

(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

-JUNE 24, 2013-

Regular meeting of the City Council was held on Monday, June 24, 2013 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:20 P.M. by the Council President.

Roll call showed the following members present: Councilwoman Lee, Councilmen Stycos, Archetto, Aceto, Santamaria, Favicchio and Council President Lanni -7.

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

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

RACHEL BLUSTEIN OF WOODRIDGE ELEMENTARY SCHOOL – WINNER OF THE RI ART EDUCATORS ASSOCIATION’S FLAG DRAWING CONTEST

Councilman Santamaria read Citation to be presented to Rachel Blustein.

II. PUBLIC HEARINGS

(limited to docketed matters)

Eric Weiner, 56 Chestnut Hill Ave., appeared to speak regarding proposed Ordinance 5-13-2 and asked that the Council and rest of the City reach a compromise and not shut food trucks out of the City.

Kelly Coates, 1414 Atwood Ave., Johnston and 1000 Chapel View Blvd., appeared to speak in favor of proposed Ordinance 5-13-2 and stated that the City needs to protect the small businesses. Mr. Coates also spoke in favor of proposed Resolution Authorizing the Mayor to Decline the Right to Purchase Surplus State Property from the State of Rhode Island Specifically Assessor’s Plat 14, Lots 15 & 22 (Power Road).

Resident of 262 South Clarendon, owner and operator of a food truck in Providence, appeared to oppose to proposed Ordinance 5-13-2.

Steve Boyle, 150 Midway Rd., President of Cranston Chamber of Commerce, appeared to speak in favor of proposed Ordinance 5-13-2.

Resident of 86 Jasmine St., Warwick, food truck vendor in Providence, appeared to oppose to proposed Ordinance 5-13-2.

-JUNE 24, 2013-

Bob Coleman, 95 Alpine Estates Dr., appeared to speak in favor of proposed Ordinance 5-13-2.

Nicole Anderson, 1144 Carpenter St., Providence, coffee truck operator, appeared to oppose to proposed Ordinance 5-13-2.

Resident of 176 Florida Ave., appeared to speak regarding proposed Ordinance 5-13-2 and stated that we should be embracing food trucks to come into the City. As to the fees, trucks should not complain because established businesses pay thousands in taxes and fees.

Vinny DiNofrio, 1710 Plainfield Pike, owner of 39 West, appeared to speak in favor of proposed Ordinance 5-13-2.

Sal Saccoccio, City Assessor, appeared to speak regarding proposed Ordinance 5-13-3 and commended the changes being made. He stated that he has a concern with the requirement of five calendar meetings a month. State Law has specific time limits to be adhered by. Another concern he has is the language in the Ordinance stating that the Alternate member is to be compensated at the same rate as regular member. There is a conflict in the wording in the Ordinance. He also stated that he has a concern with #3, which states that the Committee meets for at least one hour. If some people do not show up at the meetings, the Committee members would be sitting around doing nothing for an hour.

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 (2170 Broad Street).

Sponsored by Safety Services & Licenses Committee.

On motion by Councilman Aceto, seconded by Councilman Archetto, it was voted to suspend the Rules in order to take action on the above Resolution.

Discussion took place on the issue that no one was present from the establishment.

Council members agreed to refer this Resolution to the Safety Services and Licenses Committee at its July 1st meeting.

Motion and second to suspend the Rules were withdrawn.

Resolution was referred to end of meeting to be introduced as New Business to be referred to the Safety Services and Licenses Committee.

RESOLUTION AUTHORIZING THE MAYOR TO DECLINE THE RIGHT TO PURCHASE SURPLUS STATE PROPERTY FROM THE STATE OF RHODE ISLAND SPECIFICALLY ASSESSOR'S PLAT 14, LOTS 15 & 22 (Power Road).

Sponsored by Councilman Favicchio

On motion by Councilman Santamaria, seconded by Councilman Favicchio, it was voted to suspend the Rules in order to act on the above Resolution. Motion passed on a vote of 6-1. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Archetto, Aceto, Santamaria, Favicchio and Council President Lanni -6. The following being recorded as voting "nay": Councilman Stycos -1.

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

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

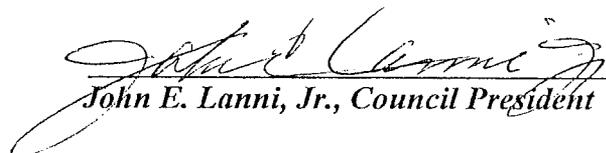
CITY OF CRANSTON

RESOLUTION

**AUTHORIZING THE MAYOR TO DECLINE THE RIGHT TO PURCHASE
SURPLUS STATE PROPERTY FROM THE STATE OF RHODE ISLAND
SPECIFICALLY ASSESSOR'S PLAT 14, LOTS 15 and 22
(Power Road)**

No. 2013-23

Passed
June 24, 2013


John E. Lanni, Jr., Council President

Resolved, That

WHEREAS, the State of Rhode Island has offered to sell surplus property to the City of Cranston, specifically Assessor's Plat 14, Lot 22, a Detention Pond – Parcel "D" 5.56 Acres located on the west side of Power Road, and Assessor's Plat 14, Lot 15, the former R.I. Training School Property 13.06 Acres located on the east side of Power Road. See attached letters from the State of Rhode Island.

WHEREAS, the City of Cranston acknowledges receipt of this offer and seeks to decline its right to purchase the subject properties.

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Cranston declines its right to purchase the aforementioned properties from the State of Rhode Island.

Sponsored by: Councilman Michael Favicchio



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ADMINISTRATION

Richard A. Licht, Director
 One Capitol Hill
 Providence, RI 02908-5890

Office: (401) 222-2280
 Fax: (401) 222-6436

**CERTIFIED MAIL
 RETURN RECEIPT REQUESTED**

May 22, 2013

Ms. Maria Wall
 Office of the City Clerk
 Cranston City Hall
 869 Park Avenue
 Cranston, RI 02910

Subject: **DISPOSITION OF SURPLUS STATE PROPERTY:**
 DETENTION POND – PARCEL “D” – 5.56 ACRES
 LOCATION: WEST SIDE OF POWER ROAD, CRANSTON, RI
 ASSESSOR’S PLAT 14, LOT 22

Dear Ms. Wall:

The Department of Administration has determined that the above referenced property is surplus to its needs. On May 21, 2013, the State Properties Committee approved the Department of Administration’s request to sell the property to Crown Holdings II, LLC. The subject property is highlighted on the attached assessor’s plat map and aerial photograph.

Title 37, Chapter 7, Section 5 of the General Laws of Rhode Island, 1956, as amended, mandates that when selling land, the acquiring authority shall first offer the land or property to the city or town wherein the land or property is situated at the fair market value of the property. A first right to purchase the land or property shall be conclusively presumed to have been waived in the event a written offer to sell the land or property, containing the terms of offer, shall have been sent by registered or certified mail to the city or town clerk, as the case may be, wherein the land and property are situated and the offer shall not have been accepted within thirty (30) days from the date of the mailing.

Accordingly, the above-referenced property is hereby offered for sale to the City of Cranston under the terms and conditions set forth in the attached “Purchase and Sale Contract”, by and between the State of Rhode Island and Crown Holdings II, LLC. The purchase price as set forth in the Purchase and Sale Contract is \$250,000 and dismissal of that certain civil action pending in Providence Superior Court as *Chapel Associates, LLC, et al. v. State of Rhode Island*, C. A. No. 10-5189. This offer, if accepted by the City, is contingent upon final State Properties Committee approval.

Ms. Maria Wall
May 22, 2013
Page 2

Failure by City of Cranston to accept this offer within thirty (30) days of this letter shall be deemed to be a waiver of the City's statutory right to purchase the property.

Sincerely,



Richard A. Licht, Director
Department of Administration

RAL/co

cc: The Honorable Allan Fung
Mayor of Cranston
Frederick Stolle, Esq.
Michael D. Mitchell, Esq.
Namvar Moghadam
John Ryan

Enclosure



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ADMINISTRATION

Richard A. Licht, Director
 One Capitol Hill
 Providence, RI 02908-5890

Office: (401) 222-2280
 Fax: (401) 222-6436

**CERTIFIED MAIL
 RETURN RECEIPT REQUESTED**

May 22, 2013

Ms. Maria Wall
 Office of the City Clerk
 City of Cranston
 Cranston City Hall
 869 Park Avenue
 Cranston, RI 02910

Subject: **DISPOSITION OF SURPLUS STATE PROPERTY:**
 FORMER R. I. TRAINING SCHOOL PROPERTY (13.06 ACRES)
 LOCATION: EAST SIDE OF POWER ROAD, CRANSTON, RI
 ASSESSOR'S PLAT 14, LOT 15

Dear Ms. Wall:

The Department of Administration has determined that the above referenced property is surplus to its needs. On May 21, 2013, the State Properties Committee approved the Department of Administration's request to sell the property to Crown Holdings II, LLC. The subject property is highlighted on the attached assessor's plat map and aerial photograph.

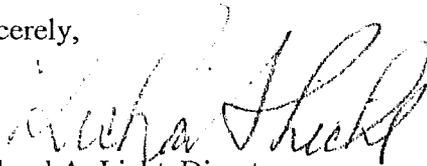
Title 37, Chapter 7, Section 5 of the General Laws of Rhode Island, 1956, as amended, mandates that when selling land, the acquiring authority shall first offer the land or property to the city or town wherein the land or property is situated at the fair market value of the property. A first right to purchase the land or property shall be conclusively presumed to have been waived in the event a written offer to sell the land or property, containing the terms of offer, shall have been sent by registered or certified mail to the city or town clerk, as the case may be, wherein the land and property are situated and the offer shall not have been accepted within thirty (30) days from the date of the mailing.

Accordingly, the above-referenced property is hereby offered for sale to the City of Cranston under the terms and conditions set forth in the attached "Purchase and Sale Contract" by and between the State of Rhode Island and Crown Holdings II, LLC. The purchase price as set forth in the Purchase and Sale Contract is \$4,500,000 and dismissal of that certain civil action pending in Providence Superior Court as *Chapel Associates, LLC, et al. v. State of Rhode Island*, C. A. No. 10-5189. This offer, if accepted by the City, is contingent upon final State Properties Committee approval.

Ms. Maria Wall
May 22, 2013
Page 2

Failure by City of Cranston to accept this offer within thirty (30) days of this letter shall be deemed to be a waiver of the City's statutory right to purchase the property.

Sincerely,



Richard A. Licht, Director
Department of Administration

RAL/co

cc: The Honorable Allan Fund
Mayor of Cranston
Frederick Stolle, Esq.
Michael D. Mitchell, Esq.
Namvar Moghadam
John Ryan

-JUNE 24, 2013-

IV. REPORT OF COMMITTEES

ORDINANCE COMMITTEE
(Councilman Paul H. Archetto, Chair)

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

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

FINANCE COMMITTEE
(Councilman Steven A. Stycos, Chair)

RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS

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

TAX INTEREST WAIVER APPROVALS [[click to view](#)]

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

TAX INTEREST WAIVER DENIALS [[click to view](#)]

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

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)

On motion by Councilwoman Lee, seconded by Councilman Aceto, it was voted to approve the above Ordinance.

Motion and second were withdrawn.

On motion by Councilman Aceto, seconded by Councilman Santamaria, it was voted to recommit this Ordinance back to Committee for further amendments. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Archetto, Aceto, Santamaria, Favicchio and Council President Lanni -7.

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

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. 2013-24

Passed:
June 24, 2013


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.

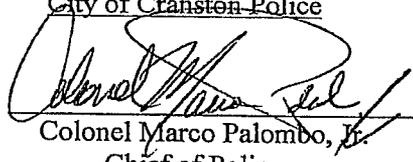
(D) In the event that an automated traffic control signal that is located at a jurisdictional boundary, but within the jurisdiction of the other agency malfunctions and poses an imminent threat of a motor vehicle accident unless traffic control is established immediately, assistance from the neighboring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

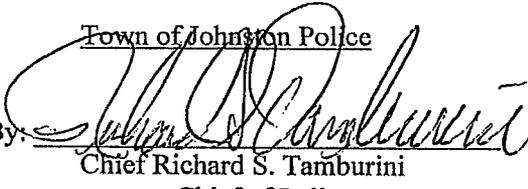
(E) Whenever any party covered by this agreement is involved in any activity that would implicate the provisions of this agreement, a notification shall be made to the cooperating agency's officer in charge as soon as practicable.

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

Town of Johnston Police

By: 
Colonel Marco Palombo, Jr.
Chief of 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

Robert V. Russo 9/18/06
President Date

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.

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

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

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

John DiMaio
John DiMaio, Councilman
District-3

Stephanie P. Manzi
Stephanie P. Manzi, Councilwoman
District-5

Attest: *Robin D. Rimental*
Robin D. Rimental, 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 have 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.

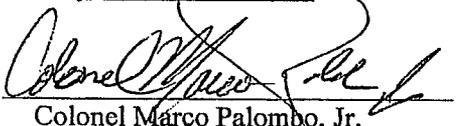
(D) In the event that an automated traffic control signal that is located at a jurisdictional boundary, but within the jurisdiction of the other agency malfunctions and poses an imminent threat of a motor vehicle accident unless traffic control is established immediately, assistance from the neighboring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

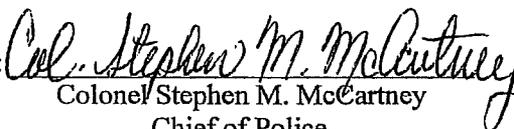
(E) Whenever any party covered by this agreement is involved in any activity that would implicate the provisions of this agreement, a notification shall be made to the cooperating agency's officer in charge as soon as practicable.

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

City of Warwick Police

By: 
Colonel Marco Palombo, Jr.
Chief of 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 23rd day of Apr., 2013.


Notary Public # 753842

My commission expires: 2/29/16

THE CITY OF CRANSTON

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

No. 2013-25

Passed:
June 24, 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)



DIVISION OF ASSESSMENT
869 PARK AVE
CRANSTON, RI 02910

SALVATORE SACCOCCIO JR.
CITY ASSESSOR

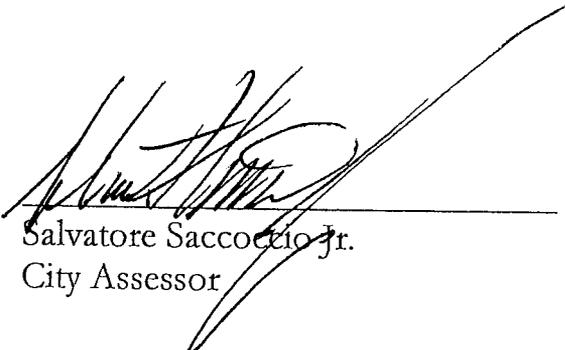
DAVID COLE
DEPUTY ASSESSOR

MEMO

DATE: June 6, 2013
TO: His Honor the Mayor and the Honorable City Council
FROM: City Assessor
RE: Motor Vehicle Abatements

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

<u>Assessment Date</u>	<u>Value</u>	<u>Tax</u>
December 31, 2008	1,600	67.90
December 31, 2009	5,316	225.61
December 31, 2010	6,665	282.86
December 31, 2011	<u>48,742</u>	<u>2,068.65</u>
Totals:	62,323	2,645.02



Salvatore Saccoccio Jr.
City Assessor

City of Cranston
2009 Motor Vehicle
Abatement List

1	39000580	000073796		000000000	000000000
	Vehicle 2004	CHRYSL	DM 906	Vehicle 0000	Vehicle 0000
	ID 1C3AL56R34N103747			ID	ID
	IAFRATE DINA M				
	16 COLONY ST APT 1				
	Cranston RI 02920				

Original :	Value	Tax	Original :	Value	Tax
STOLEN/SOLD/JUNK/TOT	7,600	67.90			
Adjusted Tax:		67.90	Adjusted Tax:		

For Tax Year: 2009

Original :	Value	Tax	Accounts
Adjusted Tax :	7600	67.90	on 1

*** MECRIABT_CR.REP *** Printed 06062013 at 08:53:55 by KARBUR

Page 1

City of Cranston
2010 Motor Vehicle
Abatement List

1	39000530	0000072730	DM 906	2	56002970	000158736	LZ 34	00000000	0000000000
	Vehicle 2004	CHRY			Vehicle 1999	FORD		Vehicle 0000	
	ID 1C3AL56R34N103747				ID 1FMPU18L3XL839826			ID	
	IAFRATE DINA M				ZUCKERMAN LINDA B				
	16 COLONY ST Apt 1				1484 PHENIX AVE				
	Cranston RI 02920				Cranston RI 02921				

Original	:	Value		Original	:	Value		Original	:	Value		Tax
STOLEN/SOLD/JUNK/TOT	:	2,973		STOLEN/SOLD/JUNK/TOTA	:	3046		Vehicle 0000	:	0000000000		
Adjusted Tax:	:	115.69		Adjusted Tax:	:	109.92		Adjusted Tax:	:			

For Tax Year: 2010

Original	:	Value		Tax
Adjusted Tax	:	6019		225.61
				on 2 Accounts

City of Cranston
2011 Motor Vehicle
Abatement List

1	33026740	000027973	RJ	381	2	48024130	0000127854	00000000	0000000000
	Vehicle 2002	CHRY				Vehicle 2008	HOND	Vehicle 0000	
	ID 2C3AE76K2H283404					ID JHMG037698S028084		ID	
	CIPRIANO HEATHER M					RUO MICHELE C			
	14 HIGHLAND ST					27 WILLIS ST			
	Cranston RI 02920					CRANSTON RI 02910			

Original	:	Value		Original	:	Value		Original	:	Value	
STOLEN/SOLD/JUNK/TOT	:	3,953	Tax	STOLEN/SOLD/JUNK/TOTA	:	13700	Tax	Adjusted Tax:	:		
Adjusted Tax:	:	146.55		Adjusted Tax:	:	747.03					
		114.03				168.83					
		32.52				578.20					

For Tax Year: 2011

Original	:	Value		Tax
Adjusted Tax	:	17653		893.58
				292.86 on 2 Accounts
				610.72

City of Cranston
2012 Motor Vehicle
Abatement List

Original Value	Original Tax	Adjusted Tax	Original Value	Original Tax	Adjusted Tax
33026930	000028269		34033540	000046216	
Vehicle 2002	CHRY	RJ 381	Vehicle 2008	HD	000176
ID 2C9AE76K2H283404			ID 1HD1FL4148Y688216		
CIPRIANO HEATHER M			DURAND ALLEN P		
14 HIGHLAND ST			12 JACKSON FLAT RD		
Cranston RI 02920			Cranston RI 02923		
Original Value	532	19.23	Original Value	13860	567.00
STOLEN/SOLD/JUNK/TOT		19.23	OUT OF COMMUNITY		567.00
Adjusted Tax:			Adjusted Tax:		
37020710	000062183		42004520	000080538	
Vehicle 2005	CHRY	G 846	Vehicle 2009	NISS	AT 263
ID 2C8BF6845FR648369			ID SNIAB61E09L674759		
GREENE HELEN M			LAPIERRE JACQUELINE P		
103 WEST BLUE RIDGE RD			33 PINE STREET		
Cranston RI 02920			Pascoag RI 02869		
Original Value	1,997	176.47	Original Value	12775	520.95
STOLEN/SOLD/JUNK/TOT		80.00	OUT OF COMMUNITY		520.95
Adjusted Tax:		96.47	Adjusted Tax:		
42022370	000086233		48024330	000127387	
Vehicle 2002	TOYT	LL 346	Vehicle 2008	HOND	816268
ID 4T1BE32K12US86998			ID JHMGD37698S028084		
LUSSIER LORRAINE			RUD MICHELE C		
10A FAIRGROUND MAY			27 WILLIS ST		
Cranston RI 02923			Cranston RI 02910		
Original Value	1,838	104.86	Original Value	10563	721.65
OUT OF COMMUNITY		104.86	STOLEN/SOLD/JUNK/TOTA		430.68
Adjusted Tax:			Adjusted Tax:		290.97
53009700	0000155237		000000000	00000000000	
Vehicle 1999	JEEP	NN 106	Vehicle 0000	ID	
ID 1J4GM68S0XC553633					
WOLFENDEN SCOTT A					
36 SABRA ST APT-1					
CRANSTON RI 02910					
Original Value	1,755	93.83	Original Value		
STOLEN/SOLD/JUNK/TOT		7.44	Adjusted Tax:		
Adjusted Tax:		86.39			
42012410	000083089		50012750	0000146204	
Vehicle 2002	MERZ		Vehicle 1997	BWM	ST 999
ID WDBLJ65G92F201039			ID WBAOD328VAV18257		
LEVESQUE ERICKA L			TREGARTIN JEFFREY D		
285 EAST VIEW AVE			153 ALPINE ESTATES DR		
Cranston RI 02920			Cranston RI 02921		
Original Value	19375	801.06	Original Value	1084	36.84
STOLEN/SOLD/JUNK/TO		228.25	STOLEN/SOLD/JUNK/TO		26.65
Adjusted Tax:		572.81	Adjusted Tax:		10.19

City of Cranston
2012 Motor Vehicle
Abatement List

.....
For Tax Year: 2012
.....

	Value	Tax		Accounts
Original	69163	3455.98	on 10	
Adjusted Tax		2068.65		
		1387.33		

Jun-13 Waiver of Interest Applications

Page 1

Recommend To Approve:

<u>NAME</u>	<u>ADDRESS</u>	<u>TAX AMT</u>	<u>INTEREST</u>	<u>REASON</u>
Ajmiri, Shams	35 Rutland St	\$1,414.37	\$141.44	hardship
Almonte Design	7 Corral Ct	159.70	\$19.16	lostcheck
Bose, Timothy	178 Mountain Laurel	904.03	\$162.71	hardship
Brown, Rosemary	1835 Phenix Ave	1,223.75	\$134.79	lostcheck
Burns, Robert E	51 Moorland Ave	698.90	\$77.66	hardship
Chianesi, Steven	32 Everbloom Dr	1,578.13	\$157.82	illness
Chiaverini, Katherine	4 Wildberry Dr	1,230.13	\$136.98	illness
DeJuty, Karen	90 Sheffield Rd	1,415.80	\$198.17	hardship
DeSimone, Philip	128 Midvale Rd	346.60	\$34.66	lostcheck
Doolley, Peter	15 Anthony Dr	2,496.60	\$249.66	death
Gagne, Amelia	30 Ruxton St	538.46	\$53.73	hardship
Grady, Emily	4 Ferrcrest Ave	203.07	\$24.37	lostcheck
Kollett, Marjorie	112 Warwick Ave	783.13	\$93.98	hardship
Ledoux, Annette	630 Oaklawn Ave	1,012.87	\$166.47	illness
Maclean, John	88 Boxwood Ave	827.21	\$82.71	death
Mazzenga, Gino	510 Hope Rd	2,566.06	\$230.95	hardship
Mills, Donald	16 Urbana St	323.32	\$55.46	death
Mulvey, Patricia	57 Hemlock Ave	1,315.85	\$131.58	death
Nicholson, Neil	51 Norton Ave	576.00	\$57.60	hardship
Notaranni, Lucille Estate	116 Sweet Briar Dr	6,170.88	\$617.09	hardship
Nunes, Jose	157 Dellwood Rd	1,838.19	\$183.81	illness
O'Connor, Corinne	435 Scituate Ave	891.50	\$89.15	lostcheck
Phyfe, James	32 Glen Ave	326.78	\$35.25	hardship
Policelli, Vincent	39 Sachem Dr	869.03	\$95.60	death
Ricci, Armando	1401 Seven Mile Rd	17,747.83	\$1,242.31	illness
Robichaud, Joseph	5 Hardpont Rd	2,053.71	\$497.13	hardship
Rosa, Cristina	103 Forest Ave	378.78	\$45.45	hardship
Stephenson, Susan	358 Northup St	2,656.88	\$299.81	illness

Recommend to Deny

Caserta, Alex	90 Derbyshire Dr .	379.26	45.49	
---------------	--------------------	--------	-------	--

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

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

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 REMEDICATION 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

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

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 STATED 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

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

PUBLIC WORKS COMMITTEE
(Councilman Mario Aceto, Chair)

8S-12-1 ORDINANCE IN AMENDMENT OF TITLE 13.08 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'PUBLIC SERVICES' (Sewer Service System) AND TITLE 13.12 ENTITLED 'WASTEWATER DISPOSAL SERVICES'

On motion by Councilman Favicchio, seconded by Councilman Santamaria, it was voted to recommit the above Ordinance to Public Works Committee for further amendments by the Solicitor. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Archetto, Aceto, Santamaria, Favicchio and Council President Lanni -7.

THE CITY OF CRANSTON

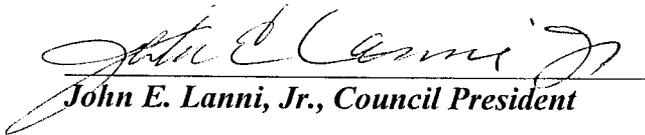
RESOLUTION OF THE CITY COUNCIL

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. 2013-26

Passed:

June 24, 2013


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 sue 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 action 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

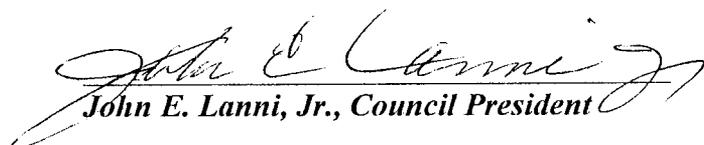
RESOLUTION OF THE CITY COUNCIL

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. 2013-27

Passed:

June 24, 2013


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

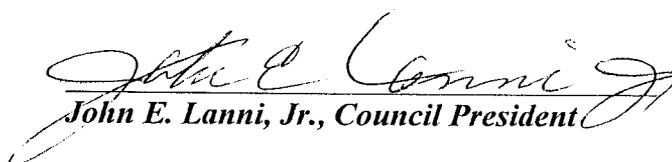
RESOLUTION OF THE CITY COUNCIL

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. 2013-28

Passed:

June 24, 2013


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.

REQUEST FROM VERIZON AND NATIONAL GRID FOR JOINT POLE LOCATION AT OLNEY ARNOLD RD. [\[click to view\]](#)

Placed on Docket in error.

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

5-13-1 ORDINANCE IN AMENDMENT OF TITLE 5 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘BUSINESS LICENSES’ (Tobacco License Fee).

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

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).

On motion by Councilman Favicchio, seconded by Councilman Archetto, it was voted to adopt the above Ordinance.

On motion by Councilman Stycos, seconded by Councilman Archetto, it was voted to amend the above Ordinance as follows: line #26, amend “1,000 feet” to “500 feet”. Motion failed on a vote of 2-5. The following being recorded as voting “aye”: Councilwoman Lee and Councilman Stycos -2. The following being recorded as voting “nay”: Councilmen Archetto, Aceto, Santamaria, Favicchio and Council President Lanni -5.

On motion by Councilman Stycos, seconded by Councilman Aceto, it was voted to amend the above Ordinance as follows: line #31, delete entire Section B and substitute the following language: “Section 5.44.070A shall not apply if all the established businesses licensed to sell food by the City within 1,000 ft. indicate in writing that they have no objection to a specific Itinerant Food Vendor(s) within 1,000 ft. This waiver may be revoked in writing on two weeks notice by an established business licensed by the City to sell food”. Motion failed on a vote of 2-5. The following being recorded as voting “aye”: Councilwoman Lee and Councilman Stycos -2. The following being recorded as voting “nay”: Councilmen Archetto, Aceto, Santamaria, Favicchio and Council President Lanni -5.

Roll call was taken on main motion to adopt the above Ordinance and motion passed on a vote of 5-2. The following being recorded as voting “aye”: Councilmen Archetto, Aceto, Santamaria, Favicchio and Council President Lanni -5. The following being recorded as voting “nay”: Councilwoman Lee and Councilman Stycos -2.

CLASS B ALCOHOLIC BEVERAGE/VICTUALLING LICENSE:

TORG LLC d/b/a THE ELEPHANT ROOM
2170 Broad Street

New BV79

forwarded without recommendation – subject to General Assembly approval

On motion by Councilman Santamaria, seconded by Councilman Stycos, it was voted to refer this item back to Safety Services and Licenses Committee. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilwoman Lee, Councilmen Stycos, Archetto, Aceto, Santamaria, Favicchio and Council President Lanni -7.

05-13-1

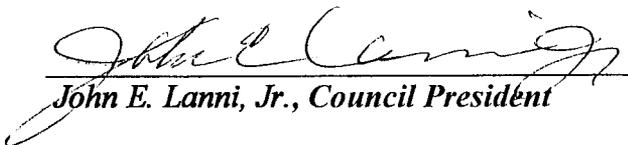
THE CITY OF CRANSTON

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

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. 2013-18

Passed:
June 24, 2013


John E. Lanni, Jr., Council President

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


Allan W. Fung, Mayor

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

Section 1. Title 5, Chapter 68, Section 5.68.020 entitled "License Required" is hereby amended as follows:

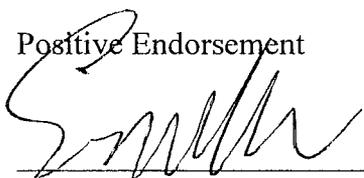
5.68.020 - License required.

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)



6/29/13

Christopher Rawson, Solicitor

Date

Christopher Rawson, Solicitor

Date

Sponsored by: Councilman Stycos

Referred to Safety Services Committee June 3, 2013

05-13-2

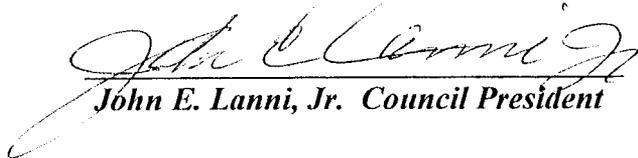
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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. 2013-19

Passed:
June 24, 2013


John E. Lanni, Jr. Council President

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

Allan W. Fung, Mayor

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

Section 1. 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.

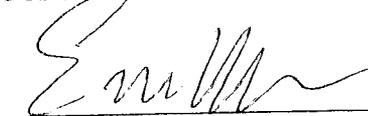
B. No food shall be sold by Itinerant Food vendors:

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 its final adoption.

Positive Endorsement

Negative Endorsement (attach reasons)

 6/24/13

Christopher Rawson, City Solicitor Date

Christopher Rawson, City Solicitor Date

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

-JUNE 24, 2013-

FUSION EL RINCON DEL SABOR LLC d/b/a FUSION
Carol Villacres

New BV78
877-879 Dyer Ave.

On motion by Councilman Aceto, seconded by Councilman Archetto, it was voted to deny this license application. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Archetto, Aceto, Santamaria, Favicchio and Council President Lanni -7.

CLAIMS COMMITTEE
(Councilwoman Sarah Kales Lee, Chair)

***Report of settled claims (Informational purposes only):**

Leonard C. Upham	\$50.00	mailbox
Richard Paquet	\$50.00	mailbox
Mark J. Loiselle	\$186.73	tire damage
Anne Marie Petteruti	\$2,719.00	sign damaged
General Oil Company		

No action needed.

V. PUBLIC HEARINGS
(open to any matters)

Paul Valletta, President of Fire Fighters Union Local 1363, appeared to speak and commended the Chief and the City on the position that they took approximately three weeks ago in regards to the issue of the Coventry Fire District issue. He thanked the Administration and the Chief in taking the stance that Cranston was not going to send its apparatus there and leave Western Cranston without fire coverage and do automatic mutual aid.

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 DEPARTMENT – Continuation in Service Requests
Chief William McKenna**

On motion by Councilman Aceto, seconded by Councilman Favicchio, it was voted to approve the above request. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Archetto, Aceto, Santamaria, Favicchio and Council President Lanni -7.

-JUNE 24, 2013-

Capt. Paul L. Valletta, Jr.

On motion by Councilman Favicchio, seconded by Councilwoman Lee, it was voted to approve the above request. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Archetto, Aceto, Santamaria, Favicchio and Council President Lanni -7.

Lt. Thomas Mizzoni

On motion by Councilman Favicchio, seconded by Councilman Archetto, it was voted to approve the above request. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Archetto, Aceto, Santamaria, Favicchio and Council President Lanni -7.

Pvt. Stephen Croft

On motion by Councilman Favicchio, seconded by Councilman Archetto, it was voted to approve the above request. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilwoman Lee, Councilmen Stycos, Archetto, Aceto, Santamaria, Favicchio and Council President Lanni -7.

***Lt. Kevin R. Hodnett – pension roll as of June 28, 2013**

Administration asked that this request be continued to next month.

***Claims Settled by Solicitor**

Peerless Insurance Company	\$18,750.00	Ice Rink Fire
----------------------------	-------------	---------------

No action needed.

IX. COUNCIL PRESIDENT COMMUNICATIONS

Council President Lanni thanked all the Council members for working well together.

X. COUNCIL MEMBER COMMUNICATIONS

Councilman Stycos:

- **Enforcement of no parking on the lawn at Park View Middle School**

Mr. Lopez stated that the Administration has been on top of Parks and Recreation to remind the Little Leagues not to park there and has asked the Police to ask them to cooperate. The Administration will speak to the Little League again and if there are still problems, then they will be ticketed.

- **Rat control delays**

Mr. Lopez stated that people who call for appointments are scheduled in the order the calls come in. Additional funds for this issue will not be available until July 1st, when fiscal year begins. We are addressing this issue with a third party vendor who is assisting the City in addition to the new employees who have been trained in rebating.

Councilman Archetto:

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

No discussion was held.

-JUNE 24, 2013-

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

No discussion was held.

- **Constituent Issue**

Councilman Archetto stated that a constituent contacted him on May 13, 2013 regarding an issue and he in turn contacted the Administration to have the issue addressed. Four weeks later, the Administration has not responded or addressed the issue. Councilman Archetto stated that he will give the information regarding this matter to Mr. Lopez after the meeting.

Councilman Aceto:

- **Yard Waste Pick ups**

Mr. Lopez stated that Waste Management has approximately three trucks strictly available for yard waste. The Public Works Director has spoken to Waste Management and they have assured the City that they will stay on top of this and they are using Saturdays as catch up day.

Councilman Santamaria:

- **Valente Dr.**

Councilman Santamaria stated that there is a piece of property at this location which needs to be cleaned up. Mr. Lopez stated that the Building Official has sent an inspector to this property and the owner has been noticed. We are waiting for the waiting for the notice period to end and more then likely, the City will have to clean up the property and then bill the owner for the clean up.

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:

***(for informational purposes. All new business is referred to Committee for public hearing)**

PROPOSED ORDINANCE NO. 6-13-1 RATIFYING THE TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICAN LOCAL UNION 251 MUNICIPAL EMPLOYEES (FY JULY 1, 2012 – JUNE 30, 2015). Referred to July 11, 2013 Finance Committee.

PROPOSED ORDINANCE NO. 6-13-02 IN AMENDMENT OF TITLE 8.51 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED "HEALTH AND SAFETY" (Emergency Management Commission). Referred to July 11, 2013 Ordinance Committee.

PROPOSED ORDINANCE NO. 6-13-03 IN AMENDMENT OF TITLE 8.08, OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED "HEALTH AND SAFETY" FIRE PREVENTION CODE (Fire Pits). Referred to July 11, 2013 Ordinance Committee.

PROPOSED ORDINANCE NO. 6-13-04 IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED "MOTOR VEHICLES AND TRAFFIC" (Macklin Street From Palmer Avenue To *Suez No through trucking). Referred to July 11, 2013 Ordinance Committee.

6-13-01

CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

RATIFYING THE TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA LOCAL UNION NO. 251 MUNICIPAL EMPLOYEES (FY July 1, 2012 – June 30, 2015)

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

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

Section 1. The City of Cranston has through its corporate officials, bargained collectively with the Teamsters, Chauffeurs, Warehousemen & Helpers of America Local Union 251 Municipal Employees, ("Local 251") which is the certified bargaining representative of municipal workers as set forth in the contract; and Local 251 and the City of Cranston have reached an understanding respecting the terms of a contract resulting from concession bargaining.

Section 2. That agreement in writing between the City of Cranston and Local 251, a copy of which is attached hereto and made a part hereof, is hereby ratified, confirmed and approved by this City Council.

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

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

Positive Endorsement

Negative Endorsement (attach reasons)

Christopher M. Rawson, Solicitor

Christopher M. Rawson, Solicitor

6-13-01

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

Fiscal Note

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

Robert F. Strom, Director of Finance

Sponsored by Allan W. Fung, Mayor

Referred to Finance Committee July 11, 2013

City of Cranston
 Teamster Contract Costs
 FY13-15

FISCAL NOTE

	FY13	FY14	FY15	Total
Salary	1.50% 87,419.63	2.50% 148,401.53	2.50% 152,111.57	387,932.73
Uniform allowance:				
Highway (5 Employees at \$550 = \$2,750)/year	2,750.00	2,750.00	2,750.00	8,250.00
Inspections (7 Employees at \$100 = \$700) one-time		700.00		700.00
Related Payroll Taxes	6,897.98	11,616.64	11,846.91	30,361.53
Related Pension-at known rates	8,951.77	15,819.60	16,215.09	40,986.47
Health Care Rate- Frozen FY14 - FY15	0.00	7,016.15	7,016.15	14,032.31
Design Plan Change	0.00	(24,000.00)	(24,000.00)	(48,000.00)
Current	Description	New		
\$10.00	Office Visit	\$15.00		
\$25.00	Urgent Care	\$35.00		
\$100.00	Emergency Room	\$100.00		
\$5/10/25	Prescriptions	\$7/15/30		
Buyback reduction from \$6,363.10 to \$5,500 family Individual buyback \$3,600 (New Employees as of 1/1/14 \$1,000)	0.00	(22,056.85)	(22,056.85)	(44,113.70)
Currently .88/Hr Pension	.97/Hr 21,060.00	1.07/Hr 23,400.00	1.18/Hr 25,740.00	70,200.00
Total	<u>127,079.37</u>	<u>163,647.08</u>	<u>169,622.88</u>	<u>460,349.34</u>
TOTAL FOR 3 YEAR CONTRACT	<u>460,349.34</u>			

Rev 6.12.13

Teamsters Local 251 and the City of Cranston Tentative Agreement

Both Parties agree that the following terms were agreed upon as part of collective bargaining between Teamsters Local 251 and the City of Cranston.

Language to be reflected in a contract for FY 2013 through 2015

Article 6

Sec 1-(a) 4

Hours of Work, Shifts and Break Periods; Union Representatives; Leave for Union Duties

The work week, shifts and break periods of employee shall be as follows:

(a) Civilian Dispatchers.

The regular work week for civilian dispatchers of the CPD shall average thirty seven and one-half (37.5) hours consisting of four (4) days on and two (2) days off.

Shifts shall be as follows:

- 1st shift 7:45 a.m. to 3:45 p.m.
- 2nd shift 3:45 p.m. to 11:45 p.m.
- 3rd shift 11:45 p.m. to 7:45 a.m.

provided, however, that at the Employers discretion, and upon the approval of the Mayor, flexible shifts may be implemented to accommodate the demands of the department, to enhance the efficiency of the department or to maximize the delivery of services to the public.

(2) Civilian dispatchers of the CPD shall be allowed a one-half (¹/₂) hour unpaid meal break at a reasonable juncture during the work shift; provided however, that the Officer in Charge may, at his discretion, deny said meal break if circumstances should require, in which event, the dispatcher shall receive overtime or compensatory time for the extra one-half hour of work, as provided in Article 7 hereof.

(3) Civilian dispatchers of the CPD shall be allowed one (1) fifteen (15) minute paid break during the first half of their shift and one (1) fifteen (15) minute paid break during the second half of their shift. The timing of such breaks shall be determined by the Chief of Police or his designee.

(4) Bidding for shifts for civilian dispatchers of the CPD shall be conducted on a seniority basis. Seniority for these purposes shall be defined as continuous service in the position of dispatcher. SL.

AWF

Article 6**Sec 5 Inclement Weather**

When the outdoor temperature, as indicated from the official temperature gauge at Western Hills Middle School, rises above 91 ~~90~~ degrees Fahrenheit or falls below 19 ~~20~~ degrees Fahrenheit, or the wind-chill factor falls below -4 Fahrenheit, such that employees covered under the City's Collective bargaining agreement with LIUNA 1322 are excused from outside work, foremen and general foremen in the Highway Division and Parks and Recreation Department shall also be excused from outside work. The City retains the right to re-assign employees to alternate work if such weather conditions referenced above exist.

~~Article 7~~~~Sec 1.1 Overtime rate of Pay~~

~~Section 1.1 Overtime Rate of Pay Notwithstanding the provisions of Section 1, no employee covered by this agreement will receive monetary compensation for overtime hours worked. In lieu of monetary compensation, each employee shall be credited with compensatory time only. This change shall not apply to the positions of Police Dispatcher, General foreman, Foreman, Animal Control Officers, or Kennel Custodian. Additionally, this provision shall not apply to any employee on temporary assignment for snow removal dispatch. This provision will expire on June 30, 2011.~~

Article 7**Sec 3 Call back; Call Back Minimum**

The Employer shall determine when an employee shall be called back. In making such determination, the Employer shall consider seniority and qualifications, as well as the needs of the department and shall make reasonable efforts to distribute call back opportunities equitably. If an employee has concluded his regularly scheduled shift, left the workplace and is called back, he shall receive a minimum of three (3) hours' compensation at the overtime rate of pay set forth in Section 1. All Employees that are called back between December 1 through March 31, shall be compensated for at least four (4) hours of overtime pay.

The following procedures will apply to vacancies in Police Dispatch. There are two (2) forms of vacancies: scheduled call back and emergency call back: ~~Scheduled call back is used when a vacancy is created by scheduled time off such as vacation, compensatory day, employee on long term illness, training, jury duty etc. Emergency call back is used when a vacancy is created by short term notification (less than 24 hours), such as sickness, family emergencies etc. To fill these vacancies an overtime list has been established. Any dispatcher may sign up on the overtime list for possible vacancies on specific days and shifts in the upcoming month. Preference is to be given to permanent full-time dispatchers to fill any and all vacancies. If a permanent full-time dispatcher has not signed up for the specific day and shift, the Chief of Police or his designee may call a reserve dispatcher to fill the vacancies. In no event shall a dispatcher be called back to work two (2) consecutive days without a mutual agreement.~~

SL
2
AWF

- A. Scheduled call back is used when a vacancy is created by scheduled time off such as vacation, compensatory day, employee on long term illness, training, jury duty etc. To fill these vacancies an overtime list has been established. Any dispatcher may sign up on the overtime list for possible vacancies on specific days and shifts in the upcoming month. Preference is to be given to permanent full-time dispatchers to fill any and all vacancies. If a permanent full-time dispatcher has not signed up for the specific day and shift, the Chief of Police or his designee may call a reserve dispatcher to fill the vacancies. In no event shall a dispatcher be called back to work two (2) consecutive days without a mutual agreement.
- B. Emergency call back is used when a vacancy is created by short term notification (less than 24 hours), such as sickness, family emergencies etc. To the extent possible, the OIC may approve and facilitate filling that eight (8) hour block in four (4) hour increments. Only in cases when this measure is not possible or unsuccessful, because there is no dispatcher or CPD officer(s) available to serve, the Dispatcher currently on duty shall fulfill the eight (8) hour assignment.

Article 8

Sec 1-a Salaries & Wages

(a) Each employee covered by this agreement shall be paid the salary or wage designated for his position in accordance with the City's pay plans in the salary or wage range applicable to each position for the fiscal years July 1, ~~2012 09~~ to June 30, ~~2015 2012~~, with any step increase within the range for which said employee is eligible. Payday shall be every other Friday. In the event that a regular pay day shall fall on a holiday, then payment shall be made on the working day preceding the holiday. The City's pay plans for the fiscal years referenced above are incorporated by reference herein and made a part hereof. The increases to the pay plans during the term of this agreement shall be as follows:

Fiscal Year Increase	
July 1, 2009 — June 30, 2010	0%
July 1, 2010 — June 30, 2011	0%
July 1, 2011 — June 30, 2012	2.5%
<u>July 1, 2012</u> — <u>June 30, 2013</u>	<u>1.5%</u>
<u>July 1, 2013</u> — <u>June 30, 2014</u>	<u>2.5%</u>
<u>July 1, 2014</u> — <u>June 30, 2015</u>	<u>2.5%</u>

Article 9 Description of Health Care and Dental Coverages; Co-Payment

Sec 1-A

A) The City agrees to offer a Preferred Provider Organization (PPO) plan for each member of the Union and his family or domestic partner. Each employee shall pay a percentage of the monthly working rate for the City for the plan chosen, deducted bi-weekly from the employee's paycheck. The co-share percentage will be maintained at 20% of the 2012 working rate for the current term of this contract. The PPO plan will include the following: \$15 ~~10~~ co-pays for office visits, and specialists, \$35 ~~25.00~~ for urgent care visits, and \$100.00 co-pay for emergency room visits for each occurrence. However, the \$100 emergency room co-pay shall be waived if the member or his family or domestic partner is admitted to the hospital following the visit. Additionally, if there is no urgent care center open, the member may seek a waiver of the \$100 emergency room co-pay from the City, less the \$35 ~~25.00~~ urgent care co-pay.

SL.
AWF³

Sec 1-B

The prescription drug plan will entail a ~~\$7.5/\$15.10/\$30.25~~ co-pay (~~\$7.5~~ for generic, ~~\$15.10~~ for preferred brand names, and ~~\$30.25~~ for non-preferred drugs). Mail order prescriptions for a 90-day supply will be subject to two-and-a-half times (2.5x) the retail co-pay for a normal 30-day supply

Sec 2

If an existing employee elects not to receive the family health and dental coverages described in Section 1 of this article, the Employer shall pay him or her a sum of ~~\$5,500.00 for a Family Plan~~. If the existing employee elects not to receive the family plan but elects to keep the dental plan, the employer shall pay him or her a sum of \$5,100.00 and ~~\$3600 for an Individual Plan, money which equates to fifty percent (50%) of the Employer's annual cost for FY 2006 (FY 7/1/05 to 6/30/06) less \$500.00, and will be fixed at that dollar figure for the term of this agreement~~ For all new hires as of 1/1/2014 who elect not to receive the health and dental coverages described in section 1 of this article will receive \$1,000.00.

This payment shall be made to the electing employee in two equal lump sum installment, one during the first pay period in January of each year and the other during the first pay period in July of each year. An employee shall make his election allowed under this section in writing, addressed to the Personnel Director and deliver it to the Personnel Director's office. If an employee terminates his employment with the City, he agrees to pay to the City within forty-five (45) days of termination the pro-rata share of compensation in lieu of coverage.

Article 11**Sec 2 Maintenance of Benefits for Teamster Pension**

The City agrees to contribute for each hour worked, up to forty (40) hours per week, the following amounts to the New England Teamsters and Trucking Industry Pension Fund, in accordance with the plan adopted by its trustees.

Dates Hourly Contribution

July 1, 2009 - June 30, 2010	\$.73
July 1, 2010 - June 30, 2011	\$.80
July 1, 2011 - June 30, 2012	\$.88
July 1, 2012 - June 30, 2013	\$.97 (10% MOB)
July 1, 2013 - June 30, 2014	\$1.07 (10% MOB)
July 1, 2014 - June 30, 2015	\$1.18 (10% MOB)

SL.
4
AUF

Article 13**Sec 1****Out of Classification Compensation**

If an employee has been assigned, directed and authorized by the Mayor, director of his department or their designee, to serve temporarily in a higher rated classification for two (2) or more hours during any bi-weekly pay period ~~More than four (4) consecutive working days~~, then the employee shall be compensated at the rate of the higher classification for all time served in that classification retroactive to the first hour day. Work performed out of classification shall be at the same step level the employee has attained in his classification. In no event, however, shall the employee working in the higher classification be paid more than the employee being replaced, unless the employee working in the higher classification regularly earns more than the employee being replaced, in which case he will be paid at the step next above his regular classification. No employee shall be compelled to accept such assignment for a period in excess of four (4) months unless agreed upon by the parties and the individual employee. During said period, the employee shall be subject to the terms and conditions of this agreement. Should a temporary assignment be for two (2) four or less consecutive working hours days, then an employee shall not be entitled to a higher rate of compensation and there shall be no salary adjustment.

Article 14**Sec 4****Sick Leave Accrual, Accumulation and Extension**

An employee may accumulate-and-carryover unused sick leave from year to year, but in no event shall the accumulation exceed one hundred fifty (150) days. Sick time shall be granted on January 1st of each year for the upcoming year of employment. Employees in their first year of employment will receive a pro-rated version based on the number of months remaining in the year. Additionally, upon the termination of employment for any reason including but not limited to retirement, termination for cause, or lay-off's, the employee will have a pro-rated amount of days deducted from their total days for purposes of severance calculation as determined by the month of departure assuming the first of the month as the date of accrual. During the month of January in each year, the Employer shall cause to be published and dispatched to the employees covered by this Agreement their present entitlement under this clause. Employees with five ten (5 10) years of service or more may shall be granted up to an additional ninety (90) days sick leave for catastrophic illness or injury so if the sickness is of such a nature as to require a prolonged period of treatment and recuperation (shall apply to one illness or injury). The city shall have the right to review and take into consideration an employees past attendance before granting any extension.

Article 14**Sec 6****Partial Use of Sick Leave**

If any employee shall be sick or ill, or has a doctors appointment for less than a full work day, his sick leave

S.L.
5
AUF

shall so be charged only to the extent of the time he was absent, to the nearest half hour. If the sick time is utilized for a doctor's appointment, a note confirming the visit from the doctor's office shall be submitted to his supervisor upon returning to work.

Article 15

Sec 4 **Accumulation Cap and Carry Over**

An employee may accumulate a maximum of seventy sixty-five (70 65) days and may not carry over vacation time in excess of seventy sixty-five (70 65) days from one calendar year to the next. Vacation allotment in excess of the accumulation limits stated above which is not used by the end of a calendar year may be lost and an employee may not receive pay in lieu of vacation. Vacation allotment in excess of the accumulation limits stated above which is not used by the end of a calendar year will be lost and an employee shall not receive pay in lieu of vacation. An employee will be paid his accumulated vacation allotment, up to sixty-five days the maximum cap at the time of termination of employment. It is further agreed that an employee with more than ten (10) years of service as of December 31st of the previous year may elect to be paid up to five (5) days vacation leave for leave accrued in excess of eighteen (18) days; such payment shall be made in July. Compensation due will be made at the straight-time rate.

Article 21

Sec 5 **Bumping**

An employee who receives a notice of layoff may elect to bump an employee with less seniority in the same or lower grade in a seniority pool if:

- (1) The bumping emthpoyee has more seniority than the employee he will bump; and
- (2) He or she is deemed qualified to perform the functions of the employee, to be bumped, after successfully completing a forty (40) twenty-(20) working day probationary period for training and break-in. The City shall have sole discretion to assess the bumping employee's fitness and qualifications to continue to serve in the position to which he bumped, and if such assessment results in the discharge of said bumping employee, it shall not be subject to the grievance or arbitration procedures set forth in Article 28 and is therefore substantively non-arbitrable; provided however, that said discharged bumping employee shall be placed on a recall list. If a bumping employee is discharged during the probationary period, then the employee he or she had displaced through bumping shall be reinstated forthwith.

Notwithstanding any contrary provision in this section, a non-classified employee may not bump any classified employee and a classified employee may not bump a non-classified employee. Further, no employee, regardless of status (i.e., classified or non-classified)-may bump a division head. A division head may bump into a lower-rated classification in accordance with this process. A division head may not bump another division head.

An employee separated from employment as a result of the bumping process described in this section may bump an employee in the same classification or seniority pool with the least seniority, subject to the qualification and probationary period requirement set forth above in subparagraph 2 of this Section. An employee discharged during said probationary period shall have the right to bump one additional time.

An employee bumping into a lower rated classification shall be placed in the salary step which his total year of *SL*
*AWF*⁶

service requires.

The Department Director or Division Head will provide for a job description at the onset of the probationary ~~40~~ 20 day period and will, for the first five working days provide training.

Article 22

Sec 2 Sick Leave, Vacation Leave and Seniority

Newly hired probationary employees shall not accrue sick leave, vacation leave or seniority until the successful completion of the probationary period, at which point such entitlements shall accrue retroactive to the first date of employment.

A. Vacation Accrual

When a new employee begins their probationary period prior to May 31st and successfully completes his/her probationary 6 month period they would be entitled to 5 vacation days. From the end of the probationary period going forward to the end of the calendar year they would earn an additional .83/days per month until December 31st. On the following January 1st the employee would receive his/her 10 vacation day allocation for the new calendar year. All members of the bargaining unit will receive their vacation accruals at the same time at the beginning of each calendar year.

An employee who begins his probationary period after June 1st would not receive vacation days until the end of probation and would then receive 5 vacation days and earn .83/days per month until the end of the calendar year that the probation ended. This employee would receive his 10 day allocation for the following new calendar year at the same time as all other employees

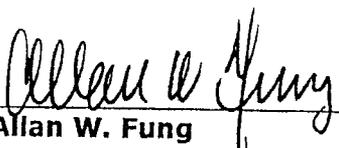
Article 26

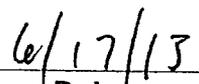
Sec 1 Items Provided by City

A. The City shall furnish Police Dispatchers With six (6) shirts, three (3) pair of pants, and one (1) belt on a yearly basis. The City shall furnish Animal Shelter Personnel with two (2) pair of pants, two (2) Short sleeve-shirts and two (2) long-sleeve shirts and one (1) pair of boots.

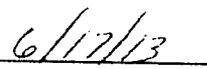
B. The City shall furnish Highway Foreman with a uniform allowance of \$550.00 annually

C. The City shall furnish Building Inspectors with one set of Rain Gear (Coat, Pants, Boots). Replacement of lost or damaged items will be the responsibility of the Inspectors.


Allan W. Fung


Date


Stephen M. LaBrie


Date

6-13-02

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

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

IN AMENDMENT OF TITLE 8.51 OF THE CODE OF THE CITY OF CRANSTON,
2005, ENTITLED "HEALTH AND SAFETY"
(Emergency Management Commission)

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

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

Section 1. Title 8, entitled "Health and Safety" is hereby amended by adding thereto the following chapter:

Section 8.51 Emergency Management Commission

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

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

THE CITY COUNCIL MEMBERS OF THIS COMMISSION SHALL BE APPOINTED BY THE PRESIDENT OF THE COUNCIL. ONE MEMBER SHALL BE FROM THE EAST SIDE OF THE CITY AND ONE FROM THE WEST SIDE OF THE CITY. THE DIVIDING LINE BETWEEN EAST AND WEST FOR THE PURPOSES OF THIS ORDINANCE ONLY SHALL BE ATWOOD AVENUE, RI STATE HIGHWAY 5. THE THIRD MEMBER APPOINTED BY THE CONCIL PRESIDENT SHALL BE AN ALTERNATE MEMBER WHO SHALL SERVE IN THE EVENT EITHER OF THE TWO PRIMARY COUNCIL MEMBER APPOINTEES IS UNABLE TO SERVE.

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

- (1) Establish a regular meeting schedule and form subcommittees as may be appropriate;
- (2) Review emergency management plans and other matters as may be acted upon or

45 otherwise provided for in this ordinance;

46 (3) Establish priorities and goals on emergency management matters on an annual basis;

47 (4) Study emergency management plans in conjunction with the Mayor, and otherwise
48 conduct such other studies as may be deemed appropriate;

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

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

53 **8.51.040 Purposes of the Commission.** – The purposes of this Commission are:

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

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

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

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

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

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

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

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

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

75 **8.51.050 Definitions.** – As used in this chapter:

6-13-02

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

79 (i) Fire;

80 (ii) Flood;

81 (iii) Earthquake;

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

84 (v) Volcanic activity;

85 (vi) Epidemic;

86 (vii) Air contamination;

87 (viii) Blight;

88 (ix) Drought;

89 (x) Infestation;

90 (xi) Explosion;

91 (xii) Riots;

92 (xiii) Hostile military or paramilitary action;

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

94 (xv) Acts of bioterrorism;

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

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

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

103 **8.51.060 Operations.** The mayor, chief of police, and chief of the fire department shall
 104 provide all necessary staffing to enable the commission to carry out its responsibilities

6-13-03

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

IN AMENDMENT OF TITLE 8.08, OF THE CODE OF THE CITY OF CRANSTON,
2005, ENTITLED "HEALTH AND SAFETY" FIRE PREVENTION CODE
(Fire Pits)

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

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

Section 1. Title 8, entitled "Health and Safety" is hereby amended by adding thereto the following chapter:

8.08.200 FIREPITS

A. Fire Pits, Portable Outdoor Fireplaces, Barbecue Grilles, Chiminea, and Tiki Torches Fire pits (campfires or bonfires), portable outdoor fireplaces/fire pits, chimineas and Tiki torches are allowed at single family dwellings or duplexes in Cranston without a permit (these are strictly prohibited at multi-family dwellings).

B. The following guidelines shall be adhered to:

1. No person shall burn, or cause, or permit the burning of vegetation, leaves, wastes, or other combustible
2. A recreational fire (an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace/pit, and barbeque grill or barbeque pit) shall not be more than 3 feet in diameter by 2 feet high in dimension.
3. The minimum required distance for a recreational fire shall be 25 feet from any combustible material (i.e., house, fencing, decks, sheds, trees, tall grass, etc.).
4. Portable outdoor fireplaces/pits shall be used in accordance with the manufacturer's instructions and shall not be operated within 20 feet of the property boundary line, a structure or combustible material. Neighbors can agree with one another to reduce or waive the minimum distance.

- 48 5.
- 49
- 50 6. Burning shall not be conducted when wind speed exceeds 15 mph.
- 51
- 52 7. Fuel for a recreational fire shall consist only of seasoned dry firewood (dried at
- 53 least six months) to minimize the generation of air contaminants.
- 54
- 55 8. The fire shall not be used for waste disposal purposes.
- 56
- 57 9. Any recreational burning shall be constantly attended until the fire is extinguished.
- 58 Fire extinguishing equipment shall be available for immediate use.
- 59
- 60 10. The fire department shall prohibit burning which will be offensive or objectionable
- 61 due to smoke or odor emission when atmospheric conditions or local circumstances
- 62 make such fires hazardous.
- 63
- 64 11. The fire department shall order the extinguishment of recreational burning which
- 65 creates or adds to a hazardous or objectionable situation.
- 66
- 67 12. Smoke can be offensive to our senior citizens, small children and to those with
- 68 allergies or asthma. If your fire is bothering a neighbor, the fire department can be
- 69 called out to check to see if your smoke is offensive and can ask that you put out
- 70 your fire.
- 71

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

73
74
75 Positive Endorsement

Negative Endorsement (attach reasons)

76
77
78
79 _____
Christopher Rawson, City Solicitor Date

Christopher Rawson, City Solicitor Date

80
81 Sponsored by: Councilman Archetto

82
83 Referred to Ordinance Committee July 11, 2013

6-13-04

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

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY
OF CRANSTON, 2005, ENTITLED "MOTOR VEHICLES AND TRAFFIC"
(Macklin Street From Palmer Avenue To Suez No through trucking)

No.

Passed:

John E. Lanni, Jr. Council President

Approved:

Allan Fung, Mayor

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

Section 1. Chapter 10.12, Section .225 entitled " Traffic Regulations for Specific Streets" is hereby amended by adding thereto the following:

10.12.225 - Through trucking—Trucks exceeding 33,000 pounds GVW.

A. The use of motor trucks exceeding thirty-three thousand (33,000) pounds gross vehicle weight (GVW), identified as 'Class 8 - Heavy Duty - 10 tires or more' by the USDOT in and upon the following streets or highways at any time is prohibited. Further, the motorized element used in the operation of these vehicles is restricted from being used upon the streets or highways or stored on abutting properties therein. The chief of police is directed to cause conspicuous signs to be placed on such streets or highways giving notice of such prohibition.

Macklin Street From Palmer Avenue To Suez

B. Provided, however, that nothing contained herein shall affect the use of such streets or highways by any fire trucks, city public works department trucks, police vehicle, ambulance, or other motor truck using such streets or highways in any emergency, or engaged in delivering goods, wares, merchandise or materials to or from any residence, building or lot fronted by the above specified streets or highways.

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

46	Positive Endorsement	Negative Endorsement (attach reasons)
47		
48		
49		
50		
51	<hr/> Christopher Rawson, City Solicitor Date	<hr/> Christopher Rawson, City Solicitor Date
52		
53		
54	Sponsored by: Councilman Santamaria	
55		
56		
57	Referred to Ordinance Committee July 11, 2013	

PROPOSED ORDINANCE NO. 6-13-05 IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED "MOTOR VEHICLES AND TRAFFIC" (No Parking on Florida Avenue, West Side). Referred to July 11, 2013 Ordinance Committee.

***PROPOSED ORDINANCE NO. 6-13-06 TRANSFERRING APPROPRIATIONS AND AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2012 AND ENDING JUNE 30, 2013 - (4th Quarter Transfers). Referred to July 11, 2013 Finance Committee.**

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 (2170 Broad Street). Referred to July 1, 2013 Safety Services & Licenses Committee.

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

XIII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

RIDOT Police Detail MOA (Awaiting Executed Copy) [[click to view](#)]

Mr. Cordy stated that D.O.T. should be signing the MOA today and we should be receiving it shortly.

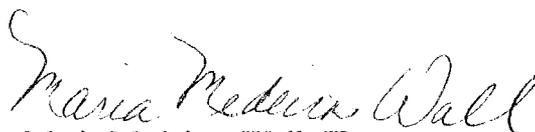
RI DEM Notice of Decision June 14, 2013 on Municipal Industrial Pretreatment Program Modification Request [[click to view](#)]

No discussion.

RI DOT letter June 18, 2013 re: surplus land purchase Route 2 and Meshanticut Valley [[click to view](#)]

No discussion.

The meeting adjourned at 9:30 P.M.



Maria Medeiros Wall, JD
City Clerk



Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)

6-13-05

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY
OF CRANSTON, 2005, ENTITLED "MOTOR VEHICLES AND TRAFFIC"
(No Parking on Florida Avenue, West Side)

No.

Passed:

John E. Lanni, Jr., Council President

Approved:

Allan W. Fung, Mayor

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

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

10.32. Section .040 - No Parking on Certain Streets—Generally.

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

Florida Avenue, West Side, from Vigilant Street to New Hampshire Street

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

Positive Endorsement

Negative Endorsement (attach reasons)

Christopher Rawson, City Solicitor Date

Christopher Rawson, City Solicitor Date

Sponsored by: Councilman Santamaria

Referred to Ordinance Committee July 11, 2013

6-13-06

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
TRANSFERRING APPROPRIATIONS AND AMENDING THE BUDGET FOR
THE FISCAL YEAR COMMENCING JULY 1, 2012 AND ENDING JUNE 30,
2013 - (4th Quarter Transfers)

No.

Passed:

John E. Lanni, Council President

Approved:

Allan W. Fung, Mayor

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

SECTION 1: The following sections of the budget for the fiscal year ending June 30, 2012 are hereby amended to read as follows:

CITY COUNCIL

[Orders of the Council-Pers. Serv.]	[\$ 110,392]
<u>Orders of the Council-Pers. Serv.</u>	<u>\$ 0</u>
[Council's Auditor]	[\$ 35,000]
<u>Council's Auditor</u>	<u>\$ 10,392</u>

PERSONNEL

[Salary Schedule]	[\$ 0]
<u>Salary Schedule</u>	<u>\$ 95,000</u>

CITY CLERK

[RI Real Estate Tax]	[\$360,000]
<u>RI Real Estate Tax</u>	<u>\$400,000</u>

BOARD OF CANVASSERS

[Elections]	[\$150,220]
<u>Elections</u>	<u>\$ 75,220</u>

DEPARTMENT OF LAW

[Outside Legal Services]	[\$300,000]
<u>Departmental Expense</u>	<u>\$375,000</u>

FIRE DEPARTMENT

[Overtime]	[\$3,300,000]
------------	---------------

6-13-06

45	Overtime	\$4,700,000
46	<u>POLICE DEPARTMENT</u>	
47	[Salary Schedule]	[\$9,573,045]
48	<u>Salary Schedule</u>	\$9,073,045
49	<u>RESCUE FUND</u>	
50	[Public Fund for Rescue]	[\$2,000,000]
51	<u>Public Fund for Rescue</u>	\$1,100,000
52		
53	<u>MUNICIPAL INDEBTEDNESS</u>	
54	[Principal Payments-Serial Bonds]	[\$6,545,000]
55	<u>Principal Payments-Serial Bonds</u>	\$5,585,000
56	<u>DEPARTMENT OF PUBLIC WORKS</u>	
57	[Lighting Streets]	[\$1,200,000]
58	<u>Lighting Streets</u>	\$1,260,000
59	<u>DIVISION OF HIGHWAY MAINTENANCE</u>	
60	[Snow Removal Vendors]	[\$ 152,232]
61	<u>Snow Removal Vendors</u>	\$ 552,232
62	<u>DIVISION OF ASSESSMENT</u>	
63	[State Revaluation]	[\$ 0]
64	<u>State Revaluation</u>	\$ 500,000
65		
66	<u>DIVISION OF BUILDING MAINTENANCE</u>	
67	[Salary]	[\$952,391]
68	<u>Salary Schedule</u>	\$902,391
69	<u>DEPARTMENT OF PARKS AND RECREATION</u>	
70	[Federal Old Age Benefits]	[\$ 61,067]
71	<u>Federal Old Age Benefits</u>	\$111,067
72		
73	<u>SCHOOL DEPARTMENT-REVENUE</u>	
74	State of RI-School Aid	[\$37,298,456]
75	<u>State of RI-School Aid</u>	\$39,389,870
76		
77	<u>SCHOOL DEPARTMENT-EXPENDITURES</u>	
78	School Maintenance	[\$131,965,699]
79	<u>School Maintenance</u>	\$134,057,113
80		
81	<u>CDBG-REVENUES</u>	
82	Federal Grants	[\$ 935,648]
83	<u>Federal Grants</u>	\$1,485,648
84	Program Income	[\$ 160,000]
85	<u>Program Income</u>	\$ 410,000
86	<u>CDBG-EXPENDITURES</u>	
87	Program Project	[\$854,790]
88	<u>Program Project</u>	\$1,654,790

6-13-06

89

90

SECTION 2: This ordinance shall take effect upon its final adoption.

91

92

Positive Endorsement

Negative Endorsement (attach reasons)

93

94

95

Christopher Rawson, Solicitor Date

Christopher Rawson, Solicitor Date

96

97

98

99

100

I recommend adoption of the foregoing Ordinance

101

Pursuant to Section 6.17 of the City Charter

102

103

104

Allan W. Fung, Mayor Date

105

106

Fiscal Note

107

I hereby certify that it is anticipated that sufficient funds will be available to fund this appropriation.

108

109

110

111

Robert F. Strom, Director of Finance

112

113

114

Referred to Finance Committee July 11, 2013 @ 6:30 pm

115

116

Sponsored by Mayor Fung

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)
(2170 Broad Street)**

No.

Passed:

John E. Lanni, Jr. Council President

Resolved, That

WHEREAS, the property located at 2170 Broad Street, is located in Pawtuxet Village which is a significant commercial area 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 Torg LLC d/b/a The Elephant Room an existing restaurant at 2170 Broad Street, to serve alcoholic beverages as part of its menu; 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 2170 Broad Street, Plat 1, Lot 2170 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



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

June 14, 2013

CERTIFIED MAIL

Honorable Mayor Allan W. Fung
 Cranston City Hall, 869 Park Avenue
 Cranston, RI 02910

RE: Notice of Decision - Municipal Industrial Pretreatment Program Modification Request

Dear Mayor Fung:

The purpose of this letter is to transmit the response to comments and final decision concerning the Office of Water Resources' (OWR) Public Notice PN-12-11 regarding the City of Cranston Municipal Industrial Pretreatment Program Request for Modification, including revised numerical Local Discharge Limitations for Industrial Users.

Attached are the OWR's responses to all significant comments received during the public comment period and at the public hearing. This letter serves as DEM's approval of City's Request for IPP Modification in accordance with the requirements of 40 CFR 403.11. The attached response to comments also includes information relative to hearing requests to contest this decision. As required by 40 CFR 403.11(e), the OWR will issue a public notice of this decision in the near future under separate cover. In accordance with Part I.C.4.e of RIPDES Permit RI0100013, within thirty (30) days of receipt of this letter the City must formally adopt the amended SUO and reissue all Significant Industrial User Permits to incorporate the revised numerical Local Discharge Limitations. Please forward to the OWR a copy of the final adopted SUO and confirmation that the Significant Industrial Users (SIU) permits have been reissued.

It is anticipated that some SIUs will be unable to immediately comply with the revised local limits and that the City will establish appropriate compliance schedules. On a related matter, the City has designed and will be constructing modifications to its WWTF under a Consent Agreement with DEM. The Consent Agreement establishes interim limitations for Total Nitrogen. The City has submitted documentation that during construction of the required WWTF modifications, the City will be unable to continue treating current loadings and comply with the interim limitations. The City has requested an increase in the interim limitations from 9 mg/l to 15 mg/l. In particular, the City's request cites excessive loadings from the RIRRC as the reason it will be unable to comply while one treatment train is taken out of service during construction. DEM has reviewed this request and agrees to increase the interim limit to 15 mg/l provided RIRRC continues to discharge at current levels. RIRRC is in the process of constructing a biological pretreatment system and the sewer connection to the Narragansett Bay Commission is nearly complete. DEM expects that compliance schedules that the City imposes on SIUs will be consistent with the interim limits that DEM has established for the City. The details of DEM's approval of the interim limit will be provided with DEM approval of the final design for the WWTF modifications.

Mayor Allan W. Fung
June 14, 2013
Page 2

If you have any questions regarding this matter, please feel free to contact me at (401)-222-4700, extension 7225.

Sincerely,



Angelo S. Liberti, P.E.
Chief of Surface Water Protection

Attachment (Responses to Public Hearing Comments, 6 pages)
cc (electronic version):

- Maria Wall, Cranston City Clerk
- Kenneth Mason, Cranston Public Works Director
- Edward Tally, Cranston Public Works Environmental Program Manager
- Steven Pilz, Cranston Conservation Commission Chairman
- Nick Capezza, Cranston Chief Engineer
- Peter Lapolla, Cranston Planning Director
- L. Robert Smith
- Evan Kirshenbaum, Esq., Deputy City Solicitor
- Daniel Gorka, Cranston WWTF Superintendent
- Alfred Tutela, Tutela Engineering Associates
- Bryan Weiner, Wright-Pierce
- Alexandra Callam, Esq., Hinckley Allen & Snyder, LLP
- Gerald Petros, " " " " "
- Brian Card, RIRRC
- Bruce Haskell, CDM-Smith
- William Anderson, RIRRC
- Marisa Desautel, RIDEM
- Art Zeman, RIDEM
- Robert DiSaia, RIDEM

Responses to 12/21/12 Cranston Public Hearing Comments

On November 19, 2012, the Director of the Rhode Island Department of Environmental Management (“DEM”) provided notice of the opportunity to provide comments and to attend a public hearing on the Cranston Industrial Pretreatment Program (IPP) Request for Substantial Modification. A public hearing on the Substantial Modification was held on December 21, 2012, in accordance with 40 CFR 403.11(b). DEM has considered fully all written and oral submissions respecting the proposed rule received prior to the close of the comment period (December 24, 2012) and has developed this response to the significant comments.

1. Technical Comments

Two sets of technical comments were received pertaining to the Cranston Industrial Pretreatment Program (IPP) Request for Substantial Modification Public Hearing that was held on December 21, 2012. The first set of comments was submitted on behalf of the RI Resource Recovery Corporation (RIRRC) in the form of direct testimony given at the Public Hearing by Mr. Bruce Haskell of CDM Smith regarding specific technical comments presented in a previously-submitted letter from Mr. Gerald Petros dated 10/30/12, and also in the form of a follow-up letter from Attorney Alexandra Callam of Hinckley, Allen & Snyder LLP dated 12/21/12. The second set of comments was submitted on behalf of the City of Cranston in the form of a letter from Mr. Daniel Gorka of Veolia Water and the Cranston Water Pollution Control Facility (WPCF) dated 12/24/12. Both sets of comments identified eleven (11) technical subject areas, and the RIDEM considered these comments and reviewed them consistent with the IPP Approval Authority review responsibilities set forth in the Federal and RI Pretreatment Regulations, specifically the responsibilities established in 40 CFR 403.11(c), 40 CFR 403.9(b), 40 CFR 403.8(b)&(f), and 40 CFR 403.5(c). The eleven technical subject areas and RIDEM responses are summarized below:

- Comment 1 pertains to the Local Limits Derivation Report (LLDR, final report dated June, 2012) use of suspect influent concentration data for TKN and Ammonia. The RIRRC cited documents where the City itself noted some issues regarding the Cranston WPCF sampling results for TKN and NH₃, including potential laboratory discrepancies with the reported results and testing methods. The RIRRC contends that the LLDR needs to be revised to include updated accurate influent data for TKN.

RIDEM Response: The City did document concerns with some of the historic influent monitoring data for TKN and Ammonia. However as explained on Page 40, Section 10 of the Updated Derivation of Technically-Based Local Limits, June 2012, “The MAHL for total nitrogen has been formulated on the basis of the Cranston WPCF’s maximum month design influent total nitrogen process capacity developed in the October 2011 Facility Plan Amendment.” Furthermore, the MAHL for TKN and Ammonia are the same in the DEM approved Facilities Plan Amendment (FPA) dated August

2012. The result is that questions regarding influent monitoring data for TKN and Ammonia did not impact the calculation of local limits.

- Comment 2 noted that CBOD and Total Nitrogen MAHLs were based on the WWTF design capacities from the October 2011 FPA and questioned whether these values changed in the DEM approved August 2012 FPA.

RIDEM Response: The Nitrogen and CBOD₅ WWTF design capacities did not change between the October 2011 draft FPA and the August 2012 approved FPA.

- Comment 3 pertains to the RIRRC questioning calculations of Maximum Allowable Headworks Loadings (MAHL) and Maximum Allowable Industrial Loadings (MAIL) contained in the LLDR. The RIRRC contends that the MAHL calculations and resulting MAIL allocations are overly stringent primarily due to use of the uniform allocation method and should be revised.

RIDEM Response: The OWR reviewed the LLDR in conjunction with the 40 CFR 403 review responsibilities identified above, and the MAHL and MAIL calculations and allocations are consistent with the methodology and options identified in the 2004 EPA Local Limits Guidance Manual, Section 6.4.2. It is noted and emphasized that this Guidance Manual is issued and intended by the EPA solely as guidance, and specifically states that the POTW will design its IPP Local Limits based on site-specific conditions, including review of existing local limits adequacy if current treatment plant performance fails or will fail to attain applicable NPDES, State or Local permit requirements or other operational objectives, and if the performance shortcomings may be reasonably attributed to pass through or interference caused by a pollutant of concern.

- Comment 4 pertains to the LLDR's identification of residential/domestic flow and the RIRRC questioning calculations of domestic loadings, including use of a 70 gallons per capita per day allowance for residential wastewater consumption. The RIRRC contends that domestic water consumption can be much lower than 70 gallons per capita per day, and that LLDR calculations should be based on accurate domestic flow data and current water consumption rates.

RIDEM Response: The LLDR input values and calculations for domestic loadings are consistent with customary domestic loading allowances used for facility planning purposes and with the FPA developed by Wright-Pierce and approved by DEM.

- Comment 5 pertains to the RIRRC questioning whether the LLDR's properly incorporated all applicable EPA and RI Water Quality Criteria. The RIRRC contends that the hardness concentration of the receiving stream needs to be

incorporated into the local limits calculations for certain metals relative to allowable NPDES concentrations.

RIDEM Response: The NPDES Limit(s) listed in the LLDR for the applicable Pollutants of Concern are taken directly from the 2008 Permit Development Document that DEM prepared as part of reissuing the Cranston WWTF permit limits. The Permit Development Document does incorporate the applicable Water Quality Criteria, including hardness concentration.

- Comment 6 pertains to the RIRRC questioning the federal “Categorical Classifications” on Page 3 of the LLDR (a proposed Local Limits Table). The RIRRC contends that the Cranston local limits and Categorical Standards should not be presented in the same summary table.

RIDEM Response: The term “Categorical Classifications” does not appear on the referenced LLDR page. SIC Categories are used and identified rather than EPA Categorical Standards, so federal categorical classifications are not applicable. No change or clarification to the referenced LLDR Table is necessary.

- Comment 7 pertains to the RIRRC questioning a recommended SIU monitoring program on Page 6 of Section 4. The RIRRC proposes that Cranston provide a basis for an associated recommendation statement on Page 6 of the LLDR.

RIDEM Response: This LLDR citation is merely a recommendation relative to future IPP Permitting and monitoring practices, and is considered appropriate without any further clarification or supplementation.

- Comments 8 and 10 pertain to the RIRRC questioning the LLDR’s rationale and use of more than one Safety Factor for calculating allowable loadings. The RIRRC contends that use of inconsistent safety factors results in an overestimation of the anticipated domestic loadings, which results in a smaller allowance for industrial users and unnecessary local limits.

RIDEM Response: The rationale for use of safety factors is clearly documented in the LLDR text, and is based on specific POTW selections for each POC and is consistent with allowable options as presented in the EPA Local Limits Guidance Manual.

- Comment 9 pertains to the RIRRC questioning a perceived lack of historical WPCF removal efficiency data used in the LLDR. The RIRRC contends that more detailed information and documentation should be provided in the LLDR so that removal efficiencies can be verified.

RIDEM Response: It is noted that removal efficiency data is not applicable for certain parameters when computing the MAHLs, most notably for

Nitrogen and CBODs where WPCF design capacities established in the FPA were used to calculate the most restrictive limiting criteria. The WPCF design capacity takes into consideration removal through the treatment plant. For those Pollutants of Concern where removal efficiencies were used in the LLDR calculations, the WPCF historical sampling results data is presented in Appendix B, as supplemented by the LLDR text on Pages 17-23 and the EPA Local Limits Guidance Manual for literature removal efficiencies which were used when WPCF site-specific data was deemed to be not representative, as documented in the LLDR text and Appendices.

- Comment 11 pertains to the RIRRC questioning the basis and validity of the proposed Cranston Sewer Use Ordinance (SUO) Amendment provisions regarding the addition of surcharge fees for TKN and CBOD. The RIRRC contends that Cranston must provide the calculations it used to develop the surcharge for treatment of TKN and CBOD.

RIDEM Response: The added SUO provisions for surcharging are based on a local City decision and consistent with federal regulations at 40 CFR Part 35.2140 (User Charge System) and the City's legal authority. Therefore, this comment is not applicable to the overall LLDR technical basis used to develop the updated IPP Local Limits, and should be raised at the local City level.

2. Legal Comments

Two sets of legal comments were received during the Public Hearing that was held on December 21, 2012. The first set of comments was submitted on behalf of the RIRRC in the form of direct testimony given by Attorney Alexandra Callam of Hinckley, Allen & Snyder LLP. The second set of comments was submitted on behalf of RIRRC in the form of a follow-up letter from Attorney Callam dated December 21, 2012. The legal comments and RIDEM responses are summarized below:

The first set of legal comments presented at the Public Hearing is focused on the material that the City of Cranston submitted as part of its Request for Approval of an Industrial Pretreatment Program (IPP) Modification. The RIRRC comments contend that there was no statement from the City Solicitor regarding sufficient legal authority to carry out the proposed modification, and no statement from the City Council that upon final approval by DEM the Council will endorse and/or approve the modification. RIRRC commented that the IPP Modification Request only included a one paragraph letter from the City Clerk indicating that the City Council "addressed" the issue of approving the local limits modification in its meeting on June 25, 2012 and that the City Council indicated that they were "committed" to approving the Sewer Use Ordinance once it is approved by DEM. In addition, RIRRC obtained and reviewed the minutes from the June 25, 2012 City Council meeting and concluded that there was no reflection of any specific sewer discharge ordinance provisions or any discussion of a vote to approve the subject SUO.

RIRRC contends that the legal deficiencies in Cranston's submissions require RIDEM to re-issue the Request for Approval for Public Notice with the required complete submission from Cranston.

RIDEM Response: Part I.C.4.e of the City's RIPDES Permit requires in part that: "[t]he permittee shall comply with the procedures of 40 CFR 403.18 for instituting any modifications of the permittee's approved Pretreatment Program. Significant changes in the operation of a POTW's Approved Pretreatment Program must be submitted and approved following the procedures outlined in 40 CFR 403.18(b) and 403.9(b)" and "[f]or substantial modifications, the permittee shall, within sixty (60) days (unless a longer time frame is granted) of the receipt of DEM's preliminary approval of the proposed modification, submit a statement (as required by 403.9(b)(2)) that any local public notification/participation procedures required by local law have been completed and upon approval by RIDEM, the local officials will endorse and/or approve the modification."

Pursuant to 40 CFR 403.9(b)(2), the statement required by that section must contain a "copy of any statutes, ordinances, regulations, agreements, or other authorities relied upon by [Cranston] for its administration of the Program. This Submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising and/or funding the [Cranston] Pretreatment Program if approved."

On June 29, 2012 DEM published a public notice in the Providence Journal for the City of Cranston's Request for Approval of a substantial Pretreatment Program Modification. The public record at that time included an Attorney Statement dated May 13, 2011 which indicates that the City had authority to enact, implement and enforce the Revised Sewer Use Ordinance following close of the public notice and comment period and once RIDEM approved the Modification. The public record also included a letter from the City Clerk stating: "Please be advised that the City Council at its meeting on June 25, 2012 addressed the issue of approving the Sewer Use Ordinance and Local Limits modification and confirmed that they are committed to approving the updated Sewer Use Ordinance Amendment once the same is formally approved by RIDEM."

RIDEM appropriately noticed the Approval Request, following the determination that the City met the requirements of its RIPDES Permit and of 40 CFR 403.9(b). In summary, the City submitted an Attorney Statement dated May 13, 2011, which indicates that the City had authority to enact, implement and enforce a Revised Sewer Use Ordinance. On June 26, 2012, the City submitted communications to DEM indicating City Council endorsement of the proposed ordinance amendments. Therefore, a reopening of the comment period is not necessary.

In the second set of legal comments presented via the aforementioned letter dated December 21, 2012, RIRRC contends that one of the Exhibits at the Public Hearing (draft Cranston SUO and City Council endorsement statement for Cranston's local Public Hearing dated August 27, 2012) post-dates the original Request for Approval that was public noticed by RIDEM on June 29, 2012. RIRRC further contends that the decision to public notice and hold the subsequent Public Hearing did not provide any notice or indication that Cranston had resubmitted, changed or supplemented its Request for Approval. RIRRC further indicates that, if RIDEM is considering a different Request for Approval other than what the public was given notice of, RIDEM must issue a new public notice.

RIDEM Response:

DEM commenced its public notice period after determining that the City of Cranston provided DEM with information required by 40 CFR 403.9. DEM is not considering a different Request for Approval from the request that was pending at the time the public notice issued.

The City of Cranston submitted an Attorney Statement dated May 13, 2011, which indicates that the City had authority to enact, implement and enforce a Revised Sewer Use Ordinance. On June 26, 2012, the City submitted communications to DEM indicating City Council endorsement of the proposed ordinance amendments. The City submitted additional documentation related to a special City Council Meeting held on August 2, 2012 including issuance of a public notice for a public hearing that was held on the proposed Sewer Use and Local Limits Ordinance on August 27, 2012. This documentation was not a required component of the Request for Approval and DEM considers its scheduling of the public notice and comment period valid. Therefore, DEM has determined that further public notice of the Cranston IPP Request for Substantial Modification is not required.

HEARING REQUESTS

If you wish to contest any of the provisions of this Pretreatment Program Modification approval, you may request a formal hearing within thirty (30) days of receipt of this letter. The request should be submitted to the Administrative Adjudication Division at the following address:

Bonnie Stewart, Clerk
 Department of Environmental Management
 Office of Administrative Adjudication
 One Capitol Hill
 Second Floor
 Providence, RI 02903

Any request for a formal hearing must conform to the requirements of Rule 7 of the Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters.