

*(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).*

## **REGULAR MEETING – CITY COUNCIL**

**-MAY 28, 2013-**

Regular meeting of the City Council was held on Tuesday, May 28, 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 (arrived at 7:02 P.M.), 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.

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

#### **U.S. SENATOR JACK REED'S 2013 ANNUAL HIGH SCHOOL ARTS COMPETITION**

#### **ALEXANDRA SMITH OF CRANSTON HIGH SCHOOL WEST**

#### **HONORABLE MENTION:**

- **SANDRA LOPEZ, CRANSTON HIGH SCHOOL EAST**
- **MEIKA MATOOK, CRANSTON HIGH SCHOOL WEST**

**Council Vice-President Farina** presented Citation to Alexandra Smith.

### **II. PUBLIC HEARINGS**

(limited to docketed matters)

**Patrick Doherty, Esq.** appeared to represent applicant of 166 Cannon St. Zone Change application, proposed Ordinance 4-13-5 and asked that the Council approve this Zone Change.

**Richard Tomlins**, 400 Farmington Ave., appeared to speak and asked questions regarding proposed Ordinances 4-13-1S and 4-13-1 and also "Resolution urging the General Assembly to introduce and pass legislation authorizing the City of Cranston to be exempted from the provision of RIGL 3-7-19(1255 Reservoir Ave.)".

**-MAY 28, 2013-**

### **III. RESOLUTIONS**

**RESOLUTION URGING THE GENERAL ASSEMBLY TO INTRODUCE AND PASS LEGISLATION AUTHORIZING THE CITY OF CRANSTON TO BE EXEMPTED FROM THE PROVISION OF RIGL 3-7-19(1255 RESERVOIR AVE.)** [[click to view](#)]

On motion by Councilman Aceto, seconded by Councilman Botts, it was voted to suspend Rule 34B in order for vote to be taken on the above Resolution. 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.

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

Under Discussion:

**Councilman Favicchio** asked if the nearby Church has been contacted and their opinion regarding this application. **John Palmieri**, applicant, appeared to speak and stated that Representative Jacquard has obtained a letter from the Church indicating they have no objections.

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.

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

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

**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](#)]

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.

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

**RESOLUTION AUTHORIZING REAL ESTATE AND TANGIBLE TAX ABATEMENTS** [[click to view](#)]

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

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

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

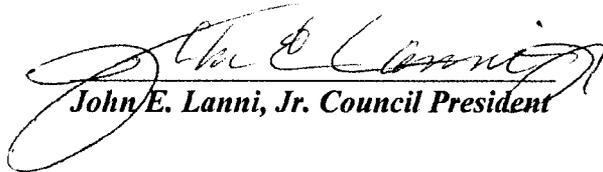
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THE CITY OF CRANSTON

**RESOLUTION OF THE CITY OF CRANSTON  
URGING THE MEMBERS OF THE RHODE ISLAND GENERAL ASSEMBLY  
TO INTRODUCE AND PASS LEGISLATION AUTHORIZING THE CITY OF  
CRANSTON TO BE EXEMPTED FROM THE PROVISIONS OF R.I. GEN.  
LAWS SECTION 3-7-19(2002)**

No. 2013-20

*Passed:*  
May 28, 2013



*John E. Lanni, Jr. Council President*

**Resolved, That**

**WHEREAS**, the property located at 1255 Reservoir Avenue is a major commercial highway in the City of Cranston; and

**WHEREAS**, the restrictions imposed by R.I. Gen. Laws Section 3-7-19 presents an impediment to economic growth at this location in that it would prohibit a restaurant serving alcohol; and

**WHEREAS**, the City has received an application from Cilantro Mexican Grill L.L.C. to open a restaurant, including alcohol, at this location, and

**WHEREAS**, the City Council is in support of said application;

**NOW, THEREFORE, BE IT RESOLVED**, that the members of the Cranston City Council do hereby urge the members of the Rhode Island General Assembly to introduce and pass legislation authorizing the City of Cranston authority to be exempt from the provisions of R.I. Gen. Laws Section 3-7-19 for economic development purposes at 1255 Reservoir Avenue, Plat 11/6, Lot 3558 of the Cranston tax Assessors map as of December 31, 2012.

**BE IT FURTHER RESOLVED**, that the City Clerk will forward a certified copy of this Resolution to the Cranston delegation in the Rhode Island General Assembly immediately upon passage.

Sponsored by Safety Services & Licenses Committee  
Councilman Richard Santamaria, Chair

4-13-05

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"  
(168 Cannon Street)



201305290070040 Bk:LR4744 Pg:231  
RECORDED Cranston,RI 1/4  
05/29/2013 04:14:22 PM ZONE CHG C

No. 2013-14

Passed:  
May 28, 2013

John E. Lanni, Jr., Council President

Approved:  
May 29, 2013

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 C-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 5/28/13

Christopher M. Rawson, Solicitor Date

Petition filed by: Nancy McGovern

Referred to Ordinance Committee May 16, 2013

201305290070040 Bk:LR4744 Pg:232  
RECORDED Cranston, RI 2/4  
R05/29/2013 04:14:22 PM ZONE CHG C

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

**APPLICATION FOR CHANGE OF ZONE**

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

Nancy McGovern  
166 CANNON STREET  
CRANSTON, RI 02920

13 APR 11 11:06 AM

Zoning Plat Number

12-3 Lot No(s)\* 2085

Street Address or  
Location on Street

168 CANNON STREET  
CRANSTON, RI 02920

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

Present Zoning:

G-5

Zoning Requested:

A-8

Property to be used for:

SINGLE FAMILY DWELLING

Date: April 8, 2013

Nancy McGovern  
Owner

Owner  
Nancy McGovern  
Applicant

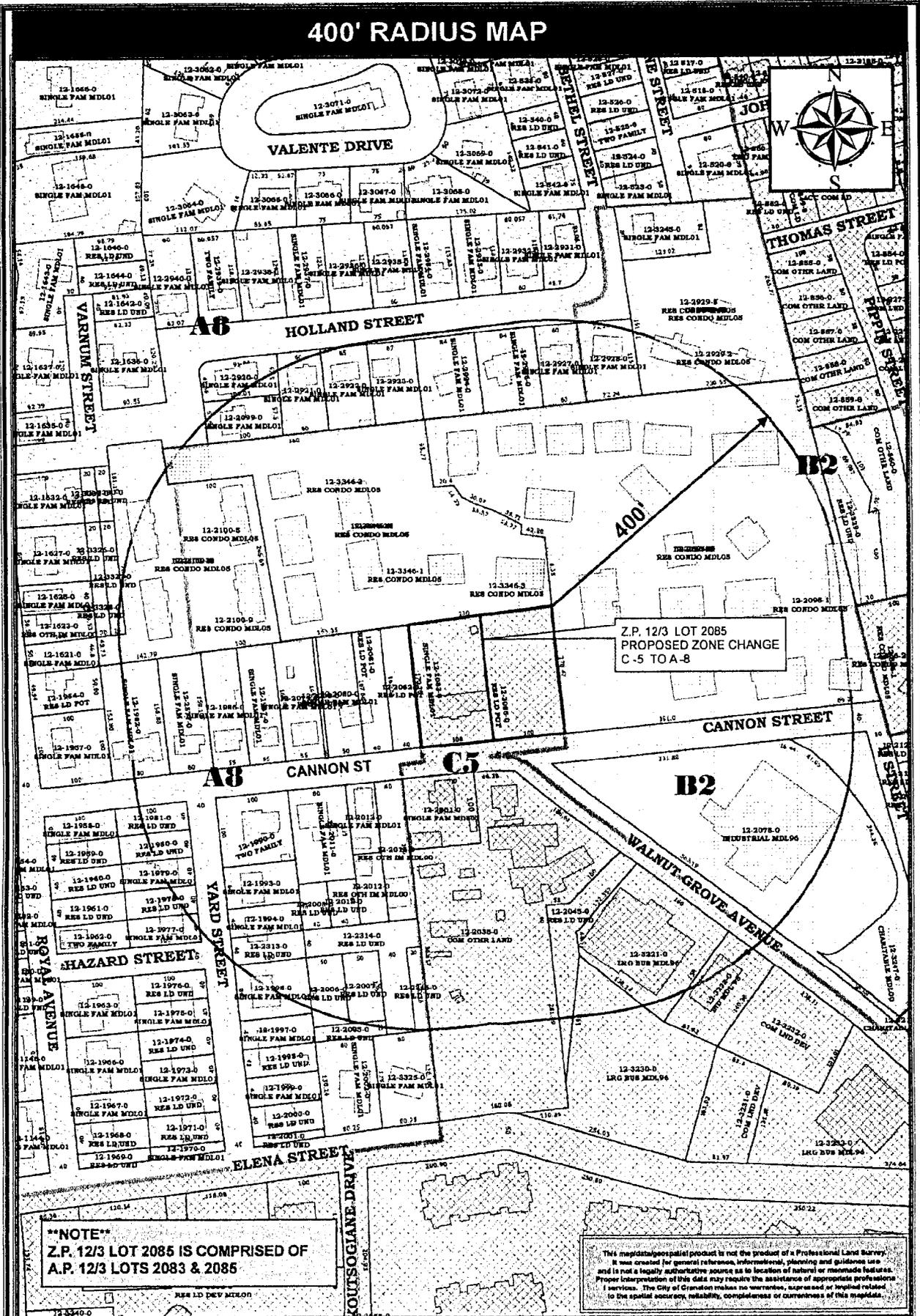
Applicant

TASON U. PEZZULLO, Principal Planner

TRISH MISCZONCIG  
[Signature] 4/10/13

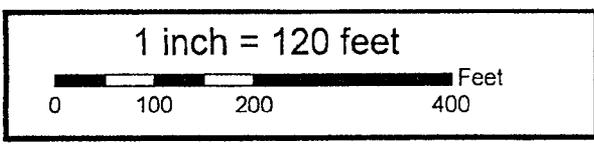
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### 400' RADIUS MAP



**\*\*NOTE\*\***  
 Z.P. 12/3 LOT 2085 IS COMPRISED OF  
 A.P. 12/3 LOTS 2083 & 2085

This map/digital product is not the product of a Professional Land Surveyor. It was created for general reference, informational, planning and guidance use and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this data may require the assistance of appropriate professional services. The City of Cranston makes no warranty, expressed or implied, related to the spatial accuracy, reliability, completeness or currentness of this map/digital product.



168 CANNON ST  
 Z.P. 12/3 LOT 2085

Allan W. Fung  
Mayor

Peter S. Lapolla  
Planning Director



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RECORDED Cranston,RI 4/4  
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13 MAY -8 2013

Charles Rossi  
Chairman

Michael Smith  
Vice Chairman

Ken Mason, P.E.  
Mark Motte  
Gene Nadeau  
James Moran  
Robert Strom

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

May 8, 2013

Council President Lanni  
Cranston City Hall  
869 Park Avenue  
Cranston, RI 02910

**RE: Ordinance #4-13-5** In Amendment of Chapter 17 of the Code of the City of Cranston, 2005, Entitled "Zoning" (166 Cannon St.)

Dear Council President Lanni:

On May 7, 2013, the above referenced ordinance was reviewed by the City Plan Commission for the purpose of providing the Council with an advisory recommendation, as required by Section 45-24-52 of the Rhode Island General Laws and Section 17.120.030 of the Cranston Zoning Code.

Ordinance 4-13-5 requests to change the zoning classification of the property from C-5 (Heavy Business / Industry) to A-8 (Single-family residential, 8,000 sq. ft. lot size) for AP 12/3, Lot 2085

**Site Characteristics and Context**

The subject lot has frontage on the northeasterly side of Cannon Street across from Walnut Grove Avenue. The site is vacant. The 2010 Comprehensive Plan – Future Land Use Map designates this area as "Residential allowing for 7.26 to 3.64 units per acre. The proposed A-8 zoning district conforms to this density calculation with 2.46 units per acre. In this instance, the Comprehensive Plan – Future Land Use Map is clear and the proposed zone change request is obligatory on the part of the City.

Findings of Fact

1. The proposed change of zone for AP 12/3, Lot 2085 from C-5 to A-8 is consistent with the City of Cranston's 2010 Comprehensive Plan – Future Land Use Map which designates this area as "Residential allowing for 7.26 to 3.64 units per acre".

Recommendation

Upon motion made by Mr. Motte and seconded by Mr. Smith, the City Plan Commission unanimously voted to adopt the finding of fact documented above and forward it along with a recommendation of **approval** to the City Council for the requested zone change.

Ayes: Chairman Rossi, Mr. Smith, Mr. Strom, Mr. Moran, Mr. Nadeau, Mr. Motte and Mr. Mason.  
Nay: none

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Administrative Officer

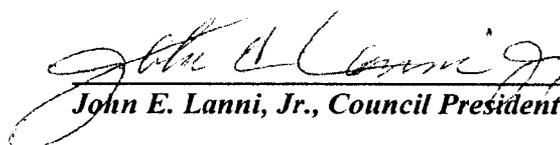
THE CITY OF CRANSTON

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

No. 2013-21

*Passed:*  
May 28, 2013

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

**Resolved, That**

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

(See attached list of Abatements)

U/RES.RE ABATE

ALLAN FUNG  
MAYOR



DIVISION OF ASSESSMENT  
869 PARK AVE  
CRANSTON, RI 02910

SALVATORE SACCOCCIO JR.  
CITY ASSESSOR

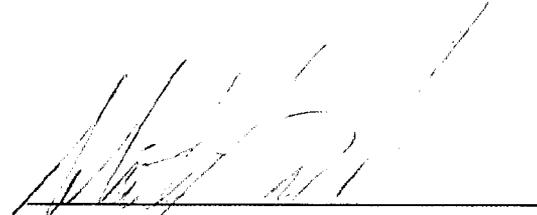
DAVID COLE  
DEPUTY ASSESSOR

MEMO

DATE: May 7, 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, 2010      | 4,676        | 142.10        |
| December 31, 2011      | <u>4,676</u> | <u>160.20</u> |
| Totals:                | 9,352        | 302.30        |

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

City of Cranston  
2011 Abatement List

1 2024273001 992-0242-730  
Location 725 PONTIAC AV  
SP SALON PROVENCAL  
PROVENCAL DEBRA  
725 PONTIAC AVE  
CRANSTON RI 02910

0000000000  
Location

0000000000  
Location

Original : 4676 Value  
OUT OF BUSINESS : 4676  
Adjusted :

Original :  
Adjusted :

Value  
Tax

Original :  
Adjusted :

Value  
Tax

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Original 4676 Value Tax  
Abatements 4676 142.10  
Adjusted 4676 142.10 on 1 Accounts

\*\*\* RECRIBABT.REP \*\*\* Printed 05062013 at 09:55:17 by KARBUR

Page 1

City of Cranston  
2012 Abatement List

1 2024273001 992-0242-730  
Location 725 PONTIAC AV  
SP SALON PROVENCAL  
PROVENCAL DEBRA  
725 PONTIAC AVE  
CRANSTON RI 02910

Location 0000000000

Location 0000000000

|                   |   |       |        |          |   |       |     |
|-------------------|---|-------|--------|----------|---|-------|-----|
| Original          | : | Value | Tax    | Original | : | Value | Tax |
| OUT OF BUSINESS : |   | 4676  | 160.19 | :        |   |       |     |
| Adjusted          | : | 4676  | 160.20 | Adjusted | : |       |     |
|                   |   |       | .01    |          |   |       |     |

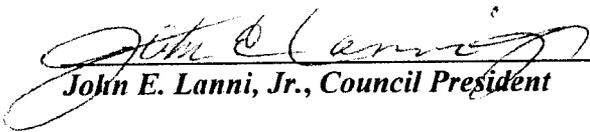
|            |       |        |          |
|------------|-------|--------|----------|
| Original   | Value | Tax    | Accounts |
| Abatements | 4676  | 160.19 | on 1     |
| Adjusted   | 4676  | 160.20 |          |
|            |       | .01    |          |

THE CITY OF CRANSTON

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

No. 2013-22

*Passed:*  
May 28, 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: May 7, 2013  
TO: His Honor the Mayor and the Honorable City Council  
FROM: City Assessor  
RE: Motor Vehicle Abatements

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

| <u>Assessment Date</u> | <u>Value</u>  | <u>Tax</u>      |
|------------------------|---------------|-----------------|
| December 31, 2009      | 1,975         | 83.82           |
| December 31, 2010      | 10,664        | 452.58          |
| December 31, 2011      | <u>73,578</u> | <u>3,122.63</u> |
| Totals:                | 86,217        | 3,659.03        |

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

\*\*\* MECRIABT\_CR.REP \*\*\* Printed 05/07/2013 at 09:37:55 by KARBUR

Page 1

City of Cranston  
2010 Motor Vehicle  
Abatement List

|   |                      |            |          |              |          |              |
|---|----------------------|------------|----------|--------------|----------|--------------|
| 1 | 32007340             | 0000008696 | 00000000 | 0000000000   | 00000000 | 0000000000   |
|   | Vehicle 2003         | TOYT       | 849053   | Vehicle 0000 | ID       | Vehicle 0000 |
|   | ID J1DBT123X30271780 |            |          |              |          | ID           |
|   | BATISTA ANA R        |            |          |              |          |              |
|   | 225 NORWOOD AVE      |            |          |              |          |              |
|   | Cranston RI 02905    |            |          |              |          |              |

|                      |   |       |        |   |        |                |   |       |        |   |        |
|----------------------|---|-------|--------|---|--------|----------------|---|-------|--------|---|--------|
| Original Value       | : | 4,982 | Tax    | : | 254.77 | Original Value | : | 4,982 | Tax    | : | 254.77 |
| STOLEN/SOLD/JUNK/TOT | : |       |        | : | 83.82  | Adjusted Value | : |       |        | : | 83.82  |
| Adjusted Tax:        | : |       | 170.95 | : |        | Adjusted Tax:  | : |       | 170.95 | : |        |

For Tax Year: 2010

|                |   |      |        |   |        |      |          |
|----------------|---|------|--------|---|--------|------|----------|
| Original Value | : | 4982 | Tax    | : | 254.77 | on 1 | Accounts |
| Adjusted Tax   | : |      | 170.95 | : |        |      |          |

\*\*\* MECRIABT\_CR.REP \*\*\* Printed 05062013 at 09:38:27 by KARBUR

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City of Cranston  
2011 Motor Vehicle  
Abatement List

| Vehicle ID              | Year | Make  | Model | City | State | Zip | Original Value | Adjusted Value | Original Tax | Adjusted Tax |
|-------------------------|------|-------|-------|------|-------|-----|----------------|----------------|--------------|--------------|
| 32007370                | 2003 | TOYOT |       |      |       |     | 4,275          | 25750          | 212.54       | 452.58       |
| STOLEN/SOLD/JUNK/TOT    |      |       |       |      |       |     |                |                |              |              |
| Adjusted Tax: 52.33     |      |       |       |      |       |     |                |                |              |              |
| 34022820                | 1996 | MAK   |       |      |       |     | 2000           | 500995.04      | 295.34       | 500487.16    |
| OUT OF COMMUNITY        |      |       |       |      |       |     |                |                |              |              |
| Adjusted Tax: 29.82     |      |       |       |      |       |     |                |                |              |              |
| 38013560                | 2007 | HOND  |       |      |       |     | 19475          | 500487.16      | 282.55       | 500224.61    |
| STOLEN/SOLD/JUNK/TO     |      |       |       |      |       |     |                |                |              |              |
| Adjusted Tax: 500224.61 |      |       |       |      |       |     |                |                |              |              |

For Tax Year: 2011

|                |   |           |           |    |   |          |
|----------------|---|-----------|-----------|----|---|----------|
| Original Value | : | 25750     | 500995.04 | on | 3 | Accounts |
| Adjusted Tax   | : | 500542.46 |           |    |   |          |



\*\*\* MECRIABT\_CR REP \*\*\* Printed 05062013 at 09:35:02 by KARBUR

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City of Cranston  
2012 Motor Vehicle  
Abatement List

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For Tax Year: 2012

|              | Value | Tax             |       | Accounts |
|--------------|-------|-----------------|-------|----------|
| Original     | :     | 75929.705779.33 |       |          |
| Adjusted Tax | :     | 3122.63         | on 11 |          |
|              |       | 702656.70       |       |          |

**-MAY 28, 2013-****4-13-01S ORDINANCE IN AMENDMENT OF TITLE 13 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'PUBLIC SERVICES'**  
[click to view]

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

**PUBLIC WORKS COMMITTEE**  
**(Councilman Mario Aceto, Chair)****4-13-2 ORDINANCE IN AMENDMENT OF TITLE 8 OF THE CODE OF THE CITY OF CRANTON, 2005, ENTITLED 'HEALTH & WELFARE' (Waste Haulers Hours of Operation)** [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.

Councilmen Archetto, Botts, Council Vice-President Farina and Council President Lanni asked to be added as co-sponsors of this Ordinance.

**SAFETY SERVICES & LICENSES COMMITTEE**  
**(Councilman Richard D. Santamaria, Jr., Chair)****4-13-01 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)** [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.

**CLASS B VICTUALLING LICENSE - NEW \* ABOVE THE CAP # 77**  
**(requires Council Approval – SUBJECT TO GENERAL ASSEMBLY APPROVAL)**  
**CMG HOLDING LLC** 1255 Reservoir Ave.  
**D/B/A CILANTRO MEXICAN GRILL**  
**JOHN PALMIERI**

On motion by Councilman Aceto, seconded by Council Vice-President Farina, it was voted to approve the above liquor license application subject to General Assembly approval. 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 CLAIM (Informational purposes only): Deborah DiBenedetto, \$50.00 mailbox.**

No action needed.

**-MAY 28, 2013-**

**4-13-01S ORDINANCE IN AMENDMENT OF TITLE 13 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'PUBLIC SERVICES'**  
[click to view]

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

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

**4-13-2 ORDINANCE IN AMENDMENT OF TITLE 8 OF THE CODE OF THE CITY OF CRANTON, 2005, ENTITLED 'HEALTH & WELFARE' (Waste Haulers Hours of Operation)** [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.

Councilmen Archetto, Botts, Council Vice-President Farina and Council President Lanni asked to be added as co-sponsors of this Ordinance.

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

**4-13-01 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)** [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.

**CLASS B VICTUALLING LICENSE - NEW \* ABOVE THE CAP # 77**  
**(requires Council Approval – SUBJECT TO GENERAL ASSEMBLY APPROVAL)**  
**CMG HOLDING LLC** 1255 Reservoir Ave.  
**D/B/A CILANTRO MEXICAN GRILL**  
**JOHN PALMIERI**

On motion by Councilman Aceto, seconded by Council Vice-President Farina, it was voted to approve the above liquor license application subject to General Assembly approval. 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 CLAIM (Informational purposes only): Deborah DiBenedetto, \$50.00 mailbox.**

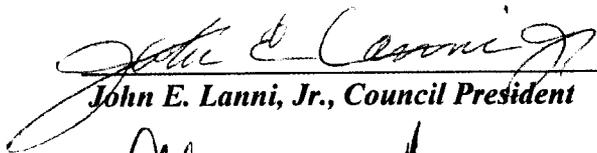
No action needed.

THE CITY OF CRANSTON

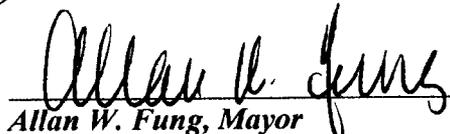
**ORDINANCE OF THE CITY COUNCIL**  
IN AMENDMENT OF TITLE 13 OF THE CODE OF THE CITY OF CRANSTON, 2005,  
ENTITLED "PUBLIC SERVICES"

No. 2013-15

Passed:  
May 28, 2013

  
John E. Lanni, Jr., Council President

Approved:  
May 29, 2013

  
Allan W. Fung, Mayor

SECTION 1. Title 13.08 Section 670 Entitled "Payments" is hereby amended by deleting there from in its entirety the following section entitled:

(Sec.13.08.670 Payments)

And by adding thereto the following:

**Sec.13.08.670 Payments**

A. Pursuant to the authority conferred by Section 10 of Chapter 750, of the Public Laws, 1939, as amended by Chapter 1372 of the Public Laws, 1943, and by Chapter 1891 of the Public Laws, 1947, the following annual charges for the use of the sewerage system of the city are established, to be paid by every person whose particular sewer entered into such system at 12:01 a.m., January 1, 2013, and by every person whose particular sewer enters into such system at 12:01 a.m., January 1, of each year thereafter.

B. The annual charge shall be due and payable on July 15, 2013, and that all annual charges remaining unpaid at 4:00 p.m. on July 15, 2013, shall carry, until collected, a penalty at the rate of twelve (12) percent per annum from July 15, 2013, upon said unpaid annual charge, provided however, that said annual charge may be paid in four installments, the first installment of twenty-five (25) percent on or before the 15th day of July A.D. 2013, and the remaining installments as follows: twenty-five (25) percent on or before the 15th day of October A.D. 2013, twenty-five (25) percent on or before the 15th day of January A.D. 2014 and twenty-five (25) percent on or before the 15th day of April A.D. 2014.

C. Each installment of annual charge, if paid on or before the last day of the installment period successively and in order, shall be free from any charge for interest.

## 4-13-01S

49  
50 D. If the first installment of any succeeding installment of annual charge is not paid by the last  
51 day of the respective installment period or periods as they occur, then the whole annual charge  
52 or remaining unpaid balance of the annual charge, as the case may be, shall immediately  
53 become due and payable and shall carry, until collected, a penalty at the rate of twelve (12)  
54 percent per annum from July 15, 2013.

55  
E. In the event of nonpayment, as noted herein, there shall be a penalty, of which shall be the  
same as the tax rate penalty set by ordinance.

61 F. For any building or premises situated within the city discharging sanitary sewage or  
62 industrial wastes, either directly or indirectly, into such sewerage system shall be charged the  
following rates per annum:

63 G. For any building or premises situated outside the City of Cranston discharging sanitary  
64 sewage or industrial wastes, either directly or indirectly, into such sewage system, and where no  
65 formal inter-jurisdictional agreement exists, shall be charged a twenty-five percent (25%)  
66 administrative fee per annum in addition to the following rates per annum.

67  
68 **1. Dwellings and Apartments.**

69 Single-family: \$404.15

70 Two-family: \$816.21

71 Three-family: \$1,224.31

72 Four-family: \$1,628.45

73 And four hundred and four dollars and fifteen cents (\$404.15) for each and every additional  
74 family unit. Duplex houses that have more than one connection shall be billed as separate units.

75  
76 **2. Buildings Containing Clubs, Libraries and Hospitals.**

77 One unit: \$551.50

78 Two units: \$1,103.00

79 Three units: \$1,654.50

And five hundred and fifty-one dollars and fifty cents (\$551.50) for each unit in excess of three.  
Each such club, library and hospital and each dwelling or apartment contained in such building  
shall be deemed one unit. For purposes of this section, a unit shall be defined as housing a  
maximum of two people.

85 **3. Buildings Containing Retail Establishments and Business Offices.**

86 Each business office or retail establishment will be considered one unit. Any such charges shall  
87 be fixed and determined according to the flow at the rate of four thousand nine hundred and  
88 forty-one dollars and thirty-nine cents (\$4,941.39) per million gallons and at a like rate for any  
89 fraction thereof. Subject to the determination of the charges, there shall be charged for each of  
90 the following establishments a minimum charge as follows:

91  
92 a. Any such retail establishments or business office in which ten (10) or less persons are  
93 regularly employed shall be charged a minimum of five hundred and fifty-one dollars and fifty  
94 cents (\$551.50).

## 4-13-01S

96 b. Any such retail establishment or business office in which eleven (11) but not more than twenty  
 97 (20) persons are regularly employed shall be charged a minimum of one thousand one hundred  
 98 and two dollars and ninety-nine cents (\$1,102.99).

99  
 00 c. Any such retail establishment or business office in which twenty-one (21) but not more than  
 01 forty-nine (49) persons are regularly employed shall be charged a minimum of three thousand  
 02 three hundred and eight dollars and ninety-six cents (\$3,308.96).

d. Any such retail establishment or business office in which fifty (50) but not more than one  
hundred (100) persons are regularly employed shall be charged a minimum of four thousand  
four hundred and eleven dollars and ninety-four cents (\$4,411.94).

08 e. Any such retail establishment or business office in which one hundred and one (101) but not  
 09 more than two hundred (200) are regularly employed shall be charged a minimum of six  
 10 thousand six hundred and seventeen dollars and ninety-two cents (\$6,617.92).

11  
 12 f. Any such retail establishment or business office in which more than two hundred (200) are  
 13 regularly employed shall be charged a minimum of eight thousand eight hundred and twenty-  
 14 three dollars and eighty-nine cents (\$8,823.89).

15  
 16 **4. Restaurants, Cafes, Club C Licenses, and Automatic Self-Service Laundries.**

17 Such charges shall be fixed and determined according to the flow at the rate of four thousand  
 18 nine hundred and forty-one dollars and thirty-nine cents (\$4,941.39) per million gallons and at  
 19 a like rate for any fraction thereof. Subject to the determination of the charges, there shall be  
 20 charged for each of the following establishments a minimum charge as follows:

21  
 22 a. Restaurants and cafes having a seating capacity of twenty-five (25) or less shall be charged a  
 23 minimum of one thousand eighty-three dollars and twelve cents (\$1,083.12);

24  
 25 b. Restaurants and cafes having a seating capacity of twenty-six (26) but not more than fifty (50)  
 26 shall be charged a minimum of two thousand two hundred and fifty-two dollars and thirty-three  
cents (\$2,252.33);

c. Restaurants and cafes having a seating capacity of fifty-one (51) but not more than one  
hundred (100) shall be charged a minimum of three thousand three hundred and eighty-six  
dollars and nineteen cents (\$3,386.19);

32  
 33 d. Restaurants and cafes having a seating capacity of more than one hundred (100) shall be  
 34 charged a minimum of four thousand five hundred and nine dollars and zero cents (\$4,509.00);

35  
 36 e. Class C liquor establishments shall be charged a minimum of six hundred fifty-seven dollars  
 37 and thirty-eight cents (\$657.38);

38  
 39 f. Automatic self-service laundries per washing unit shall be charged a minimum of two hundred  
 40 sixty-six dollars and ninety-two cents (\$266.92).

45 **5. Buildings Used for Manufacturing or Industrial Operations of Any Kind (Including**  
 46 **Laundries and Dairies).**

47 Such charges shall be fixed and determined according to the flow at the rate of four thousand  
 48 nine hundred and forty-one dollars and thirty-nine cents (\$4,941.39) per million gallons and at  
 49 a like rate for any fraction thereof. Subject to the determination of the charges, there shall be  
 50 charged for each of the following establishments a minimum charge as follows:  
 51

52  
 53 a. Any such establishment in which ten (10) or less persons are regularly employed shall be  
 54 charged a minimum of one thousand four hundred and seven dollars and forth-one cents  
 55 (\$1,407.41).

56  
 57 b. Any such establishment in which eleven (11) but not more than fifty (50) persons are regularly  
 58 employed shall be charged a minimum of two thousand eight hundred twenty-three dollars and  
 59 sixty-five cents (\$2,823.65).

60  
 61 c. Any such establishment in which more than fifty (50) persons are regularly employed shall be  
 62 charged a minimum of four thousand nine hundred and forty-one dollars and thirty-nine cents  
 63 (\$4,941.39).

64  
 65 d. For the purpose of this section, each individual business in the building or building complex  
 66 shall be considered an independent establishment. For the purpose of assessing sewer usage  
 67 fees for a business complex containing several individual businesses having similar or dissimilar  
 68 usage classifications, the greater of the calculations between the total flow of the entire complex  
 69 and the aggregate minimum fees of all individual businesses shall prevail. In the case of using  
 70 the total flow calculation, it shall not be the responsibility of the City of Cranston to apportion  
 71 the usage fee for individual businesses within the complex unless the property owner, at their  
 72 own expense, installs and maintains flow meters within each individual business. However,  
 73 upon request of the property owner, the City will assist, to the best of its ability, in providing an  
 74 approximate apportionment of the total charges for each individual business within the complex.  
 75

76  
 77 e. To the above charges shall be added a pretreatment surcharge for all industries discharging  
 78 any priority pollutant at a concentration in excess of the background concentration given in  
 79 Section 13.08.340 of this chapter. That surcharge shall be calculated by first determining the  
 80 difference between the industry's permitted concentration and the background concentration,  
 81 then multiplying that difference times the gallonage of flow (in million gallons) associated with  
 82 the priority pollutant times a conversion factor to determine the annual pound loading of  
 83 priority pollutant, then multiplying that pound loading by a rate in dollars per pound loading  
 84 established by the director for that priority pollutant. The rate for each priority pollutant shall  
 85 be determined annually based on an equitable proportioning, as determined by the director, of  
 86 fifty (50) percent of the actual costs to the city of administering the pretreatment program. (The  
 87 remaining costs of administering the pretreatment program will be incorporated in the charges  
 88 under subsection (F)(5)(a) of this section.) At the option of the director (or the building owner if  
 89 the director does not exercise the option), each industry within a building housing more than  
 90 one industry shall or need not have its own flow meter and monitoring facilities for industrial  
 91 wastewaters. A violation of the permit concentration during the billing year shall cause the  
 92 billing to be based on the highest measured concentration in excess of the permit value and an  
 93 increase in the dollar per pound rate for that priority pollutant by a factor of two. That factor

## 4-13-01S

94 will serve the purpose of defraying costs of additional monitoring required for industries in  
 95 violation of permit limits. The additional charges resulting from such violation shall be separate  
 96 from and in addition to any fines or penalties levied as a result of such violation. The industry  
 97 shall have the right to appeal to the director for a negotiated price in lieu of such additional  
 98 cost, based on the actual cost to the city of the additional monitoring. Any further appeal  
 99 process shall be in accordance with Section 13.08.510 of this chapter.

01 **6. Septage Disposal:**

Fees, billing, and collection of fees for septage disposal shall be administered by the authorized  
representative of the City.

06 **7. Public Buildings.**

Any building or premise owned by the City of Cranston shall be free from any charge for usage.

08 **8. Charge for Non-Users.**

09 An annual charge of one hundred and twenty-one dollars and thirty-two cents (\$121.32) is  
 10 established, to be paid by every owner of land on which there is located at 12:01 a.m. on  
 11 January 1, 2013, and one which there is located at 12:01 a.m. on January 1st of each year  
 12 thereafter, any building used for residential, business or industrial purposes, which land abuts  
 13 upon that portion of any street or highway or right-of-way in which there is then a sewer and the  
 14 sewerage of which land is not then connected with such sewer; such charge to be paid in full at  
 15 the time and place that the first installment of the regular city taxes is payable. Fees collected  
 16 under this chapter from non-users will only be used to recover costs of sewer system capital  
 17 improvements.

19 **9. Sewer Lateral Service Installations.**

20 Sewer laterals are installed at the direction of the Cranston Public Works department from the  
 21 sewer main line in the street to the property line. The charge for this installation will be equal to  
 22 the actual construction costs. (Ord. 05-61 § 1; Ord. 05-24 § 1)

24 **10. Sewer Usage Fee Adjustment**

25 A. It is the responsibility of each residential, commercial, or industrial user to verify the  
accuracy of the information on the billing statement for the Sewer Usage Fee. If the billing  
statement is viewed as inaccurate, the user may request a review for fee adjustment or  
cancellation.

29 B. The request for adjustment shall be made in writing no later than October 15<sup>th</sup> of the year the  
 30 bill was issued. If the City of Cranston is not in receipt of the request for adjustment by said  
 31 date, the City of Cranston will not consider the request for adjustment for the bill in question.  
 32 Sewer adjustment issues shall include the following categories:

- 34 • A request for adjustment that is related to a Sewer Usage Fee statement error;
- 35 • A change in sewer classification, confirmed by the assessor or by inspection;
- 36 • Residential, commercial, or industrial sewer service termination due to fire, demolition  
 37 of a structure or other loss of "certificate of occupancy"; and/or
- 38 • Lack of sewer service to the building

4-13-01S

43 C. All classifications for Sewer Usage Fees are based on building use as of January 1 of each  
44 year. Classification changes and loss of certificate of occupancy that occur after January 1  
45 will not qualify for a Sewer Usage Fee adjustment for that year's bill, but will be applied  
46 towards the following year's bill.

47  
48 D. The City of Cranston, on its own initiative, may adjust clerical errors in the Sewer Usage  
49 Fee. If the correction results in a decrease to the Sewer Usage Fee, and if the error is detected  
50 before October 15 of the billing year, then the Sewer Usage Fee may be adjusted for that year.  
If the correction is an increase to the Sewer Usage Fee, the City of Cranston may assess the  
user the full Sewer Usage Fee that would have been due but for the error. The City of  
Cranston will notify the user of this adjustment and the cause for the adjustment. If the Sewer  
Usage Fee was in error due to the user's violation of the ordinance, charges that would have  
55 been due but for the violation shall be assessed by the City of Cranston. In either case, a  
56 separate supplemental Sewer Usage Fee bill will be mailed reflecting the additional charge.

57  
58 E. Sewer Usage Fee adjustment requests shall be processed using a form provided for this  
59 purpose. This form shall be signed and dated by the property owner and included with a copy  
60 of the Sewer Usage Fee bill in contention and any other pertinent information or documents  
61 supporting an adjustment. All forms and documents shall be submitted to:

62  
63 City of Cranston  
64 Department of Public Works  
65 869 Park Avenue  
66 Cranston, RI 02910  
67 Attention: Director  
68

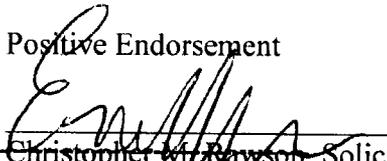
69 F. A written decision will be made by the Director to approve or deny the adjustment within 30  
70 days from receipt of completed request, unless further information is required. All written  
71 decisions by the Director shall be final upon issuance of such written decision, but shall be  
72 subject to appeal to the Public Works Committee pursuant to Section 13.08.510 of the City of  
73 Cranston Codified Ordinance, including decisions on adjustment requests that were not filed  
74 within the time periods set forth in Subsection B above.

75  
76  
77  
78 G. The Director shall prepare a report summarizing the number of Sewer Usage Fee  
79 adjustment requests, the number of requests approved and the reasons for such approvals, and  
80 such other information as he or she deems appropriate. Such report shall be delivered to the  
81 Public Works Committee by September 1 of each year for the prior fiscal year.

82 SECTION 2. This Ordinance shall take effect upon its final adoption.  
83

84  
85 Positive Endorsement

Negative Endorsement (attach reasons)

86  
87  5/29/13  
88 Christopher M. Rawson, Solicitor Date  
89 Evan Kirshenbaum

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

90  
91 Referred to Finance Committee April 11, 2013

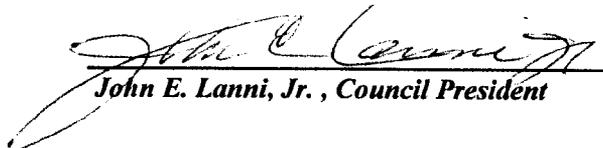
4-13-02

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. 2013-16

*Passed:*  
May 28, 2013



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

*Approved:*  
June 7, 2013 pursuant to Sect. 3.14 of the City Charter  
*Allan W. Fung, Mayor*

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

**Section 1.** Chapter 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.

4-13-02

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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 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.

4-13-02

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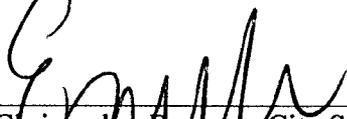
6. Self-contained, portable, hand-held music or sound amplification or reproduction equipment shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of fifty (50) feet in any direction from the operator between the hours of 8:00 a.m. and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

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.

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

Positive Endorsement

Negative Endorsement (attach reasons)

  
\_\_\_\_\_  
Christopher Rawson, City Solicitor Date 5/28/13  
Evan Kirshenbaum

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

Sponsored by: Councilman Santamaria , CVB + CP cosponsors

Referred to Public Works Committee May 6, 2013

ALLAN W. FUNG  
MAYOR



Kenneth R. Mason P.E.  
Director of Public Works

DEPARTMENT OF PUBLIC WORKS  
CITY HALL, ROOM 109  
869 PARK AVENUE  
CRANSTON, RHODE ISLAND 02910

April 30, 2013

Allied Waste Services  
1080 Airport Road  
Fall River, MA 02720

Attention: Mr. John Porter

Dear Mr. Porter:

In accordance with Chapter 8.12 of the Code of the City of Cranston, all persons or firms engaged in the business of collection and hauling of solid waste within the boundaries of the City of Cranston shall be licensed by the Cranston City Council.

Our records indicate that your company was issued a license for the period commencing on July 1, 2012 and ending on June 30, 2013. Your company was assessed \$250.00 for the license, based on the number of vehicles in service in the City of Cranston.

In order to renew your license, please complete the enclosed application and return it, **with your fee**, to my attention at the above address **no later than May 10, 2013**. Checks are to be made payable to the **City of Cranston**.

License renewals will be submitted to the City Council in July. You will be notified upon approval of your application, at which time a license will be mailed to you. *Please be reminded that a late renewal may require you to appear in person before the Safety Services and Licenses Committee of the City Council.*

*Please be advised that in accordance with Chapter 8.12.020 of the City Code, there shall be no pick up or removal of rubbish between the hours of 10:00 PM and 7:00 AM. Violations shall be subject to fines starting at \$250 per day.*

*This will be the only notification that your license renewal is due!*

Thank you for your prompt attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me at 461-1000, Ext. 3173.

Sincerely,

Steve Iacobucci  
Dept. of Public Works

(401) 780-3175

FAX (401) 780-3176

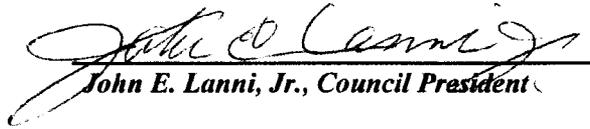
4-13-01

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. 2013-17

**Passed:**  
May 28, 2013

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

**Approved:**  
June 7, 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 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

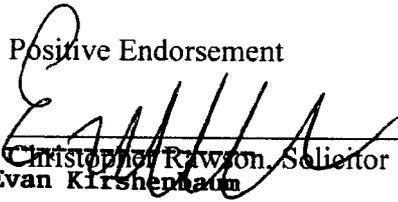
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If vendors have multiple retail establishments within Cranston, they must apply for multiple fireworks vendor's licenses if they wish to sell at each location.

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

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

Positive Endorsement

  
Christopher Rawson, Solicitor      Date  
~~Evan Kirshenbaum~~

5/28/13

Negative Endorsement (attach reasons)

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

Sponsored by: Councilman Santamaria

Referred to Safety Services Committee May 6, 2013

**V. PUBLIC HEARINGS**

(open to any matters)

**Valerie Schuele**, 27 Farm St., appeared to speak and stated that another Cranston student has graduated from West Point this Saturday.

**Richard Tomlins**, 400 Farmington Ave., appeared to speak and stated that the taxpayers were told there would be no tax increase this year and now the Council has just approved a sewer rate increase. He does not believe the Council know what they are voting on. He questioned what the real increase is because the 5% each year is compounded. He also stated that there was a back room deal made with regards to the Phenix Lodge proposal, which the Council denied last month.

**Nicole Anderson**, resident of Providence, appeared to speak and stated that she operates a coffee truck and the owner of the truck is Eric Weiner. She indicated that a number of truck vendors would like to hold an event once a week at Lang's Bowlarama. She is representing those truck owners and asked that the Council keep them in mind with regards to the fees. She stated that the Safety Services and Licenses Committee will be hearing an Ordinance next week setting a distance a truck vendor has to be from an established restaurant. She asked that this Ordinance not be passed.

**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.

**CRANSTON FIRE DEPT.: LT. JOHN BOYER – Request for Continuation in Service**

**Mr. Cordy** appeared to speak.

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

**CRANSTON POLICE DEPT.:**

- **Cpt. Gerard Carnevale, Jr. Request for Continuation in Service**

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

**-MAY 28, 2013-**

- **Officer Jeffrey Duclos Request for Continuation in Service**

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

## **IX. COUNCIL PRESIDENT COMMUNICATIONS**

**Council President Lanni** addressed the statement made by Mr. Tomlins regarding the Phenix Lodge proposal and stated that there was no back room deal. The Council voted to deny based on the large number of opponents.

**Council President Lanni** stated that last week's paper stated that the State over-estimated their Revenue and he hopes this does not affect the City of Cranston or the School Budgets.

## **X. COUNCIL MEMBER COMMUNICATIONS**

### **Councilman Archetto:**

- *City Council's relationship to department heads*
- *City Council's relationship to City employees*

**Councilman Archetto** stated that last week, he tried to contact Mr. Lopez on a number of occasions, but did not receive a response back. He questioned what other options he has when trying to communicate with the Administration. Mr. Lopez stated that he has a City phone, as the Council is aware. He indicated that Councilman Archetto called his personal phone and he has had problems with that phone and did not receive his messages. He is not a difficult person to get a hold of. As to the claim of poor communication with the Administration, he begs to differ. The Constituent Affairs person has been handling a number of constituent issues from this Council member.

**Mr. Quinlan** stated that, as stated in the past, the Charter restricts a Council member from ordering a department head from doing something, but the Council member does have a right to call the Director.

**Mr. Lopez** stated that he has asked the City Clerk to forward his City phone number to all the Council members.

### **Councilman Santamaria:**

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

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

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

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

**-MAY 28, 2013-**

- ***Kingwood St. at Peters School***

Councilman Santamaria asked for an update on Kingwood at Peters School – make sure water is flowing through pipe. Mr. Cordy stated that this was cleaned last week.

- ***Marlow St.***

**Councilman Santamaria** stated that water from rainstorm digs up asphalt at bottom of Marlow St. He asked that this be looked into.

- ***Macklin St.***

**Councilman Santamaria** stated that Phenix Truck was approved by the City Council on appeal and applicant advised the Council that they would not use bays on Macklin St. Mr. Cordy indicated that Inspections Department advised him today that they are operating the bays on Macklin St. They were using at least one bay. Councilman Santamaria asked that a Show Cause hearing be issued for this business. City Clerk indicated that this business is on the agenda for Monday's meeting for a renewal of their license and she will ask the applicant to appear.

**Councilman Stycos:**

- ***Audit Committee***

**Councilman Stycos** indicated that the Audit Committee will not be meeting until August, the earliest.

- ***Mr. Tomlin's remarks***

**Councilman Stycos** stated that as to Mr. Tomlin's remarks that the Council did not know what they were voting on with regards to the Sewer Rate, this was proposed as part of the Mayor's Budget and was discussed during the Budget hearings.

**Councilman Botts:**

- ***56 Burnside St.***

**Councilman Botts** stated that the lawn at 56 Burnside St. is overgrown and the property looks abandoned. He asked that the City check into this.

**Councilman Aceto:**

- ***Traffic Issues in the City***

**Councilman Aceto** stated that he has spoken to Council President Lanni, Council Vice-President Farina, the Administration and Representative Mattiello indicating that as soon as the General Assembly Session is over, a serious community meeting be held with D.O.T. in Western Cranston and any other areas in the City to address traffic problems.

**Councilman Archetto:**

- ***Flood Committee Meeting***

**Councilman Archetto** announced that the Flood Committee will be meeting on Tuesday, June 18<sup>th</sup> at 6:30 P.M.

**-MAY 28, 2013-**

**XI. OLD BUSINESS**

None.

**XII. INTRODUCTION OF NEW BUSINESS**

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

**Safety Services & Licenses Committee – June 3, 2013**

**5-13-1** Ordinance in amendment of Title 5 of the Code of the City of Cranston, 2005, entitled “Business Licenses” (Tobacco License Fee). [\[click to view\]](#)

**5-13-2** Ordinance in amendment of Title 5 of the Code of the City of Cranston, 2005, entitled “Business License and Regulations” (Itinerant Food Vendor License – Radius). [\[click to view\]](#)

**Public Works Committee – June 3, 2013**

**5-13-4** Ordinance in amendment of Title 13 of the Code of the City of Cranston, 2005, entitled “Public Services” (Sewer Connection Permits). [\[click to view\]](#)

**Request from National Grid** for pole location at Olney Arnold Rd. [\[click to view\]](#)

**Finance Committee – June 13, 2013**

**5-13-3** Ordinance in amendment of Title 3 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (Tax Assessment Board of Review Compensation). [\[click to view\]](#)

**Resolution** loan order authorizing the issue of \$2,500,000 bonds of the City to finance the acquisition, construction, improvement, renovation, repair, alteration and equipping of playgrounds and athletic fields in the City of Cranston; authorizing the City to apply for federal and state advances for that purpose; authorizing the issue of \$2,500,000 temporary notes for that purpose; and authorizing advances from the General Treasury for that purpose. [\[click to view\]](#)

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

**Resolution** loan order authorizing the issue of \$900,000 bonds of the City of which not more than \$600,000 shall be used to finance the acquisition, construction and equipping of a new public library branch in the Arlington section of the City of Cranston and not less than \$300,000 shall be used to finance repairs, renovations and upgrades and equipment for all public libraries in the City of Cranston; authorizing the City to apply for federal and state advances for that purpose; authorizing the issue of \$900,000 temporary notes for that purpose; and authorizing advances from the General Treasury for that purpose. [\[click to view\]](#)

**Ordinance Committee – June 13, 2013**

**Resolution** authorizing the City to consent to Mutual Aid Agreements with the City of Warwick and the Town of Johnston with respect to its Police Departments.

05-13-1

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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"  
(Tobacco License Fee)

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 68, Section 5.68.020 entitled "License Required" is hereby amended as follows:

5.68.020 - License required.

It shall be unlawful to sell or offer for sale, to give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products within the city without having first obtained a tobacco dealer's license pursuant to this chapter. Such license shall be in addition to any other license required by state and/or federal law. Failure to obtain a license shall result in a fine of two hundred dollars (\$200.00). Fee for the city license shall be [~~One hundred dollars; (\$100.00)~~] One Hundred Fifty Dollars (\$150.00) per year.

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

Positive Endorsement

Negative Endorsement (attach reasons)

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

Date

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

Date

Sponsored by: Councilman Stycos

Referred to Safety Services Committee June 3, 2013

05-13-2

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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 "  
(Itinerant Food Vendor License – Radius)

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 44 , entitled "Itinerant Food Vendors is hereby amended by adding thereto the following section:

**5.44.070 - Locational**

A. No food shall be sold by Itinerant Food vendors within one thousand (1,000) feet of any established business licensed to sell food by the city, nor within three hundred (300) feet of places of worship one-half hour before, during, or one-half hour after service or activities within such places of worship.

B. No food shall be sold by Itinerant Food vendors:

From any location from which said activity would restrict or interfere with the ingress or egress of abutting property owners, create a public nuisance, increase traffic congestion or delay, constitute a hazard to life and property, or obstruct adequate access to fire, police or safety vehicles.

**Section 2.** This Ordinance shall take effect on \_\_\_\_\_.

Positive Endorsement

Negative Endorsement (attach reasons)

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

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

Sponsored by: Councilman Santamaria  
Referred to Safety Services & Licenses Committee June 3, 2013

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THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**  
IN AMENDMENT OF TITLE 13, OF THE CODE OF THE CITY OF  
CRANSTON, 2005, ENTITLED "PUBLIC SERVICES"  
(Sewer Connection Permits)

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 13, Chapter 08, entitled "Sewer System Connection Permits" is hereby amended to read as follows:

**13.08.100 - Sewer system connection permits.**

No sanitary connection of private property or public property with the public sewer system shall be made until the owner of the land, or his or her duly authorized agent, has submitted an application in writing to the city for permission to make the same, and has been granted such permission.

A. There shall be two classes of building sewer permits:

- 1. For residential and commercial service; and
- 2. For service to establishments producing industrial wastes.

In either case, the owner or his or her agent shall submit an application on a form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the city or its duly authorized representative. A permit and inspection fee shall be paid according to current fee schedules and cost estimate format established by the city.

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B. Upon approval of the application by the city **Council**, the city shall authorize the building inspector to issue a permit for such installation to a duly licensed plumber or drain layer.

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C. Permits (or separate contracts) issued to establishments producing industrial wastes will include, as a minimum, effluent limits, including local and applicable EPA categorical standards as they are promulgated, compliance schedules, monitoring schedules, and general conditions. Industrial user permits may contain other conditions as the city deems necessary or desirable, including, but not limited to, best management practices. The permit conditions are specifically and independently enforceable regardless of whether they are expressly required or set out in this chapter.

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D. All industrial users shall comply with any and all applicable pretreatment standards and requirements, including but not limited to EPA Categorical Pretreatment Standards [Title 40 Code of Federal Regulations, Chapter I, Subchapter N, Parts 405-471], National Prohibited Discharges (general and specific) [Title 40 Code of Federal Regulations Parts 403.5(a) and (b)] and all requirements of the Federal EPA General Pretreatment Regulations for Existing and New Sources of Pollution [Title 40 Code of Federal Regulations Part 403].

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E. A sewer system connection fee shall be paid upon application for a building permit to erect structures which will connect directly or indirectly to the public sewer system.

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For purpose of the sewer system connection fee, the city is divided into the westerly sewer system impact area and the easterly sewer system impact area. The westerly sewer system impact area is the portion of the city that is located west of Interstate Route 295. The easterly sewer system impact area is that portion of the city that is located east of Interstate Route 295.

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05-13-4

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84 **Section 2.** This Ordinance shall take effect on \_\_\_\_\_.

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Positive Endorsement

Negative Endorsement (attach reasons)

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

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Christopher Rawson, Solicitor    Date

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Sponsored by: Councilman Aceto

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Referred to Public Works Committee June 3, 2013

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# nationalgrid

## PETITION OF THE NATIONAL GRID FOR JOINT OR IDENTICAL POLE LOCATION

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

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

13 APR 21 2013  
COUNCIL COPY

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

Wherefore your petitioners pray that they be granted joint of identical location for existing poles and permission to erect and maintain poles and wires together with such sustaining and protecting fixtures as the may find necessary, said poles erected or to erected substantially in accordance with the plan filed herewith marked: 14581968

DATED 4/10/2013

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

THE NATIONAL GRID

BY: John Castro  
John Castro, Engineering  
THE VERIZON

BY: Mary C. Hanley  
ORDER

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

\_\_\_\_\_

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

A true copy of the vote at the \_\_\_\_\_

Adopted \_\_\_\_\_ and recorded in Records Book# \_\_\_\_\_ Page# \_\_\_\_\_

\_\_\_\_\_  
CLERK

**nationalgrid**

Page 1 of 1

**Pole & UG Path/Permit Request Form**

City  
Town of Cranston WR # 14581968  
(circle one)

Install 1 <sup>SO</sup>  
(quantity) JO Poles on Olney Arnold Rd.  
(circle one) (street name)

Remove \_\_\_\_\_ <sup>SO</sup>  
(quantity) JO Poles on \_\_\_\_\_  
(circle one) (street name)

Relocate \_\_\_\_\_ <sup>SO</sup>  
(quantity) JO Poles on \_\_\_\_\_  
(circle one) (street name)

Beginning at a point approximately 150 feet North of the centerline  
(distance) (compass heading)

of the intersection of Deer Run Trail  
(street name)

and continuing approximately \_\_\_\_\_ feet in a \_\_\_\_\_ direction.  
(distance) (compass heading)

Install underground facilities:

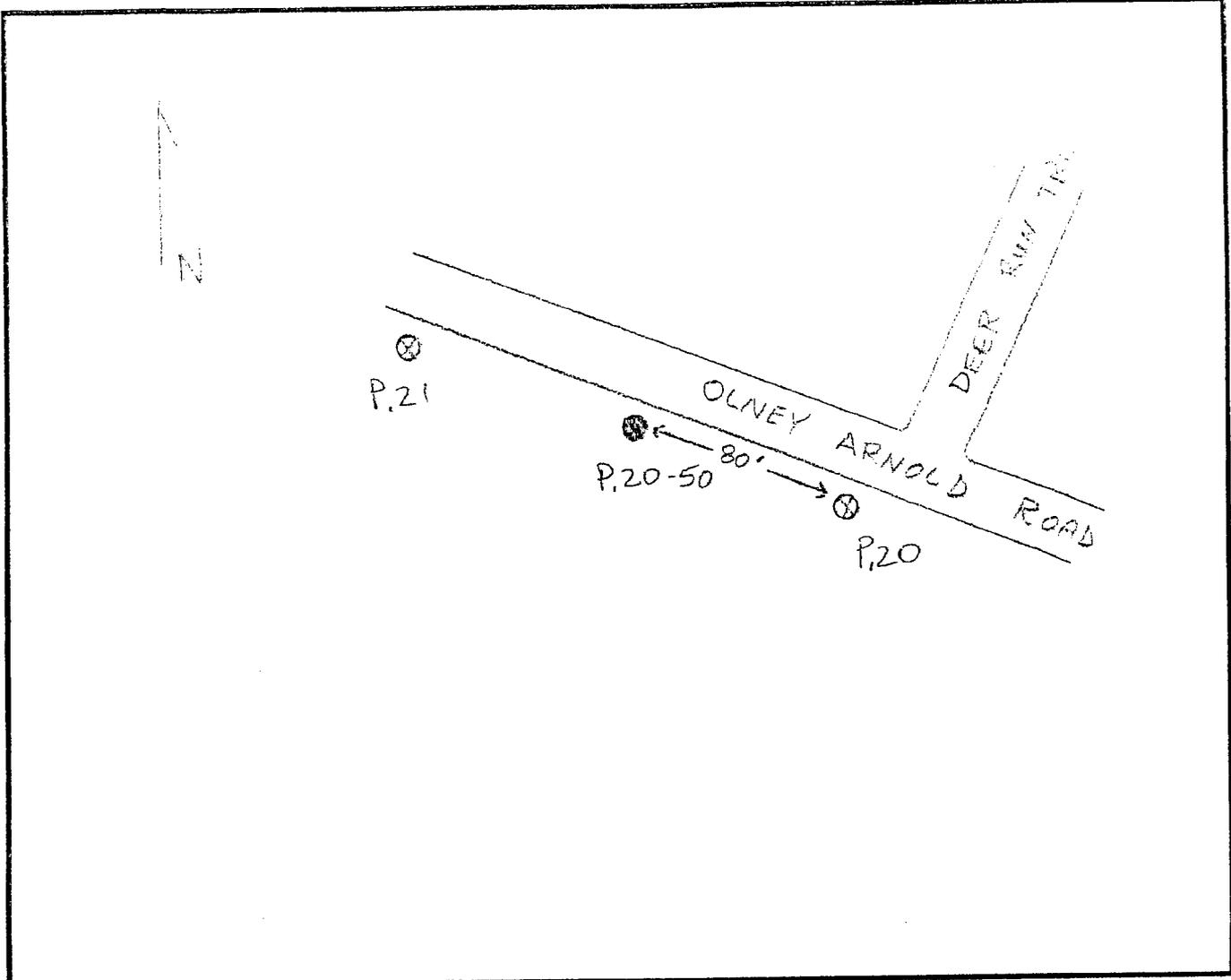
Street(s) \_\_\_\_\_

Description of Work:

Install new P.20-50 80ft north of P.20

ENGINEER Ellen Morin

DATE 4/10/13



**NATIONAL GRID  
AND  
VERIZON**

PLAN TO ACCOMPANY PETITION DATED \_\_\_\_\_  
 TO THE TOWN OF CRANSTON  
 FOR  
 JOINT POLE LOCATION ON OLNEY ARNOLD RD.

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

KEY TO SYMBOLS

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

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

5-13-3

THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**  
*IN AMENDMENT OF TITLE 3, OF THE CODE OF THE CITY OF CRANSTON,*  
**2005 , ENTITLED "REVENUE AND FINANCE"**  
**(Tax Assessment Board of Review Compensation)**

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No.

Passed:

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

Approved:

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

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

Section 1. *Title 3, Chapter 8 , Section 3.08.0050 entitled "Tax Assessment Board of Review" is hereby amended as follows:*

**3.08.050 - Tax assessment board of review.**

A. All appraisals done for or on behalf of the tax assessment board of review of the city, shall be completed in accordance with Section 3.08.040 of the code.

B. The Tax Assessment Board of Review shall be comprised of three members and two alternates. When an alternate member sits in the place of a member, said alternate member shall be compensated at the same rate as the member.

~~B. C.~~ The tax assessment board of review members are [not] to be paid fifty dollars (\$50.00) per meeting subject to the following conditions:

1. A meeting is conducted in accordance with the Open Meetings statutes of Rhode Island state law and other applicable statutes.

2. Organizational meetings shall not be allowed for compensation purposes.

3. Meetings shall be of no less than one hour duration and shall have specific items to be considered and voted upon.

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4. There shall be no more than one meeting per day with a maximum of twenty-five (25) per calendar year.

5. Meetings exceeding five per calendar month shall require written approval of the city council president or the chairperson of the city council's finance committee.]

Section 2: This Ordinance shall take effect on July 1, 2013.

Positive Endorsement

Negative Endorsement (attach reasons)

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

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

Sponsored by: Council President Lanni  
Referred to Finance Committee June 13, 2013

**THE CITY OF CRANSTON**

**RESOLUTION OF THE CITY COUNCIL**

**LOAN ORDER AUTHORIZING THE ISSUE OF \$2,500,000 BONDS OF THE CITY TO FINANCE THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, RENOVATION, REPAIR, ALTERATION AND EQUIPPING OF PLAYGROUNDS AND ATHLETIC FIELDS IN THE CITY OF CRANSTON; AUTHORIZING THE CITY TO APPLY FOR FEDERAL AND STATE ADVANCES FOR THAT PURPOSE; AUTHORIZING THE ISSUE OF \$2,500,000 TEMPORARY NOTES FOR THAT PURPOSE; AND AUTHORIZING ADVANCES FROM THE GENERAL TREASURY FOR THAT PURPOSE**

*No.*

*Passed:*

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

RESOLVED that

SECTION 1. The sum of \$2,500,000 is appropriated to finance the acquisition, construction, improvement, renovation, repair, alteration and equipping of playgrounds and athletic fields in the City of Cranston (the "Project").

SECTION 2. The Mayor and the Director of Finance of the City of Cranston (the "City") are authorized to issue \$2,500,000 bonds of the City at one time or from time to time under Chapter 438/474 of the Public Laws of 2012, approved by the electors of the City at the general election held on November 6, 2012, in order to meet the foregoing appropriation.

SECTION 3. The Mayor and the Director of Finance of the City from time to time may, subject to and pursuant to Section 9 of Chapter 438/474 of the Public Laws of 2012, apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purpose specified in Section 1 hereof.

SECTION 4. The Mayor and the Director of Finance of the City from time to time may issue and refund not exceeding \$2,500,000 interest bearing or discounted notes under Section 3 of Chapter 438/474 of the Public Laws of 2012 in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

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

SECTION 6. Pending the issue of bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 4 hereof, the City Treasurer at the written direction of the Mayor may, pursuant to Section 4 of Chapter 438/474 of the Public Laws of 2012, expend funds from the general treasury of the City for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

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

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

SECTION 9. This loan order is an affirmative action of the City Council of the City toward the issuance of bonds or notes in accordance with the purposes of the laws of the State of Rhode Island. This loan order constitutes the City's declaration of official intent, pursuant to Treasury Regulation § 1.150(2), to reimburse the City for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$2,500,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 10. The Mayor and the Director of Finance are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Disclosure Certificate in connection with the bonds or notes in the form as shall be deemed advisable by the Mayor and the Director of Finance in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this loan order or

the bonds or notes, failure of the City to comply with the Disclosure Certificate shall not be considered an event of default; however, any bondholder or noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section 10 and under the Disclosure Certificate.

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

Sponsored by Council President Lanni

Referred to Finance Committee June 13, 2013

THE CITY OF CRANSTON

**RESOLUTION OF THE CITY COUNCIL**

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

*No.*

*Passed:*

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

RESOLVED that

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

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

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

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

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

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

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

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

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

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

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

Sponsored by Council President Lanni

Referred to Finance Committee June 13, 2013.

THE CITY OF CRANSTON

**RESOLUTION OF THE CITY COUNCIL**

**LOAN ORDER AUTHORIZING THE ISSUE OF \$900,000 BONDS OF THE CITY OF WHICH NOT MORE THAN \$600,000 SHALL BE USED TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A NEW PUBLIC LIBRARY BRANCH IN THE ARLINGTON SECTION OF THE CITY OF CRANSTON AND NOT LESS THAN \$300,000 SHALL BE USED TO FINANCE REPAIRS, RENOVATIONS AND UPGRADES AND EQUIPMENT FOR ALL PUBLIC LIBRARIES IN THE CITY OF CRANSTON; AUTHORIZING THE CITY TO APPLY FOR FEDERAL AND STATE ADVANCES FOR THAT PURPOSE; AUTHORIZING THE ISSUE OF \$900,000 TEMPORARY NOTES FOR THAT PURPOSE; AND AUTHORIZING ADVANCES FROM THE GENERAL TREASURY FOR THAT PURPOSE**

*No.*

*Passed:*

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

RESOLVED that

SECTION 1. The sum of \$900,000 is appropriated of which not more than \$600,000 shall be used to finance the acquisition, construction and equipping of a new public library branch in the Arlington section of the City of Cranston (the "City") and not less than \$300,000 shall be used to finance repairs, renovations and upgrades and equipment for all public libraries in the City (the "Project").

SECTION 2. The Mayor and the Director of Finance of the City are authorized to issue \$900,000 bonds of the City at one time or from time to time under Chapter 395/523 of the Public Laws of 2006, approved by the electors of the City at the general election held on November 7, 2006, in order to meet the foregoing appropriation.

SECTION 3. The Mayor and the Director of Finance of the City from time to time may, subject to and pursuant to Section 9 of Chapter 395/523 of the Public Laws of 2006, apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purpose specified in Section 1 hereof.

SECTION 4. The Mayor and the Director of Finance of the City from time to time may issue and refund not exceeding \$900,000 interest bearing or discounted notes under Section 3 of Chapter 395/523 of the Public Laws of 2006 in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

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

SECTION 6. Pending the issue of bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 4 hereof, the City Treasurer at the written direction of the Mayor may, pursuant to Section 4 of Chapter 395/523 of the Public Laws of 2006, expend funds from the general treasury of the City for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

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

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

SECTION 9. This loan order is an affirmative action of the City Council of the City toward the issuance of bonds or notes in accordance with the purposes of the laws of the State of Rhode Island. This loan order constitutes the City's declaration of official intent, pursuant to Treasury Regulation § 1.150(2), to reimburse the City for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$900,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

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

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

Sponsored by Council President Lanni

Referred to Finance Committee June 13, 2013.

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THE CITY OF CRANSTON

**RESOLUTION OF THE CITY COUNCIL  
AUTHORIZING THE CITY TO CONSENT TO MUTUAL AID AGREEMENTS  
WITH THE CITY OF WARWICK AND THE TOWN OF JOHNSTON WITH  
RESPECT TO ITS POLICE DEPARTMENTS**

*No.*

***Passed:***

John E. Lanni, Jr., Council President

***Resolved, That***

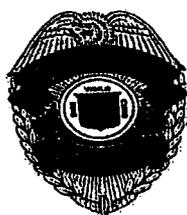
**SECTION 1.** The Police Department of the City of Cranston desires to enter into Mutual Aid Agreements with the City of Warwick and the Town of Johnston with respect to the use of their respective police departments. The City Council of the City of Cranston hereby authorizes, approves, confirms and ratifies the aforementioned and attached Mutual Aid Agreements.

**SECTION 2.** This Resolution shall take effect upon its final adoption.

Introduced by Councilmen Favicchio and Botts

Referred to Ordinance Committee June 13, 2013

ALLAN W. FUNG  
MAYOR



COLONEL MARCO PALOMBO, JR.  
CHIEF OF POLICE

5 Garfield Avenue  
CRANSTON, RHODE ISLAND 02920  
Phone (401) 942-2211  
Fax (401) 477-5109

**MUTUAL AID MEMORANDUM OF AGREEMENT FOR  
RHODE ISLAND LAW ENFORCEMENT AGENCIES**

WHEREAS, The City of Cranston Police Department and the Town of Johnston Police Department have come together and entered into this mutual aid agreement as provided for in Rhode Island General Laws, §45-40.1-4 and .45-42-2.

WHEREAS, the aforementioned partners listed above have agreed to enter into a collaborative agreement and are desirous of entering into this agreement setting forth the provisions of this mutual aid collaboration.

WHEREAS, copies of this approved agreement will be submitted to the Office of the Attorney General, the Rhode Island Secretary of State, the Superintendent of the Rhode Island State Police, the City of Cranston City Council and the Town of Johnston Town Council and the keepers of public records in the City of Cranston and the Town of Johnston.

**I. PURPOSE AND INTENT**

The City of Cranston Police Department and the Town of Johnston Police Department have entered into this mutual agreement to make the most efficient use of their powers in providing reciprocal police services across jurisdictional lines. This agreement will enhance the capabilities of the partnering agencies in providing additional protection for its citizenry.

Both parties acknowledge that prior to the formal adoption of this agreement that each agency shall provide a certified copy of a resolution by the respective city councils of each jurisdiction authorizing the provision of providing police services across jurisdictional lines.

This agreement has been carefully and fully considered by both parties in the best interest of public safety in both jurisdictions and both agencies agree to provide, upon request, police services to and from the other agency in accord with the following guidelines.

**II. GENERAL GUIDELINES AND PROCEDURES**

(A) For the purpose of this agreement, the signatories acknowledge that mutual aid includes all police services that are requested by one law enforcement agency and provided by a neighboring law enforcement agency.

(B) Agencies participating in this agreement will upon request provide police assistance to the neighboring jurisdiction only to the extent that their available personnel and equipment are not required for the adequate protection of their own jurisdiction. The command structure of the law

enforcement agency being asked to provide mutual aid will have the sole authority to determine the amount of personnel and equipment they are able to commit for assistance.

(C) Whenever the law enforcement employees of one of the cooperating agencies are providing police services to the other cooperating agency pursuant to the authority promulgated in this agreement, those employees shall possess the same jurisdictional power, duties, rights and immunities as the employees of the jurisdiction making the request for mutual aid.

(D) Whenever the law enforcement employees of one of the cooperating agencies are providing police services to another cooperating agency, they will be under the lawful direction and authority of the agency to which they are rendering assistance. In all instances, officers covered in this agreement shall be subject to all the rules, regulations, policies and code of ethics of the agency they are employed with.

(E) Any on duty police officer covered by this agreement can initiate police assistance if they believe that a crime is in progress or that assistance is needed in the jurisdictions covered by this agreement. In order to initiate mutual police assistance, the on duty officer from the jurisdiction making the request shall immediately notify their officer in charge who will notify the officer in charge of the agency who will be providing the assistance.

(F) All wages, benefits, disability payments, pensions, injured on duty or worker's compensation claims, medical expenses or their equivalent as provided under Rhode Island General Laws, § 45-19-1 shall be the responsibility of the employing agency unless the agency requesting assistance is reimbursed for such costs from another source.

(H) Each cooperating agency covered in this agreement shall bear the responsibility for any actionable negligence by a member of their agency to the extent specified by law. Further, each of the agencies covered by this agreement hereby agree to indemnify and hold harmless the other participating agency from liability from any and all claims arising from the negligence of the participating agency's employees regardless of who makes the claim.

(I) Each cooperating agency covered in this agreement shall be responsible for the costs associated with the loss or damage of their own equipment and property while providing assistance.

(J) There is no term, provision or condition in this agreement that shall derogate any statutory authority of the Rhode Island State Police.

(K) It is agreed by each cooperating agency covered in this agreement that the language set forth in said agreement will be reviewed in its entirety annually on the anniversary date of the initial signatory endorsement to make any mutually agreed upon revisions based on each year's experience in providing mutual aid services.

(L) The terms and conditions of this agreement shall remain in continuous effect from the date of signatory endorsement and any cooperating agency may revoke its participation and future obligations enlisted in the agreement by providing written notice to the other participating agency within sixty (60) days of the anniversary date of the initial signatory endorsement.

### **III. COOPERATIVE ENFORCEMENT GUIDELINES**

The cooperating agencies covered in this agreement acknowledge and recognize that criminal activities and police calls for service often occur across jurisdictional lines and that mutual agency cooperation between neighboring jurisdictions increases the effectiveness of law enforcement and promotes additional public safety to the jurisdictions encompassed in this

agreement. Either agency may proceed by request from the other agency generally according to the following guidelines:

(A) Whenever an on duty police officer from one of the jurisdictions covered in this agreement views criminal activity, or has probable cause to believe a criminal offense has occurred outside of their home jurisdiction, but within the jurisdiction of the other agency covered in this agreement, the officer may make arrests and take measures to preserve the crime scene.

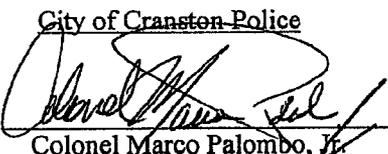
(B) Whenever an on duty police officer from one jurisdiction views a serious traffic offense or has probable cause to believe a serious traffic offense including driving while intoxicated violations are occurring within the jurisdiction of the other agency covered in this agreement, the officer may stop and arrest or cite the suspected violator as provided by law.

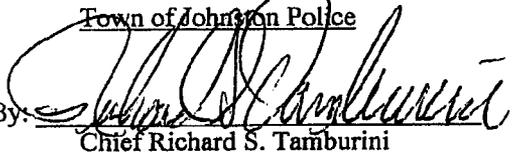
(C) Whenever an on duty police officer from one jurisdiction views a situation requiring a motorist assist or is called upon to provide assistance, the officer may render emergency aid as necessary. In the event a call for assistance is made to an unspecified location within the jurisdictions covered in this agreement, both agencies may dispatch personnel to the proximate and appropriate location to render assistance as the circumstances require.

(D) In the event that an automated traffic control signal that is located at a jurisdictional boundary, but within the jurisdiction of the other agency malfunctions and poses an imminent threat of a motor vehicle accident unless traffic control is established immediately, assistance from the neighboring jurisdiction may be provided upon request of the affected jurisdiction.

(E) Whenever any party covered by this agreement is involved in any activity that would implicate the provisions of this agreement, a notification shall be made to the cooperating agency's officer in charge as soon as practicable.

We the undersigned have read and agree to the provisions set forth in this Memorandum of Agreement for providing mutual aid and hereby affix our signatures in acknowledgement.

City of Cranston Police  
By:   
Colonel Marco Palombo, Jr.  
Chief of Police

Town of Johnston Police  
By:   
Chief Richard S. Tamburini  
Chief of Police

Date: 4/8/13

Date: 4-8-13

Cc: All Agencies and Interested Parties

Signed and sworn to before me on this 8th day of April, 2013.

  
Notary Public # 753842

My commission expires: 2/29/16



The Town of Johnston

RESOLUTION OF THE TOWN COUNCIL

No. 2006-23

Signature of Robert V. Russo, President, dated 9/19/06

Be it resolved, that:

Whereas, The Johnston Police Chief requests authorization to enter into a "Mutual Aid Agreement" between the Towns of Johnston, North Providence, Scituate, Smithfield, Providence, and Cranston for the purpose of providing reciprocal law enforcement services across jurisdictional lines.

Whereas, Rhode Island General Law 45-42-2 states (a) Notwithstanding any law to the contrary, and consistent with the provisions of Chapter 40.1 of this title entitled "Interlocal Contracting and Joint Enterprises", where the territories of one city or town lies adjacent to another city or town, the chiefs of police of the adjacent city or town may enter into an agreement, which is subject to approval by each city or town council by adoption of a resolution in support of it, by which the chief may request the other city or town police force to provide assistance in a nonemergency situation to provide all those policies services prescribed by law within any portion of the jurisdiction of the city or town of the chief granting the authority.

Whereas, (b) The officers responding to the request and agreement shall have the same authority, powers, duties, privileges and immunities for jurisdictional purposes as a duly appointed police officer of the city or town making the request.

Whereas, (c) All wage and disability payments, pension, workers' compensation claims, medical expenses or other employment benefits will be the responsibility of the employing agency, unless the requesting agency is reimbursed for such costs from any other source. Each agency shall be responsible for the negligence of its employees to the extent specified by law

Whereas, (d) A copy of any agreement entered into pursuant to this section shall be provided to the superintendent of the Rhode Island State Police

Whereas, (e) The governor shall have the authority to suspend an agreement entered into pursuant to this section upon a finding that the suspension is in the interest of public safety

Now, therefore, be it resolved that we, the members of the Johnston Town Council, hereby support a Mutual Aid Agreement between the Towns of Johnston, North Providence, Scituate, Smithfield, Providence, and Cranston and Resolution 2006-23 shall take effect upon passage.

Signature of Robert V. Russo, President, District-4

Signature of William F. Santilli, Vice-President, District-1

Signature of Ernest F. Pirochelli, Sr., Councilman, District-2

Signature of John DiMaio, Councilman, District-3

Signature of Stephanie P. Manz, Councilwoman, District-5

Attest: Signature of Robin D. Kimental, Town Clerk

ALLAN W. FUNG  
MAYOR



COLONEL MARCO PALOMBO, JR.  
CHIEF OF POLICE

5 Garfield Avenue  
CRANSTON, RHODE ISLAND 02920  
Phone (401) 942-2211  
Fax (401) 477-5109

**MUTUAL AID MEMORANDUM OF AGREEMENT FOR  
RHODE ISLAND LAW ENFORCEMENT AGENCIES**

WHEREAS, The City of Cranston Police Department and the City of Warwick Police Department have come together and entered into this mutual aid agreement as provided for in Rhode Island General Laws, §45-40.1-4 and §45-42-2.

WHEREAS, the aforementioned partners listed above have agreed to enter into a collaborative agreement and are desirous of entering into this agreement setting forth the provisions of this mutual aid collaboration.

WHEREAS, copies of this approved agreement will be submitted to the Office of the Attorney General, the Rhode Island Secretary of State, the Superintendent of the Rhode Island State Police, the City of Cranston and the City of Warwick City Councils and the keepers of public records in the Cities of Cranston and Warwick.

**I. PURPOSE AND INTENT**

The City of Cranston Police Department and the City of Warwick Police Department have entered into this mutual agreement to make the most efficient use of their powers in providing reciprocal police services across jurisdictional lines. This agreement will enhance the capabilities of the partnering agencies in providing additional protection for its citizenry.

Both parties acknowledge that prior to the formal adoption of this agreement that each agency shall provide a certified copy of a resolution by the respective city councils of each jurisdiction authorizing the provision of providing police services across jurisdictional lines.

This agreement has been carefully and fully considered by both parties in the best interest of public safety in both jurisdictions and both agencies agree to provide, upon request, police services to and from the other agency in accord with the following guidelines.

**II. GENERAL GUIDELINES AND PROCEDURES**

(A) For the purpose of this agreement, the signatories acknowledge that mutual aid includes all police services that are requested by one law enforcement agency and provided by a neighboring law enforcement agency.

(B) Agencies participating in this agreement will upon request provide police assistance to the neighboring jurisdiction only to the extent that their available personnel and equipment are not required for the adequate protection of their own jurisdiction. The command structure of the law

enforcement agency being asked to provide mutual aid will have the sole authority to determine the amount of personnel and equipment they are able to commit for assistance.

(C) Whenever the law enforcement employees of one of the cooperating agencies are providing police services to the other cooperating agency pursuant to the authority promulgated in this agreement, those employees shall possess the same jurisdictional power, duties, rights and immunities as the employees of the jurisdiction making the request for mutual aid.

(D) Whenever the law enforcement employees of one of the cooperating agencies are providing police services to another cooperating agency, the agency receiving the assistance in their jurisdiction will supervisory authority of the operation. In all instances, officers covered in this agreement shall be subject to all the rules, regulations, policies and code of ethics of the agency they are employed with.

(E) Any on duty police officer covered by this agreement can initiate police assistance if they believe that a crime is in progress or that assistance is needed in the jurisdictions covered by this agreement. In order to initiate mutual police assistance, the on duty officer from the jurisdiction making the request shall immediately notify their officer in charge who will notify the officer in charge of the agency who will be providing the assistance.

(F) All wages, benefits, disability payments, pensions, injured on duty or worker's compensation claims, medical expenses or their equivalent as provided under Rhode Island General Laws, § 45-19-1 shall be the responsibility of the employing agency unless the agency requesting assistance is reimbursed for such costs from another source.

(H) Each cooperating agency covered in this agreement shall bear the responsibility for any actionable negligence by a member of their agency to the extent specified by law. Further, each of the agencies covered by this agreement hereby agree to indemnify and hold harmless the other participating agency from liability from any and all claims arising from the negligence of the participating agency's employees regardless of who makes the claim.

(I) Each cooperating agency covered in this agreement shall be responsible for the costs associated with the loss or damage of their own equipment and property while providing assistance.

(J) There is no term, provision or condition in this agreement that shall derogate any statutory authority of the Rhode Island State Police.

(K) It is agreed by each cooperating agency covered in this agreement that the language set forth in said agreement will be reviewed in its entirety annually on the anniversary date of the initial signatory endorsement to make any mutually agreed upon revisions based on each year's experience in providing mutual aid services.

(L) The terms and conditions of this agreement shall remain in continuous effect from the date of signatory endorsement and any cooperating agency may revoke its participation and future obligations enlisted in the agreement by providing written notice to the other participating agency within sixty (60) days of the anniversary date of the initial signatory endorsement.

### **III. COOPERATIVE ENFORCEMENT GUIDELINES**

The cooperating agencies covered in this agreement acknowledge and recognize that criminal activities and police calls for service often occur across jurisdictional lines and that mutual agency cooperation between neighboring jurisdictions increases the effectiveness of law enforcement and promotes additional public safety to the jurisdictions encompassed in this

agreement. Either agency may proceed by request from the other agency generally according to the following guidelines:

(A) Whenever an on duty police officer from one of the jurisdictions covered in this agreement views criminal activity, or has probable cause to believe a criminal offense has occurred outside of their home jurisdiction, but within the jurisdiction of the other agency covered in this agreement, the officer may make arrests and take measures to preserve the crime scene.

(B) Whenever an on duty police officer from one jurisdiction views a serious traffic offense or has probable cause to believe a serious traffic offense including driving while intoxicated violations are occurring within the jurisdiction of the other agency covered in this agreement, the officer may stop and arrest or cite the suspected violator as provided by law.

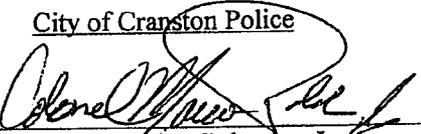
(C) Whenever an on duty police officer from one jurisdiction views a situation requiring a motorist assist or is called upon to provide assistance, the officer may render emergency aid as necessary. In the event a call for assistance is made to an unspecified location within the jurisdictions covered in this agreement, both agencies may dispatch personnel to the proximate and appropriate location to render assistance as the circumstances require.

(D) In the event that an automated traffic control signal that is located at a jurisdictional boundary, but within the jurisdiction of the other agency malfunctions and poses an imminent threat of a motor vehicle accident unless traffic control is established immediately, assistance from the neighboring jurisdiction may be provided upon request of the affected jurisdiction.

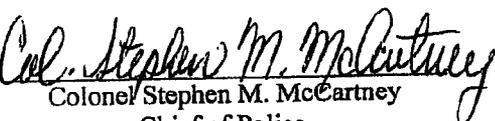
(E) Whenever any party covered by this agreement is involved in any activity that would implicate the provisions of this agreement, a notification shall be made to the cooperating agency's officer in charge as soon as practicable.

We the undersigned have read and agree to the provisions set forth in this Memorandum of Agreement for providing mutual aid and hereby affix our signatures in acknowledgement.

City of Cranston Police

By:   
Colonel Marco Palombo, Jr.  
Chief of Police

City of Warwick Police

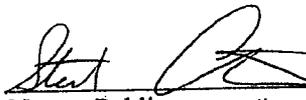
By:   
Colonel Stephen M. McCartney  
Chief of Police

Date: 4/2/13

Date: 4/3/2013

Cc: All Agencies and Interested Parties

Signed and sworn to before me on this 2<sup>nd</sup> & 3<sup>rd</sup> day of April, 2013.

  
Notary Public # 753842

My commission expires: 2/29/16

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

**-MAY 28, 2013-**

**Claims Committee – June 3, 2013**

**\*Property damage claim** of Jenny Smith for alleged incident on May 21, 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.)

**Council President Lanni** stated that this Ordinance was referred to the Public Works Committee and is on the agenda for its June 3<sup>rd</sup> meeting.

**Laborer’s Contract (Executed Copy Received 5/2/2013)**

Removed from Docket.

**RIDOT Police Detail MOA (Awaiting Executed Copy)**

**Mr. Cordy** stated that we are still waiting for D.O.T. to sign the agreement and return it to us.

**Information only – no further action:**

**3-13-1** Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Ashley and Hazelton). (Cont. 4/11/2013). [\[click to view\]](#) Failed in Committee May 16, 2013

No action.

The meeting adjourned at 8:25 P.M.



Maria Medeiros Wall, JD  
City Clerk



Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)

