the general public in the City Clerk's Office no later than 9 o'clock A.M. the
 369 Thursday prior to the City Council meeting.

370
 371 34B. Any new business, and shall include any and all Resolutions which
 372 have or may have a fiscal impact, including those urging action or passage of legislation,
 373 but shall not include Resolutions which are purely ceremonial in nature, not appearing on
 374 the Council docket shall be submitted in final form to the City Clerk's Office no later
 375 than twelve noon on the Friday prior to the council meeting. All new business shall be
 376 forwarded electronically to the City Council at the close of business on Friday and copies
 377 shall be placed on the desk of each council member and the Mayor before the beginning
 378 of the council meeting. Any new business which was not timely filed in accordance to
 379 this rule, may only be introduced upon an affirmative vote for introduction by the
 380 Council. No new business sponsored by the Mayor for introduction to the City Council
 381 shall be accepted for introduction by the City Clerk, unless it has been reviewed and
 382 presented by the City Solicitor or Assistant City Solicitor.

383
 384 34C. If the City Council wishes to debate and act on a motion tabled
 385 in any Committee for any reason, a procedural motion must be made and seconded
 386 during a Council meeting, to bring the matter before the full Council despite it being
 387 tabled in Committee. Such a procedural motion must receive the votes of 2/3 of the
 388 Council present and voting to pass, and allow the original motion to be considered by the
 389 full Council. Once the original motion is removed from a Committee's table, it is treated
 390 like any other motion reported out of Committee to the full Council.

391
 392 35. All petitions, acts, resolutions, reports and other communications
 393 submitted to the City Council, by any committee, standing or special, shall be written on
 394 paper of uniform size and style which shall be furnished by the City Clerk. Such papers
 395 shall be endorsed by the member representing the same, and no other endorsement or
 396 report except such as may be made by the Clerk of the Committee of the City Council,
 397 shall be made thereon. Reports shall be signed by the Chairman of the committee unless
 398 otherwise ordered by the Committee.

399
 400 36. Regular meetings of this said City Council shall be held on the fourth
 401 (4) Monday of each month, at 7:00 PM and adjourn no later than 12 midnight, except that
 402 the last meeting in December shall be held on the third (3) Monday of that month. In the
 403 event that said fourth (4) Monday of any given month shall fall upon a legally designated
 404 holiday, State or Federal, said meeting shall be held on the next succeeding business day;
 405 and further provided, however, in the event that any given regular council meeting shall
 406 fall upon a holiday eve, said Council at the next preceding regular meeting, may in its
 407 discretion by a majority vote of those present at said meeting, declare the next regular
 408 meeting of said council shall be held on the next business day subsequent to said holiday
 409 eve.

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36A. Special meetings of this City Council may be called pursuant to the provisions of Section 3.07 of the Cranston Home Rule Charter and Section 2.04.060 of the City Code which are incorporated herein by reference thereto.

- B. Special meeting of the City Council may be called by the Mayor, Council President or any three members of the City Council. Emergency Special meetings may be called by the Mayor or a majority of the City Council.
- C. Special and emergency meetings must comply with all notice requirements of the Rhode Island Open Meetings Act, RIGL 42-46 et seq.²

37. Any regular or special meeting may by action of a majority of the members present be adjourned to a time fixed in such motion and such adjourned meeting shall be treated in all respects as a continuation of the original meeting.

38. Pursuant to Section 3.07 of the Cranston Home Rule Charter, citizens shall be entitled to be heard at all regular meetings, special meetings, and scheduled hearings of the Council and its committees on matters within the authority of the Council as follows:

- A. Any person wishing to speak before the Cranston City Council on any docketed item Sign a Speakers' Sheet which will be available in the Council Chambers one half hour prior to the start of the meeting. Speakers shall list their name, address and the particular issue or issues upon which they wish to be heard.
- B. Nothing herein shall be construed as limiting the rights of the Mayor or the heads of several departments to be heard as provided in Rule 8 hereof.
- C. These rules shall not be construed as limiting the rights of the citizenry to be heard on matters relative to zoning and licensing.
- D. Any additional matter of business not appearing on said docket, requiring and upon receiving unanimous consent of the council members present shall entail public participation.

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- E. All meetings of the Council and its committees shall be open to the public except under special circumstances as provided by State Law. Citizens shall be heard on matters which appear upon the docket of business for a regular meeting of the Council, upon the notice given of a special meeting of the Council and upon the agenda of a standing committee of the Council. All such hearings will be held only during the designated "Public Hearing" portion of a meeting except when resolutions are being considered under executive communications. Except for discussion pertinent to such resolutions all public hearings, remarks, or questioning will take place during the designated public hearing portion of the meeting.
- F. The remarks of a citizens or his attorney on docketed or any other matter of business shall be limited to a period of time not to exceed four (4) minutes during each regular or special meeting. In addition, the time limit for any citizen or his attorney who also desires to address the Council pursuant to Rule 38A shall be extended to a period of time not exceeding five (5) minutes during the meeting. The remarks of any one (1) matter by the citizenry shall be limited to a period of time not exceeding fifteen (15) minutes during the meeting. These time limits will be enforced by the presiding officer.
- G. Notwithstanding anything to the contrary set forth above, in Zone Change or Zoning Map amendment proceedings, the time limits set forth above shall not apply and the proponents and opponents of such changes shall be allowed a reasonable time to present their positions.

39. On a case by case basis, any of the foregoing Rules may be suspended for good cause during a Council meeting or a meeting of a Standing or Special Committee, for that particular instance, after such a request has been made by a Council member who is part of said body and approved by a majority of votes of the members of said body.

40. Except as otherwise provided, ROBERTS RULES OF ORDER shall prevail current issue, however, if during the course of their work in Committee or on the full Council, members encounter a situation not sufficiently addressed through these Rules, he/she should bring that situation to the attention of the President of the Council and the Chair of the Rules Committee as soon as possible, so that the matter may be addressed more clearly within these Rules.

502 41. When the City Council or a Council Committee is in session in the
503 Council Chambers, there will be no use of cell phones or electronic pagers. Private
504 discussions should be kept to a respectful tone so as to not disturb the proceedings. The
505 presiding officer shall warn those disturbing the proceedings to be respectful and
506 considerate of those attending to the business of the meeting. If those disturbing the
507 meeting continue to do so after the warning, the presiding officer may order they be
508 removed and those persons may be subject to any civil or criminal penalties.

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515 ¹ Specific statement of all business must be listed on agenda/docket. Matters not listed
516 may be addressed by unanimous consent. The matter can be discussed or referred to
517 committee. No vote can be taken unless it's an "unexpected occurrence requiring
518 immediate action" RIGL 42-46-6(b) .

519
520 ² Open Meetings Act requires 48 hours advance posting, 48 hours notice is waived for
521 emergency meetings.). Notice and agenda must be posted as soon as practicable.
522 Business in emergency meeting is limited to issues that created the emergency . RIGL
523 42-46-6(b) and (c) . Special meetings have additional requirement of newspaper
524 advertising under the Code, this is waived for emergencies . Code 2-10.2.
525

-FEBRUARY 25, 2013-

Council President Lanni announced a second public hearing regarding Phenix Lodge Zone Change will be held on Thursday, March 28, 2013 at 7:00 P.M. in the Council Chambers. This hearing will be re-advertised and abutters will be re-notified.

The meeting adjourned at 9:35 P.M.



Maria Medeiros Wall, JD
City Clerk



Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)