

## **REGULAR MEETING – CITY COUNCIL**

**-AUGUST 25, 2003-**

Regular meeting of the City Council of the City of Cranston was held on Monday, August 25, 2003.

The meeting was called to order in the Council Chamber, City Hall, at 7:05 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

Absent: Councilwoman O’Hara –1.

Also Present: Paul Grimes, Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Mike Igoe, City Controller; Pat Quinlan, City Council Counsel.

Minutes of the last meeting were dispensed with and stand approved as recorded.

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

No Business.

### **II. INTRODUCTION OF UNDOCKETED RESOLUTIONS**

No Business.

### **III. EXECUTIVE COMMUNICATIONS**

#### **“REQUEST FOR CONTINUANCE IN SERVICE: ALLEN HALL, CRANSTON POLICE DEPARTMENT”.**

Mr. Grimes appeared to speak.

On motion by Councilwoman McFarland, seconded by Councilman Fung, it was voted to approve this request. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

#### **“REQUEST FOR CONTINUATION IN SERVICE PAUL REED, CRANSTON FIRE DEPARTMENT.”**

Mr. Grimes appeared to speak.

On motion by Councilman Fung, seconded by Council Member Fogarty, it was voted to approve this request. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

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**“ADVICE AND CONSENT ON APPOINTMENT OF *PAUL ARCHETTO* TO THE CONSERVATION COMMISSION.”**

Mr. Grimes appeared to speak. Councilwoman McFarland requested that a resume for Mr. Archetto be provided by the next meeting. Mr. Grimes stated that he does not have one available, but he will obtain one for the Council members.

On motion by Councilman McDonough, seconded by Councilman Lanni, it was voted to table this request for Advice and Consent. Motion failed on a vote of 2-6. The following being recorded as voting “aye”: Councilmen Fung and McDonough –2. The following being recorded as voting “nay”: Councilman Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, and Council President Pastore –6.

Discussion took place on what Mr. Archetto’s professional background is and since there is no resume available, Council members questioned whether he is a qualified appointee to this Commission.

On motion by Councilman McDonough, seconded by Councilman Lanni, it was voted to table this request for Advice and Consent. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

**IV. COUNCIL PRESIDENT COMMUNICATIONS**

Council President Pastore addressed the following:

- He received a memo from RI DEM dated July 14, 2003 addressed to the City Clerk regarding air quality issues with respect to the Airport. He gave this memorandum to Mr. Grimes to follow up on.
- A scrivener’s error has been found by Mr. Quinlan and the City Clerk in the Charter, which occurred when it was re-printed in 1999. Council President Pastore asked Mr. Grimes when the Council could expect the Ordinance which will give year to end re-conciliations. Mr. Grimes stated that he anticipates having this Ordinance introduced at next month’s Council meeting.
- Mr. Quinlan was asked to provide Council with an opinion on several issues: Purchasing compliance issues; summer employees and monies put aside for summer recreation employees. Council President Pastore asked if lottery system was used to hire summer recreation employees, since there is an Ordinance in effect implementing the lottery system for summer employees. Mr. Grimes stated, no. Council President Pastore asked Mr. Igoe if he has final numbers on final adjustments un-audited for fiscal year ending June 30, 2003. Mr. Igoe stated that he should have them by the end of this week.
- Council President Pastore reminded Council members of a special Council meeting tomorrow night with the Financial Review Board.

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## **V. COUNCIL MEMBER COMMUNICATIONS**

Councilman Jackvony stated that he would like the Council to know that he has asked for Solicitor's opinion concerning the Ordinance creating the Ad Hoc Committee to review the contractor's Ordinance and regarding appointment of School Buildings Committee member appointed to this Ad Hoc Committee by the School Committee Chair. Mr. Kirshenbaum explained the legal opinion from the Solicitor. He stated that Solicitor Alston's opinion is that Mr. Drager is ineligible to serve on this Ad Hoc Committee, since he is not a member of the School Buildings Committee, but rather an Alternate.

Councilman McDonough asked Mr. Kirshenbaum when the Council could have full detailed accounting of the legal expenses year to date. Mr. Kirshenbaum stated that he was asked this afternoon by the Solicitor to attend this meeting and he asked her this question. He stated that these bills are prepared and the detailed bills are here tonight, but they should not be passed out to the Council in public session, due to matters that may deal with future litigation. He suggested establishing Executive Session and in that forum these bills can be viewed and the Administration can answer any questions the Council may have. Councilman Lanni stated that what the Council is looking for is dollar amount, not confidential or privileged information. Council Member Fogarty stated that the request she made to the Solicitor was a case by case summary of total bills to date. Council President Pastore stated that the Providence Journal reporter has gone through all the bills already and if there was any privilege information, he has seen it. He asked Mr. Kirshenbaum to provide him with copies of these bills and he will review them at the appropriate time. Council President Pastore asked that the Law Department prepare a report that will provide information by law firm and sub-contractor or professional contractors sub-contracted, identifying every two months on a fiscal year basis, the expenses for these firms for those expenses outlaid by the Administration, dates and matter and any other supporting information. He also asked that the Council be advised with a copy of this report and a set of this information be filed with the City Clerk's Office for the Council to view and update every two months. Mr. Kirshenbaum stated that by filing this with the Clerk's Office, it would, again, provide privilege information and might cause client/attorney privilege. Council President Pastore stated that this would be strictly for the Council's view. A procedure could be put in place, such as sealing it in an envelope and the City Clerk could keep track of whatever Council member views this information. This type of procedure was used during the Forensic Audit in the past and worked out very well.

Councilman McDonough stated that he would like to see the contract for the landscaper who cuts the lawn at City Hall, because he would like to see this done in-house.

Councilman Fung stated that he has received calls from residents regarding razor scooters, mainly in the Edgewood area bordering Providence. He asked Colonel Chalek if the Police Department has received a lot of calls regarding this. Colonel Chalek stated that there are some issues that the Police Department is trying to clarify on scooters and mopeds and which need to be registered and they are in the process of contacting the RI Department of Motor Vehicles on the definition on this.

Councilwoman McFarland stated that she would like a breakdown of DEM violation warnings by ward and actual violations by ward, environmental violations by ward and court hearings.

Council President Pastore stated that at the beginning of this year, the Council asked the Administration to prepare a document for the Administrative Unit for their benefits package and Mr. Grimes has put together a draft of this. He suggested that the Council review this draft document and it be reviewed by the Ordinance Committee. He asked that Mr. Grimes forward this draft to the Council as soon as possible so they can review this.

Council President Pastore stated that he has been contacted by the School Department that they have some budget revisions and a tentative date of September 3 was discussed to meet with them again. He stated that he will obtain a definite date.

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**VI. PUBLIC HEARINGS**

None.

**VII. UNDOCKETED RESOLUTIONS**

No Business.

**VIII. DOCKETED RESOLUTIONS**

**“RESOLUTION IN SUPPORT OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT’S COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS) APPLICATION WHICH STIPULATES TO A CIVIC AND BUSINESS USE FOR THE FORMER CITY GARAGE PROPERTY TO BE CALLED THE KNIGHTSVILLE CENTER”.**

On motion by Councilwoman McFarland, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

**IX. REPORT OF COMMITTEES  
COMMITTEE ON ORDINANCE**

**4-03-17 “ORDINANCE IN AMENDMENT OF CHAPTER 30 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ZONING’ (SIGNAGE).”**

On motion by Councilwoman McFarland, seconded by Council Member Fogarty, it was voted to approve this Ordinance.

Under Discussion:

Councilman McDonough stated that he would like this Ordinance tabled, since the staff report is not consistent with what the Building Inspector told him in person.

On motion by Councilman McDonough, seconded by Councilman Jackvony, the above Ordinance was tabled until next month’s meeting on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore–8.

**6-03-2 “ORDINANCE IN AMENDMENT OF CHAPTER 30 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ZONING’ (DIMENSIONAL VARIANCES BY BUILDING OFFICIAL).”**

On motion by Councilwoman McFarland, seconded by Councilman Lanni, it was voted to table the above Ordinance on a vote of 8-0 due to the fact that no Solicitor’s opinion has been received. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

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**6-03-7           “ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ZONING’ (SIGN PERMIT FEE SCHEDULE).”**

On motion by Councilwoman McFarland, seconded by Councilman McDonough, the above Ordinance was adopted on a vote of 7-1. The following being recorded as voting “aye”: Councilman Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7. The following being recorded as voting “nay”: Councilman Fung –1.

**6-03-8           “ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ZONING’ (VARIANCE APPLICATION FEE SCHEDULE).”**

On motion by Councilwoman McFarland, seconded by Councilman McDonough, the above Ordinance was adopted on a vote of 7-1. The following being recorded as voting “aye”: Councilman Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7. The following being recorded as voting “nay”: Councilman Fung –1.

**7-03-1           “ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2003 AND ENDING JUNE 30, 2004 (SCHOOL BUDGET APPROPRIATIONS).”**

On motion by Councilwoman McFarland, seconded by Councilman Lanni, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore–8.

**7-03-2           “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ADMINISTRATION’ (DISABILITY EXEMPTION).”**

On motion by Councilwoman McFarland, seconded by Councilman Jackvony, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore–8.

**7-03-3           “ORDINANCE IN AMENDMENT OF CHAPTER 16 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘LICENSES GENERALLY’ (FEES).”**

On motion by Councilwoman McFarland, seconded by Council Member Fogarty, the above Ordinance was denied on a tie vote of 4-4. The following being recorded as voting “aye”: Council Member Fogarty, Councilmen Lanni, McDonough and Council President Pastore –4. The following being recorded as voting “nay”: Councilmen Fung, Jackvony, Councilwoman McFarland and Councilman Ferolito –4.

**7-03-4           “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’, ‘NO PARKING ON CERTAIN STREETS-GENERALLY’ BY DELETING DEAN ST., PORTION OF.”**

On motion by Councilman Ferolito, seconded by Councilman Lanni, the above Ordinance was adopted on a vote of 7-1. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore–7. The following being recorded as voting “nay”: Councilwoman McFarland –1.

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**7-03-5           “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE  
CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘MOTOR  
VEHICLES AND TRAFFIC’, ‘SAME-BETWEEN 8:00 AM AND  
5:00 PM MONDAY THROUGH FRIDAY’ BY ADDING CAVALRY  
ST., PORTION OF.”**

On motion by Councilman Lanni, seconded by Councilman Ferolito, the above Ordinance was adopted on a vote of 7-1. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore-7. The following being recorded as voting “nay”: Councilwoman McFarland. -1.

**COMMITTEE ON FINANCE**

**“RESOLUTION AUTHORIZING TAX ABATEMENTS – RECOMMENDED BY  
CITY ASSESSOR (REAL ESTATE ABATEMENTS).”**

On motion by Council Member Fogarty, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7. Councilwoman McFarland was not present for roll call.

**“RESOLUTION AUTHORIZING TAX ABATEMENTS – RECOMMENDED BY  
CITY ASSESSOR (MOTOR VEHICLE ABATEMENTS).”**

On motion by Council Member Fogarty, seconded by Councilman Jackvony, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7. Councilwoman McFarland was not present for roll call.

**“RESOLUTION AUTHORIZING HOMESTEAD ABATEMENTS-  
RECOMMENDED BY CITY ASSESSOR.”**

On motion by Council Member Fogarty, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7. Councilwoman McFarland was not present for roll call.

**“RESOLUTION AUTHORIZING SUPPLEMENTAL ABATEMENTS-  
RECOMMENDED BY CITY ASSESSOR.”**

On motion by Council Member Fogarty, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7. Councilwoman McFarland was not present for roll call.

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**“TAX INCENTIVE APPLICATION FOR *RESTAURANT DEPOT ENTERPRISES, INC.*, 140 KENWOOD ST./329 NIAN TIC AVE.”**

On motion by Council Member Fogarty, seconded by Councilman Ferolito, the above Tax Incentive Application was approved on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore—8.

Councilman Fung asked if this Tax Incentive will run with the land in case there is a transfer in ownership. Carlo DelBonis, Tax Assessor, stated that the intent of the Administration is that the incentive would not be transferable and incentive is only on improvement and not the land.

**X. ELECTION OF CITY OFFICIALS**

No Business.

**XI. REPORT OF CITY OFFICERS**

No Business.

**XII. NEW BUSINESS**

On motion by Councilwoman McFarland, seconded by Councilman Lanni, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on **THURSDAY, SEPTEMBER 11, 2003** at 7 PM pursuant to Sec. 3.12 of the Charter on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

- 8-03-1 Ordinance authorizing the lease of City property located on Pontiac Ave. and restricting the proceeds. FINANCE COMMITTEE 9/11/2003 and ORDINANCE COMMITTEE 9/11/2003.
- 8-03-2 Ordinance in amendment of Chapter 2 of the Code of the City of Cranston, 1970, entitled “Administration” (Terms of Collective Bargaining Agreements). FINANCE COMMITTEE 9/11/2003 and ORDINANCE COMMITTEE 9/11/2003.

Council President Pastore asked that the draft document from Mr. Grimes regarding the Administrative Unit be placed on the Ordinance Committee Agenda for September 11, 2003.

Councilman McDonough stated that he would like a copy of the lease for proposed Ordinance 8-03-1.

TAX INCENTIVE APPLICATION FOR *C & C REALTY RI, LLC* for 10 Amflex Dr. This was referred to the Finance Committee 9/11/2003.

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

No Business.

**XIV. PUBLIC HEARINGS ON UNDOCKETED ITEMS**

**Albert Benetti**, 24 Concord Ave., appeared to speak regarding legal fees. He stated that what the Council is requesting from the Administration in legal fees is probably going beyond being prudent. Council President Pastore stated that in his opinion, all the previous bills, all those bills are not privilege information since the Providence Journal reporter has viewed them already.

The meeting adjourned at 8:30 P.M.

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypists)