

*(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**

**-MARCH 25, 2013-**

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

The meeting was called to order at 7:20 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; Robert Strom, Director of Finance; Evan Kirshenbaum, Assistant City Solicitor; Patrick Quinlan, City Council Legal Counsel.

On motion by Council Vice-President Farina, seconded by Councilman Aceto, 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)

**Tony Liberatore**, 18 Bank St., appeared to speak regarding Resolution 2012-13 and stated that he spoke at the Committee meeting and Council meeting and is not speaking in favor or to oppose. He stated that as Director of Parks and Recreation, he will be asking for three to four more Laborers and \$75,000 more for equipment.

**-MARCH 25, 2013-**

**III. RESOLUTIONS**

**RESOLUTION ENCOURAGING THE RHODE ISLAND GENERAL ASSEMBLY TO PLACE A REFERENDUM BEFORE THE VOTERS ON ELIMINATING SINGLE PARTY (MASTER LEVER) VOTING BY MEANS OF A SINGLE MARK ON A BALLOT** [\[click to view\]](#)

On motion by Councilman Aceto, seconded by Council Vice-President Farina, it was voted to suspend Council Rule 34B. Motion passed on a vote of 8-1. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Council Vice-President Farina and Council President Lanni -8. The following being recorded as voting "nay": Councilman Favicchio -1.

On motion by Council Vice-President Farina, seconded by Councilman Aceto, the above Resolution was adopted 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.

**IV. REPORT OF COMMITTEES**

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

**RESOLUTION IN SUPPORT OF TURNING ON THE LIGHTS AT CITY HALL.**  
[\[click to view\]](#)

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

Under Discussion:

**Mr. Cordy** stated that after this Resolution was introduced last month, the Administration looked into this issue and found the lights have not been on in over a decade. The wiring was rotted and this issue was addressed. He asked that in future issues similar to this, a call be made to the Administration in order to avoid passing a Resolution.

Roll call was taken on motion to adopt the above Resolution 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 OPPOSING ACTS RELATING TO LABOR AND LABOR RELATIONS – CERTIFIED SCHOOL TEACHERS' BINDING ARBITRATION**  
[\[click to view\]](#)

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

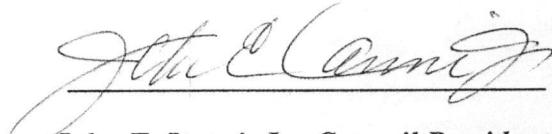
THE CITY OF CRANSTON

**RESOLUTION OF THE CITY COUNCIL**

**ENCOURAGING THE RHODE ISLAND GENERAL ASSEMBLY TO  
PLACE A REFERENDUM BEFORE THE VOTERS ON  
ELIMINATING SINGLE PARTY (MASTER LEVER) VOTING BY  
MEANS OF A SINGLE MARK ON A BALLOT**

No. 2013-8

**Passed:**  
March 25, 2013

  
**John E. Lanni, Jr., Council President**

**WHEREAS**, legislation has been introduced in the House of Representatives that would prevent any voter from voting for all candidates of one of the respective parties by means of a single mark on the computer ballot; and

**WHEREAS**, the Cranston City Council recognizes that there is growing concern that the current state of the law in Rhode Island allowing voters to select all candidates of one political party by means of a single mark, commonly referred to as the master lever, may contribute to voter confusion and voter disenfranchisement; especially when non-partisan offices are on a ballot and

**WHEREAS**, the Cranston City Council recognizes that valid arguments exist both for the elimination and retention of the use of a single mark voting; and

**WHEREAS**, the Cranston City Council finds that this issue is ultimately one that is best left for the voters to decide which would eliminate any and all legislative party politics from influencing this important issue;

**NOW, THEREFORE, BE IT RESOLVED** that the Cranston City Council respectfully requests that the General Assembly place the issue of the continued use of single party (master lever) voting before the voters of the State of Rhode Island in the form of a referendum at the next general or special election.

**BE IT FURTHER RESOLVED** that the City Clerk forward a certified copy of this Resolution to the Cranston State Senators Representatives and the speakers of the House and Senate in the Rhode Island General Assembly seeking their consideration and support.

Sponsored by Council President Lanni, Council Vice President Farina and Councilman Aceto

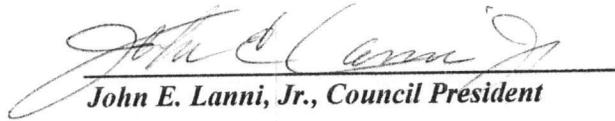
Referred to Ordinance Committee April 11, 2013

THE CITY OF CRANSTON

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

No. 2013-9

*Passed:*  
March 25, 2013

  
*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

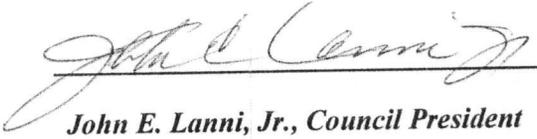
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THE CITY OF CRANSTON

**RESOLUTION OF THE CITY COUNCIL  
OPPOSING ACTS RELATING TO LABOR AND LABOR RELATIONS -  
CERTIFIED SCHOOL TEACHERS' BINDING ARBITRATION**

No. 2013-10

*Passed:*  
March 25, 2013

  
*John E. Lanni, Jr., Council President*

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**Resolved that,**

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

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

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

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

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

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

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

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

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

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

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49 Referred to Ordinance Committee March 14, 2013

**-MARCH 25, 2013-**

**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)**

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

On motion by Councilman Archetto, seconded by Council Vice-President Farina, the above Ordinance 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.

**FINANCE COMMITTEE  
(Councilman Steven A. Stycos, Chair)**

**Councilman Stycos** stated that at the next Finance Committee meeting on April 11<sup>th</sup> at 6:30 P.M., two Pension Ordinances being proposed this evening will be heard. He also announced that a schedule of Budget hearings for various City Departments has been set and the departments originally scheduled to be heard April 11<sup>th</sup> will be moved to another date. He also indicated that if there are any questions from the City Council, they be forwarded to the Finance Director to make the meetings run more smoothly. Mr. Strom stated that in the past, questions were sent to the City Council Internal Auditor, but he has no objections if the Council wish to send him the questions. Councilman Stycos stated that any questions be sent to both the City Council Internal Auditor and Mr. Strom.

**RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS**

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

On motion by Councilman Aceto, seconded by Councilman Stycos, 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**

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

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.

**TAX INTEREST WAIVER APPROVALS AS RECOMMENDED BY CITY  
TREASURER [\[click to view\]](#)**

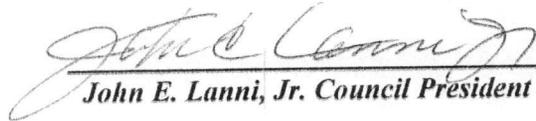
On motion by Councilman Aceto, seconded by Councilman Botts, it was voted to approve the above list of Tax Interest Waiver Approvals as recommended by the City Treasurer. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto,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

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. 2013-3

*Passed:*  
March 25, 2013

  
John E. Lanni, Jr. Council President

*Approved:*  
April 4, 2013 pursuant to Sect. 3.14 of the City Charter  
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



Bureau of Traffic Safety

STAFF REPORT

13 APR -5 PM 1:05  
RECEIVED  
CITY OF CRANSTON

**Date:** 4/5/13  
**To:** City Council  
**From:** Stephen Mulcahy, Traffic Engineer (Acting)  
**Ordinance Proposal No:** 2-13-02  
**Date referred to staff:** 2/27/13  
**CC:** Wall; Zanni; Cordy; Lopez; Campisani; Giarrusso

**Subject:** **Section 1.** Chapter 10.32, Section .040 entitled "No Parking on Certain Streets-Generally" is hereby amended by adding thereto the following:

**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.

**BACKGROUND**

**Procedure:** Pursuant to Section 9.06 of the City of Cranston Charter, the Bureau of Traffic Safety shall issue a report prior to the adoption of any rule, regulation, or order relating to traffic. Such reports may include in-house and/or field investigations to compile data relative to crash/accident incidence; roadway geometry; sight line distance; current codified ordinance; and other traffic control standards as defined in the *Manual on Uniform Traffic Control Devices*, 2009 edition, approved by the Federal Highway Administration.

**Existing Condition:**

- Westcott Ave: two-way low volume residential (25MPH) roadway; total ROW width of 40' including a 24' paved roadway with no paved sidewalks within the subject segment; no parking restrictions on either side.
- No unusual roadway geometry, condition, or hazard.

**Staff Analysis:**

- Westcott Ave. roadway width and condition is typical of many residential streets throughout the City.
- Imposing parking restrictions on all similar residential roadways is impractical and unwarranted.
- Sufficient and enforceable ordinance exists under City code **10.28.110** entitled "**Stopping prohibited in certain places**" to address safe passage of vehicles on public roadways.
- Imposing parking restrictions on the public right-of-way abutting individual properties or segment of roadway without sufficient cause creates hardship for other roadway users and area residents.
- Nearby residents may perceive parking restrictions that are limited to an individual parcel or segment of roadway as arbitrary and unfair, potentially establishing precedent to perpetuate other unfounded requests.

**FISCAL IMPACT**

Funds for material and perpetual maintenance of these devices shall be expended from the Division of Highway Maintenance operating budget under line item 101-1302-54103, Traffic Sign Materials.

**RECOMMENDATION**

Given that no MUTCD warrant criteria have been satisfied, no unusual condition exists to warrant the proposed restrictions, and all other reasons stated in the analysis, sound engineering judgment guides staff to **NOT recommend approval** of this ordinance.

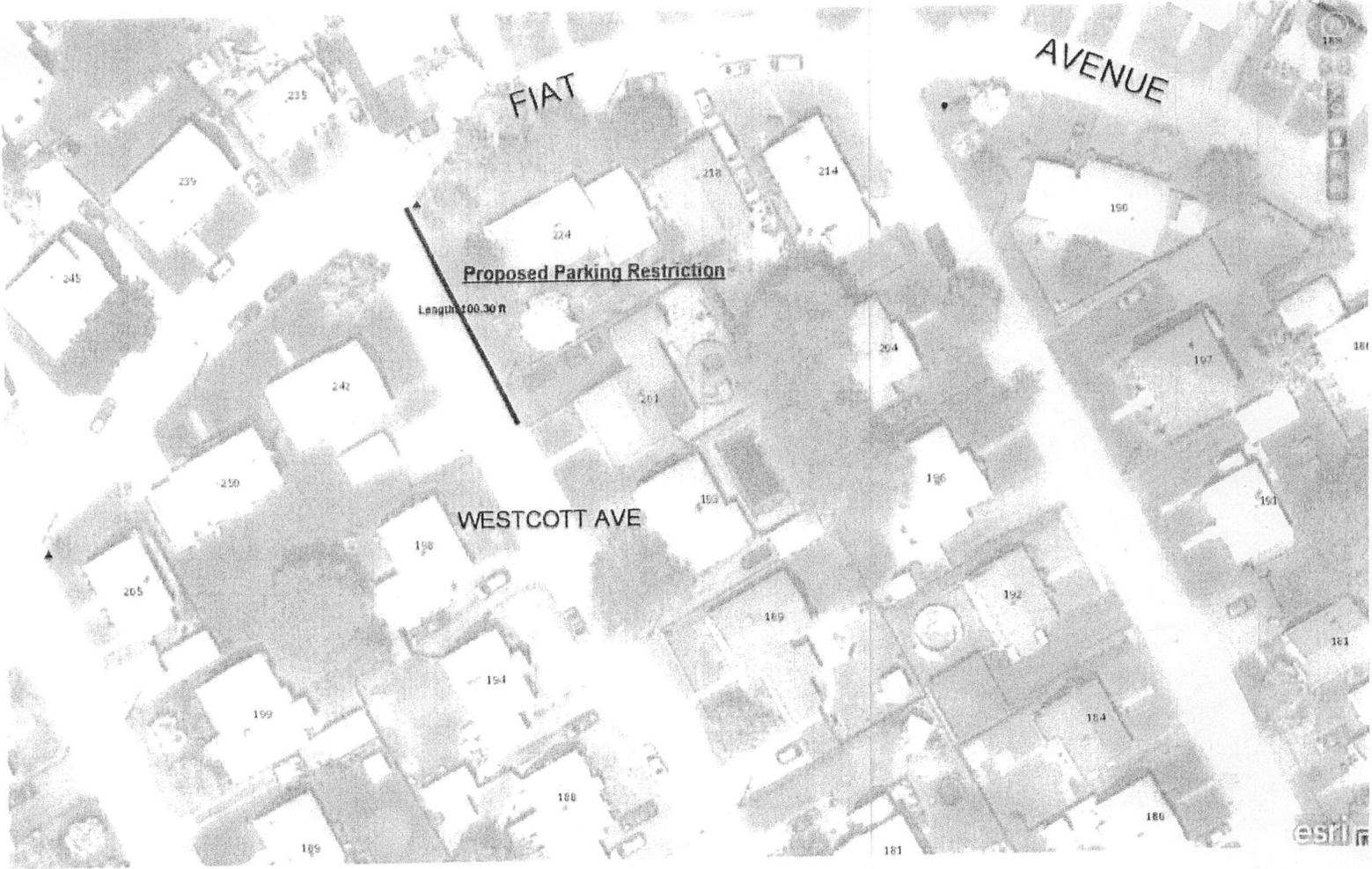
**ATTACHMENTS**

See annotated map.

Authorized Signature:



Date: 4/5/13



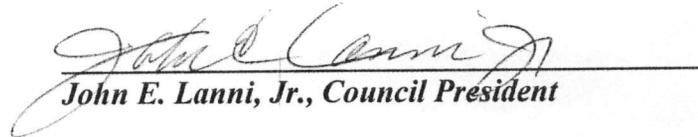
## THE CITY OF CRANSTON

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

No. 2013-11

***Passed:***

March 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

202-1  
SALVATORE SACCOCCIO JR.  
CITY ASSESSOR

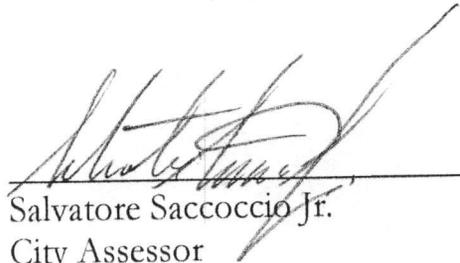
DAVID COLE  
DEPUTY ASSESSOR

MEMO

DATE: March 5, 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	519,959	\$12,507.56

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

City of Cranston  
2012 Abatement List

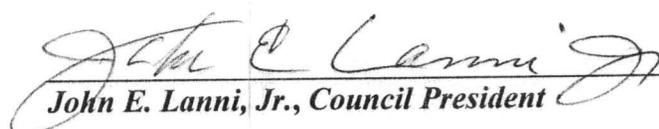
Abatement	Original Value	Exemption Omit	Adjusted Value	Tax	Account
1	1916120510	016-1112-012	1916120509	009-1925	3
	Location 132/112 HOFFMAN AV RHODE ISLAND HOUSING & MORTGAG 44 WASHINGTON STREET PROVIDENCE RI 02903				
	Original Value	Exemption Omit	Adjusted Value	Tax	
	97400	27486	69914	2224.61	
	27486	627.78	1596.83	627.78	
	69914	1596.83		1596.83	
2	1916120502	005-2541	1916120507	008-0376	6
	Location POTTER ST RHODE ISLAND HOUSING AND MORTG 44 WASHINGTON STREET PROVIDENCE RI 02903-7120				
	Original Value	Exemption Omit	Adjusted Value	Tax	
	11800	11703	97	11800	
	11703	97		11703	
	97			97	
3	1916120507	008-0376	1916120501	005-0564	4
	Location 62 RANDALL ST RI HOUSING & MORTGAGE FINANCE 44 WASHINGTON STREET PROVIDENCE RI 02903-7120				
	Original Value	Exemption Omit	Adjusted Value	Tax	
	142600	142600		3256.98	
	142600			3256.98	
4	1916120501	005-0564	1916120501	005-0564	4
	Location 27 POTTER ST RHODE ISLAND HOUSING AND MORTG 44 WASHINGTON STREET PROVIDENCE RI 02903-7120				
	Original Value	Exemption Omit	Adjusted Value	Tax	
	139300	138155	1145	3181.61	
	138155	3155.46		3155.46	
	1145	26.15		26.15	
5	2309141001	992-3091-410	2309141001	992-3091-410	6
	Location 1000 CHAPEL VIEW BLVD VERIZON INTERNET SERVICES INC C/O DUFF & PHELPS PO BOX 260199 PLANO TX 75026				
	Original Value	ASR APPEAL DEC	Adjusted Value	Tax	
	55315	55315		1895.09	
	55315			1895.09	
6	591115	14132.74	519959	12507.56	on 6
	Abatement				
	591115	14132.74	519959	12507.56	on 6
	71156	1625.18		1625.18	Accounts
	71156	1625.18		1625.18	Accounts

## THE CITY OF CRANSTON

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

No. 2013-12

*Passed:*  
March 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



DIVISION OF ASSESSMENT  
869 PARK AVE  
CRANSTON, RI 02910

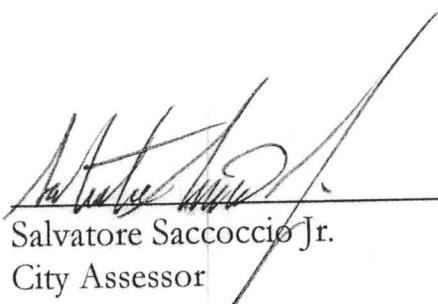
## MEMO

DATE: March 5, 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, 2007	200	8.48
December 31, 2008	8,866	376.28
December 31, 2009	7,237	307.14
December 31, 2010	663	28.13
December 31, 2011	<u>255,730</u>	<u>10,853.19</u>

Totals: 272,696 \$11,573.22

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

\*\*\* MECHIART\_CR.REP \*\*\* Printed 03052013 at 10:37:29 by KARBUR

Page 1

City of Cranston  
2008 Motor Vehicle  
Abatement List

1	37020890	0000066290	HONDA	KG 224	000000000	Vehicle 0000	000000000
	Vehicle 2004				ID	Vehicle 0000	
	ID 2HG6T65X4H519732				ID	Vehicle 0000	
	GREEN KELLI A						
	787 RESERVOIR AVE						
	Cranston RI 02910						

Original Value	:	5,931	Tax	:	128.93	Original Value	:	000000000
STOLEN/SOLD/JUNK/TOT	:			:	8.48	Adjusted Tax:	:	
Adjusted Tax:	:			:	120.45		:	

For Tax Year: 2008

Original Value	:	5931	Tax	:	128.93	on 1	Accounts
Adjusted Tax	:			:	8.48		
	:			:	120.45		

\*\*\* MECHRIABT\_CR.REP \*\*\* Printed 03052013 at 10:37:09 by KARBUR

Page 1

City of Cranston  
2009 Motor Vehicle  
Abatement List

1	48012900	0000126589	ER 538	000000000	0000000000	000000000	0000000000
	Vehicle 2004	FORD		Vehicle 0000		Vehicle 0000	
	ID 1FMWU93154KA27085			ID		ID	
	RIVERA ROSA J						
	160 WOODBINE ST 2						
	Cranston RI 02910						

Original	:	Value		Original	:	Value	
OUT OF STATE REG	:	9,405	Tax	Adjusted Tax:	:		Tax
Adjusted Tax:	:		376.28		:		

For Tax Year: 2009

Original	:	Value		Tax	
Adjusted Tax	:	9405		376.28	on 1 Accounts

\*\*\* MECRIABT\_CR.REP \*\*\* Printed 03052013 at 10:36:38 by KARBUR

Page 1

City of Cranston  
2010 Motor Vehicle  
Abatement List

1	48012710	0000125167	ER 538	00000000	0000000000	00000000	0000000000
	Vehicle 2004	FORD		Vehicle ID	0000	Vehicle ID	0000
	ID 1FMU93154KA27085						
	RIVERA ROSA J						
	160 WOODBINE ST 2						
	CRANSTON RI 02910						

Original	:	Value	Tax	Original	:	Value	Tax
OUT OF STATE REG	:	7,652	307.14		:		
Adjusted Tax:	:		307.14	Adjusted Tax:	:		

For Tax Year: 2010

Original	:	Value	Tax	Accounts
Adjusted Tax	:	7652	307.14	on 1

Mar-13

Waiver of Interest Applications

Recommend To Approve:

<u>NAME</u>	<u>ADDRESS</u>	<u>TAX AMT</u>	<u>INTEREST</u>	<u>REASON</u>
Burton, Maria	159 Crescent Ave	1,819.85	\$161.34	death
Corvase, Donna	57 Clearview Dr	4,897.37	\$438.96	lostcheck
Desio, Joseph	46 Bellevue Dr	1,042.93	\$146.01	lostcheck
Destefano, Stephen	10 Crawford St	1,000.63	\$160.10	illness
Iannotti, John	28 Webber Ave	852.88	\$135.68	death
Harris, Larry	197 Narragansett St	3,556.13	\$320.63	illness
Herne, Margaret M.	89 Burnside St	5,355.10	\$600.99	hardship
Jean Phillippe, Monet	141 Julia St	1,111.26	\$158.01	hardship
Mathewson, Donald	44 Forsythia Lane	944.22	\$132.22	illness
Lake, Joan	96 Villa Ave	914.12	\$160.79	lostcheck
Mccormick, Anna	45 June Ave	554.21	\$88.67	death
McFarland, Clifford	12 Buttonwoods Dr	4,888.51	\$410.46	lostcheck
Messina, Vincent	16 Cohasset Lane	1,411.89	\$197.67	hardship
Proulx, Norman	1332 Narragansett Blvd	5,619.78	\$393.37	illness
Rush, William	31 Arrowfield Rd	1,008.34	\$161.34	illness
Stinnette, Oliver	41 Bryant Rd	1,123.15	\$157.24	hardship

Recommend To Deny:

**-MARCH 25, 2013-**

**PUBLIC WORKS COMMITTEE**  
(Councilman Mario Aceto, Chair)

**RESOLUTION IN SUPPORT OF INSTALLING SPEED BUMPS AND SIGNAGE NEAR THE INTERSECTION OF LAUREL HILL AVENUE AND CHESTNUT HILL AVENUE** [[click to view](#)]

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

Under Discussion:

**Mr. Cordy** stated that at the Committee meeting, the Committee voted to delete “speed bumps” from the Resolution. He indicated that the title and page 2 of the Resolution still refers to “speed bumps”. It was also agreed that signage would be installed so there would be no need for this Resolution.

**Council President Lanni** stated that this is just a Resolution making a request to the Administration, it is not an Ordinance.

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

**CLAIMS COMMITTEE**  
(Councilwoman Sarah Kales Lee, Chair)

**APPROVAL OF SETTLED CLAIMS: GMAC Insurance for Evelyn Cruz \$5,207.91 vehicle damage; Richmond Motor Sales & Rental for Michelle Araujo \$431.25 rental; Antonio Tomar & Margarida Monteiro \$2,065.04 vehicle damage; Daniel J. Hogberg \$25.00 property damage; John R. Meade \$50.00 property damage; Charlotte Lawson \$194.29 property damage; Nancy DiStefano \$50.00 property damage; D’Ercole Construction \$172.46 vehicle damage; David Fera \$53.50 vehicle damage; Alan Torigian \$50.00 property damage; James T. Prior \$25.00 property damage; Anne C. Angilly \$318.20 vehicle damage.**

On motion by Councilman Aceto, seconded by Council Vice-President Farina, it was voted to approve the above-listed claims.

Under Discussion:

**Councilman Stycos** stated that the title should state “Notification of Settled Claims”. The City Council has no authority to approve or disapprove them. Mr. Quinlan stated that the City Council has to ratify the claims because it is considered expenditure funds. Councilman Stycos asked for Solicitor Kirshenbaum’s opinion, since he sits on the Claims Committee. Mr. Kirshenbaum stated that the problem is there is a gap period from the time the claims are filed with the Solicitor’s Office and when the City Council hears them. This procedure could be discussed during the next Claims Committee meeting.

**Councilman Stycos** stated that the current process is the Claims Committee approves the claim and a check is sent to the claimant before the City Council approves it. Either the process has to be changed or the funds being paid to the claimants be held until the City Council approves the claim. He also stated that the title on the Council Docket should be changed to read “Report of Settled Claims”.

Roll call was taken on motion to approve the above settled claims 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.

THE CITY OF CRANSTON

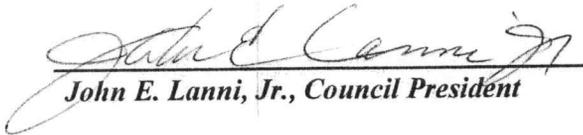
**RESOLUTION OF THE CITY COUNCIL**  
**IN SUPPORT OF INSTALLING SPEED BUMPS AND SIGNAGE NEAR THE**  
**INTERSECTION OF LAUREL HILL AVENUE AND CHESTNUT HILL**  
**AVENUE**

No. 2013-13

\*AMENDED IN COMMITTEE 3/4/2013

**Passed:**

March 25, 2013

  
**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~~

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

52

53 Sponsored by: Councilman Archetto

54

55 Referred to Public Works Committee on March 4, 2013

**-MARCH 25, 2013-**

## **V. PUBLIC HEARINGS**

(open to any matters)

**Robert Barber**, retired Police Captain, appeared to speak and asked for additional time to speak, since he is representing people who are present and people who could not attend this meeting, but wish him to present their views regarding the Police Pension issue. He stated that this is a class action. Each individual retired with their own contract. Each individual will have to agree to open up their individual contract. He consistently contributed to his pension for 27 years. The City consistently failed to fund the pension. Responsibility or accountability does not fall to the retirees. The City created this problem, he and other retirees have not. The unions tried to fix this and went to Court in 1972. The Court told the City that what they were doing was wrong and the City was told to fund the pension. Nowhere in his contract does it state that his benefits can be changed or altered. The City has the ability to pay. He has not been able to obtain an answer from the Mayor of what happens in the future if he opens his contract. If the Mayor gets the concessions, he questioned where the money will go, the Pension Fund or General Fund?

**Steven Pilz**, Chair of Cranston Conservation Commission, appeared to address two issues of DEM notices that were brought to the Commission's attention:

- RIDEM Application #12-0192 – Briarbrook Lane. He stated that this project was evaluated quite a bit and the Commission felt it was not suitable for building. The Commission does not have authority to approve, they are just Advisory to the Council. Councilman Aceto stated that the recommendation from this Commission would normally go to the Planning Commission. Council President Lanni asked who the Commission make their recommendation to. Mr. Pilz stated, the Development Planning Review, to Mr. Lapolla, City Planner. He stated that this matter did not go to that Committee. City Clerk stated that there were two applications listed on the Council Docket in January for the City Council to approve or disapprove, but no action was taken. Mr. Cordy stated that the City did act, the decision was left to DEM. Council President Lanni asked that these two items be placed on the Public Works Committee agenda to discuss.
- RIDEM Application OCTA 12-029.

**Nelson Andrade** appeared to represent Frank Monti, who owns lot 0 Briarbrook Lane. He stated that Mr. Monti does not understand why he can't building on this lot.

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

### ***TAX ASSESSMENT BOARD OF REVIEW:***

**Neil Amper – Re-appointment by Council President Lanni**

On motion by Councilman Aceto, seconded by Councilman Favicchio, it was voted to approve the re-appointment of **NEIL AMPER** as a member of the **Tax Assessment Board of Review**. 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.

### ***FLOOD COMMITTEE:***

**Re-appointments: Brian Dupont; Michael Behm; Matthew Papino; Amy Sinyei**

On motion by Councilman Archetto, seconded by Councilman Santamaria, it was voted to re-appoint **BRIAN DUPONT; MICHAEL BEHM; MATTHEW PAPINO; AMY SINEI** as members of the **Flood Committee**. 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.

## -MARCH 25, 2013-

### **Appointments: Senator Frank Lombardi; Representative Joseph McNamara**

On motion by Councilman Aceto, seconded by Councilman Archetto, it was voted to appoint **SENATOR FRANK LOMBARDI** and **REPRESENTATIVE JOSEPH MCNAMARA** as members of the **Flood Committee**. 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.

### **City Council Minority member**

**Councilman Favicchio** stated that he will be the Council Minority member to serve on the **Flood Committee**.

### **JUVENILE HEARING BOARD:**

**Mary Jo Hines –Reappointment (to fill unexpired term of Gilkenson term to expire on 12/1/2015)**

On motion by Councilman Aceto, seconded by Council Vice-President Farina, it was voted to appoint **MARY JO HINES** as a 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 SECTION 15.05**

No discussion.

### **REQUEST TO BE CONTINUED IN SERVICE: DEPUTY CHIEF STEPHEN MACINTOSH, CRANSTON FIRE DEPARTMENT**

**Mr. Cordy** appeared to speak.

On motion by Councilman Favicchio, seconded by Councilman Aceto, 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.

### **RESOLUTION 2012-13 SUPPORTING THE CREATION AND EXPANSION OF OUTDOOR SPACE, RECREATION AND CITY PARKS (MAYOR'S QUARTLERY REPORT). [[click here to view](#)]**

**Councilman Stycos** stated that he and the Planning Director met with the Audubon Society to discuss the possibility of a walking trail at Laten Knight Rd. and Hope Rd. and adjacent to the Audubon property. There is no definite proposal at this time.

**-MARCH 25, 2013-**

**CLAIMS SETTLED BY SOLICITOR'S OFFICE: DANIEL & MARIA  
MAGGIACOMO \$5,000 WATER DAMAGE; PROGRESSIVE INSURANCE AND  
FIGLIOLA & ROMANO \$2,800 VEHICLE DAMAGE**

No discussion held.

**IX. COUNCIL PRESIDENT COMMUNICATIONS**

**Council President Lanni** stated that since January, the biggest problem the City has is the unfunded pension liability, over \$3 million. We have to come to some kind of an agreement. He hopes for success in this matter because without cooperation and without a compromise, the taxpayers of the City would no longer be able to live here. The taxes would be too high. He asked for everyone to work together.

**X. COUNCIL MEMBER COMMUNICATIONS**

**Councilman Santamaria:**

**Councilman Santamaria** asked that the Administration report at the next meeting on the following items:

- ***Fletcher Ave.*** – have any new property owners signed off for DEM permits?
- ***Bus stop at the bottom of Uxbridge St., across from Knightsville Library*** – advertising at the bus stop causes obstruction to motorists. Asked if Administration can contact RIPTA and see if they can make one side of the bus stop clear glass.

**Councilman Archetto:**

- ***Waste Hauler*** – early dumpster pickup at Taco Bell, Scramblers and Spains Restaurant. He asked that Safety Services & Licenses Committee address this issue.
- ***Pocasset Cemetery*** – due to the latest incident at the entrance to this Cemetery, he asked if property owner can be asked to install a locked gate. Mr. Cordy stated that this is private property, but he will check into this and report back.

**XI. OLD BUSINESS**

None.

**-MARCH 25, 2013-**

**XII. INTRODUCTION OF NEW BUSINESS**

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

**Public Works Committee – April 1, 2013**

**3-13-2 Ordinance in amendment of Title 12 of the Code of the City of Cranston, 2005, entitled “Streets, Sidewalks and Public Places” (Snow Removal-Residential).** [\[click to view\]](#)

**3-13-3 Ordinance in amendment of Title 12 of the Code of the City of Cranston, 2005, entitled “Streets, Sidewalks and Public Places” (Snow Removal-Businesses).** [\[click to view\]](#)

**Request from National Grid for Pole Location at Lark Ave.** [\[click to view\]](#)

**Ordinance Committee – April 11, 2013**

**3-13-1 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Ashley and Hazelton).** [\[click to view\]](#)

**Resolution encouraging the Rhode Island General Assembly to eliminate single party voting by means of a single mark on a ballot.** [\[click to view\]](#)

**Resolution in support of clarifying the right of City Council members to forward constituent concerns, complaints and requests for information to City Department Heads.** [\[click to view\]](#)

**Finance Committee – April 11, 2013**

**3-13-4 Ordinance in amendment of Title 2.20.050 of the Code of the City of Cranston, 2005, entitled “Police Pension Fund-Retirement from Service” (Officers or Members Hired Prior to July 1, 1995).** [\[click to view\]](#)

**3-13-5 Ordinance in amendment of Title 2.28.050 of the Code of the City of Cranston, 2005, entitled “Firemen’s Pension Fund-Retirement from Service” (Officers or Members Hired Prior to July 1, 1995).** [\[click to view\]](#)

**3-13-6 Ordinance in amendment of Title 3 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (Capital Budget-Paving Funds Allocation).** [\[click to view\]](#)

**3-13-7 Ordinance in amendment of Title 3.68 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (Tax Incentive Repeal Katherine Gibbs).** [\[click to view\]](#)

**3-13-8 Ordinance in amendment of Title 3.76 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (Tax Incentive Repeal Automotive Dealerships).** [\[click to view\]](#)

**Resolution authorizing the Mayor to enter into and approving a Memorandum of Agreement with the Rhode Island Department of Transportation for reimbursement for Police details.** [\[click to view\]](#)

THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**

**IN AMENDMENT OF TITLE 12, OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED "STREETS, SIDEWALKS AND PUBLIC PLACES"**

**(Snow Removal – Residential)**

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 12, Chapter 16, entitled "Snow and Ice-Removal of snow-Penalty" is hereby amended as follows:

**12.16.010 - Snow and ice—Removal of snow—Penalty.**

1. The owner, occupant or an building or lot of land bordering on any street, highway, square or public place where there is a sidewalk supported by curbing, shall, within the first twenty-four (24) hours after any snow has ceased to fall, cause the snow to be removed from the sidewalk adjoining such building or lot of land.

2. If said owner or occupant is fifty-five (55) years of age or older or is physically disabled and unable to shovel snow, no fine shall be imposed for failing to remove snow if said owner or occupant provides the police officer with a letter from his or her doctor attesting to the fact that the person is physically unable to shovel snow.

3. In case of neglect so to do, the person chargeable with such duty shall pay a fine not exceeding twenty dollars (\$20.00) and for each and every hour after the expiration of such twenty-four (24) hours that the snow shall remain on the sidewalk, such owner, occupant or other person shall pay a fine of not less than one nor more than two dollars.

**Section 2.** This Ordinance shall take effect on final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

Christopher Rawson, City Solicitor Date

Christopher Rawson, City Solicitor Date

Sponsored by: Councilman Archetto

Referred to Pubic Works Committee April 1, 2013

U/Ordinances/Snow\_removal\_residential

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THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**  
IN AMENDMENT OF TITLE 12, OF THE CODE OF THE CITY OF CRANSTON,  
2013, ENTITLED "STREETS, SIDEWALKS AND PUBLIC PLACES"  
(Snow Removal – Businesses)

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 12, Chapter 16, entitled "Snow and Ice-Removal of snow-Penalty" is hereby amended as follows:

**12.16.040 - Snow and ice—Removal of snow—Penalty**

The owner, occupant of any business bordering on any street, highway, square or public place where there is a sidewalk supported by curbing, shall, within the first twenty-four (24) hours after any snow has ceased to fall, cause the snow to be removed from the sidewalk adjoining such building or lot of land.

In case of neglect so to do, the person chargeable with such duty shall pay a fine not exceeding forty dollars (\$40.00) and for each and every hour after the expiration of such twenty-four (24) hours that the snow shall remain on the sidewalk, such owner, occupant or other person shall pay a fine of not less than ten nor more than twenty dollars.

**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 Public Works April 1, 2013

**nationalgrid**

REC  
13 MAR -4 PM 2:25  
CRANSTON  
CITY CLERK

COUNCIL COPY

PETITION OF THE NATIONAL GRID FOR  
JOINT OR IDENTICAL POLE LOCATION

TO THE HONORABLE \_\_\_\_\_ TOWN COUNCIL \_\_\_\_\_

OF \_\_\_\_\_ CRANSTON \_\_\_\_\_ RHODE ISLAND  
THE NATIONAL GRID

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

Wherefore your petitioners pray that they be granted joint of identical location for existing poles and permission to erect and maintain poles and wires together with such sustaining and protecting fixtures as the may find necessary, said poles erected or to erected substantially in accordance with the plan filed herewith marked: 207235

DATED 02/20/2013

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

THE NATIONAL GRID

BY: John Castro  
John Castro, Engineering

THE VERIZON

BY: Mary J. Hawley  
ORDER

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

\_\_\_\_\_ work to be done subject to the supervision of

A true copy of the vote at the to be ratified by Public Works Committee 4/1/13

approved by chair  
~~Adopted~~ 03/14/13 and recorded in Records Book# \_\_\_\_\_ Page# \_\_\_\_\_

Rosalba Zamora  
Asst. CLERK

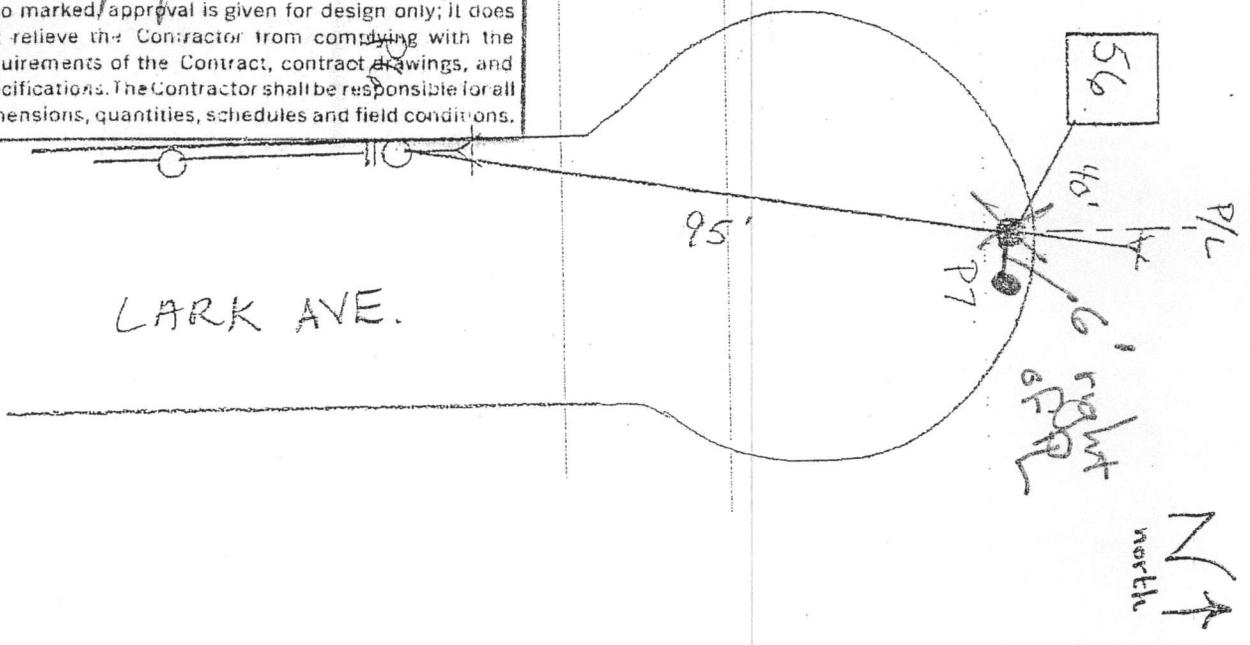
**CITY OF CRANSTON  
ENGINEERING DIVISION  
CRANSTON, R. I.**

<input type="checkbox"/>	APPROVED
<input checked="" type="checkbox"/>	APPROVED AS CORRECTED
<input type="checkbox"/>	RESUBMIT FOR FINAL APPROVAL
<input type="checkbox"/>	DISAPPROVED - RESUBMIT

Date 03/14/13 By W. [Signature]

If so marked, approval is given for design only; it does not relieve the Contractor from complying with the requirements of the Contract, contract drawings, and specifications. The Contractor shall be responsible for all dimensions, quantities, schedules and field conditions.

*Confirmed on 3/14 w/ N. Grid in Field w/ Ellen.*



**NATIONAL GRID  
AND  
VERIZON**

PLAN TO ACCOMPANY PETITION DATED 2/20  
TO THE CITY OF CRANSTON  
FOR  
JOINT POLE LOCATION ON LARK AVE

DATE OF PLAN \_\_\_\_\_ PLAN # 207235

KEY TO SYMBOLS

- PROPOSED ANCHOR LOCATION
- NEW POLE LOCATION
- EXISTING POLE LOCATION FOR REFERENCE

MAP # \_\_\_\_\_ DATE OF EXISTING GRANT  
WR#14291435

THE CITY OF CRANSTON

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**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"  
(Ashley and Hazelton)

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 .020 entitled "Stop Intersections-Enumerated" is hereby amended by deleting therefrom the following:

[Ashley Street at its intersection with Hazelton]

**Section 2.** Chapter 10.32, Section .030 entitled " Multi-way Stop intersections- enumerated" is hereby amended by adding thereto the following:

Hazelton Street and Ashley Street, 4 way stop.

**Section 3.** This Ordinance shall take effect upon its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

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

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

Sponsored by: Councilman Santamaria

Referred to Ordinance Committee April 11, 2013



**Bureau of Traffic Safety**

**STAFF REPORT**

**Date:** 12/12/12

**To:** City Council

**From:** Stephen Mulcahy, Traffic Engineer (Acting)

**Ordinance Proposal No:** 10-12-3

**Date referred to staff:** 10/23/12

**CC:** Wall; Zanni; Cordy; Lopez; Campisani; Giarrusso

**Subject:** **Section 1.** Chapter 10.32, Section .020 entitled "Stop intersections-enumerated" is hereby amended by deleting there from the following:

[Ashley Street at its intersection with Hazelton Street]

**Section 2.** Chapter 10.32, Section .030 entitled "Multi-way Stop intersections-enumerated" is hereby amended by adding the following:

Hazelton Street and Ashley Street, 4-way stop.

**BACKGROUND**

**Procedure:** Pursuant to Section 9.06 of the City of Cranston Charter, the Bureau of Traffic Safety shall issue a report prior to the adoption of any rule, regulation, or order relating to traffic. Such reports may include in-house and/or field investigations to compile data relative to crash/accident incidence; roadway geometry; sight line distance; current codified ordinance; and other traffic control standards as defined in the *Manual on Uniform Traffic Control Devices*, 2009 edition, approved by the Federal Highway Administration.

**Existing Condition:**

- Ashley St: two-lane low volume residential (25MPH) roadway; STOP controlled at its intersection with Hazelton St; total ROW width of 40' including 8' unpaved grass sidewalks; unrestricted parking on either side within subject segment; level grade at either approach to intersection.
- Hazelton St: two-lane uncontrolled low volume residential (25MPH) roadway; total ROW width of 40' including 8' grass sidewalks; unrestricted parking on either side within subject segment; level grade at either approach to intersection.

- Corner visibility impeded at the NW corner of the intersection by a post & rail fence extending from<sup>224</sup> the property located at 25 Hazelton St., encroaching into the ROW by approx. 4 feet along the north side of Hazelton St.
- Both NB and SB facing STOP signs worn and in need of replacement.

**Staff Analysis:**

- No MUTCD warrant criteria have been satisfied.
- Two-way STOP control already exists on Ashley St.
- No accidents reported within the three year period of 11/14/09-11/14/12.
- Worn STOP signs correctable by replacement.
- Corner visibility issues associated with this intersection are correctable through enforcement of ordinance 17.20.100 entitled Corner Visibility.
- While no reason for imposing additional traffic controls was provided to this office, as with many of these requests, they are driven by residents frustrated by speeding motorists. Research in the field indicates that the use of unwarranted traffic controls, especially the excessive use of STOP restrictions, tend to frustrate motorists, leading to an overall disrespect for signs, "rolling stops", ignoring signs completely, excessive engine noise and fuel consumption, increased cost to taxpayers for installation, maintenance, and enforcement, and increased air pollution as a result of frequent stopping and starting motions. Furthermore, studies show that of those motorists that do obey the STOP, many will speed between stops to make up for lost time.

**FISCAL IMPACT**

Funds for material and perpetual maintenance of these devices shall be expended from the Division of Highway Maintenance operating budget under line item 101-1302-54103, Traffic Sign Materials.

**RECOMMENDATION**

Given that no MUTCD warrant criteria have been satisfied, and STOP controls already exist on the NB and SB approach to the intersection, sound engineering judgment guides staff to **NOT recommend approval** of this ordinance.

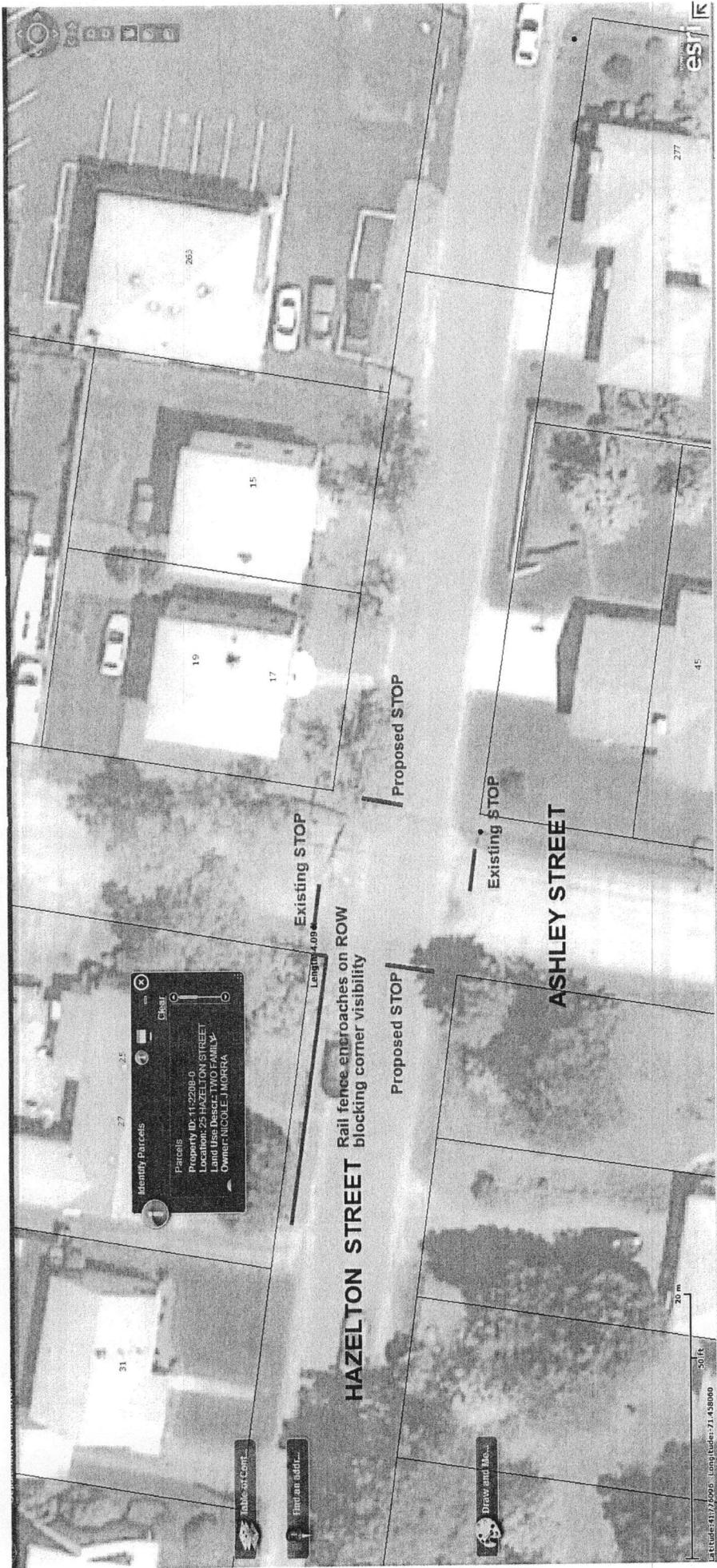
**ATTACHMENTS**

See annotated map.

Authorized Signature:



Date: 12/11/12



THE CITY OF CRANSTON

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**RESOLUTION OF THE CITY COUNCIL**

**ENCOURAGING THE RHODE ISLAND GENERAL ASSEMBLY TO  
ELIMINATE SINGLE PARTY VOTING BY MEANS OF A SINGLE  
MARK ON A BALLOT**

No.

*Passed:*

---

*John E. Lanni, Jr., Council President*

*WHEREAS*, the Cranston City Council finds that current state of the law in Rhode Island allowing voters to select all candidates of one political party by means of a single mark, commonly referred to as the master lever, contributes to voter disenfranchisement; and

*WHEREAS*, the Cranston City Council finds that the use of a single mark to select all candidates of one political party could inadvertently lead to voter confusion when there are non-partisan offices to be selected on the ballot; and

*WHEREAS*, the Cranston City Council finds that the use of a single mark to select all candidates of one political party is an anachronism left over from the use of mechanical voting machines; and

*WHEREAS*, legislation has been introduced in the House of Representatives that would prevent any voter from voting for all candidates of one of the respective parties by means of a single mark on the computer ballot by amending the following sections of Rhode Island General Laws:

1. §17-19-3 Voting equipment and services – Specifications.
2. §17-19-9 Party emblems
3. §17-19-10 Sample ballots – Contents – Distribution
4. §17-19-15 Party Levers
5. §17-20-23 Marking and certification of ballot

*NOW, THEREFORE, BE IT RESOLVED* that we, the Cranston City Council respectfully request that the General Assembly support these proposed legislative changes set forth in the following bills: H5072, S0044.

37           **BE IT FURTHER RESOLVED** that the City Clerk forward a certified copy of  
38 this Resolution to the Cranston State Senators and State Representatives in the Rhode  
39 Island General Assembly seeking their consideration and support of these legislative  
40 proposals.

41

42 Sponsored by Councilmen Donald Botts and Michael Favicchio

43 Referred to Ordinance Committee April 11, 2013

THE CITY OF CRANSTON

**RESOLUTION OF THE CITY COUNCIL**  
**IN SUPPORT OF CLARIFYING THE RIGHT OF CITY COUNCIL MEMBERS**  
**TO FORWARD CONSTITUENT CONCERNS, COMPLAINTS, AND REQUESTS**  
**FOR INFORMATION TO CITY DEPARTMENT HEADS**

No.

*Passed:*

John E. Lanni, Jr., Council President

*Resolved that,*

**WHEREAS**, the City of Cranston, in its Charter contains Section 3.19 which restricts the ability of City Council members to issue orders to City employees;

**WHEREAS**, City Council members often receive communications from their constituents about issues within the community;

**WHEREAS**, the City Charter in section 3.19 confirms the right of City Council members to request and receive information from department heads;

**WHEREAS**, the City Charter is silent on whether City Council members can forward questions or inquiries from constituents to responsible City departments;

**WHEREAS**, constituents expect their City Council member to promptly obtain information and answers for them about issues involving the delivery of City services;

**NOW THEREFORE, BE IT RESOLVED**, that the Cranston City Council hereby declares that notwithstanding any interpretations to the contrary, any member of the Cranston City Council may request information or relay a constituent's concerns or requests directly to any department director or responsible supervisory person within any department of the City.

**BE IT FURTHER RESOLVED**, , that the Cranston City Council hereby requests that the City Clerk transmit a copy of this Resolution to the Mayor and to all directors of City departments forthwith.

Sponsored by: Councilman Archetto

Referred to Ordinance Committee April 11, 2013

## THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**

IN AMENDMENT OF TITLE 2.20.050 OF THE CODE OF THE CITY OF CRANSTON,  
2005, ENTITLED "POLICE PENSION FUND - RETIREMENT FROM SERVICE"  
(Officers or Members Hired Prior to July 1, 1995)

No.

*Passed:*


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*John Lanni, Council President*
*Approved:*


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*Allan W. Fung, Mayor*
*Purpose*

The purpose of this ordinance is to provide retirement security to current and retired officers or members of the city's permanent police department who have been in active service with such department and are members of the local police and fire pension plan that is severely underfunded by codifying a reasonable alternative funding improvement plan in accordance with the mandates of Rhode Island General Laws section 45-65-1 et seq.

*Legislative Findings*

It is the intention of the City of Cranston, by and through its City Council, upon the recommendation of the Mayor, to begin the process of ensuring the sustainability of the City of Cranston's locally administered police and fire pension plan and to advance and maintain the long-term stability of said plan. We find and declare that:

1. The City of Cranston administers a local pension plan for police and fire members who were hired prior to 1995 ("plan"). As of the city's actuarial report of December 2012, there were 483 plan participants, of which only 48 were active employees. At that time, the total accrued liability was \$312.9 million and our unfunded liability was \$290.2 million. Our annually required contribution for FY 2013-2014 will be \$28.5 million. Our plan is only funded at approximately 16%.
2. For the FY 2012-13 budget year, the City of Cranston could only afford to fund approximately \$22 million of its \$25.7 million annually required contribution, which is approximately 85.5% of its obligation. While this was an increase over prior years, the City of Cranston has had a long and troubling history of underfunding its annually required contributions.

3. According to a September 2011 report by the Office of the Auditor General entitled *Pension and OPEB Plans Administered by Rhode Island Municipalities* (“Auditor General report”): “Many municipal pension plans are severely underfunded which presents the risk that sufficient funds will not be available to meet promised benefits to retirees. It also undermines the overall fiscal health of the plan’s sponsor.”
4. The Auditor General report specifically noted as an example that the “assets available within the City of Cranston Police and Fire Employees Retirement System are only sufficient to make pension benefit payments to retirees for approximately two years.”
5. In 2012, the State of Rhode Island, pursuant to Rhode Island General Law section 45-13-12, designated the City of Cranston a “Distressed Community” which indicates our community has a high property tax burden relative to the wealth of our taxpayers. In 2013, the Governor’s proposed budget introduced to the General Assembly continued to designate the City of Cranston as “Distressed Community.”
6. In accordance with Rhode Island General Law section 45-65-6, the city hired Buck Consultants, our actuary, to perform an initial actuarial experience study (“study”). That study made several recommendations to our assumptions for our actuarial valuation of our local police and fire pension plan. The city’s Board of Investment Commissioners, which is authorized by our city charter to manage the assets of the pension fund, accepted those recommendations for use in the next actuarial valuation of the plan.
7. Based upon the experience study results, our plan actuary certified in April 2012 that our plan was in “critical status” as defined by Rhode Island General Law section 45-65-6.
8. Following said certification, Mayor Fung provided the mandated notice of “critical status” determination to all plan participants and required statutory entities.
9. We find that it is in the best interests of all residents, individual employees, retirees and beneficiaries of the City of Cranston to maintain a viable and sustainable local police and fire pension plan and to develop a reasonable alternative funding improvement plan to emerge from “critical status” as required by Rhode Island General Laws section 45-65-6.

1  
2 *It is ordained by the City Council of the City of Cranston as follows:*

3  
4 **SECTION 1.** Title 2.20.050 of the Code of the City of Cranston, 2005, entitled "Police  
5 Pension Fund – Retirement from Service" Section A only pertaining to Officers or Members  
6 Hired Prior to July 1, 1995 is hereby amended by adding the following:

7 **2.20.050 - Retirement from service.**

8 Any officer or member of the permanent police department who has been in active  
9 service in such department may retire pursuant to this section upon his or her written application  
10 to either the Cranston city council if said member is a member of the police pension fund of the  
11 city of Cranston as hereinafter described in subsection (A) of this section or to the state of Rhode  
12 Island retirement board if said member is a member of the state of Rhode Island's optional  
13 twenty (20) year on service allowance Rhode Island General Laws Section 45-21.2-22, as  
14 modified, and hereafter defined in subsections (B) and (C) of this section. Upon said member  
15 qualifying for a pension either under subsections (A), (B), or (C) of this section, the city council  
16 by a majority vote or the state of retirement board shall approve said pension and the member so  
17 retired shall be entitled to the respective benefits as follows:

18 A. Police Pension Fund of the City of Cranston (Officers or Members Hired Prior to July  
19 1, 1995).

20  
21 1. Any officer or member of the permanent police department who has been in active  
22 service in such department for twenty (20) years or more may apply in writing to the city council  
23 to be placed on the pension list and the city council shall thereupon place such officer or member  
24 so applying on the pension list and such officer or member so retired shall then become entitled  
25 to the following benefits to be paid from the police pension fund:

26  
27 a. If such officer or member so retired has attained the age of fifty-five (55) years,  
28 he or she shall be paid annually for the remainder of his or her life in equal  
29 monthly installments, a sum equal to fifty-five (55) percent of his or her annual  
30 salary, except as noted below.

31  
32 b. If such officer or member so retired has not attained the age of fifty-five (55)  
33 years, he or she shall be paid annually until his or her fifty-fifth (55th) birthday in  
34 equal monthly installments a sum equal to one-half of his or her annual salary,  
35 and upon attaining his or her fifty-fifth (55th) birthday for the remainder of his or  
36 her life, in equal monthly installments a sum equal to fifty-five (55) percent of his  
37 or her annual salary, except as noted below.

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2. Any officer or member of the permanent police department who has been in active service in said department for a period of at least fifteen (15) full years, but less than twenty (20) full years, may apply in writing to the city council to be placed on the pension list; however, said member will not be eligible to receive any pension benefits until the date which would represent his or her twentieth (20th) anniversary on the police department. Such member so retiring shall receive two percent of his or her annual pay for each full year of service, such officer shall not be entitled to the escalator clause nor shall he or she be entitled to an additional five percent of his or her annual salary upon attaining the age of fifty-five (55). The pension benefit paid under this section will always be figured on the pay the officer was receiving when he or she terminated and said officer shall receive no other benefits in addition to the said two percent for each full year of service.

3. With respect to officers or members who retire on or before August 31, 2006, the term "annual salary" shall mean the prevailing annual salary of active officers or members of the permanent police department at the rank which corresponds to the rank which such retired officer or member held on the date of his or her retirement. If no corresponding rank exists in the permanent police department, the mayor and finance director shall, with the approval of the city council, determine an annual salary at the prevailing salary scale which is equivalent to the rank which such retired officer or member held on the date of his or her retirement.

With respect to officers or members who retire on or after September 1, 2006, the term "annual salary" as used in this section shall mean the prevailing annual salary of active officers or members of the permanent police department at the rank which corresponds to the rank which such retired officer or member held on the date of his or her retirement. If no corresponding rank exists in the permanent police department, the mayor and finance director shall, with the approval of the city council, determine an annual salary at the prevailing salary scale which is equivalent to the rank which such retired officer or member held on the date of his or her retirement. Notwithstanding the foregoing, the pension cost-of-living adjustment (COLA) paid to such offer or member shall be fixed at three percent per annum, compounded, without any escalation based on raises granted to active employees.

4. The provisions of this section with respect to the definition of "annual salary" and the payment of pension benefits prior and subsequent to the attainment of fifty-five (55) years of age shall apply to all officers or members of the permanent police department who remain in the police pension fund of the city of Cranston.

81

82 5. Any officer or member of the permanent police department who has been in active  
83 service in such department for more than twenty (20) full years shall be entitled to receive a  
84 pension in an amount equal to two percent of his or her annual salary for each full year of service  
85 up to and including thirty (30) full years. No pension credit shall be awarded any member of the  
86 police department for any partial years of service when computing the pension benefits. All  
87 members who have attained thirty (30) years of service and choose to continue in service shall  
88 not be entitled to receive an additional two percent for years served beyond thirty (30) full years  
89 of service but shall be required to continue to make the contributions to the pension fund  
90 required by this section.

91

92 6. In addition to the above pension benefits, a member shall receive the retirees'  
93 longevity benefit as presently being paid. The foregoing shall not apply to those employees  
94 retiring prior to July 1, 1978.

95

96 7. During the period of July 1, 1982 to June 30, 1983, no member who retires shall  
97 receive any other pension benefits other than those set forth in subsections (A)(1)(a) and (b) of  
98 this section.

99

100 8 a. Commencing July 1, 1983, any officer or member with thirty (30) full years of  
101 service or more shall be able to retire with an increased pension benefit of two  
102 percent of his or her annual salary for each full year of service in excess of twenty  
103 (20) years up to and including thirty (30) full years of service (maximum of an  
104 additional twenty (20) percent).

105

106 b. Commencing July 1, 1985, any officer or member of the police department  
107 who shall have twenty-five (25) full years of service or more shall receive an  
108 additional pension benefit of one percent of his or her annual salary for every full  
109 year in excess of twenty (20) years.

110

111 c. Commencing July 1, 1985, any officer or member of the police department  
112 shall be able to retire with an increased benefit of two percent for every full year  
113 of service above twenty (20) full years up to thirty (30) full years of service  
114 (maximum of an additional twenty (20) percent).

115

116 d. Benefits paid under this section shall be in addition to those benefits set forth  
117 in subsections (A)(1)(a) and (b) of this section.

118

119 9 a. Whenever an officer or member of the permanent police department who has  
120 not attained fifty-five (55) years of age shall become unfit to perform active duty  
121 by reason of physical infirmity or other causes, such officer or member, upon  
122 recommendation in writing of the mayor, based upon the medical decision of the  
123 board of three physicians, shall be retired from active service and placed on the  
124 pension list by the city council, and so retired he or she shall be paid annually  
125 from the police pension fund a sum equal to one-half of his or her annual salary as  
126 defined in subsection (A)(3) of this section.

127  
128 b. Upon attaining fifty-five (55) years of age, such officer or member so retired  
129 shall be paid annually for the remainder of his or her life in equal monthly  
130 installments, a sum equal to fifty-five (55) percent of his or her annual salary. No  
131 officer or member of the permanent police department shall be placed upon the  
132 pension list unless and until that officer or member has been examined by a board  
133 of three physicians certified in, or specializing in, the area of medicine that deals  
134 with the alleged infirmity and after said physical examination the officer or  
135 member has obtained a majority vote of the board of three physicians that the  
136 physical infirmity incapacitates the officer or member from performing his or her  
137 duties as a police officer. The examining board of physicians shall consist of one  
138 physician selected by the union, one physician selected by the city and the third  
139 selected by the above-mentioned physicians.

140  
141 10 a. Whenever an officer or member of the permanent police department shall  
142 become unfit to perform active duty by reason of age, such officer or member,  
143 upon the recommendation in writing of the mayor, shall be retired from active  
144 service and placed on the pension list by the city council, and when so retired he  
145 or she shall be paid annually during the remainder of his or her life from the  
146 police pension fund in equal monthly payments, a sum equal to fifty-five (55)  
147 percent of his or her annual salary as hereinbefore defined.

148  
149 b. For the purpose of this section, retirement by reason of age shall mean the  
150 attainment of the age of fifty-five (55) years by an officer or member, provided,  
151 however, that any such officer or member who is fifty-five (55) years of age or  
152 older as of the date of the adoption of the ordinance codified in this chapter, and  
153 thereafter, any other officer or member within not more than ninety (90) days nor  
154 less than seventy (70) days prior to attaining fifty-five (55) years of age, may  
155 request in writing of the mayor that he or she be continued in active service for  
156 one year. Any such officer or member shall be continued in active service upon  
157 the recommendation of the mayor with the advice and consent of the city council,  
158 if, prior to the mayor making such recommendation for continuation in active

159 service of such on officer or member, the officer or member shall undergo and  
160 satisfactorily complete a comprehensive medical examination that includes, but is  
161 not limited to, cardiovascular, neurological, urinalysis, blood tests, chest x-rays,  
162 and vision/hearing, and in addition thereto, the officer or member shall pass a  
163 physical stress test which shall be commensurate with his or her job  
164 responsibilities as established by the chief of police or the personnel director. This  
165 examination must take place not more than ninety (90) days nor less than seventy  
166 (70) days prior to the officer or member attaining the age of fifty-five (55) years.  
167

168 c. The results of the examination shall be forwarded to the mayor and the city  
169 council by the physician or physicians, person or persons, administering such tests  
170 certifying that the officer or member is capable of performing his or her  
171 prescribed duties.  
172

173 d. Further annual extensions up to sixty-five (65) years of age may be granted  
174 from year to year in the same manner as set forth above, provided, however, that  
175 every officer or member of the permanent police department who has attained  
176 sixty-five (65) years of age as of the date of the adoption of the ordinance codified  
177 in this chapter, or thereafter, shall be placed on the pension list by the city council,  
178 and such officer or member so retired shall be paid annually during the remainder  
179 of his or her life from the police pension fund in equal monthly payments, a sum  
180 equal to fifty-five (55) percent of his or her annual salary as defined in subsection  
181 (A)(3) of this section.  
182

183 11. In computing the length of time spent in active service in the police department there  
184 shall be included any period of time spent in active service (herein called "nonpermanent  
185 service"), as a probationary officer, a member of the reserve police list, a special police officer  
186 regularly employed, a civilian employee attached to the department and periods of time served in  
187 the Armed Forces of the United States, subject, however to the provisions of subsection (A)(15)  
188 of this section, subsequent to service in any of the foregoing categories or service as a member of  
189 the police department on January 28, 1952, unless such person shall on or before March 1, 1952  
190 file in the office of the city treasurer written notice that he or she accepts the provisions of this  
191 sentence and either (a) pays therewith to the city treasurer the amount which would have been  
192 deductible from his or her compensation pursuant to Section 2.20.020 and the corresponding  
193 provisions of prior ordinances, had he or she been a member of the police department during the  
194 period of his or her nonpermanent service, or (b) authorizes the city treasurer to deduct such  
195 amounts in equal installments from the compensation payable to him or her over a period of one  
196 year from the date of filing of such notice, and provided, further, that in the case of any person  
197 who shall become a member of the police department after January 28, 1952, there shall be  
198 deducted in equal installments from the compensation payable to him or her over a period of one  
199 year from the effective date of his or her appointment to the department, the amount which

200 would have been deductible from his or her compensation pursuant to Section 2.20.020 had he or  
201 she been a member of the police department during the period of his or her nonpermanent  
202 service. Any officer or member who shall resign, or who is discharged from the police  
203 department, shall forfeit all claims upon the police pension fund, except that he or she shall be  
204 entitled to receive, and the custodian is authorized to pay to him or her from the fund, the total  
205 amount of the deductions made from his or her salary pursuant to the provisions of this chapter.  
206 In the event of the death of any officer or member of the police department on or after January 1,  
207 1951, the persons referred to below shall be entitled to receive, and the custodian is authorized to  
208 pay to them from the fund, as a death benefit an amount equal to the total amount of the  
209 deductions made from the salary of the deceased pursuant to the provisions of this chapter,  
210 provided, however, that if such deceased officer or member shall have been placed upon the  
211 pension list prior to his or her death, the amount payable to such persons shall be limited to the  
212 excess, if any, of the total amount of such deductions over the total amount which the deceased  
213 shall have received as benefits from the pension fund during his or her lifetime, the persons  
214 above referred to being the widow or widower of the deceased, or if there is no such widow or  
215 widower then the minor child or children of the deceased in equal shares, or if there is no such  
216 widow or widower or minor child then the dependent father of the deceased, then the dependent  
217 mother of the deceased, if any.  
218

219 12. No officer or member of the police department shall be required to make any  
220 payment to the police pension fund after the date when his or her name was placed upon the  
221 pension list.  
222

223 13. The benefits payable hereunder to any officer or member placed upon the police  
224 pension list shall not be transferable nor subject to attachment.  
225

226 14. Disability Pension: Job-Related.  
227

228 a. Whenever an officer or member of the permanent police department shall  
229 become unfit to perform active duty, by reason of a job-related physical and/or  
230 psychological infirmity, such officer or member upon the recommendation in  
231 writing of the mayor, based on the medical decision of the board of three  
232 physicians, shall be retired from active service and placed on the disability  
233 pension list by the city council, and when so retired, he or she shall be paid  
234 annually from the police pension fund in equal monthly payments a sum equal to  
235 sixty-six and two-thirds (66 2/3) percent of his or her annual salary as defined in  
236 subsection (A)(3) of this section.  
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240 b. No officer or member of the permanent police department shall be placed upon  
241 the pension list unless and until that officer or member has been examined by a  
242 board of three physicians certified in, or specializing in, the area of medicine that  
243 deals with the alleged infirmity and after said physical examination the officer or  
244 member has attained a majority vote of the board of three physicians that the  
245 physical infirmity is job related and further that the physical infirmity  
246 incapacitates the officer or member from performing his or her duties as a police  
247 officer. The examining board of physicians shall consist of one physician selected  
248 by the union, one physician selected by the city and a third selected by the above-  
249 mentioned physicians.

251 c. Pension benefits relating to longevity, holiday pay and medical insurance for  
252 retirees as defined in the collective bargaining agreement with the city of  
253 Cranston shall apply to employees retiring under this section.

255 d. Any officer who becomes disabled from duty and retires pursuant to this  
256 section shall be paid an additional two percent of his or her annual salary per year  
257 for each year of service in excess of twenty-five (25) years, up to a maximum of  
258 seventy (70) percent.

259  
260 15, Pension Credit for Military and Municipal Service.

261  
262 a. As of July, 1986, any officer or member of the bargaining unit who has served  
263 in the armed forces, a reserve unit, a national guard unit or has prior municipal  
264 city time with the city of Cranston shall be allowed to buy back said time from  
265 the city of Cranston. Said time shall be bought back at the rate of ten (10)  
266 percent of his or her annual salary in his or her first year of service with the  
267 city of Cranston multiplied by the number of years in said armed forces,  
268 reserve unit, guard unit or prior municipal service up to a maximum of four  
269 years. Upon such payment being made to the city of Cranston by the officer or  
270 member, the number of years purchased shall be added to the member's  
271 service time within the department immediately. The crediting of said time  
272 shall be for pension purposes only and shall not affect a member's seniority or  
273 benefits in any other way while an active member. A member's seniority,  
274 longevity and vacation entitlements would not be affected by the purchase of  
275 said time prior to retirement. At the time of retirement a member will receive  
276 credit for all years worked and purchased and will be entitled to benefits  
277 accordingly.

278

279 b. Any officer or member who was a member of the active armed forces shall  
280 be allowed to purchase back the amount of time spent in the active service up  
281 to a maximum of four years. Any officer or member who was a member of a  
282 reserve unit or guard unit shall be allowed to purchase back an amount of time  
283 equal to the amount of active duty points accumulated by the member while  
284 serving in the unit. Any officer or member who has prior full-time municipal  
285 time with the city of Cranston shall be allowed to purchase back said time up  
286 to a maximum of four years. It is clearly understood that the maximum  
287 amount of time whether military, municipal, or a combination of both will be  
288 four years maximum.

289  
290 c. When submitting a request to purchase said time, proof of said time shall  
291 also be submitted. For example: a DD-214, reserve or guard duty certificate or  
292 prior city records for municipal time.  
293

294 16. Widow's and Widower's Benefit.

295  
296 a. Minimum One Year of Service. The city of Cranston agrees to pay a death  
297 benefit to the widow or widower of an officer or member with at least one  
298 credited year of service in the department and a death benefit payment of  
299 thirty-three and one-third ( $33 \frac{1}{3}$ ) percent of the member's salary which shall  
300 be fully escalated from year to year. This benefit shall be paid to a widow or  
301 widower until his or her death or until he or she remarries. A credited year of  
302 service for these members will be any year with over six months completed.  
303

304 b. Twenty (20) Years or More of Service. The city of Cranston agrees to pay  
305 (per 1989 agreement), widow or widower of deceased Cranston police officers  
306 the following benefit in addition to any other benefits to which they have been  
307 entitled:  
308

309 i. Longevity and holiday pay shall be included in the widow or  
310 widower pension base for those widows or widowers, whose  
311 husbands or wives, were entitled to longevity and holiday pay in  
312 their pensions.  
313

314 ii. Effective July 1, 1990, each widow or widower will receive a  
315 pension increase based upon sixty-seven and one-half ( $67 \frac{1}{2}$ )  
316 percent of what the decedent's percentage increase would have  
317 been.  
318

319                   iii. In the event the city and union negotiate across-the-board  
320                   increase in any given year, the widows or widowers shall receive  
321                   sixty-seven and one-half (67 ½) percent of the percentage increases  
322                   represented by said across-the-board increase.  
323

324                   17. Officers or members who have completed over twenty (20) credited years of  
325                   service between July 1, 1995 and June 30, 1996, and retire during said period July 1,  
326                   1995 through June 30, 1996 shall have the option of buying additional credited years of  
327                   service as defined in subsection (A)(17)(a) of this section or being paid for said additional  
328                   credited years of service as defined in subsection (A)(17)(b), or a combination of same as  
329                   defined in subsection (A)(17)(c) as follows:  
330

331                   a. Officers or members who have completed over twenty (20) credited  
332                   years of service between July 1, 1995 and June 30, 1996 and retire during  
333                   said period July 1, 1995 through June 30, 1996 can purchase the number  
334                   of credited years of service over (20) credited years as of July 1, 1995 and  
335                   June 30, 1996 up to a maximum of ten (10) years. A credited year of  
336                   service for these members will be any year of service with over six months  
337                   completed. The purchase rate for all credited years of service will be five  
338                   of the weekly salary rates in effect for the corresponding credited years of  
339                   service. Each credited year of service purchased will increase the pension  
340                   payment received at retirement by two percent up to a maximum of twenty  
341                   (20) percent for ten (10) years. These additional pension payments will be  
342                   added to the fifty (50) percent pension payment after the completion of  
343                   twenty (20) credited years of service to a maximum of seventy (70)  
344                   percent pension payment. These members' pension payments will be  
345                   escalated by the same method as found in the above listed subsection  
346                   (A)(1)(b) (reaching age fifty-five (55)) and subsection (A)(20) (escalation)  
347                   of this section.  
348

349                   b. Officers or members who have completed over twenty (20) credited  
350                   years of service between July 1, 1995 and June 30, 1996, and retire during  
351                   said period July 1, 1995 through June 30, 1996, can be paid at retirement  
352                   for the number of credited years of service over twenty (20) at the rate of  
353                   one thousand two hundred dollars (\$1,200.00) per year to a maximum of  
354                   twelve thousand dollars (\$12,000.00) for all credited years of service over  
355                   twenty (20) credited years to a maximum of thirty (30) credited years of  
356                   service. A credited year of service for these members will be any year of  
357                   service with over six months completed.  
358

359 c. Officers or members who have completed over twenty (20) credited  
360 years of service between July 1, 1995 and June 30, 1996, and retire during  
361 said period July 1, 1995 through June 30, 1996 shall have the option of  
362 either buying additional credited years of service or being paid for said  
363 additional credited years of service. Said members shall have the option of  
364 buying back all or a portion of their credited years of service or being paid  
365 for all or a portion of their credited years of service or receive a  
366 combination of both of the above for said additional credited years of  
367 service over twenty (20). Under no circumstance shall the number of  
368 credited years bought back by the member, or paid to the member on  
369 retirement, exceed the total number of credited years of service a member  
370 has served over twenty (20) years as determined between July 1, 1995 and  
371 June 30, 1996.  
372

373 18. Officers or members who have or will have completed twenty (20) credited years of  
374 service and retire between July 1, 1995 through June 30, 1996 shall, upon retirement, receive a  
375 severance payment of five hundred dollars (\$500.00) for each credited year of service up to a  
376 maximum of thirty (30) credited years of service. These members shall retire under the present  
377 pension plan with no additional accrual of pension payments or benefits. This severance payment  
378 shall be paid at the time of the member's retirement. For these members, their credited years of  
379 service will be determined as of July 1, 1995. A credited year of service for these members will  
380 be any year of service with over six months completed.  
381

382 19. Officers or members who have completed over five credited years of service between  
383 July 1, 1995 and June 30, 1996 shall receive upon placement on service retirement (at least  
384 twenty (20) credited years of service), placement on occupational disability retirement,  
385 placement on non-occupational retirement, or in case of death, their widow or children (up to age  
386 twenty-one (21) years) a payment of five hundred dollars (\$500.00) per year for each credited  
387 year of service up to a maximum of twenty (20) years effective June 30, 1997.  
388

389 20. With respect to officers or members who retire on or before August 31, 2006 only,  
390 retired members' pension payments will automatically escalate in an amount equal to all  
391 contractual increases received by active duty members of similar rank or position and similar  
392 credited years with regard to annual salary. In any contractual year in which the annual salary for  
393 active members with over three years of service does not increase by three percent, then said  
394 retired members shall receive a three percent escalation of said pension payment on June 30th of  
395 that year.

396 With respect to officers or members who retire on or after September 1, 2006, retired  
397 members' pension payments will automatically escalate in an amount fixed at three percent per  
398 annum, compounded, without any escalation based on raises granted to active employees.

399 21. Effective July 1, 1995, all members shall contribute an amount equal to eight percent  
400 of their annual salary, earned or accruing to said member, to the pension fund.

401

402 22. Notwithstanding any language in Chapter 2.20 entitled Policeman's Pension fund or  
403 any other law or statute or ordinance or memorandum of agreement or settlement agreement or  
404 binding arbitration award or collective bargaining agreement provision or any other statutory or  
405 contractual provision or legislative enactment to the contrary, for any officer or member of the  
406 permanent police department who was hired prior to July 1, 1995 and in said plan who is still an  
407 active employee and for any such member so retired and for any beneficiaries receiving any  
408 retirement, disability or widow/widower benefit or any other benefit of any kind in said plan, any  
409 automatic annual escalation or pension cost-of-living adjustment (COLA) of the pension  
410 payment of the member or beneficiary in accordance with these sections shall be suspended for a  
411 period of ten (10) years beginning June 30, 2013.

412

413 23. Notwithstanding any language in Chapter 2.20 entitled Policeman's Pension fund or  
414 any other law or statute or ordinance or memorandum of agreement or settlement agreement or  
415 binding arbitration award or collective bargaining agreement provision or any other statutory or  
416 contractual provision or legislative enactment to the contrary, upon the expiration of the ten year  
417 period provided for above, for any officer or member of the permanent police department who  
418 was hired prior to July 1, 1995 and in said plan who is still an active employee and for any such  
419 member so retired and for any beneficiaries receiving any retirement, disability or  
420 widow/widower benefit or any other benefit of any kind in said plan the automatic annual  
421 escalation or pension cost-of-living adjustment (COLA) of the pension payment of the member  
422 or beneficiary shall automatically escalate in an amount fixed at three percent per annum,  
423 compounded, without any further escalation based on raises granted to active employees.

424

425 24. The determination of the employer contribution rate for fiscal year 2014 and  
426 thereafter shall include a re-amortization of the Unfunded Actuarial Accrued Liability over a  
427 twenty-six (26) year period.

428

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

430

431 Positive Endorsement Negative Endorsement (attach reasons)

432

433

434

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

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

436

437 Sponsored by: Mayor Fung

438

439 Referred to Finance Committee 4/11/13

440

## THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**  
 IN AMENDMENT OF TITLE 2.28.050 OF THE CODE OF THE CITY OF  
 CRANSTON, 2005, ENTITLED "FIREMEN'S PENSION FUND - RETIREMENT  
 FROM SERVICE"  
 (Members Hired Prior to July 1, 1995)

No.

*Passed:*


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*John E. Lanni, Jr., Council President*
*Approved:*


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*Allan W. Fung, Mayor*

*Purpose* – The purpose of this ordinance is to provide retirement security to current and retired officers or members of the city's permanent fire department who have been in active service with such department and are members of the local police and fire pension plan that is severely underfunded by codifying a reasonable alternative funding improvement plan in accordance with the mandates of Rhode Island General Laws section 45-65-1 et seq.

*Legislative Findings* – It is the intention of the City of Cranston, by and through its City Council, upon the recommendation of the Mayor, to begin the process of ensuring the sustainability of the City of Cranston's locally administered police and fire pension plan and to advance and maintain the long-term stability of said plan. We find and declare that:

1. The City of Cranston administers a local pension plan for police and fire members who were hired prior to 1995 ("plan"). As of the city's actuarial report of December 2012, there were 483 plan participants, of which only 48 were active employees. At that time, the total accrued liability was \$312.9 million and our unfunded liability was \$290.2 million. Our annually required contribution for FY 2013-2014 will be \$28.5 million. Our plan is only funded at approximately 16%.
2. For the FY 2012-13 budget year, the City of Cranston could only afford to fund approximately \$22 million of its \$25.7 million annually required contribution, which is approximately 85.5% of its obligation. While this is an increase over prior years, the City of Cranston has had a long and troubling history of underfunding its annually required contributions.

3. According to a September 2011 report by the Office of the Auditor General entitled Pension and OPEB Plans Administered by Rhode Island Municipalities (“Auditor General report”): “Many municipal pension plans are severely underfunded which presents the risk that sufficient funds will not be available to meet promised benefits to retirees. It also undermines the overall fiscal health of the plan’s sponsor.”
4. The Auditor General report specifically noted as an example that the “assets available within the City of Cranston Police and Fire Employees Retirement System are only sufficient to make pension benefit payments to retirees for approximately two years.”
5. In 2012, the State of Rhode Island, pursuant to Rhode Island General Law section 45-13-12, designated the City of Cranston a “Distressed Community” which indicates our community has a high property tax burden relative to the wealth of our taxpayers.
6. In accordance with Rhode Island General Law section 45-65-6, the city hired Buck Consultants, our actuary, to perform an initial actuarial experience study (“study”). That study made several recommendations to our assumptions for our actuarial valuation of our local police and fire pension plan. The city’s Board of Investment Commissioners, which is authorized by our city charter to manage the assets of the pension fund, accepted those recommendations for use in the next actuarial valuation of the plan.
7. Based upon the experience study results, our plan actuary certified in April 2012 that our plan was in “critical status” as defined by Rhode Island General Law section 45-65-6.
8. Following said certification, Mayor Fung provided the mandated notice of “critical status” determination to all plan participants and required statutory entities.
9. It is in the best interests of residents, individual employees, retirees and beneficiaries of the City of Cranston to maintain a viable and sustainable local police and fire pension plan and to develop a reasonable alternative funding improvement plan to emerge from “critical status” as required by Rhode Island General Laws section 45-65-6.

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

2  
3 **Section 1.** Title 2.28.050 entitled "Firemen's Pension Fund – Retirement from  
4 Service" Section A only pertaining to Members Hired Prior to July 1, 1995 is hereby  
5 amended by adding the following:

6  
7 **2.28.050 - Retirement from service.**

8 Any officer or sworn member of the permanent fire department who has been in  
9 active service in such department may retire pursuant to this section upon his or her  
10 written application to either the Cranston city council if said member is a member of the  
11 city of Cranston firefighter's pension as hereinafter defined in subsection (A) of this  
12 section or to the state of Rhode Island retirement board if said member is a member of the  
13 state of Rhode Island's optional twenty (20) year on service allowance Rhode Island  
14 General Laws Section 45-21.2-22, as modified, and hereafter defined in subsections (B)  
15 and (C) of this section. Upon said member qualifying for a pension either under  
16 subsections (A), (B) or (C), the city council by a majority vote or the state of retirement  
17 board shall approve said pension and the member so retired shall be entitled to the  
18 respective benefits as follows:

19 A. City of Cranston Firefighters' Pension (Members Hired Prior to July 1, 1995).

20  
21 1. The pension contributed to and received by all members hired prior to July 1,  
22 1995, shall be paid from the city of Cranston firefighters' pension. All members will  
23 accrue a pension in an amount equal to two and one-half percent of their salary per  
24 credited year of service. Upon the completion of twenty (20) credited years of service a  
25 member who has attained the age of fifty-five (55) years may retire a pension payment of  
26 fifty-five (55) percent of the member's weekly salary at the time of the member's  
27 retirement. A member who has not attained the age of fifty-five (55) years may retire  
28 with a pension payment of fifty (50) percent of the member's weekly salary at the time of  
29 the member's retirement.

30  
31 2. Members will be able to accrue an additional two percent per year in pension  
32 payments to a maximum of twenty (20) percent for a maximum of thirty (30) credited  
33 years of service, subject to the provisions of subsections (A)(3)(a), (b) and (c). These  
34 additional pension payments will be added to the fifty (50) percent pension payment if  
35 the member retires prior to age fifty-five (55), or the fifty-five (55) percent pension  
36 payment if the member retires after reaching age fifty-five (55), after the completion of  
37 twenty (20) credited years of service to a maximum pension payment of seventy (70)  
38 percent of the member's weekly salary at the time of the member's retirement.

40

41 3. Members who have completed over twenty (20) credited years of service as of  
42 July 1, 1995, shall have the option of buying additional credited years of service as  
43 defined in subsection (A)(3)(a) or being paid for said additional credited years of service  
44 as defined in subsection (A)(3)(b), or a combination of same as defined in subsection  
45 (A)(3)(c) as follows:

46

47 a. Members who have completed over twenty (20) credited years of  
48 service as of July 1, 1995, can purchase the number of credited years of service  
49 over twenty (20) credited years as of July 1, 1995, up to a maximum of ten (10)  
50 years. The purchase rate for all credited years of service will be five percent of the  
51 weekly salary rates in effect for the corresponding credited years of service. Each  
52 credited year of service purchased will increase the pension payment received at  
53 retirement by two percent up to a maximum of twenty (20) percent for ten (10)  
54 years. These additional pension payments will be added to the fifty (50) percent  
55 pension payment if the member retires prior to age fifty-five (55), or the fifty-five  
56 (55) percent pension payment if the member retires after reaching age fifty-five  
57 (55), after the completion of twenty (20) credited years of service to a maximum  
58 pension payment of seventy (70) percent of the member's weekly salary at the  
59 time of the member's retirement.

60

61 b. Members who have completed over twenty (20) credited years of  
62 service as of July 1, 1995, can be paid at retirement for the number of credited  
63 years of service over twenty (20) at the rate of one thousand two hundred dollars  
64 (\$1,200.00) for all credited years of service over twenty (20) credited years to a  
65 maximum of thirty (30) credited years of service.

66

67 c. Members who have completed over twenty (20) credited years of  
68 service as of July 1, 1995, shall have the option of either buying additional  
69 credited years of service or being paid for said additional credited years of  
70 service. Said members shall have the option of buying back all or a portion of  
71 their credited years of service or being paid for all or a portion of their credited  
72 years of service or receive a combination of both of the above for said additional  
73 credited years of service over twenty (20). Under no circumstance shall the  
74 number of credited years bought back by the member, or paid to the member on  
75 retirement exceed the total number of credited years of service a member has  
76 served over twenty (20) years, as determined on July 1, 1995.

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4. Members who have served in the Armed Forces of the United States, in an active duty capacity will be eligible to purchase up to a maximum four years of military service at the rate of five percent of the weekly salary of six hundred fifty-four dollars and forty cents (\$654.40) effective July 1, 1995. The purchase price for each credited year purchased shall be one thousand seven hundred one dollars and forty-four cents (\$1,701.44). These purchased active military service years will be in addition to a member's credited years of service for pension payment up to a maximum of thirty (30) credited years of service. However, these purchased military service years shall only be applied for pension purposes after the member has completed twenty (20) years of service. Purchased active military service years shall only be added after any and all other optional purchased credited years of service have been applied.

5. Members who have served in the Armed Forces Reserve of the United States, will be eligible to purchase up to a maximum four years of military service at the rate of five percent of the weekly salary of six hundred fifty-four dollars and forty cents (\$654.40) effective July 1, 1995. The purchase price for each credited year purchased shall be one thousand seven hundred one dollars and forty-four cents (\$1,701.44). For the purposes of this section, four years of service as a reservist in the Armed Forces of the United States shall equal one year of military service (one credited year). These purchased reserve military service years will be added to a member's credited years of service for a pension payment up to a maximum of thirty (30) credited years of service. However, these purchased reserve military service years shall only be applied for pension purposes after the member has completed twenty (20) credited years of service. Purchased reserve military service years shall be used for pension purposes only. Credit for military service years shall only be added after any and all optional purchased credited years of service have been applied.

6. Effective July 1, 2002, members shall contribute an amount equal to nine and one-half percent of the weekly salary, earned or accruing, to said member. Effective July 1, 2003, members shall contribute an amount equal to ten (10) percent of the weekly salary, earned or accruing, to said member. Effective July 1, 2004, members shall contribute an amount equal to ten and one-half (10 ½) percent of the weekly salary, earned or accruing, to said member.

120

121 7. Notwithstanding any language in Chapter 2.28 entitled Fireman's Pension fund  
 122 or any other law or statute or ordinance or memorandum of agreement or settlement  
 123 agreement or binding arbitration award or collective bargaining agreement provision or  
 124 any other statutory or contractual provision or legislative enactment to the contrary, for  
 125 any officer or member of the permanent fire department who was hired prior to July 1,  
 126 1995 and in said plan who is still an active employee and for any such member so retired  
 127 and for any beneficiaries receiving any retirement, disability or widow/widower benefit  
 128 or any other benefit of any kind in said plan, any automatic annual escalation or pension  
 129 cost-of-living adjustment (COLA) of the pension payment of the member or beneficiary  
 130 in accordance with these sections shall be suspended for a period of ten (10) years  
 131 beginning June 30, 2013.

132

133 8. Notwithstanding any language in Chapter 2.28 entitled Fireman's Pension fund  
 134 or any other law or statute or ordinance or memorandum of agreement or settlement  
 135 agreement or binding arbitration award or collective bargaining agreement provision or  
 136 any other statutory or contractual provision or legislative enactment to the contrary, upon  
 137 the expiration of the ten year period provided for above, for any officer or member of the  
 138 permanent fire department who was hired prior to July 1, 1995 and in said plan who is  
 139 still an active employee and for any such member so retired and for any beneficiaries  
 140 receiving any retirement, disability or widow/widower benefit or any other benefit of any  
 141 kind in said plan the automatic annual escalation or pension cost-of-living adjustment  
 142 (COLA) of the pension payment of the member or beneficiary shall automatically  
 143 escalate in an amount fixed at three percent per annum, compounded, without any further  
 144 escalation based on raises granted to active employees.

145

146

147 9. The determination of the employer contribution rate for fiscal year 2014 and  
 148 thereafter shall include a re-amortization of the Unfunded Actuarial Accrued Liability  
 149 over a twenty-six (26) year period.

150

151

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

152

153

Positive Endorsement

Negative Endorsement (attach reasons)

154

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

158

159

Sponsored by: Mayor Fung

160

161

Referred to Finance Committee 4/11/13

THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**

**IN AMENDMENT OF TITLE 3, OF THE CODE OF THE CITY OF CRANSTON, 2005,  
ENTITLED "REVENUE AND FINANCE"  
(Capital Budget – Paving Funds allocation)**

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 4, entitled " Fiscal Provisions" is hereby amended as follows:

**3.04.160 - Tentative dates for commencement of capital projects.**

**a.** In the formulation and preparation of the capital budget and capital improvement program, and in the submission thereof to the city council pursuant to Section 6.12 of the charter, city departments and agencies, the city plan commission, and the mayor shall fix tentative dates for the initiation and commencement of all capital projects included therein.

**b.** The Mayor in executing the paving program of the City and the Capital Budget shall first appropriate and expend these designated ward paving and sidewalk repair funds before appropriating any other funds in the capital budget.

**c.** There shall be appropriated in the Capital Budget the following sums for the repair of streets and sidewalks within the city:

1. For the 2013-2013 Capital Budget, five equal amounts of Fifty thousand dollars each (\$50,000.00) designated to wards 1, 2, 4, 5, and 6 for repair of streets and sidewalks in each of the wards and Two Hundred thousand dollars (\$200,000.00) designated to ward 3 of the City for repair of streets and sidewalks.

2. For the 2014-2015 Capital Budget, and going forward each year thereafter, six equal amounts of Fifty thousand dollars (\$50,000.00) each designated to each respective ward of the City for repair of streets and sidewalks in each of the wards.

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

42

43 Positive Endorsement

Negative Endorsement (attach reasons)

44

45

46

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

\_\_\_\_\_ Date

48

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50 Sponsored by: Councilman Archetto

51

52 Referred to Finance Committee April 11, 2013

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THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**

IN AMENDMENT OF TITLE 3.68 OF THE CODE OF THE CITY OF  
CRANSTON, 2005, ENTITLED "REVENUE AND FINANCE"

(Tax Incentive Repeal Katherine Gibbs)

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 68, entitled "Tax Incentive Program for Economic Development on Brewery Site" is hereby amended by deleting Section .040 in its entirety

~~[3.68.040—Tax Incentives~~

~~Pursuant to the authority granted by R.I.G.L. 44-3-47, the city agrees to the following abatements and/or phase in or modifications, in whole or in part, of the assessment, levy and payment of real estate and tangible taxes, and/or the stabilization, reduction, modification and/or abatement of real estate and tangible taxes all for the duration of the periods stated herein.~~

~~A. Tangible Taxes for Equipment Owned or Leased by Katherine Gibbs Located at the Garfield Avenue Office Park/Cranston Brewery Parkade Phase II.~~

~~1. Tangible property which is owned or leased by Katherine Gibbs at the Garfield Avenue Office Park/Cranston Brewery Parkade Phase II shall be exempt from property tax on said property for a single seven-year period beginning on the date which the company receives a certificate of occupancy from the city. At the termination of this single seven-year period, said tangible taxes shall be phased in equally over the next three years, after which the business shall pay one hundred (100) percent of all assessed tangible property taxes for tangible property located at the Garfield Avenue Office Park/Cranston Brewery Parkade Phase II.~~

40 B. ~~Real Estate Taxes for Real Estate Owned or Occupied by Katherine Gibbs Located at~~  
41 ~~the Garfield Avenue Office Park/Cranston Brewery Parkade Phase II.~~

42

43 ~~1. Real estate taxes for real estate which is owned or leased by Katherine Gibbs at the~~  
44 ~~Garfield Avenue Office Park/Cranston Brewery Parkade Phase II shall be phased in~~  
45 ~~during two separate and distinct stages, the first being for the construction and occupancy~~  
46 ~~of a sixty thousand (60,000) square foot commercial facility to house Katherine Gibbs's~~  
47 ~~administrative offices as well as classroom space. The second stage would coincide with~~  
48 ~~Katherine Gibbs's expansion into an additional twenty thousand (20,000) square feet of~~  
49 ~~commercial space at the Brewery Parkade Phase II.~~

50

51 ~~2. Real estate taxes for the first sixty thousand (60,000) square feet of commercial~~  
52 ~~building space located at the Garfield Avenue Office Park/Cranston Brewery Parkade~~  
53 ~~Phase II, which becomes occupied by Katherine Gibbs, shall be phased in over a six year~~  
54 ~~period beginning with a seventy five (75) percent assessment in the first year which will~~  
55 ~~provide for an increase of five percent in each of the following years until the tax is~~  
56 ~~calculated at one hundred (100) percent of assessed value.~~

57

58 ~~3. Real estate taxes for the next twenty thousand (20,000) square feet of commercial~~  
59 ~~building space located at the Garfield Avenue Office Park/Cranston Brewery~~  
60 ~~Parkade Phase II, which becomes occupied by Katherine Gibbs, shall be phased in~~  
61 ~~over a six year period beginning with a fifty (50) percent assessment in the first~~  
62 ~~year which will provide for an increase of ten (10) percent in each of the~~  
63 ~~following years until the property taxes are calculated at one hundred (100)~~  
64 ~~percent of assessed value.]~~

65

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

67

68 Positive Endorsement Negative Endorsement (attach reasons)

69

70

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

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75 Sponsored by: Councilman Stycos

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77 Referred to Finance Committee April 112013

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THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**

IN AMENDMENT OF TITLE 3.76 OF THE CODE OF THE CITY OF  
CRANSTON, 2005, ENTITLED "REVENUE AND FINANCE"

(Tax Incentive Repeal Automotive Dealerships)

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 76, entitled "Tax Incentive Program for"New  
Facilities for Automobile Dealerships" is hereby deleted in its entirety

~~3.76.010~~ **Goals and objectives.**

~~The administration and city council are desirous of assisting property  
owners in attracting quality new and used automobile dealers to the city for the  
following reasons:~~

- ~~A. To promote the diversification and expansion of the  
commercial base.~~
- ~~B. To expand employment opportunities with competitive wages  
and safe quality working environments.~~
- ~~C. To attract new businesses to the city so as to create a strong,  
stable economy.~~
- ~~D. To encourage new and used automobile dealers to relocate to  
the city and who will create job opportunities for area residents.~~

~~3.76.020~~ **Program description.**

~~This tax incentive program is intended to encourage the construction of  
new commercial facilities for new and used automobile dealerships within the city  
and to retain new and used automobile dealerships currently existing in the city. It  
provides attractive tax incentives for new and used automobile dealerships~~

39 locating to or expanding in the city. It is envisioned that this program will lead to  
40 the creation of new and expanded employment opportunities for the city while  
41 providing for the long term expansion of the city's tax base.

42 This tax incentive program provides for the phase out completely over a  
43 ten (10) year period of the retail inventory tax applied to new and used Rhode  
44 Island licensed automobile dealers excepting any that may locate to the Pontiac  
45 Avenue site as provided for in Chapter 3.72. The provisions of this tax incentive  
46 program shall only become effective subsequent to the receipt of a certificate of  
47 occupancy from the building inspector for the new commercial facility within the  
48 Pontiac Avenue site as provided for in Chapter 3.72. This tax incentive program  
49 shall be for a period not exceeding ten (10) years and shall be subject to the  
50 following terms and conditions:

51 A. Eligible projects shall include:

52

53 1. New car Rhode Island licensed automobile dealers and  
54 used car Rhode Island licensed automobile dealers as  
55 defined by Chapter 5 of Title 31 of the Rhode Island  
56 General Laws, as amended.

57

58 B. New or used automobile dealerships must apply for designation  
59 under this tax incentive program on or after January 1, 1997, and  
60 prior to June 30, 1999. Further, new commercial facilities must  
61 have obtained approval for eligibility for participation in this  
62 program prior to the receipt of a certificate of occupancy from the  
63 building inspector, which said certificate shall not be issued  
64 subsequent to December 31, 1999. New businesses must provide  
65 proof that they are not relocating from another city or town within  
66 the state of Rhode Island. Existing businesses must provide proof  
67 that they have been in operation within the city for a period of one  
68 year. Application forms shall be available at the offices of the  
69 building inspector, tax assessor, city planning and economic  
70 development.

71

72 C. Eligibility for participation in this tax incentive program shall  
73 be determined jointly by the building inspector, tax assessor and  
74 city planner or their designees, and the city council.

75

76 D. At the time of application, each new business or expanding  
77 business must declare its intent to retain the same employment

78 level as currently exists or to increase said employment level for a  
79 minimum period of three years.

80

81 E. All participating businesses either new or expanding are  
82 required to comply with all federal, state and municipal rules and  
83 regulations regarding job safety, affirmative action, etc.

84

85 F. All new or expanding businesses, including any and all  
86 subsidiaries, affiliates, subdivisions, parents or other entities of  
87 said businesses with ten (10) percent or more common ownership,  
88 unless otherwise approved by the city council, must provide proof  
89 that all municipal taxes, fees and other assessments are paid and  
90 current and have been current for the last three years in order for  
91 said business to be eligible under this tax incentive program.

92

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

103

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

108

109 I. Annually with his or her budget presentation, the mayor shall  
110 submit to the city council an annual report prepared by the city  
111 planner, the tax assessor and the director of economic development  
112 which will identify all businesses participating in this tax incentive  
113 program and shall include the amount of incentive granted to each  
114 business, the number of jobs and/or the amount of expansion  
115 created by said new businesses, and the remaining term for said  
116 incentive program for each business. Said annual report shall also  
117 include the assessed value, the taxes generated and the taxes

118 defeased as a result of participation in the tax incentive program  
119 for each participating business.

120

121 J. Any default in payment of taxes by a participating business or  
122 any three month period during a consecutive twelve (12) month  
123 period shall result in the termination of all tax incentives to said  
124 business and further, said business shall reimburse the city the tax  
125 savings for said period of default. Reinstatement of eligibility for  
126 the tax incentive program shall be subject to city council approval.  
127 Any failure of a participating business to pay any tax due to the  
128 city on any property situated in the city, owned by said business,  
129 including any and all subsidiaries, affiliates, subdivisions, parents  
130 or other entities with ten (10) percent or more common ownership,  
131 shall result in termination of all tax incentives to said business.

132

133 ~~3.76.030 - Tax incentives.~~

134 The tax on all inventory and/or goods of any kind, which inventory and/or  
135 goods are owned or held, whether on consignment or otherwise by the firm,  
136 concern, or commercial enterprise, or any subtenant thereof, owning, leasing,  
137 renting or otherwise occupying the land and/or building(s), structure(s), fixture(s)  
138 and/or other improvement(s) used for the sale of motor vehicles either new or  
139 used and associated parts and services, whether owned by said commercial  
140 enterprise or such subtenant, or leased or rented from the owner, or otherwise  
141 occupied, which said firm or concern or each subtenant is a new or used Rhode  
142 Island licensed automobile dealership in the city, has established its business in  
143 the city or has employees in the city and which such inventory and/or goods are  
144 commonly sold at retail by each firm or concern or such subtenant in its  
145 commercial enterprise including, without limitation, stock in trade of any kind or  
146 description whatsoever, shall be due and payable in the following manner:

147

148 A. First Year. Retail inventory tax shall be based on ninety (90)  
149 percent of the total assessment for actual inventory and/or goods of  
150 any kind as defined above.

151

152 B. Second Year. Retail inventory tax shall be based on eighty (80)  
153 percent of the total assessment for actual inventory and/or goods of  
154 any kind as defined above.

155

156 ~~C. Third Year. Retail inventory tax shall be based on seventy (70)~~  
157 ~~percent of the total assessment for actual inventory and/or goods of~~  
158 ~~any kind as defined above.~~

160 ~~D. Fourth Year. Retail inventory tax shall be based on sixty (60)~~  
161 ~~percent of the total assessment for actual inventory and/or goods of~~  
162 ~~any kind as defined above.~~

164 ~~E. Fifth Year. Retail inventory tax shall be based on fifty (50)~~  
165 ~~percent of the total assessment for actual inventory and/or goods of~~  
166 ~~any kind as defined above.~~

168 ~~F. Sixth Year. Retail inventory tax shall be based on forty (40)~~  
169 ~~percent of the total assessment for actual inventory and/or goods of~~  
170 ~~any kind as defined above.~~

171 ~~g. Seventh Year. Retail inventory tax shall be based on thirty (30)~~  
172 ~~percent of the total assessment for actual inventory and/or goods of~~  
173 ~~any kind as defined above.~~

175 ~~H. Eighth Year. Retail inventory tax shall be based on twenty (20)~~  
176 ~~percent of the total assessment for actual inventory and/or goods of~~  
177 ~~any kind as defined above.~~

179 ~~I. Ninth Year. Retail inventory tax shall be based on ten (10)~~  
180 ~~percent of the total assessment for actual inventory and/or goods of~~  
181 ~~any kind as defined above.~~

183 ~~J. Tenth Year and Thereafter. No such tax shall be due and~~  
184 ~~payable.]~~

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

188 Positive Endorsement Negative Endorsement (attach reasons)

189  
190  
191  
192

193 Christopher Rawson, City Solicitor Date Christopher Rawson, City Solicitor Date

194  
195 Sponsored by: Councilman Stycos  
196 Referred to Finance Committee April 112013

THE CITY OF CRANSTON

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**RESOLUTION OF THE CITY COUNCIL  
AUTHORIZING THE MAYOR TO ENTER INTO AND APPROVING  
A MEMORANDUM OF AGREEMENT WITH THE RHODE ISLAND  
DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT  
FOR POLICE DETAILS**

No.

*Passed:*

*John E. Lanni, Jr., Council President*

**Resolved, That**

The Cranston City Council hereby authorizes the Mayor of the City of Cranston to enter into an agreement with the Rhode Island Department of Transportation (RIDOT), as set forth in the attached Exhibit "A", and further approves said Memorandum of Agreement as set forth in the exhibit.

Sponsored by Councilman Favicchio

Referred to Finance Committee April 11, 2013

## MEMORANDUM OF AGREEMENT

By and Between

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

And the

CITY OF CRANSTON

This Agreement is made and entered into by and between the STATE OF RHODE ISLAND and PROVIDENCE PLANTATIONS acting through its Department of Transportation (hereinafter "RIDOT") and the municipality (hereinafter the ["MUNICIPALITY"]) for reimbursement of costs for police detail required for RIDOT projects located within the municipality.

WHEREAS, federal regulations require all state transportation agencies to have a policy in place for use of uniformed law enforcement on Federal-aid highway projects and to have reimbursement agreements in place for such law enforcement services in accordance with 23 CFR 630.1106(c)(7); and

WHEREAS, the need for police details on non-federally funded activities may arise, from time to time, at the RIDOT's discretion; and

WHEREAS, RIDOT developed and approved "Guidelines for the Use of Trafficpersons and Flagpersons in Work Zones" on or about December 18, 2009; and

WHEREAS, RIDOT intends to follow federal and state requirements to establish policies and procedures for costs incurred by the municipality and billed to RIDOT for police details in RIDOT work zones; and

WHEREAS, RIDOT shall pay the specified rate of pay for police details in accordance with the rates and terms of the Cranston collective bargaining agreement (CBA); and

WHEREAS, the the municipality shall supply RIDOT with a copy of its current CBA containing police detail rates of pay prior to execution of this Agreement.

NOW, THEREFORE, the Parties agree as follows:

**I. Purpose of Agreement**

The purpose of this Agreement is to establish policies and procedures for payment of work zone enforcement efforts for RIDOT projects located in the municipality.

**II. Obligations of the Parties**

- 1) If RIDOT requires uniformed law enforcement on a RIDOT project or maintenance operation in accordance with the standards set forth in the "Guidelines for the Use of Trafficpersons and Flagpersons in Work Zones," the rate the municipality shall bill RIDOT for officers performing police detail work shall be consistent with the rates established in the municipality's CBA.
- 2) Prior to the execution of this Agreement, the municipality shall provide RIDOT with a copy of the current police CBA containing the hourly rate for police detail work. In the event that the rates of pay in the CBA are modified or amended, the Town shall provide RIDOT with a copy of any subsequent changes.
- 3) Any subsequent changes to the CBA affecting the hourly rate for police detail shall be submitted promptly to:

Rhode Island Department of Transportation  
Office of Financial Management  
Two Capitol Hill – Second Floor  
Providence, RI 02903

**Attention: Accounts Payable**

If the municipality fails to provide RIDOT with documentation containing modified rates, RIDOT shall pay the rate contained in the CBA presently on file.

- 4) The municipality will ensure that all officers working police details on RIDOT projects have received appropriate work zone safety and mobility training consistent with (a) the requirements outlined in 23 CFR 630.1008(d) and (b) the Rhode Island Municipal Police Training Academy.

### III. Eligible Costs

- 1) Vehicles: RIDOT shall compensate the municipality Twenty Dollars (\$20.00) per hour for each vehicle used in the performance of police detail work. The total number of vehicles billed cannot exceed the total number of officers who worked on that particular detail for each day. The municipality shall submit the registration number for each vehicle used on the detail and the identification of the driver.
- 2) Administrative Costs: RIDOT shall pay Ten Percent (10%) of the total wages billed on each invoice to offset a portion of the administrative and/or payroll costs incurred by the municipality for police detail work. This administrative rate cannot be applied to any other cost category.
- 3) Reciprocity with Neighboring Communities: Whenever the municipality uses the police detail services of a neighboring community, the neighboring community will invoice RIDOT, unless an alternative method is prescribed in a cooperative agreement between the municipalities. If a cooperative agreement exists, the hourly rates charged to RIDOT cannot exceed the hourly rates normally billed by each respective community. Copies of the current cooperative agreement (and any subsequent amendments) must be sent to the same address indicated in Section II, Subsection (3) above.

### IV. Billing Process

- 1) Invoices: The municipality shall submit monthly invoices containing all charges incurred for police detail for that month. Any invoices that reflect either (a) a partial month's worth of services or (b) multiple months' worth of services (e.g., two months combined on one invoice) will be returned. Failure to submit monthly invoices will result in payment delays. Invoices shall be submitted to the address listed in subsection I (3) above.
- 2) Form: The municipality shall submit its monthly costs on RIDOT's Excel Police Detail Invoice form attached as Exhibit A. For ease of use, RIDOT will provide the municipality with an electronic copy of the Excel template via e-mail. All back-up documentation for costs incurred, including detail slips for each officer shall be submitted with each invoice. Failure to submit invoices in the required Excel template will be returned and result in payment delays.
- 3) Delays: RIDOT will not reimburse the municipality for any invoice received three months after the end of the month in which police services were provided. (By way of example, invoices for services rendered in January must be received by April 30.)

V. General Terms and Conditions

- 1) This Agreement shall be effective from date of execution and shall continue, unless it is terminated by either party, in its sole discretion with thirty days written notice.
- 2) This Agreement constitutes the entire agreement between the parties and may not be modified except in a writing signed by all parties.
- 3) The municipality's Mayor shall take necessary steps to receive authority from the Cranston Council to enter into and execute this Agreement, including but not limited to submission of this Agreement to the Cranston Council for ratification and submission of proof of such authority to the State prior to the start of the police detail work.

Principal Contacts. The principal contacts for this Agreement are as follows:

**City of**  
 Cranston  
 869 Park Avenue  
 Cranston, RI 02910

Phone: (401)780-3110  
 Fax:

**State of Rhode Island**  
 Rhode Island Department of Transportation  
 Office of Financial Management  
 Two Capitol Hill – Second Floor  
 Providence, RI 02903

Phone: (401) 222-6590  
 Fax: (401) 222-2498

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the RHODE ISLAND DEPARTMENT OF TRANSPORTATION and the MUNICIPALITY have caused this AGREEMENT to be executed by their duly authorized officials as of the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Recommended for Approval:

Municipality:

\_\_\_\_\_  
Chief Financial Officer, Associate Director  
Department of Transportation

\_\_\_\_\_  
Title:

Approved as to form:

Approved as to form:

\_\_\_\_\_  
Executive Counsel  
Department of Transportation

\_\_\_\_\_  
By:  
Title:

Approved:

\_\_\_\_\_  
Director



## STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



**Michael P. Lewis**  
Director

Department of Transportation  
OFFICE OF THE DIRECTOR  
Two Capitol Hill  
Providence, R.I. 02903-1124

OFFICE (401) 222-2481  
FAX (401) 222-2086  
TDD (401) 222-4971

Allan W. Fung  
869 Park Avenue  
Cranston, RI  
02910

Dear Mayor Allan W. Fung:

The Rhode Island Department of Transportation (RIDOT) is required by federal regulations to have reimbursement agreements in place for police details. In order to comply with these requirements, RIDOT will be entering into memoranda of agreement with each of the municipalities that provide police detail services to the Department.

Please be aware that RIDOT has vetted this issue with the Rhode Island Police Chiefs Association and has incorporated feedback received from that organization into the memorandum of understanding included with this correspondence.

In particular, RIDOT will be requiring the following of each community:

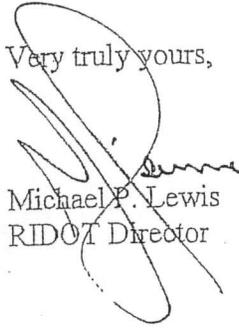
1. A signed memorandum of understanding that will obligate RIDOT to pay:
  - (a) the rate of pay specified in each respective municipality's collective bargaining agreement;
  - (b) a standard rate of \$20 per hour for each vehicle used in the performance of police detail work; and
  - (c) an administrative fee based upon ten percent (10%) of the total wages billed on each invoice to cover FICA and administrative costs incurred by the community.
2. A copy of each municipality's current collective bargaining agreement.

3. Submission of monthly invoices using a standardized Excel spreadsheet prescribed by RIDOT (a paper copy is enclosed with this letter). This Excel spreadsheet will be e-mailed to the person who prepares the police detail billings in your municipality

These terms will go into effect beginning July 1, 2012.

If you have any questions, please contact Mr. Frank Corrao, Deputy Chief Engineer, at (401) 222-2468, extension 4202.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael P. Lewis", is written over the typed name and title.

Michael P. Lewis  
RIDOT Director

cc: Col. Marco Palombo, Jr.

**-MARCH 25, 2013-****Claims Committee – April 1, 2013**

- \*Property damage claim of Robert Hannon for alleged incident on March 19, 2013.
- \*Property damage claim of Gino Rebussini for alleged incident on February 8 or 9, 2013.
- \*Property damage claim of Joseph Jones for alleged incident during February, 2013 storm.
- \*Property damage claim of Joseph Simeone for alleged incident February 17, 2013.
- \*Property damage claim of Leon Hill for alleged incident on January 10, 2013.
- \*Property damage claim of Maria Lima for alleged incident on March 7, 2013.
- \*Property damage claim of James Massey, Jr. for alleged incident on February 13, 2013.
- \*Property damage claim of Tracy Hughes for alleged incident on January 31, 2013.
- \*Property damage claim of Deborah & Dennis DiBenedetto for alleged incident on or about February 13, 2013.
- \*Property damage claim of Michael Mancini for alleged incident on February 20, 2013.
- \*Personal injury claim of Karen Guilbeault for alleged incident during the course of her employment with the Cranston Police Department.
- \*Personal injury claim of Charlie Pruenca for alleged incident on February 17, 2013.
- \*Property damage claim of Robert DeNoncour for alleged incident on February 10 2013.
- \*Property damage claim of Gwendolyn and Felipe Vargas for alleged incident on or about September 7, 2012.
- \*Property damage claim of Juan Alonzo, Marina Alonzo and Marsimo Grullon for alleged incident on February 25, 2013.

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

On motion by Council Vice-President Farina, seconded by Councilman Favicchio, 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 the final report is with DEM counsel and should have a report soon.

**Information only – no further action:**

**Resolution in support of legislation to allow the City to use income criteria in determining whether to grant property tax relief.** Matter failed in Finance Committee 3/14/2013 on a vote of 4 - 3. [[click here to view](#)]

No discussion.

The meeting adjourned at 8:45 P.M.

  
Maria Medeiros Wall, JD  
City Clerk

  
Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)