

*(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

**-APRIL 22, 2013-**

Regular meeting of the City Council was held on Monday, April 22, 2013 in the Council Chambers, City Hall, Cranston, Rhode Island.

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

Roll call showed the following members present: Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Favicchio (arrived at 7:05 P.M.), Council Vice-President Farina and Council President Lanni -9.

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

On motion by Councilman Aceto, seconded by Council Vice-President Farina, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Botts, Archetto, Aceto, Santamaria, Council Vice-President Farina and Council President Lanni -8. Councilman Favicchio was not present for roll call vote.

**Council President Lanni** asked for a moment of silence for the victims of the Boston Marathon Bombings.

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

**TROOP 6 CRANSTON BOY SCOUTS OF AMERICA EAGLE SCOUT ACHIEVEMENT: Richard Lisi, Luke Saccoccio, Alex Knight, Matthew Chilvers, Nicholas DeLuca, Axel Halvarson, Joseph Forgue, Gabriel D'Antonio, Curtis Agronick**

**Councilman Botts** presented Citations.

**2013 ST. MARY'S BOYS' MIDGET BASKETBALL CHAMPIONS**

**Councilmen Santamaria and Aceto** presented Citations.

**2013 ST. MARY'S SCHOOL BASKETBALL 2<sup>ND</sup> PLACE GRAMMAR FINALS**

**Councilmen Santamaria and Aceto** presented Citations.

**-APRIL 22, 2013-**

**II. PUBLIC HEARINGS**  
(limited to docketed matters)

**Susan Blake** appeared to speak regarding rats problem and asked if there is a plan in place to take care of this problem because Summer is coming and the problem will only get worse. Mr. Lopez asked that Ms. Blake contact the Mayor's Office and the Administration will check into the situation. He indicated that the City is currently training additional personnel to administer the rat poison and do follow-up inspections. He also stated that in the upcoming months, the residents will see additional enforcement and personnel.

**Anthony Liberatore**, 18 Bank St., appeared to speak regarding proposed "Resolution in Support of Clarifying the Right of City Council Members to Forward Constituent Concerns, Complaints and Requests for Information to City Department Heads" and stated that if this Resolution is passed, he would like the cell and home phone numbers of the all the Council members in order for him to know who is calling because he has his cell phone on 24/7.

**III. RESOLUTIONS**

None.

**IV. REPORT OF COMMITTEES**

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

**RESOLUTION ENCOURAGING THE RHODE ISLAND GENERAL ASSEMBLY TO ELIMINATE SINGLE PARTY VOTING BY MEANS OF A SINGLE MARK ON A BALLOT** [[click to view](#)]

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

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

On motion by Councilman Santamaria, seconded by Councilman Stycos, it was voted to approve the above Resolution.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend the above Resolution as follows: line #37, add "during work hours".

**Under Discussion:**

**Solicitor Kirshenbaum** stated that the Charter clearly states that the City Council cannot interfere with the Administration.

**Councilman Aceto** stated that he can't direct or tell a department head to do something. He does not see a problem if a Council member emails or calls a department head with a question or for some information. He understands that the Council has to go through the Administration.

**-APRIL 22, 2013-**

**Council Vice-President Farina** stated that he does not have a problem asking a question of a department head, but it could create a slippery slope where a question could be perceived as a command even if there is no intention to do so.

**Solicitor Kirshenbaum** stated that he agrees with Council Vice-President Farina where this could create a slippery slope depending on how the question asked of the department head is interpreted.

**Mr. Lopez** stated that to go down this road is not advisable. The Administration, as a whole, is very responsive to most of the needs of the Council and the constituents. He urged the Council not to approve this Resolution and continue the good working relationship that we have.

**Councilman Aceto** stated that nowhere in this Resolution is the Council directing the department heads to do something. We live in a democracy and in a democracy, we are allowed to ask questions.

**Council President Lanni** stated that he feels this Resolution violates the Charter. If the Council wants to accomplish this, it should be done through a Charter change first.

Roll call was taken on above amendment 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.

Roll call was taken on motion to approve the above Resolution as amended and motion failed on a vote of 2-7. The following being recorded as voting "aye": Councilmen Archetto and Aceto -2. The following being recorded as voting "nay": Councilwoman Lee, Councilmen Stycos, Botts, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -7.

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

**1-13-3 ORDINANCE IN AMENDMENT OF TITLE 3, CHAPTER 12 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'REVENUE AND FINANCE, TAXES GENERALLY' (Collection of Past Due Taxes)**  
[\[click to view\]](#)

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

**2-13-03 ORDINANCE RATIFYING THE LIUNA (Laborers International Union of North America) CONTRACT, LOCAL 1322 (FY July 1, 2012 – June 30, 2015)** [\[click to view\]](#)

On motion by Councilman Archetto, seconded by Councilman Santamaria, it was voted to approve the above Ordinance.

**Under Discussion:**

**Mr. Cordy** explained the changes in this proposed contract and stated that the Administration urges approval of this proposed contract.

**Councilman Stycos** stated that he will be voting in opposition to this proposed contract because this is going to increase the costs in the Public Works Department by \$400,000 per year by the end of the contract. While there are some concessions in this contract, he does not think there are enough, such as too much time off.

## -APRIL 22, 2013-

**Councilwoman Lee** stated that she will also be voting in opposition to this contract because of the raises without any consideration of performance or merit.

**Councilman Santamaria** stated that last year, the Mayor proposed raises for his Administrators and Councilman Stycos voted in favor of it and he voted opposed. The Laborers work hard and pay 20% co-pay for the healthcare. We need to be consistent.

**Councilman Botts** stated that the proposed raises may sound like a lot, but when you consider the salaries, it does not amount to a lot.

**Councilman Stycos** stated that as to the Mayor's proposal last year, he voted against it.

**Councilman Aceto** asked how much this Union has given back in the last four years, since the last contract. Mr. Strom stated, approximately \$400,000 to \$500,000.

**Arthur Jordan**, Union Representative, appeared to speak and stated that the amount this Union has given back is \$570,000. He also stated that he represents a number of other Unions and he did a market evaluation throughout the State and this Union does not get paid very much compared to the other municipalities, they are the lowest paid. He also indicated that this contract will be phasing-out longevity.

**Council President Lanni** stated that he has served under four Mayors and every time the City had a crisis, the first Union to step up were the Laborers.

Roll call was taken on motion to adopt the above Ordinance and motion passed on a vote of 7-2. The following being recorded as voting "aye": Councilmen Botts, Archetto, Aceto, Santamaria, Favicchio, Council Vice-President Farina and Council President Lanni -7. The following being recorded as voting "nay": Councilwoman Lee and Councilman Stycos -2.

### **RESOLUTION AUTHORIZING REAL ESTATE 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.

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

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

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

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

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

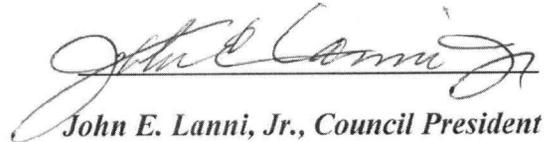
1 THE CITY OF CRANSTON

2  
3 RESOLUTION OF THE CITY COUNCIL

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

7  
8 No. 2013-14

9 Passed:  
10 April 22, 2013

11   
12 John E. Lanni, Jr., Council President

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

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

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

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

- 27 1. §17-19-3 Voting equipment and services – Specifications.  
28 2. §17-19-9 Party emblems  
29 3. §17-19-10 Sample ballots – Contents – Distribution  
30 4. §17-19-15 Party Levers  
31 5. §17-20-23 Marking and certification of ballot  
32  
33  
34  
35  
36  
37

38  
39  
40

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

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

48

49

50   Sponsored by Councilmen Donald Botts and Michael Favicchio

51   Referred to Ordinance Committee April 11, 2013

1-13-03

THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**

IN AMENDMENT OF TITLE 3, CHAPTER 12 OF THE CODE OF THE CITY OF  
CRANSTON, 2005, ENTITLED "REVENUE AND FINANCE, TAXES  
GENERALLY"

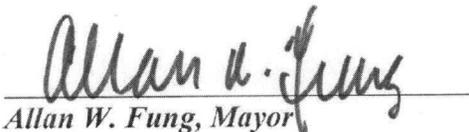
(Collection of Past Due Taxes)

No. 2013-4

*Passed:*  
April 22, 2013

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

**Approved:**  
April 23, 2013

  
*Allan W. Fung, Mayor*

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

**Section 1.** Chapter 3, Section 12. entitled " Taxes Generally" is hereby amended  
by adding thereto the following new section:

**3.12.100 - Collection of past due taxes**

The city treasurer is authorized to enter into agreements with the Tax Administrator of State of Rhode Island pursuant to Rhode Island General Laws Section 42-142-7 to collect past due tax bills for a resident's overdue tax if all of the following conditions are satisfied by the city treasurer:

1. The City Treasurer shall negotiate with the Tax Administrator of State of Rhode Island to agree upon a reasonable fee for a collection effort made on behalf of the City.
2. That negotiated agreement on the reasonable fee for the State's collection effort must be submitted the City Council for approval in advance of finalizing the agreement with the Tax Administrator of State of Rhode Island .
3. The debtor must be given full credit toward the satisfaction of the debt for the amount of the fee collected by the Tax Administrator of State of Rhode Island pursuant to the agreement.
4. The City of Cranston shall indemnify the Tax Administrator of State of Rhode Island against injuries, actions, liabilities, or proceedings arising from the collection or attempted collection by the Tax Administrator of State of Rhode Island of the liability owed to the City of Cranston

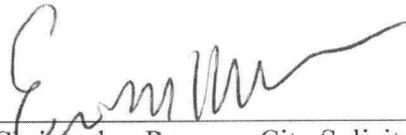
1-13-03

46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64

5. the city treasurer shall notify the debtor of its intention to submit the liability to the t Tax Administrator of State of Rhode Island for collection and of the debtor's right to appeal not less than thirty (30) days before the liability is submitted to the Tax Administrator of State of Rhode Island for collection .

Positive Endorsement

Negative Endorsement (attach reasons)

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

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

Date 4/22/13

Date

Sponsored by: Councilman Mario Aceto

Referred to Finance Committee February 14, 2013

2-13-03

THE CITY OF CRANSTON

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

No. 2013-8

Passed: April 22, 2013

John E. Lanni, Jr., Council President

Approved: April 23, 2013

Allan W. Fung, Mayor

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

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

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

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

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

Positive Endorsement

Negative Endorsement (attach reasons)

Christopher M. Rawson, Solicitor Date 4/22/13

Christopher M. Rawson, Solicitor Date

2-13-03

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

**Fiscal Note**

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



Robert F. Strom, Director of Finance

Sponsored by Mayor Allan W. Fung

Referred to Finance Committee March 14, 2013

Rev 2.22.2013

ADDENDUM NUMBER ONE TO COLLECTIVE BARGAINING  
AGREEMENT  
BY AND BETWEEN  
THE CITY OF CRANSTON  
And  
THE RHODE ISLAND LABORERS' DISTRICT COUNCIL  
On behalf of LOCAL UNION 1322

Whereas the undersigned Union and Employer are parties to collective bargaining agreement that provides for contributions to the Labors' National (Industrial) Pension Fund and:

Whereas, the Pension fund's Board of Trustees has adopted a Funding Rehabilitation Plan ("Plan"), dated July 26, 2010, to improve the Fund's funding status over a period of years as required by the Pension Protection Act of 2006 ("PPA"); and

Whereas, a copy of the Plan has been provided to the Union and the Employer;  
and

Whereas, the Plan in accordance with the PPA, requires that the signatories to every collective bargaining agreement providing for contributions to the Pension Fund adopt one of the schedules included in the Plan; and

Whereas, the Union and the Employer have agreed to adopt the Plan's Preferred Schedules and wish to document that agreement;

It is hereby agreed by the undersigned Union and Employer as follows:

1. The addendum shall be considered as part of the collective bargaining agreement. The provisions of the Addendum supersede any inconsistent provision of the collective bargaining agreement.
2. The current contribution rate to the Pension Fund of One Dollar (\$1.15) and Fifteen cents per hour shall be increased by 10% to the rate of One Dollar (\$1.27) Twenty-Seven Cents per hour with said increase(s) to be an assignment of employee's wages effective April 1, 2013. On each anniversary of that effective date for the term of the collective bargaining agreement, the contribution rate then in effect shall be increased by another 10% (rounded to the nearest penny) with said increases(s) to be an assignment of employees' wages (4/1/2014 - \$1.40 and 4/1/2015 - \$1.54) respectively.
3. With regard to benefits under the Pension fund, the Plan's Preferred Schedule provides that the Pension's Fund current plan of benefits for the group will remain unchanged with the following exceptions:
  - a. Benefit accruals for periods after adoption of the Preferred Schedule will be based on the contribution rate in effect immediately before the

T/A Rev 2.22.2013

Tentative Agreement between the City of Cranston and Rhode Island Laborers' District  
Council on behalf of Local Union 1322

This tentative agreement is entered into by and between the City of Cranston ("City") and Local 1322 ("Union").

Whereas the City and Union have met and conferred on various dates commencing in April 2012 through February 2013; and

Whereas the City and Union are desirous to memorialize the terms of their agreement,

Now therefore it is hereby agreed as follows:

1.) Article 3 – Schedule of Wages

Section B - The following raises will be provided to all members of the bargaining unit:

- July 1, 2012 - June 30, 2013 – \$0.55/Hr.
- July 1, 2013 – June 30, 2014 - \$0.60/Hr.
- July 1, 2014 – June 30, 2015 - \$0.70/Hr.

Section C - The following incentive pay premiums will be paid to eligible members of the bargaining unit:

- |   |            |
|---|------------|
| • CDL (obtained and maintained)                                 | \$1.00/Hr. |
| • Hoisters License -  | \$0.30/Hr. |
| • Class A (Limited to 5 members of Bargaining Unit/fiscal year) | \$0.30/Hr  |
| • Camera Truck (While in use)                                   | \$0.75/Hr. |
| • 2 <sup>nd</sup> shift differential (except street sweepers)   | \$0.75/Hr. |
| • 3 <sup>rd</sup> shift differential (except street sweepers)-  | \$0.70/Hr. |

Section Da. Excluding those employees required to possess a valid CDL license for their job classification, any employee receiving a differential payment for possession of a CDL that develops a documented pattern of unavailability to the city for operation of equipment that requires a CDL will risk losing this differential payment in the future. Documented patterns of unavailability will result in a hearing between management and the business agent to determine whether that employee is entitled to future differential payments

2.) Article 5 – Seniority, Promotion and Probationary Period

Section 5. In all departments and divisions excepting the Highway Division, seniority shall be recognized and applied on the following basis with respect to:

(1) Overtime. Except for custodians overtime shall be offered in the first instance to the most senior man, who is not out on sick leave, in the particular job classification which has been given the overtime work. Thereafter, the next senior man, who is not out on sick leave, in that classification will be offered overtime until all men in that particular classification have had an opportunity to work overtime. As relates to custodians overtime shall be offered in the first instance to the most senior man, who is not out on sick leave, at the particular building site for which overtime work will be given. Thereafter, it will be offered to the most senior man, who is not out on sick leave, in the particular job classification. Whenever an employee refuses to work overtime, for a good cause, he shall be allowed an opportunity to work overtime the next time overtime occurs for employees of that classification. The City retains discretion to determine whether good cause exists for refusing overtime work. If an employee refuses overtime work without good cause, he shall lose his turn in rotation, but shall be allowed an opportunity to work overtime when his name next comes in rotation.

(2) Call-Back. During emergency situations when employees are being called back to work, the City shall callback to work employees in accordance with the above subparagraph; provided, however, that for emergency-related call-back purposes, all employees, even those who are out on leave, are subject to being called back. Call-backs are also governed by the terms of Article 17 and provided, however, that for emergency-related call-back purposes, all employees, even those who are out on leave, are subject to being called back.

(3) Choice of time for holidays and vacations: However, a senior man may reject the benefit at his discretion without the need of any explanation on his part. Further, in the event that an employee shall reject the benefit, it shall not be construed as a waiver of his seniority rights in any subsequent situation where seniority would prevail.

(4) The City shall establish a seniority list for all employees of the Department of Public Works, excepting the Highway Division, and of the Department of Parks and Recreation, which lists shall provide for seniority by job classification and seniority by the division within the Department of Public Works and the amount of overtime worked by each employee on the list.

All overtime lists as above shall be brought up to date semi-annually, once at the end of the fiscal year, and once at the end of the calendar year. The lists shall be made available to the Secretary of the Union.

**Section 6.** With respect to employees of the Highway Division the following provisions regarding seniority will apply:

(1) Overtime which shall be offered in the first instance to the most senior man, who is not out on sick leave, in the particular job classification in which the overtime work is to be performed. Thereafter, the next senior man, who is not out on sick leave, in that classification or qualified to perform in that classification will be offered overtime until all men in that particular classification or qualified to perform in that classification have had an opportunity to work overtime. An overtime list shall be

maintained by the City which shall be posted at the beginning of each pay period. Whenever an employee refuses to work overtime, for good cause, he shall be allowed an opportunity to work overtime the next time overtime work occurs for employees in that classification. If an employee refuses overtime work, without good cause, he shall lose his turn in rotation but shall be allowed the opportunity to work overtime when his name next comes in rotation. The same procedure shall apply to the emergency snow storm list, as well as for purposes of providing for a skeleton crew to work during any shutdown of the division.

3.) Article 6 – Holidays

**Section 5. Personal Days.** Employees are entitled to personal days in accordance with the following schedule:

<u>July 1, 2012 through December 31, 2012</u>	<u>1.5 personal days</u>
<u>January 1, 2013 through December 31, 2013</u>	<u>3 personal days</u>
<u>January 1, 2014 through December 31, 2014</u>	<u>3 personal days</u>
<u>January 1, 2015 through June 30, 2015</u>	<u>1.5 personal days</u>

Discharge of personal days must be scheduled and approved by the City and discharged during a calendar year. The City agrees to not unreasonably withhold such authorization.

There shall be no carry over of personal days from one calendar year to the next or from one collective bargaining agreement to the next.

4.) Article 12 – Health and Welfare

A.) The City agrees to offer a Preferred Provider Organization (PPO) plan for each member of the Union and his family. Each employee shall pay a percentage of the monthly working rate for the City for the plan chosen, deducted bi-weekly from the employee’s paycheck. For all employees hired prior to July 1, 1995, the co-share percentage will be 15% for Year 1 (7/1/12 to 6/30/13), 15% in Year 2 (FY 7/1/13 to 6/30/14), and 15% in Year 3 (FY 7/1/14 to 6/30/15) of this agreement through 6/30/15. For employees hired after July 1, 1995, the co-share will remain at 20% for the entire term of the agreement. The PPO plan will include the following: \$15 co-pays for office visits and specialists, \$35.00 for Urgent Care, and \$100.00 for Emergency Room. However, the \$100.00 emergency room co-pay shall be waived if the member or his family member is admitted to the hospital following the visit. Additionally, if there is no urgent care center open, the member may seek a waiver of the \$100.00 emergency room co-pay from the City, less the \$35.00 urgent care co-pay.

B.) The prescription drug plan will entail a \$7/\$15/\$40 co-pay (\$7 for generic, \$15 for preferred brand names, and \$40 for non-preferred drugs). Mail order prescriptions for a 90-day supply will be subject to two-and-a-half times (2.5x) the retail co-pay for a normal 30-day supply

C). As an alternative, the employee may participate in a high deductible, portable, individual health savings account plan (HSA), pursuant to changes in federal tax code made possible by the Medicare Modernization Act of 2003. An HSA is a financial account that an employee can use to accumulate tax-free funds to pay for qualified health care expenses. Under these plans, individuals or families participate in high deductible consumer-driven health plans (CDHPs). Employees may contribute pre-tax dollars into their individual HSAs to pay for medical expenses up to the deductible amount. Once the deductible is reached, the employee and/or his family is covered under the major medical provision established in the PPO plan referenced above at 100% co-insurance. Employees opting for an HSA **family** plan will have an annual deductible of \$4,000, of which (\$2,100) will be deposited to the employee's HSA by the City in Years 2 (FY 7/1/13 to 6/30/14) and 3 (FY 7/1/14 to 6/30/15) of this agreement. In Year 1 (FY 7/1/12 to 6/30/13), the City will contribute \$2,100 toward the employee's HSA. Employees who choose the HSA option under an **individual** plan will have an annual deductible of \$2,000, of which (\$1,100) will be deposited by the City on behalf of the employee in Years 2 (FY 7/1/13 to 6/30/14) and 3 (FY 7/1/14 to 6/30/15) of this agreement, and \$1,100 in Year 1 (FY 7/1/12 to 6/30/13). Employees opting for the HSA individual or family plan will be offered the same negotiated prescription rates from the healthcare provider as those under the PPO plan referenced in Section B above; however, employees will be responsible for the full cost of prescription drugs until the annual deductible is met. Thereafter, the prescriptions are paid by the City as part of the 100% co-insurance

D). The City also agrees to provide individual or family dental coverage to a maximum of \$2,000 effective July 1, 2012. For all employees hired prior to July 1, 1995, employees will contribute 15% of the monthly working rates in Year 1 (FY 7/1/12 – 6/30/13), 15% in Year 2 (FY 7/1/13 – 6/30/14), and 15% in Year 3 (7/1/14 – 6/30/15), prorated and payable through pre-taxed payroll deductions at each pay period. For employees hired after July 1, 1995, the co-share will remain at 20% for the entire term of the agreement.

5.) Article 13 – National Pension Fund

As per Addendum Number One attached

6.) Article 14 – Pension Plan

Section 1.

In accordance with the existing ordinances and other applicable municipal law, all employees covered by their agreement shall be members of the State Municipal Employees Retirement System within the meaning of RIGL 45-21-1et.seq. The City and employees shall comply with their respective obligations hereunder.

Section 2.

Pending the passage of State enabling legislation that allows the City to so act, employees hired between the dates of July 1, 2008 and June 30, 2013 and who are currently members of the State Municipal Employees' Retirement Plan may choose to

enroll in a defined contribution plan (i.e., a 401(a) plan or equivalent) established by the City in lieu of the State Municipal Employees' Retirement Plan.

Additionally, pending the passage of the aforementioned legislation, all employees hired after ratification of this agreement shall be enrolled in a defined contribution plan (i.e., a 401(a) plan or equivalent) established by the City in lieu of the State Municipal Employees' Retirement Plan.

Under the defined contribution plan, the City shall contribute 3% of the employees' annual salary into this plan. Employees enrolled in this plan shall contribute a minimum of 3% of the employees' annual compensation to be paid through payroll deduction. Employees may contribute additional funds to their account as allowed by the Internal Revenue Code.

If legislation does not so provide, all employees covered by this Agreement shall be members of the State Municipal Employees Retirement Plan System, R.I.G.L. § 45-21-1 *et seq.*

#### 7.) Article 16 – Protective Clothing, Bulletin Boards and Safety

##### Section 2.

The concession agreed to by the union and the city in the previous contract effective 7/1/2009 – 6/30/2012 to waive uniform allowance during that period will be restored in this agreement. The city agrees to provide an annual uniform allowance for each member of the bargaining unit in the amount of \$550.00 in Years 1, 2 and 3 of this agreement. Year 1 will be paid on ratification of this agreement through 6/30/2013 and years 2 and 3 will be paid on December 1<sup>st</sup>, 2013 and December 1<sup>st</sup>, 2014 respectfully.

#### 8.) Article 17 – Inclement Weather

**Section 2.** Other than as set forth above, when the outdoor temperature rises above 91 degrees or descends to less than 19 degrees Fahrenheit, as indicated from the official temperature gauge at Western Hills Middle School, or the wind chill factor reaches bitter cold, -4 Fahrenheit, as set forth in the Standard NOAA Wind Chill Chart, the Union shall notify the director or acting Director of Public Works, Highway, Building Maintenance, Fleet Maintenance, Public Safety or the Director of Recreation as the case may be, to excuse employees from outside work. Said employees may be reassigned to alternative job assignments consistent with job assignments otherwise performed by members of the union anywhere better temperature conditions exist. The decision shall be within the discretion of the director but he shall not deny such request unless in his reasonable opinion an emergency situation exists, and the work to be performed is directly related to the emergency.

#### 9.) Appendix A – Salary Schedule

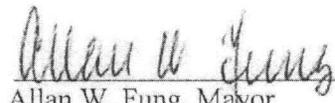
Effective July 1, 2012 the Employer agrees to increase wages for all employees \$0.55/Hr.

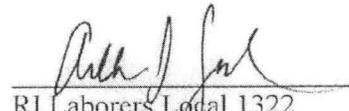
Effective July 1, 2013 the Employer agrees to increase wages for all employees \$0.60/Hr.

Effective July 1, 2014 the Employer agrees to increase wages for all employees \$0.70/Hr.

10.) Except as specifically and expressly set forth in the Tentative Agreement subject to the ratification procedures of both parties to this Tentative Agreement, all of the terms and conditions in the existing collective bargaining agreement (dated July 1, 2009 to June 30, 2012) with the exception of general language clean up functions too numerous to mention, shall continue and remain in effect and are incorporated by reference as if fully reproduced herein.

11.) The Union and City shall enter into a collective bargaining agreement incorporating the above described agreements for the time period commencing July 1, 2012 through June 30, 2015. That Collective Bargaining Agreement shall be subject to ratification by the City Council and the membership of the Union.

  
Allan W. Fung, Mayor  
City of Cranston

  
RI Laborers Local 1322

3/7/13  
Date

3/7/2013  
Date

Preferred Schedule goes into effect for the group, not on the increased rates required by this Schedule.

- b. Effective April 30, 2010 and until the Rehabilitation Plan succeeds, the Pension Fund is not permitted by the PPA to pay any lump sum benefits or pay any other benefit in excess of the monthly amount that would be payable to the pensioner under a single life annuity. This means that the Fund must suspend its Partial Lump Sum Option, Social Security Level Income option, and Widow/Widower Lump Sum option. Exceptions are made for a lump sum cash-out of a participant or beneficiary whose entire benefit entitlement has an actuarial value of \$5,000 or less and for the Fund's \$5,000 death benefit.
- c. The Board of Trustees continues to have discretionary authority to amend the Rules & Regulation of the Pension Fund, including the Rehabilitation Plan, within the bounds of applicable law.

- 4. The Plan as a whole is deemed to be a part of the Preferred Schedule.
- 5. This Addendum shall be effective as of April 1, 2013 which date is the same date on which the contribution rate increase under paragraph 2 is first effective.

To acknowledge their agreement to this Addendum, the Union and the Employer have caused their authorized representatives to place their signatures below

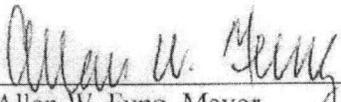
DATED: \_\_\_\_\_

FOR THE EMPLOYER:

FOR THE UNION:

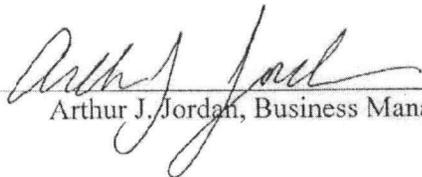
CITY OF CRANSTON

RI LABORERS' DISTRICT  
COUNCIL on behalf of  
LOCAL UNION 1322

  
 \_\_\_\_\_  
 Allan W. Fung, Mayor  
 3/2/13

\_\_\_\_\_   
 Michael F. Sabitoni, Business Manager  
 LOCAL UNION 1322

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

  
 \_\_\_\_\_  
 Arthur J. Jordan, Business Manager

\_\_\_\_\_  
 Robert Strom  
 Finance Director

Witness

Witness

City of Cranston  
LIUNA Contract Costs  
FY13-15

FISCAL NOTE

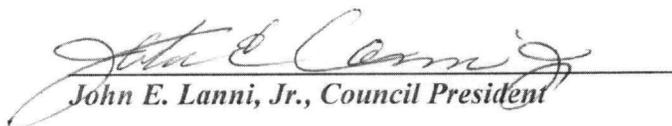
	<u>FY13</u>	<u>FY14</u>	<u>FY15</u>
	.55/Hr	.60/Hr	.70/Hr
Salary	85,800.00	93,600.00	109,200.00
CDL - .25/Hr increase to 1.00/Hr	21,840.00	21,840.00	21,840.00
Hoister License- .10/Hr increase to .30/Hr	3,328.00	3,328.00	3,328.00
Class A License- .05/Hr increase to .30/Hr	520.00	520.00	520.00
Second shift differential-.50/Hr inc to .75/Hr	4,160.00	4,160.00	4,160.00
Third shift differential-.50/Hr inc to .70/Hr	0.00	0.00	0.00
Camera Truck- .75/Hr as needed	0.00	0.00	0.00
Uniform Allowance	3,500.00	3,500.00	3,500.00
Related Payroll Taxes	9,114.82	9,711.52	10,904.92
Related Pension-at known rates	8,785.92	9,977.76	11,640.72
10% increase annually	.12/Hr	.25/Hr	.39/Hr
LIUNA National Pension	6,177.60 **	13,037.29	46,207.20
Health Care Savings- 12% to 15%	(18,261.96)	(18,261.96)	(18,261.96)
Design Plan Change	(6,600.00) **	(20,000.00)	(20,000.00)
401A Defined Contribution Plan (Will be implemented after approval of contract)	0.00	0.00	0.00
Other Management Rights Provisions (Difficult to Quantify)	0.00	0.00	0.00
Total	<u>118,364.38</u>	<u>121,412.61</u>	<u>173,038.88</u>
** Assumes 3 months (Apr-Jun)			
<b>TOTAL FOR 3 YEAR CONTRACT</b>	<u><u>412,815.88</u></u>		

THE CITY OF CRANSTON

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

No. 2013-16

*Passed:*  
April 22, 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

413.  
SALVATORE SACCOCCIO JR.  
CITY ASSESSOR

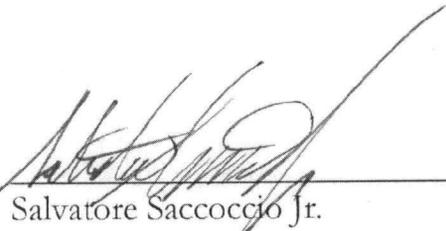
DAVID COLE  
DEPUTY ASSESSOR

MEMO

DATE: April 3, 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, 2009	45,200	1,326.17
December 31, 2010	41,400	1,258.15
December 31, 2011	<u>56,865</u>	<u>1,948.19</u>
Totals:	143,465	4,532.51

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

\*\*\* RECRIBT.REP \*\*\* Printed 04022013 at 11:16:07 by KARBUR

Page 1

City of Cranston  
2010 Abatement List

1 0505396001 990-5053-960  
Location 26 BEVERLY ST  
EMPIRE CONSTRUCTION LLC  
JULIENNE V BOTELHO  
20 BEVERLY STREET  
CRANSTON RI 02920

Location 0000000000

Location 0000000000

Value Tax  
Original : 45200 1326.16  
OUT OF BUSINESS : 45200 1326.17  
Adjusted : .01

Original :  
Adjusted :

Value Tax

Original :  
Adjusted :

Value Tax

-----  
Original Value Tax  
Abatements 45200 1326.16  
Adjusted 45200 1326.17 on 1 Accounts  
-.01

\*\*\* RECRIBI. REP \*\*\* Printed 04022013 at 11:14:23 by KARBUR

Page 1

City of Cranston  
2011 Abatement List

1 050396001 990-5053-960  
Location 26 BEVERLY ST  
EMPIRE CONSTRUCTION LLC  
JULIENNE V BOTELHO  
20 BEVERLY STREET  
CRANSTON RI 02920

Location 0000000000

Location 0000000000

Original	:	Value	Tax	Original	:	Value	Tax	Original	:	Value	Tax
OUT OF BUSINESS	:	41400	1258.14	Adjusted	:			Adjusted	:		
Adjusted	:	41400	1258.15	Adjusted	:			Adjusted	:		

Original	Value	Tax	Accounts
Abatements	41400	1258.14	on 1
Adjusted	41400	1258.15	
		-.01	

\*\*\* RECRIBT.REP \*\*\* Printed 04022013 at 11:12:17 by KARBUR

Page 1

City of Cranston  
2012 Abatement List

1 0503396001 990-5053-960  
Location 26 BEVERLY ST  
EMPIRE CONSTRUCTION LLC  
JULIENNE V BOTELHO  
20 BEVERLY STREET  
CRANSTON RI 02920

2 1915604501 991-9156-045  
Location VARIOUS ST  
ROCHE DIAGNOSTICS CORP  
C/O CHROME HOMARTH, LLP  
PO BOX 7  
SOUTH BEND IN 46624

0000000000  
Location

Original : 41400  
OUT OF BUSINESS : 41400  
Adjusted :

Original : 23214  
LISTING ERROR : 15465  
Adjusted : 7749

Original :  
Adjusted :

Value

Tax

Value

Tax

Value

Tax

Original 64614  
Abateents 56865  
Adjusted 7749

2213.67  
1948.19  
265.48

on 2

Accounts

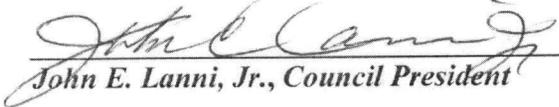
THE CITY OF CRANSTON

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

No. 2013-17

*Passed:*

April 22, 2013

  
\_\_\_\_\_  
John E. Lanni, Jr., Council President

**Resolved, That**

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

(See attached list of Abatements)

U/RES.MV ABATE

ALLAN FUNG  
MAYOR



DIVISION OF ASSESSMENT  
869 PARK AVE  
CRANSTON, RI 02910

SALVATORE SACCOCCIO JR.  
CITY ASSESSOR

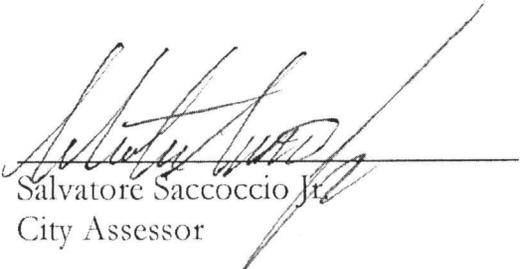
DAVID COLE  
DEPUTY ASSESSOR

## MEMO

DATE: April 3, 213  
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, 2005	15,300	649.33
December 31, 2009	1,846	78.33
December 31, 2010	43,530	1,847.43
December 31, 2011	<u>187,844</u>	<u>7,972.09</u>
Totals:	248,520	\$10,547.18

  
Salvatore Saccoccio Jr.  
City Assessor

\*\*\* MECRIABT\_CR.REP \*\*\* Printed 04022013 at 10:39:41 by KARBUR

Page 1

City of Cranston  
2006 Motor Vehicle  
Adatement List

1	36002620	0000054179		000000000	00000000000
	Vehicle 2003	MINI	PG 274	Vehicle 0000	
	ID WMAHES34X3TD71758			ID	
	FARRELL SHADOW P			Vehicle 0000	00000000000
	138 WENTWORTH AVE APT 1				
	Cranston RI 02905				

Original	:	Value		Original	:	Value		Original	:	Value	
OUT OF STATE REG	:	21,300		649.33	:	649.33		649.33	:	649.33	
Adjusted Tax:				Adjusted Tax:				Adjusted Tax:			

For Tax Year: 2006

Original	:	Value		Tax	
Adjusted Tax	:	21300		649.33	
				649.33	on 1 Accounts

City of Cranston  
2010 Motor Vehicle  
Abatement List

1	32011420	0000010106	ET 642	00000000	0000000000	00000000	0000000000
	Vehicle 2004	CHEV		Vehicle ID	0000	Vehicle ID	0000
	ID 1G1JCS2F547105858						
	BENSON MARIA A						
	113 CHANDLER AVE						
	Cranston RI 02910						

Original Value	:	4,510	Original Tax	:	170.18	Original Value	:		Original Tax	:	
STOLEN/SOLD/JUNK/TOT	:			:	78.33	Adjusted Value	:		Adjusted Tax	:	
Adjusted Tax:	:			:	91.85		:			:	

For Tax Year: 2010

Original Value	:	4510	Tax	:	170.18	on 1	Accounts
Adjusted Tax	:			:	78.33		
	:			:	91.85		

\*\*\* MECRIABT\_CR.REP \*\*\* Printed 04022013 at 10:40:44 by KARBUR

City of Cranston  
2011 Motor Vehicle  
Abatement List

Vehicle ID	Year	Make	Model	Value	Tax	Original Value	Original Tax	Adjusted Value	Adjusted Tax
32009850	2008	HOND		845719	812.82	19,875	121.78	19,875	121.78
Vehicle 2008 ID JHLE483780C055296 BELL CAROLE O 49 PARKWAY AVE Cranston RI 02905									
33040200	1979	MACK		060092	21.22	1000	21.22	1000	21.22
Vehicle 1979 ID R685176666 COUNTRY SQUIRE LANDSCAPE INC 144 WOODSTOCK LANE Cranston RI 02920									
34029830	2008	DOOG		915770	2313.80	00000000	1595.50	00000000	718.30
Vehicle 2008 ID 1D8GUS8K48M283700 DOURADO ANTONIO M 55 BEACON ST Cranston RI 02910									
46023970	2003	MITTS		12106	691.04	0000117017	116.64	0000117017	116.64
Vehicle 2003 ID 4A3A446G23E072058 PISCIONE DANIEL M 43 SCOTLAND RD Cranston RI 02920									
49021210	2000	CHEV		93	89.55	0000135398	89.55	0000135398	89.55
Vehicle 2000 ID 2G1WF52E8Y9191797 SIMAPI SALVATORE M 189 ANGELL AVE CRANSTON RI 02920									
Original Value	3,705	Original Value	2610	Original Value	00000000	Original Value	3,705	Original Value	00000000
Adjusted Tax	1525.98	Adjusted Tax	89.55	Adjusted Tax	718.30	Adjusted Tax	1525.98	Adjusted Tax	718.30

For Tax Year: 2011

Original Value	44115	Tax	3373.41
Adjusted Tax	1847.43	on 5	Accounts
Adjusted Tax	1525.98		

City of Cranston  
2012 Motor Vehicle  
Abatement List

Item #	Original Value	Original Tax	Adjusted Value	Adjusted Tax	Original Value	Original Tax	Adjusted Value	Adjusted Tax
1	31004890 Vehicle 2010 ID 3GVFNEY0AS645128 ALBANESE RICHARD P 169 HYDE ST Cranston RI 02920	38,450 2,994.18 591.29 2,402.89	000001607 CADI 641892	71.00 59.37 11.63	32009840 Vehicle 2008 ID JHLRE48378C055296 BELL CAROLE O 49 PARKWAY AVE Cranston RI 02905	0000010150 HOND 845719	1440	71.00 59.37 11.63
2	34011490 Vehicle 2008 ID 5MMSG13D78H149753 DELLAPOSTA REGINA M 132 FLETCHER AVENUE Cranston RI 02920	0000039056 HYUN 835156	34029630 Vehicle 2008 ID 108GUS8K48M233700 DOURFADO ANTONIO M 55 BEACON ST Cranston RI 02910	0000044918 DODG 915770	0000044918 DODG 915770	0000044918 DODG 915770	0000044918 DODG 915770	0000044918 DODG 915770
4	37022560 Vehicle 2008 ID 1FMDK05M08GA30994 GROCOTT PATRICIA L 180 LOCUST GLEN DR Cranston RI 02921	0000062808 FORD HG 570	38017760 Vehicle 2010 ID KMH0U44D6AU829787 HYUNDAI LEASE TITLING TRUST 210 COMMERC Irvine CA 92602	0000070849 HYUN ARCT	0000070849 HYUN ARCT	0000070849 HYUN ARCT	0000070849 HYUN ARCT	0000070849 HYUN ARCT
7	42021770 Vehicle 2007 ID 5LTPM185X7FJ09055 LUKOWICZ ALLEN SHELBEY L 12 CASE AVE Cranston RI 02910	0000086040 LINC 050300	46024280 Vehicle 2003 ID 4A3AA46G23E072058 PISCIONE DANIEL M 43 SCOTLAND RD Cranston RI 02920	0000116358 MITS LZ 106	0000116358 MITS LZ 106	0000116358 MITS LZ 106	0000116358 MITS LZ 106	0000116358 MITS LZ 106
10	Original Value: 29,393 OUT OF STATE REG: 1,056.67 Adjusted Tax: 1,056.67	Original Value: 2372 STOLEN/SOLD/JUNK/TOTA: 84.84 Adjusted Tax: 84.84	Original Value: 36422 STOLEN/SOLD/JUNK/TO: 1245.71 Adjusted Tax: 623.14	Original Value: 1868.85 STOLEN/SOLD/JUNK/TO: 1245.71 Adjusted Tax: 623.14	Original Value: 36422 STOLEN/SOLD/JUNK/TO: 1245.71 Adjusted Tax: 623.14	Original Value: 1868.85 STOLEN/SOLD/JUNK/TO: 1245.71 Adjusted Tax: 623.14	Original Value: 36422 STOLEN/SOLD/JUNK/TO: 1245.71 Adjusted Tax: 623.14	Original Value: 1868.85 STOLEN/SOLD/JUNK/TO: 1245.71 Adjusted Tax: 623.14

City of Cranston  
2012 Motor Vehicle  
Abatement List

Vehicle ID	Year	Make	Model	Value	Tax	Original Value	Original Tax	Adjusted Value	Adjusted Tax
49020930	2000	CHEV	SC 93	695	22.41	695	22.41	695	22.41
ID 2G1WF52E8Y9191787 SINAPI SALVATORE M 189 ANGELL AVE Cranston RI 02920									
49024010	2010	HOME	047242	1200	472.11	1200	472.11	1200	472.11
ID SMITH8231959 SMITH MATTHEW S 2 REDFERN DRIVE CRANSTON RI 02920									
49025010	2006	NISS	ESMON	9966	1364.80	9966	1364.80	9966	1364.80
ID 5N1BV28U76M105951 SNOW KRISTEN A 36 WILD BERRY DR Cranston RI 02920									
53005040	2003	HYUN	043695	695	22.41	695	22.41	695	22.41
ID 3H3V532C33T120045 WESTWOOD CARRIAGE INC 125 CARLSBAD ST Cranston RI 02920									
53005050	2000	TRAIL	070555	1850	442.62	1850	442.62	1850	442.62
ID 2MN01JAH3Y1005473 WESTWOOD CARRIAGE INC 125 CARLSBAD ST Cranston RI 02920									
Original Value	4,200	Original Tax	1,864.00	Original Value	1850	Original Tax	442.62	Original Value	9966
Adjusted Value	4,200	Adjusted Tax	1,864.00	Adjusted Value	1850	Adjusted Tax	442.62	Adjusted Value	9966
EXEMPTION OMITTED EXEMPTION OMITTED EXEMPTION OMITTED									

For Tax Year: 2012

Original Value : 182008  
 Adjusted Value : 122907.02  
 Original Tax : 7972.09  
 Adjusted Tax : 122907.02

on 17 Accounts

Apr-13 Waiver of Interest Applications

Recommend To Approve:

<u>NAME</u>	<u>ADDRESS</u>	<u>TAX AMT</u>	<u>INTEREST</u>	<u>REASON</u>
Alam, Shahiar	22 Jay Ct	\$2,228.63	\$367.42	illness
Batty, Robert	129 Hope Rd	314.63	\$44.05	lostcheck
Dean, Edith	86 Randall St	329.26	\$57.47	death
Giusiti, Gia	81 Columbus Blvd	1,058.48	\$233.83	hardship
McFarland, Clifford	143 Hoffman Ave	2,472.78	\$222.55	lostcheck
Oden, Derek	84 Rugby St	651.87	\$52.15	hardship
O'Donnell, Theresa	75 Columbus Ave	2,366.42	\$378.65	illness
West Bay Residential	818 Dyer Ave	1,154.70	\$242.49	hardship

Recommend To Deny:

**3-13-04 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](#)]**

On motion by Councilman Aceto, 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.

**3-13-05 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' (Members Hired Prior to July 1, 1995) [[click to view](#)]**

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

**3-13-07 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](#)]**

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

**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](#)]**

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

Under Discussion:

**Councilman Santamaria** asked if Fletcher Ave. closes due to flooding, will the State reimburse the City for Police detail. Solicitor Kirshenbaum stated that he will have to check into this, but he believes this is only for routine projects.

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.

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

**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](#)]**

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

3-13-04

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)

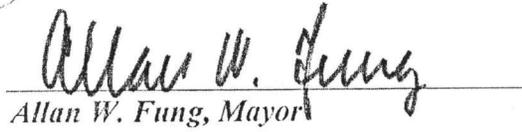
No. 2013-5

*\*Scrivener's error line 411 Corrected June 30, 2013 to July 1, 2013*

*Passed:*  
 April 22, 2013

  
 John Lanni, Council President

*Approved:*  
 April 23, 2013

  
 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.

3-13-04

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.

3-13-04

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40

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

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

**2.20.050 - Retirement from service.**

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

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

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

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

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

3-13-04

41

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

53

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

61

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

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

76

77

78

79

80

3-13-04

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

3-13-04

- 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

3-13-04

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

3-13-04

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 ( $66 \frac{2}{3}$ ) percent of his or her annual salary as defined in  
 236 subsection (A)(3) of this section.

237

238

239

3-13-04

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.

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

3-13-04

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 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 1/2)  
 316 percent of what the decedent's percentage increase would have  
 317 been.  
 318

3-13-04

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

3-13-04

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.

3-13-04

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.~~ July 1, 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

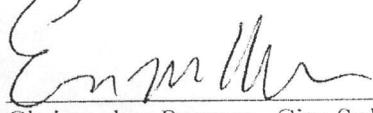
436

437

438

439

440

 4/22/13  
Christopher Rawson, City Solicitor Date

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

Sponsored by: Mayor Fung

Referred to Finance Committee April 11, 2013

3-13-05

## 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)**

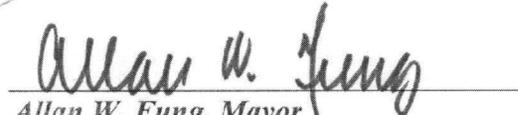
No. 2013-6

*\*Scrivener's error line 131 Corrected June 30, 2013 to July 1, 2013*

**Passed:**  
 April 22, 2013

  
 John E. Lanni, Jr., Council President

**Approved:**  
 April 23, 2013

  
 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.

3-13-05

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 thee 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.

39

40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79

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

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

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

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

3-13-05

80

81

82

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.

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

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.

109

110

111

112

113

114

115

116

117

118

119

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.

3-13-05

120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161

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

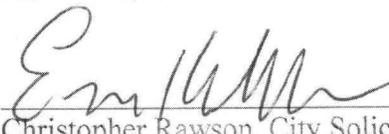
8. Notwithstanding any language in Chapter 2.28 entitled Fireman's Pension fund or any other law or statute or ordinance or memorandum of agreement or settlement agreement or binding arbitration award or collective bargaining agreement provision or any other statutory or contractual provision or legislative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

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

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

Positive Endorsement

Negative Endorsement (attach reasons)

 4/22/13  
\_\_\_\_\_  
Christopher Rawson, City Solicitor / Date

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

Sponsored by: Mayor Fung

Referred to Finance Committee April 11, 2013

THE CITY OF CRANSTON

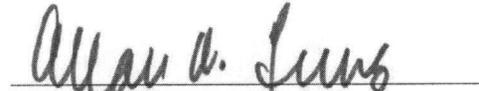
ORDINANCE OF THE CITY COUNCIL  
IN AMENDMENT OF TITLE 3.68 OF THE CODE OF THE CITY OF  
CRANSTON, 2005, ENTITLED "REVENUE AND FINANCE"  
(Tax Incentive Repeal Katherine Gibbs)

No. 2013-7

Passed:  
April 22, 2013

  
John E. Lanni, Jr. Council President

Approved:  
April 23, 2013

  
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.~~

3-13-7

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.~~

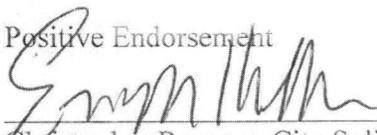
57

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  
69  4/22/13  
70 \_\_\_\_\_  
71 Christopher Rawson, City Solicitor Date

Negative Endorsement (attach reasons)  
\_\_\_\_\_  
Christopher Rawson, City Solicitor Date

72

73

74

75 Sponsored by: Councilman Stycos

76

77 Referred to Finance Committee April 112013

78

79

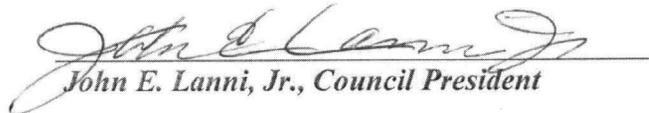
80

THE CITY OF CRANSTON

**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. 2013-15

*Passed:*  
April 22, 2013

  
*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

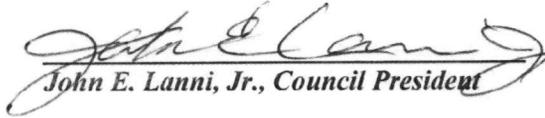
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

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. 2013-9

*Passed:*  
April 22, 2013

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

*Approved:*  
May 2, 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.** 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

**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](#)]**

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

**SAFETY SERVICES & LICENSES COMMITTEE**  
**(Councilman Richard D. Santamaria, Jr., Chair)**

**CLASS B VICTUALLING LICENSE - NEW \*\*\* ABOVE THE CAP REQUIRES FULL COUNCIL RECOMMENDATION - # BV 77**

***Red Lounge Restaurant LLC***  
Jorge Delgadillo

158 Farmington Ave.

On motion by Councilman Aceto, seconded by Councilman Santamaria, it was voted to approve the above liquor license application. 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)**

**Report of settled claims:** Jean Manocchia \$50.00 mailbox; Robert W. Hannon \$50.00 mailbox; Thomas R. Vassella \$87.50 vehicle damage; Leon Hill \$50.00 mailbox; Lori Mancini \$264.07 vehicle damage; Gino Rebusini \$50.00 mailbox.

No action needed.

**V. PUBLIC HEARINGS**  
(open to any matters)

**Paul Valletta**, President of Firefighters Union, appeared to speak regarding the Pension Ordinances and stated that when former Mayor Traficante came into office, he started the ball rolling by starting to put new firefighters into the State Pension System.

**VI. ELECTION OF CITY OFFICIALS**

None.

**VII. REPORT OF CITY OFFICERS**

None.

**VIII. EXECUTIVE COMMUNICATIONS**

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

No discussion.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

THE CITY OF CRANSTON

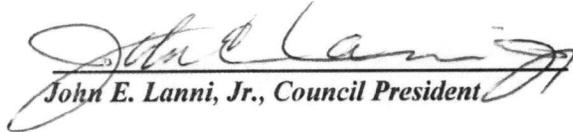
**ORDINANCE OF THE CITY COUNCIL**

IN AMENDMENT OF TITLE 12, OF THE CODE OF THE CITY OF CRANSTON,  
2005, ENTITLED "STREETS, SIDEWALKS AND PUBLIC PLACES"  
(Snow Removal – Businesses)

No. 2013-10

*\*As amended Public Works Committee April 1, 2013*

*Passed:*  
April 22, 2013

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

*Approved:*  
May 2, 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. 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**

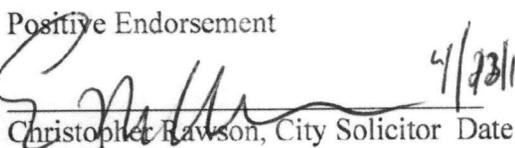
The owner, occupant of any business bordering on any street, highway, square or public place where there is a sidewalk supported by curbing, shall, within the first twenty-four (24) hours after any snow has ceased to fall, cause the snow to be removed from the sidewalk adjoining such building or lot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

In case of neglect so to do, the person chargeable with such duty shall pay a fine\* of \$250 for the first offense and \$500.00 for a second and subsequent offenses. ~~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)

 4/23/13  
Christopher Rawson, City Solicitor Date

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

Sponsored by: Councilman Archetto  
Referred to Public Works April 1, 2013

**REQUEST TO BE PLACED ON PENSION: CAPTAIN MICHAEL J. SIMONE,  
CRANSTON FIRE DEPARTMENT**

**Mr. Cordy** appeared to speak.

On motion by Councilman Aceto, seconded by Councilman Botts, it was voted to approve this 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.

**REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR: PETER  
FOURNIER, CRANSTON FIRE DEPARTMENT**

**Mr. Cordy** appeared to speak.

On motion by Councilman Aceto, seconded by Councilman Favicchio, it was voted to approve this 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.

**Councilman Santamaria:**

- *Fletcher Ave.* – have any new property owners signed off for DEM permits?

Discussed under "Council Member Communications".

- *Bus stop at the bottom of Uxbridge St., across from Knightsville Library* – advertising at the bus stop causes obstruction to motorists. (Administration to report).

Discussed under "Council Member Communications".

**Councilman Archetto:**

- *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. (Administration to report).

Discussed under "Council Member Communications".

**IX. COUNCIL PRESIDENT COMMUNICATIONS**

**Council President Lanni** stated that the Police and Fire Pension Ordinances passed this evening is gone a long way and will go a long way in straightening out the financial condition of the City and the settlement is fair and no one should be complaining.

**X. COUNCIL MEMBER COMMUNICATIONS**

**Councilman Santamaria:**

- *Fletcher Ave.* – have any new property owners signed off for DEM permits?

**Mr. Cordy** stated that there are a few issues National Resource has run into.

**Councilman Santamaria** asked that this item be continued.

**-APRIL 22, 2013-**

- ***Bus stop at the bottom of Uxbridge St., across from Knightsville Library*** – advertising at the bus stop causes obstruction to motorists. (Administration to report).

**Mr. Cordy** stated that the Administration contacted RIPTA and they forwarded the issue to the company that does their advertising and they feel there is no visual problem. The Administration looked at pictures and asked the City Traffic Engineer to evaluate the intersection and if he feels this is a problem, he will send a letter to RIPTA.

**Councilman Archetto:**

- ***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. (Administration to report).

**Mr. Cordy** stated that the cemetery does not have money to install a gate. He also indicated that because it is a historical cemetery, you cannot prohibit access to it.

**Councilman Botts:**

- ***Rolfe Square Cleanup***

**Councilman Botts** congratulated the Cranston Chamber of Commerce for organizing cleanup of Rolfe Square.

- ***Providence Water and Street Paving***

**Councilman Botts** asked if Providence Water has contacted the City on when they will start on the street paving on the streets they dug up last Fall. Mr. Lopez stated that Nick Capezza, the City's Chief Engineer, will be meeting with Providence Water to go over the plans.

**Councilman Favicchio:**

- ***Minimum Housing Fines***

**Councilman Favicchio** addressed fines obtained through Municipal Court on Housing Violations. He stated that he met with the Director of Minimum Housing, Solicitor and Mayor's Office and looked at addressing neglected and boarded up homes and he sponsored legislation looking at fines. He had discussions with the Chief Municipal Court Judge and he agreed that he would be more attentive to those cases. The result seen was a fine of \$50,000 paid to the City recently. The Court is enforcing those fines and penalties and the legislation does work.

**Councilwoman Lee:**

- ***Status of Bridge on Park Ave.***

**Councilwoman Lee** questioned the status of the Amtrak Bridge on Park Ave. Mr. Lopez stated that this bridge is State property. The City is waiting to hear the State's final plans. They do plan to pave the bridge and have it completed this year.

**XI. OLD BUSINESS**

None.

## **XII. INTRODUCTION OF NEW BUSINESS**

**Councilman Archetto** indicated to proposed Ordinance 4-13-4 and stated that he did not propose this Ordinance and does not know how it got in the packets this evening. He asked that this proposed Ordinance be withdrawn from the New Business.

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

### **Safety Services & Licenses Committee – May 6, 2013**

4-13-1 Ordinance in amendment of Title 5 of the Code of the City of Cranston, 2005, entitled “Business Licenses and Regulations” (Fire Works Vendor License). [[click to view](#)]

### **Public Works Committee – May 6, 2013**

4-13-2 Ordinance in amendment of Title 8 of the Code of the City of Cranston, 2005, entitled “Health and Safety” (Waste Haulers Hours of Operation). [[click to view](#)]

4-13-4 Ordinance in amendment of Title 8, Chapter 36 of the Code of the City of Cranston, 2005, entitled “Rodent Control” (Bird Feeder Fines Nuisance). [[click to view](#)]

### **Ordinance Committee – May 16, 2013**

4-13-3 Ordinance in amendment of Title 8, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Health and Safety” (Emergency Management Commission). [[click to view](#)]

4-13-5 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (166 Cannon St.). [[click to view](#)]

### **Claims Committee – May 6, 2013**

- \*Claim of Jason Boudreau for alleged incident on June 24, 2011.
- \*Property damage claim of Leonard Upham for alleged incident on March 18, 013.
- \*Personal injury claim of Melissa Devila for alleged incident on December 19, 2012.
- \*Property damage claim of Mark Loiselle for alleged incident on February 17, 2013.
- \*Claim of Robert Smith for alleged false arrest on February 24, 2013.
- \*Property damage claim of Richard Paquet for alleged incident on March 19, 2013.
- \*Property damage claim of Rosemarie Stanielon for alleged incident on March 23, 2013.

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

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

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

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

**Solicitor Kirshenbaum** stated that he has a conference call tomorrow regarding this matter and will have a report at the next Public Works Committee meeting.

**"Testimony and Data** in Support of the Providence Water Supply Board's Request for General Rate Relief to the PUC" (overall 24.3% increase effective April 29, 2013)

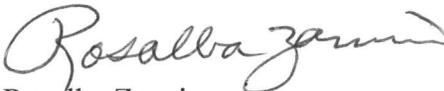
No discussion.

**Council President Lanni** announced that the May regular Council meeting will be held on Tuesday, May 29<sup>th</sup> due to the Memorial Day Holiday.

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)

4-13-01

THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**

**IN AMENDMENT OF TITLE 5, OF THE CODE OF THE CITY OF CRANSTON,  
2005, ENTITLED "BUSINESS LICENSES AND REGULATIONS"  
(FIRE WORKS VENDOR LICENSE)**

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

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

**Section 1.** Title 5, Chapter 7 entitled " FIREWORKS VENDORS" is hereby amended as follows:

**5.70.040- License Application**

A Cranston fireworks vendor's license shall be made in writing to the office of the Cranston city clerk. ~~[The application will be issued administratively by the city clerk, ]~~ and must include the name of the applicant, the name of the applicant's business, the location of where the fireworks will be sold, and any and all fire prevention devices which will be featured on-site. The property where the fire works will be sold and/or stored must be a permanent structure ~~[will be]~~ in compliance with the Rhode Island State Fire Code (risfc), as certified by the City Fire Prevention Office. The application for sale shall include a certificate from the City Fire Prevention Office stating compliance Applicants must be at least eighteen (18) years of age. In determining whether to issue the license, the city clerk may consider whether the vendor, or his business has had a past fireworks vendor's license revoked under section 5.70.070 of the Cranston Municipal Code.

Any vendor denied a fireworks vendor's license shall have the right to appeal to the Cranston city county safety services committee.

**5.70.050-License Restrictions.**

A Cranston fireworks vendor's license will only be issued and valid for one business address which must be a permanent structure. No fireworks shall be sold or stored in a "temporary structure" which is defined to mean any building or part thereof, tent, trailer, motor vehicle, enclosure, or structure which is not permanently affixed to the land.

4-13-01

46 If vendors have multiple retail establishments within Cranston, they must apply  
47 for multiple fireworks vendor's licenses if they wish to sell at each location.

48  
49 B. No person who has a license as a hawker or stationary peddler shall sell, carry  
50 or store fireworks inside a temporary structure in the City of Cranston.

51  
52

53 **Section 2.** This Ordinance shall take effect on August 1, 2012.

54  
55

56 Positive Endorsement Negative Endorsement (attach reasons)

57  
58

59 \_\_\_\_\_ Date \_\_\_\_\_ Date  
Christopher Rawson, Solicitor Christopher Rawson, Solicitor

60  
61

62  
63 Sponsored by: Councilman Santamaria

64  
65

Referred to Safety Services Committee May 6, 20134

4-13-02

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**  
IN AMENDMENT OF TITLE 8 OF THE CODE OF THE CITY OF CRANSTON,  
2005, ENTITLED "HEALTH AND SAFETY"  
(Waste Haulers Hours of Operation)

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 8.12, Section .020 entitled "Refuse Pick up hours" is hereby amended as follows:

**8.12.020 - Refuse pickup hours.**

A. No person shall pick up or remove, nor shall any person cause or allow to be picked up or removed, any refuse, rubbish or trash from any commercial or industrial establishment between the hours of 10:00 p.m. and 7:00 a.m. ~~if such establishment is located within two hundred (200) feet of a dwelling.~~

B. Any person, partnership, or corporation who shall violate any of the provisions of this chapter or fails to comply with any of the requirements thereof, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00) for each such offense, and each day such violation shall exist shall be deemed a separate offense.

**Section 2.** Chapter 8.20, Section .010 entitled " Noise—Unnecessary, annoying, etc., noises prohibited." is hereby amended as follows:

G. Prohibited Noise Activities. The following activities are prohibited notwithstanding the sound pressure levels specified in Table A:

1. Vehicle Horns. No person shall, at any time, sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.

2. Truck Idling. No person shall operate an engine of any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds manufacturer's Gross Vehicle Weight (GVW) for a period in excess of

44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89

ten (10) minutes when such vehicle is parked on a residential premises or on the public premises next to a residential premise; provided, however, that vehicles confined and operated within an enclosed structure shall not be subject to the provisions of this section.

3. Exhaust Discharge. No person shall discharge into the ambient air the blow-down at any stream or the exhaust of any stationary internal combustion engine or air compressor equipment, unless such discharge be through a muffler of the approved type as defined by Section 36-2(16) or through an apparatus providing equal noise reduction. (See Editor's Note at end of this section.)

4.Trash Compacting and Collection. No person shall operate any trash compacting mechanism on any motor vehicle or on any premise, nor shall any person engage in any commercial or industrial site trash, rubbish or garbage collection activity between the hours of 10:00 p.m. and ~~6:00~~ 7:00 a.m., ~~when such compacting or collection activity takes place on any premises next to or across the street or alley from a residential premise.~~

5. Personal or commercial music amplification or reproduction equipment shall not be operated in such a manner that the sound is plainly audible or disturbs any neighborhood or person(s) of average sensibilities at a distance of fifty (50) feet in any direction from the operator and/or the property line of the property on which the application equipment is located between the hours of 8:00 a.m. and 9:00 p.m. Between the hours of 9:00 p.m. and 8:00 a.m., sound from such equipment shall not be plainly audible at a distance of twenty-five (25) feet in any direction from the operator and/or the property line of the property on which the application equipment is located.

A violation may be found and a summons issued on the basis of two formal complaints made to any police officer. All formal complaints pertaining to a violation under this section, shall be made in writing to any police officer, and no formal complaint shall be taken and no summons shall be issued for any violation unless there are at least two or more formal complaints by witnesses residing in separate domiciles who has signed such a formal complaint, notwithstanding the present authority of a police officer to issue summonses.

6. Self-contained, portable, hand-held music or sound amplification or reproduction equipment shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of fifty (50) feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment shall not be plainly audible by any person other than the operator.

4-13-02

90  
 91 A violation may be found and a summons issued on the basis of two formal  
 92 complaints made to any police officer. All formal complaints pertaining to a violation  
 93 under this section, shall be made in writing to any police officer, and no formal complaint  
 94 shall be taken and no summons shall be issued for any violation unless there are at least  
 95 two or more formal complaints by witnesses residing in separate domiciles who has  
 96 signed such a formal complaint, notwithstanding the present authority of a police officer  
 97 to issue summonses.

98  
 99 **Section 3.** This Ordinance shall take effect upon its final adoption.

100		
101	Positive Endorsement	Negative Endorsement (attach reasons)
102		
103		
104		
105	_____ Christopher Rawson, City Solicitor Date	_____ Christopher Rawson, City Solicitor Date
106		

107  
 108 Sponsored by: Councilman Santamria  
 109  
 110 Referred to Public Works Committee May 6, 2013



4-13-03

THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**  
IN AMENDMENT OF TITLE 8, OF THE CODE OF THE CITY OF CRANSTON,  
2005, ENTITLED "HEALTH AND SAFETY"  
(Emergency Management Commission)

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 8, entitled "Health and Safety" is hereby amended by adding thereto the following chapter:

**Section 8.51 Emergency Management Commission**

**8.51.010 Creation.** There is hereby created within the City of Cranston an Emergency Management Commission to carry out the duties and responsibilities set forth in Rhode Island General Laws Section 30-15-12.

**8.51.020 Membership.** The members of this Commission shall include each member of the Cranston City Council, the Mayor of the City, the Chief of Police, the Chief of the Fire Department.

**8.51.030 Duties of the Commission.** It shall be the duty of the commission to advise the Mayor on all matters pertaining to disaster preparedness. In providing advice to the Mayor, the commission shall, among other matters reasonably related to their authority, do the following:

- (1) Establish a regular meeting schedule and form subcommittees as may be appropriate;
- (2) Review emergency management plans and other matters as may be acted upon or otherwise provided for in this ordinance;
- (3) Establish priorities and goals on emergency management matters on an annual basis;
- (4) Study emergency management plans in conjunction with the Mayor, and otherwise conduct such other studies as may be deemed appropriate;

4-13-03

41 (5) Review the coordination of the City's emergency management programs with  
42 appropriate authorized agencies and conduct studies on the programs as may be necessary;

43 (6) Review the plans and operations of the various Departments and agencies of the City in  
44 disaster preparedness in conjunction with the Mayor as required or necessary; and

45 **8.51.040 Purposes of the Commission.** – The purposes of this Commission are:

46 (1) To reduce vulnerability of people of Cranston to damage, injury, and loss of life and  
47 property resulting from natural or man-made catastrophes, riots, or hostile military or  
48 paramilitary action or acts of bioterrorism;

49 (2) To prepare for prompt and efficient rescue, care, and treatment of persons victimized or  
50 threatened by disaster;

51 (3) To provide a setting conducive to the rapid and orderly start of restoration and  
52 rehabilitation of persons and property affected by disasters;

53 (4) To clarify and strengthen the roles of the Cranston City government in prevention of,  
54 preparation for, and response to and recovery from disasters;

55 (5) To authorize and provide for cooperation in disaster prevention, preparedness, response,  
56 and recovery;

57 (6) To authorize and provide for coordination of activities relating to disaster prevention,  
58 preparedness, response, and recovery by agencies and officers of the City of Cranston, and  
59 similar state-local, interstate, federal-state, and foreign activities in which the state and its  
60 political subdivisions may participate;

61 (7) To provide a disaster management system embodying all four (4) phases of emergency  
62 management: mitigation; preparedness; response; and recovery.

63 (8) To prepare for emergency health threats, including those caused by acts of bioterrorism,  
64 which require the exercise of extraordinary government functions;

65 (9) To provide the City of Cranston with the ability to respond rapidly and effectively to  
66 potential or actual public health emergencies or disaster emergencies.

67 **8.51.050 Definitions.** – As used in this chapter:

68 (1) "Disaster" means occurrence or imminent threat of widespread or severe damage,  
69 injury, or loss of life or property resulting from any natural or man made cause, including but  
70 not limited to:

71 (i) Fire;

72 (ii) Flood;

73 (iii) Earthquake;

74 (iv) Wind, storm, wave action, oil spill, or other water contamination requiring emergency  
75 action to avert danger or damage;

76 (v) Volcanic activity;

77 (vi) Epidemic;

78 (vii) Air contamination;

79 (viii) Blight;

80 (ix) Drought;

81 (x) Infestation;

82 (xi) Explosion;

83 (xii) Riots;

84 (xiii) Hostile military or paramilitary action;

85 (xiv) Endangerment of the health, safety, or resources of the people of the City of Cranston;

86 (xv) Acts of bioterrorism;

87 (2) "Political subdivision" means any city or town in Rhode Island;

88 (3) "Unorganized militia" means all able-bodied persons between the ages of sixteen (16)  
89 and fifty (50) years; and

90 (4) "Bioterrorism" means the intentional use of any microorganism, virus, infectious  
91 substance or biological product that may be engineered as a result of biotechnology or any  
92 naturally occurring or bioengineered component of any such microorganism, virus,  
93 infectious substance, or biological product, to cause death, disease or other biological  
94 malfunction in a human, an animal, a plant or other living organism.

95 **8.51.060 Operations.** The mayor, chief of police, and chief of the fire department shall  
96 provide all necessary staffing to enable the commission to carry out its responsibilities  
97 under this ordinance. This shall include providing emergency four-wheel drive  
98 transportation to members of the commission in the events that an emergency or disaster  
99 prevents the members of the commission from using their own vehicle to assess the  
100 emergent situation or other disaster situation.

4-13-03

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

102

103 Positive Endorsement

Negative Endorsement (attach reasons)

104

105

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

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

107

108 Sponsored by: Councilman Archetto

109

110 Referred to Ordinance Committee May 16, 2013

111

THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**  
IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF  
CRANSTON, 2005, ENTITLED "ZONING"  
(166 Cannon Street)

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

By deleting from a G-5 District, Lot 2085 on Zoning Plat 12/3 located on the northeasterly side of Cannon Street across from Walnut Grove Avenue.

And by adding thereto the following:

A-8 Lot 2085 on Zoning Plat 12/3 located on the northeasterly side of Cannon Street across from Walnut Grove Avenue.

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

Positive Endorsement:

Negative Endorsement: (Attach reasons)

\_\_\_\_\_  
Christopher M. Rawson, Solicitor    Date

\_\_\_\_\_  
Christopher M. Rawson, Solicitor    Date

Petition filed by: Nancy McGovern

Referred to Ordinance Committee May 16, 2013