

## **REGULAR MEETING – CITY COUNCIL**

**-APRIL 23, 2007-**

Regular meeting of the City Council was held on Monday, April 23, 2007 in the Cranston High School East Auditorium, 899 Park Ave., 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: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

Also Present: Mayor Michael Napolitano; Frank Migliorelli, Deputy Director of Administration; Vito Sciolto, City Solicitor; Corsino Delgado, Director of Finance; Steve Woerner, City Council Internal Auditor; Pat Quinlan, City Council Legal Counsel.

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

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

#### **“THOMAS DETTORE, RETIREMENT FROM THE CRANSTON FIRE DEPARTMENT”**

Councilman Lupino presented Citation to Mr. Dettore.

### **II. EXECUTIVE COMMUNICATIONS**

#### **“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR DEPUTY CHIEF PAUL REED, CRANSTON FIRE DEPARTMENT”**

On motion by Councilman Barone, seconded by Council Vice-President McFarland, it was voted to approve the above request. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

**-APRIL 23, 2007-**

**“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR LIEUTENANT DENNIS MOORE, CRANSTON FIRE DEPARTMENT”**

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to approve the above request. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

**“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR DETECTIVE CHARLES MULLINS, CRANSTON POLICE DEPARTMENT”**

On motion by Councilman Livingston, seconded by Councilman Santamaria, it was voted to approve the above request. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

**III. COUNCIL PRESIDENT COMMUNICATIONS**

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

No discussion.

**IV. COUNCIL MEMBER COMMUNICATIONS**

**“Cleanup of the Dialogue Gardens – Oaklawn Ave.”**

Council Vice-President McFarland thanked the Council members, former and present and Mayor Napolitano for attending the cleanup of the Dialogue Gardens on Oaklawn Ave. in memory of former Council President Peter Pastore. This was a big success and it was an honor to do this cleanup in former Council President Pastore’s memory.

Council President Garabedian thanked Council Vice-President McFarland for suggesting the idea of holding a cleanup day of the Dialogue Gardens in former Council President Pastore’s memory. He also thanked the people who attended and helped with this cleanup.

**“Cozy Community Health Resources Fair – Arlington School”**

Council Vice-President McFarland announced that the Arlington School will be holding a Cozy Community Health Resources Fair on May 24, 2007 on the School grounds from 3:00 P.M. to 5:00 P.M. Donations, such as gift certificates and gift cards, would be much appreciated.

**“Status of the search for a new Public Works Director”**

Councilman Barone questioned the Administration on the status of the search for a new Public Works Director and asked if the Administration is actively interviewing at this time or if this position will remain vacant. Mayor Napolitano stated that the City will be advertising for this position. We did approach the candidates who had applied the last time this position was advertised for, but they all sought a four year contract and more money than we are willing to pay. A search for a candidate for this position will continue.

**-APRIL 23, 2007-**

**“RI Labor Relations Board’s decision regarding the firing the Crossing Guards”**

Councilman Barone stated that on March 26, 2007, the RI Labor Relations Board rendered a decision on a 4-3 vote that the City was wrong in firing the Crossing Guards during the Laffey Administration. The City has thirty days to appeal this decision. He asked the Administration if an appeal has been filed. Mayor Napolitano stated that the Administration has been asked by the Union officials to negotiate a settlement. Councilman Livingston asked for legal opinion if this is proper Council Communication or if it should be discussed in Executive Session. Mr. Sciolto stated that this should be discussed in Executive Session. Councilman Barone stated that this decision has been posted on the Internet. Councilman Barone asked that if the Administration has not filed an appeal, he asks the City Solicitor or the Council Attorney to file this appeal. If we are going to discuss this in Executive Session, we only have three days left for the appeal period. Mayor Napolitano stated that the Administration has been discussing the issue at hand with this Union and this Administration has not just sat on this and he also indicated that this Administration did not cause this legal case.

**V. PUBLIC HEARINGS**

**Patrick Clark**, 89 Davis Ave., appeared to speak and stated that this Auditorium is not handicapped accessible. He stated that he is paralyzed and had to enter the Auditorium with the help of two people. Mr. Clark also spoke regarding the proposed concrete plant, which is two streets from his home. He asked the Council to show some heart to the citizens that live in this area and not allow this business to operate in this area. Some of the issues are health, safety and welfare of the residents.

**Mayor Napolitano** appeared to speak and stated that this Administration gives full support of the expansion of the Zoning Board of Review and is in agreement that this issue should be in Superior Court. This Administration agrees with Mr. Clark of the adverse effect on the neighbors in the City and he has ordered the City Solicitor to appeal the decision of the issued permit by D.E.M. Mayor Napolitano also stated that he went to the site and witnessed water so high, it reached the doors of a truck that was parked there and he does not understand how this could be considered an insignificant alteration.

**Jeff Zarrella**, 853 Pontiac Ave., appeared to speak and stated that he has lived in this area for nineteen years. He has a ten year old son who has asbergers disease. He asked the Council to please not consider this proposed plant and support the residents.

**Suzanne Arena**, 62 Glen View Dr., appeared to speak and stated that there have been concerns stated of air quality. We have not gotten an air permit. This is not just a problem for the people that live in the area, it is everyone’s problem.

**Richard Crowell**, 27 Basil Crossing, appeared to speak and stated that the Administration should be applauded for taking the step of joining the residents in this issue. Since the Council is in the budget process, a cost analysis should be taken of where this case is going. He believes that at this point, this Council and Administration are following the most expensive track.

**David Phayre**, 268 Lawnacre Dr., appeared to speak regarding the accessibility to this building. He stated that he has found that this building is accessible to the handicapped, but the doors were locked. Mr. Phayre also spoke regarding the proposed concrete plant and stated that he will do everything necessary to stop the concrete plant. He is in favor of the two Ordinances listed on the Docket, which would add additional Alternate members to the Zoning Board of Review.

**Jim Galligan**, 301 Lawnacre Dr., appeared to speak regarding the handicapped accessibility of this building. He also stated that his family has lived in Cranston for fifty years and if this concrete plant is approved, he will leave the City.

**-APRIL 23, 2007-**

**Bob DiNobile**, 311 Lawnacre Dr., appeared to speak and stated that he is opposed to the concrete plant.

**Frank Mendella**, 23 Case Ave., former employee of the School Department, appeared to speak and addressed the handicapped accessibility of this building and stated that the side entrance of this School is closed off due to construction. In the future, there is a handicapped entrance near the cafeteria entrance and the doors should be open when there is a meeting held in this Auditorium.

**Bob Ouloosian**, 30 Glen Ridge Rd., appeared to speak and stated that he would like to see an independent investigation of the circumstances surrounding the issuing of the permit. The facts just don't smell right and it should be investigated.

**Ann Leddy**, 759 Pontiac Ave., appeared to speak and stated that she worked for a dental office for over thirty years and the chemicals used to sterilize the equipment caused her to have environmental asthma. This is what is going to happen if this plant is allowed at this location.

**Terri MacLean**, 84 Fordson Ave., appeared to speak and stated that if this plant goes in this location, she will sell her home. She also questioned how much money the City will lose if the air quality changes due to this plant.

**Dan McKenna**, 53 Howland Rd., appeared to speak and stated that everybody in the City of Cranston should be concerned about this concrete plant. This is bad for everybody concerned. This is not a proposed plant, if you go to his home and look out the window, it is not a proposed plant. It is there.

**Sue Biagioni**, 34 Hersey Rd., appeared to speak and stated that there are two school districts in this area. Our children are effected, everyone is effected.

**Steve Biagioni**, 34 Hersey Rd., appeared to speak and opposed to the concrete plant.

**John Badway**, 31 Holbert Ave., appeared to speak and stated that after visiting Deerfield, Florida, where there are three cement plants and witnessing the spraying on the trucks, this plant has no business being at this location.

**Richard Mathewson**, 103 Lawnacre Dr., appeared to speak and stated that he can't believe why no one from CLCF is not supporting the residents with all the kids who continue to practice and play on the fields. He questions if there is a conflict between CLCF and the owner of the plant.

**Harold Reall**, 38 Howland Rd., appeared to oppose to the concrete plant at this location.

**Ramsey Davis**, 58 Fordson Ave., appeared to speak and stated that all the heavy vehicles coming and going to this site have to go Pontiac Ave., Rolfe St., Park Ave. and Reservoir Ave. He asked that the Council consider the safety of the children. All the discharges, when there is a flood, will go into the State's Bay. This will effect the whole State.

**Mary Lou Carlomusto**, 128 Shirley Blvd., appeared to speak and stated that the residents should not be begging for their health. She questioned why this is going forward and what is going to be done to stop this plant.

**-APRIL 23, 2007-**

Council President Garabedian stated that there are Council members who served in the last term, that have been supporting the residents from day one. The Council passed an Ordinance prohibiting asphalt/cement plant and later on added concrete plant. This application that we are dealing with was introduced, the permit went through City departments in eleven days. This Council called for an investigation of the process. A Resolution was passed that City government take all necessary steps to stop this concrete plant. The attorney for Cullion went to Court. He also stated that he was in Court with the residents and the Council members were all sued. The Council has been on the residents' side from day one and will never abandon them. From day one, this permit was illegal. It never had an address and it was never adjacent to a street. He appeared before the House and Senate on the residents' behalf to support legislation giving the Council authority to add additional alternate members to the Zoning Board of Review. We now have legislation for two more alternate members to the Zoning Board of Review. We are on a steady course and we will not let the residents down.

Council Vice-President McFarland indicated to the two Resolutions listed on the docket this evening. She would like the Building Official take into consideration any action that he would be willing to take. Someone should be cited on the violations and if we do not have anyone at the City level to cite this business for violations already going on, then we should go to the State Building Commissioner. She also stated that the residents should consider asking for a reduction in their taxes.

Councilman Livingston stated that the Council is behind the residents and supports them, but there is a process that has to be followed and a portion of this litigation is in Court.

**Anthony Minutelli**, 2 Poplar Dr., appeared to speak and stated that he is a contractor who does home improvements and remodeling and it takes him twelve weeks to get a building permit. He questioned why this permit was issued in eleven days.

**Renee Geary**, 61 Dixwell Ave., appeared to speak and stated that there were never any notices sent to the neighbors of this proposed plant.

**Richard Crowell** appeared to re-address the Council and asked that they take this issue one step further and take this to the Attorney General and the State Police to look at all the issue of the permit being issued in eleven days. He still does not have the answer to questions he raised months ago, which was, how could the Building Official approve the permit knowing that the Council passed an Ordinance for asphalt/cement plant and what were the results of the investigation and who conducted it. Councilman Lupino stated that the residents are saying that this is not a proposed plant. He thinks it is proposed. If they are doing work at this site, he questioned the Administration, who is inspecting the work and are the inspections being done. Mr. Migliorelli stated that there is no construction going on at this time. His understanding from Acting Building Inspector, David Maher, is that they are just expanding the block making business. There has been no construction going on since the Stop Order was filed.

Councilman Navarro thanked all the residents for attending this meeting and voicing their concerns and stated that the Council will do whatever it takes to address these issues and he is in favor of the State Building Official coming in and look at this process.

Councilman Barone asked that the Administration revoke the permit. The permit is in-effect now. He is also asking that the Building Inspector ensure that no further work is done on that site and they be fined for every nail that is put there or for everything that is put in there.

**-APRIL 23, 2007-**

Councilman Santamaria stated that he fully supports the residents 100%.

Councilman Lanni stated that he has been on the Council from the beginning of this process and he fully supports the residents. We have a Supreme Court decision that puts a Stay on this Council. We cannot go and pull a permit because Cullion will win in Court and you will have a cement plant there. We have to follow the advice of our attorney and have to do things legally and make sure it gets killed in Court. He will not overreact.

## **VI. DOCKETED RESOLUTIONS**

**“RESOLUTION REQUESTING THE CITY SOLICITOR AND ITS LEGAL COUNSEL TO TAKE ANY AND ALL LEGAL ACTION NECESSARY TO PERFECT AN APPEAL AND/OR OBTAIN A TEMPORARY RESTRAINING ORDER IN CONNECTION WITH THE ISSUANCE OF THE INSIGNIFICANT ALTERATION PERMIT ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT ON APRIL 9, 2007 TO KARLEETOR, LLC FOR A CONCRETE DRY BATCHING FACILITY ON MARINE DR.”**  
**(Sponsored by Council President Garabedian; Council Vice President McFarland; Councilman Lanni, Santamaria and Navarro).**

On motion by Councilman Barone, seconded by Councilman Livingston, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

Council President Garabedian asked that vote be taken on Ordinances 4S-07-1 and 4S-07-2, and “Resolution Revoke the Building Permit Issued by the Building Official for the Construction of a Concrete Plant Adjacent to a Well Established, Heavily Populated, Residential Neighborhood, and Directing the City Solicitor to Seek Outside Legal Counsel to Prepare a Lawsuit and Take All Steps Reasonably Necessary to Prevent the Construction of the Concrete and/or Cement Plant”, which deal with the same issue as the above Resolution. No one objected.

**4S-07-1            “ORDINANCE AMENDING CHAPTER 17.108 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING BOARD OF REVIEW’ (Additional Alternate Members)”.**

On motion by Councilman Livingston, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

**4S-07-2            “ORDINANCE AMENDING CHAPTER 17.108 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING BOARD OF REVIEW’ (Additional Alternate Members)”.**

On motion by Councilman Barone, seconded by Councilman Santamaria, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

**-APRIL 23, 2007-**

**“RESOLUTION REVOKE THE BUILDING PERMIT ISSUED BY THE BUILDING OFFICIAL FOR THE CONSTRUCTION OF A CONCRETE PLANT ADJACENT TO A WELL ESTABLISHED, HEAVILY POPULATED, RESIDENTIAL NEIGHBORHOOD, AND DIRECTING THE CITY SOLICITOR TO SEEK OUTSIDE LEGAL COUNSEL TO PREPARE A LAWSUIT AND TAKE ALL STEPS REASONABLY NECESSARY TO PREVENT THE CONSTRUCTION OF THE CONCRETE AND/OR CEMENT PLANT”. (Tabled 3/26/2007).**

On motion by Councilman Barone, seconded by Council Vice-President McFarland, it was voted to leave this Resolution on the table. Motion failed on a vote of 4-5. The following being recorded as voting “aye”: Councilmen Lupino, Navarro, Barone and Council Vice-President McFarland -4. The following being recorded as voting “nay”: Councilmen Lanni, Livingston, Council Member Bucci, Councilman Santamaria and Council President Garabedian -5.

**“RESOLUTION PROCLAIMING APRIL 24, 2007 AS ‘RI DAY OF REMEMBRANCE OF THE ARMENIAN GENOCIDE’ IN COMMEMORATION OF THE ARMENIAN GENOCIDE FROM 1915 TO 1923 AND HONORING ARMENIAN-AMERICANS”. (Sponsored by Council President Garabedian, Council Vice President McFarland, Councilman Lanni, Livingston).**

On motion by Councilman Livingston, seconded by Councilman Barone, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**“RESOLUTION IN SUPPORT OF THE COALITION OF COMMUNITIES IMPROVING RHODE ISLAND.” (Sponsored by Council President Garabedian, Council Vice-President McFarland, Councilmen Lanni, Lupino, and Mayor Napolitano).**

On motion by Councilman Lanni, seconded by Councilman Barone, it was voted to adopt the above Resolution.

Under Discussion:

Councilman Barone stated that there is an Ordinance presently on the books requiring Fiscal Notes and the School Committee does not follow this and the Code also requires posting on the website. Councilman Lanni stated that the School Committee passed a Resolution that mirrored the Council’s Resolution and it is on the books as we speak. Councilman Barone stated that it is still not on the website.

Councilman Lupino motioned to amend this Resolution as follows: Section 1(c), delete the word “present” and add “level service funding”. No one seconded this motion.

On motion by Council Vice-President McFarland, seconded by Councilman Santamaria, the above Resolution was adopted on a vote of 6-2. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Santamaria, Council Vice-President McFarland and Council President Garabedian -6. The following being recorded as voting “nay”: Councilmen Livingston and Barone -2. Council Member Bucci was not present for roll call vote.

**-APRIL 23, 2007-**

**“RESOLUTION SUPPORTING THE RECOMMENDATION OF THE GRAY PANTHERS OF RI; THE NATIONAL FEDERATION OF THE BLIND, RI CHAPTER, AND THE RIPTA TRANSPORTATION ADVISORY COMMITTEE TO GOVERNOR CARCIERI TO APPOINT ALMAS KALAFIAN TO THEIR PUBLIC TRANSIT AUTHORITY BOARD OF DIRECTORS.” (Sponsored by Council President Garabedian, Council Vice President McFarland).**

On motion by Councilman Barone, seconded by Councilman Santamaria, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8. Council Member Bucci was not present for roll call vote.

**“RESOLUTION URGING THE GENERAL ASSEMBLY TO INTRODUCE AND PASS LEGISLATION THAT WOULD ALLOW THE CITY OF CRANSTON TO INCREASE THE CRANSTON PROBATE COURT FEES”. (Sponsored by Council President Garabedian; Council Vice-President McFarland; and Councilmen Lanni, Santamaria and Navarro).**

On motion by Council Vice-President McFarland, seconded by Councilman Barone, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**“RESOLUTION CREATING A HUMAN RESOURCE COMMISSION IN THE CITY OF CRANSTON TO REVIEW PERSONNEL PROCEDURES”. (Sponsored by Council Vice-President McFarland (Tabled 3/26/2007)).**

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

On motion by Council Vice-President McFarland, seconded by Councilman Livingston, it was voted to amend the above Resolution as follows: last paragraph, change “three (3)” to “4 (four)” members.

Councilman Lupino motioned to amend this Resolution as follows: adding a last paragraph to read as follows: “any policies, procedures or regulations created by this Commission be approved by the majority vote of the City Council”. No one seconded this motion.

On motion by Councilman Lanni, seconded by Councilman Livingston, it was voted to move the question. Motion passed on a vote of 6-3. The following being recorded as voting “aye”: Councilmen Lanni, Livingston, Navarro, Council Member Bucci, Councilman Santamaria and Council Vice-President McFarland -6. The following being recorded as voting “nay”: Councilmen Lupino, Barone and Council President Garabedian -3. Councilman Lupino stated that he voted because he was not allowed to make a friendly amendment to this Resolution.

On motion by Council Vice-President McFarland, seconded by Councilman Navarro, it was voted to reconsider the amendment made previously, whereby changing the membership from three (3) to four (4). Motion passed on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting “nay”: Councilman Lanni -1.

**-APRIL 23, 2007-**

On motion by Council Vice-President McFarland, seconded by Councilman Santamaria, it was voted to amend this Resolution by changing the membership from three (3) to four (4). Motion passed on a vote of 8-1. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilman Santamaria, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting "nay": Councilman Barone -1.

Councilman Lupino motioned to amend this Resolution as follows: adding a last paragraph to read as follows: "any policies, procedures or regulations created by this Commission be approved by the majority vote of the City Council". Councilman Barone seconded this motion for discussion purposes. Motion failed on a vote of 4-5. The following being recorded as voting "aye": Councilmen Lupino, Livingston, Barone and Council President Garabedian -4. The following being recorded as voting "nay": Councilmen Lanni, Navarro, Council Member Bucci, Councilman Santamaria and Council Vice-President McFarland -5.

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, the above Resolution was adopted as amended on a vote of 8-1. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilman Santamaria, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting "nay": Councilman Barone -1.

**“RESOLUTION REVOKE THE BUILDING PERMIT ISSUED BY THE BUILDING OFFICIAL FOR THE CONSTRUCTION OF A CONCRETE AND/OR CEMENT PLANT ADJACENT TO A WELL ESTABLISHED, HEAVILY POPULATED, RESIDENTIAL NEIGHBORHOOD, AND DIRECTING THE CITY SOLICITOR TO SEEK OUTSIDE LEGAL COUNSEL TO PREPARE A LAWSUIT AND TAKE ALL STEPS REASONABLY NECESSARY TO PREVENT THE CONSTRUCTION OF THE CONCRETE AND/OR CEMENT PLANT”. (Sponsored by Council Vice-President McFarland, Councilmen Barone and Navarro. - Tabled 3/26/2007).**

Vote on this Resolution was taken earlier in the meeting.

## **VII. REPORT OF COMMITTEES**

### **COMMITTEE ON ORDINANCE (Paula McFarland, Chair)**

**2-07-2 “ORDINANCE IN AMENDMENT OF CHAPTER 10.12 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Harmon Ave., Browne St., Gladstone St., Lawrence St., Wentworth Ave., Homestead Ave., Tennyson Rd., Fairweather Ave., Netherlands Ave., Glengrove Ave., Orchard St., Princess Ave.)”**

On motion by Council Vice-President McFarland, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**-APRIL 23, 2007-**

**2-07-3           “ORDINANCE IN AMENDMENT OF CHAPTER 10.32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC (Marlow St., Stony Brook Dr. and Harcourt St.)’”**

On motion by Council Vice-President McFarland, seconded by Councilman Santamaria, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**4S-07-1           “ORDINANCE AMENDING CHAPTER 17.108 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING BOARD OF REVIEW’ (Additional Alternate Members)”.**

**4S-07-2           “ORDINANCE AMENDING CHAPTER 17.108 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING BOARD OF REVIEW’ (Additional Alternate Members)”.**

Vote on the above two Ordinances was taken at the beginning of the meeting.

**COMMITTEE ON FINANCE  
(Terence Livingston, Chair)**

**“RESOLUTION AUTHORIZING REAL ESTATE/TANGIBLE TAX ABATEMENTS – AS RECOMMENDED BY CITY ASSESSOR”**

On motion by Councilman Livingston, seconded by Councilman Barone, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**“RESOLUTION AUTHORIZING MOTOR VEHICLES TAX ABATEMENTS – AS RECOMMENDED BY CITY ASSESSOR”**

On motion by Councilman Livingston, seconded by Councilman Barone, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**3-07-7           “ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE AND FINANCE’ (Commercial Tax Incentive Five Year)”**

On motion by Councilman Livingston, seconded by Councilman Lanni, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**-APRIL 23, 2007-**

**3-07-8           “ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE AND FINANCE’ (Commercial Tax Incentive Ten Year)”**

On motion by Councilman Livingston, seconded by Councilman Lanni, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**3-07-9           “ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE AND FINANCE’ (Industrial Tax Incentive Five Year)”**

On motion by Councilman Livingston, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**3-07-10          “ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE AND FINANCE’ (Industrial Tax Incentive Ten Year)”**

On motion by Councilman Livingston, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**“TAX INCENTIVE APPLICATION FOR 1195 OAKLAWN REALTY, LLC FOR PROPERTY LOCATED AT 1203 OAKLAWN AVE. (Washington Trust)”**

On motion by Councilman Livingston, seconded by Councilman Barone, the above Tax Incentive Application was approved on a vote of 8-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -8. Council President Garabedian abstained.

**COMMITTEE ON PUBLIC WORKS  
(Maria A. Bucci, Chair)**

**“RESOLUTION AUTHORIZING THE STREET NAME CHANGE FROM LOVELL AVE. TO COASTWAY PLAZA”**

On motion by Council Member Bucci, seconded by Councilman Livingston, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**-APRIL 23, 2007-**

**COMMITTEE ON SAFETY SERVICES & LICENSES  
(John E. Lanni, Jr., Chair)**

**3-07-3           “ORDINANCE IN AMENDMENT OF CHAPTER 10.32 OF THE  
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR  
VEHICLES AND TRAFFIC’ (Horton School-Park Ave.)**

On motion by Councilman Lanni, seconded by Councilman Livingston, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**3-07-4           ORDINANCE IN AMENDMENT OF CHAPTER 10.12 OF THE  
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR  
VEHICLES AND TRAFFIC’ (Horton School-Orlando, Park and  
Garland)**

On motion by Councilman Lanni, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**3-07-5           ORDINANCE IN AMENDMENT OF CHAPTER 10.32 OF THE  
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR  
VEHICLES AND TRAFFIC’ (South Comstock Parkway and  
Tomahawk Trail)**

On motion by Councilman Lanni, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**COMMITTEE ON CLAIMS  
(Anthony J. Lupino, Chair)**

**“COUNCIL RATIFICATION OF SETTLED CLAIMS FOR:**

**Ronald Antonucci \$50.00 mailbox-Highway; Tracy B. Fontes \$175.00 vehicle damage-Engineering; Jacqueline, William and Jae Pezzullo \$775.00 structure settlement every month-Fire.”**

On motion by Councilman Lupino, seconded by Councilman Lanni, it was voted to ratify all the above-listed settled claims. Motion passed on a vote of 8-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8. Councilman Livingston abstained.

Councilman Barone questioned why the Docket lists names and amounts, when these claims are discussed in Executive Session. Councilman Lupino stated that the way it was stated to him is that checks are issued as a matter of public record. Discussion could be sensitive in a matter of nature.

**-APRIL 23, 2007-**

## **VIII. ELECTION OF CITY OFFICIALS**

### **“TREE WARDEN - Re-appointment of RICHARD DEGRANDPRE”**

Administration requested that this be continued.

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, it was voted to continue this item.

#### **Under Discussion:**

Councilman Barone questioned why the request is for continuance again. Mr. Migliorelli stated that the person who was recommended is considering this position and it is still being discussed.

Roll call was taken and motion passed on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilman Barone, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting “nay”: Councilman Santamaria -1.

### **“INDUSTRIAL PERFORMANCE COMMISSION”**

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, it was voted to appoint MARIO G. CARLINO to the **INDUSTRIAL PERFORMANCE COMMISSION**. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

On motion by Council Vice-President McFarland, seconded by Councilman Livingston, it was voted to appoint ARA D. NALBANDIAN, P.E. to the **INDUSTRIAL PERFORMANCE COMMISSION**. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

## **IX. REPORT OF CITY OFFICERS**

No business.

### **IXA. OLD BUSINESS**

No business.

**-APRIL 23, 2007-**

## **X. INTRODUCTION OF NEW BUSINESS**

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

### **Public Works Committee – May 17, 2007**

- 4-07-1 Ordinance authorizing the Director of Public Works to execute a grant of easement relating to the operation of the bubble ice rink facility located at 900 Phenix Ave., Cranston, RI.**
- 4-07-2 Ordinance authorizing the Director of Public works to execute a grant of a utility easement relating to the Cranston High School East construction project.**
- 4-07-3 Ordinance in amendment of Title 12 of the Code of the City of Cranston, 2005, entitled “Streets, Sidewalks and Public Places” (Sidewalk 50/50 Program).**
- 4-07-4 Ordinance in amendment of Chapter 9.08 of the Code of the City of Cranston, 2005, entitled “Public Peace, Morals and Welfare” (50/50 Tree Program)**

**Petition from National Grid for pole location on Julia St.**

**Petition from National Grid for joint pole location on East Street.**

**Petition from Verizon for excavation to lay and maintain underground conduits, buried cables, manholes, hand holes at corner of Phenix Ave. and Cranston St.**

### **Finance Committee – May 17, 2007**

- 4-07-5 Ordinance authorizing the City to utilize Western and Eastern Recreational Impact Fees for the repairs to the Cranston Veterans Memorial Ice Rink (Use of Impact Fee Revenue for the Repair of the Cranston Veterans Memorial Ice Rink).**
- 4-07-6 Ordinance authorizing the City to utilize Eastern Cranston Police Impact Fees for various equipment at new station.**

**Tax Incentive Application for X-Ray Associates, Inc. for location located at 65 Sockanosset Crossroads.**

### **Ordinance Committee – June 14, 2007**

- 4-07-7 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-Scituate Ave.).**
- 4-07-8 Ordinance amending the Comprehensive Plan of 1992 (Phenix Ave.-DelBonis Sand and Gravel).**
- 4-07-9 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-Phenix Ave.-DelBonis Sand and Gravel).**

**City Plan Commission – June 5, 2007**

**4-07-7 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-Scituate Ave.).**

**4-07-8 Ordinance amending the Comprehensive Plan of 1992 (Phenix Ave.-DelBonis Sand and Gravel).**

**4-07-9 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-Phenix Ave.-DelBonis Sand and Gravel).**

**Claims Committee**

- \*Eileen M. Stroud
- \*Louis Pelletier
- \*Lawrence Jillson
- \*Chris and Lynne Zarcaro
- \*Stephen McManus
- \*Madeline Marcantonio
- \*David Brouillard
- \*Nina Read
- \*Paul Medeiros
- \*Richard Accetta
- \*Kim Ouimette
- \*Khoren Souvalian
- \*Frank Pisaturo
- \*Anthony and Paula Rocha
- \*Marion Kelly

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

On motion by Councilman Lanni, seconded by Council Vice-President McFarland, the above items were referred to the respective Committees. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**XI. MISCELLANEOUS BUSINESS ON CLERK’S DESK**

No business.

## **XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS**

**Richard Gainor**, 62 Brayton Ave., appeared to speak and stated that serious recent changes have been made to Brayton Park by CLCF. He recently invested \$200,000 to his property. He was not notified of any of these changes - approximately 700 linear feet of bright yellow tubing was placed on the fence around the baseball fields; four bright pink score boards placed; 36 advertisement signs placed on the four fields. He does not like the way they are doing things and without letting the people know about it. He was told by a Council member that CLCF polled the neighbors regarding these changes. No neighbors have been polled. This is unfair and in his opinion, they are running the park. He is asking that the Council help him in organizing something with CLCF and Park and Recreation so everyone is on the same page of anything else that happens there. He would also ask that they remove the signs and the yellow tubing after the season ends.

Council President Garabedian stated that he visited the site and he visited Mr. Gainor's home and the first thing he saw was the yellow material on the top of all the fences and in his opinion, it is aesthetically ugly. He called the company that makes this tubing material and was told it also comes in green. He also stated that a suggestion would be to meet with CLCF and the Director of Parks and Recreation and try to come up with a solution that makes everyone happy.

Councilman Barone stated that his concern is that CLCF placed this material on without making the City aware and he made this known to the CLCF representatives. Mr. Gainor stated that he is not against CLCF, but he would like them to have some consideration for the people that live in this neighborhood.

Councilman Navarro asked Mr. Gainor if trees have been cut down or if landscape of the park has been changed. Mr. Gainor stated, not that he is aware of, but they are there every single day. They have made aesthetic changes. This park was originally for small girls softball, but they now also use the fields for high school games and this needs to be addressed.

Councilman Lupino stated that the reason for the yellow tubing is for safety issue for kids around the field. As for the advertisement signs, it might be advisable to place signs during baseball games and take them down after the games.

Mr. Gainor asked that this issue be placed on the docket for next month's meeting because there are other residents, who are not present this evening, who would like to address this issue.

Councilman Navarro advised Mr. Gainor that there is a Parks and Recreation Advisory Board and these types of issues could also be addressed at that level.

**Anthony Liberatore**, Director of Parks and Recreation, appeared to speak and stated that he has discussed this issue with Councilman Barone, Council President Garabedian and Mr. Gainor and the first case is safety to the children. As to the color of the tubing, green is for decorative, yellow is for safety. If the tubing was removed and a six foot fence was put up, people in that area would be up in arms that the height of the fence is an eyesore. As to the color pink of the scoreboards, it is a girls softball field. As to the advertisement signs, the signs all face away from the houses. If you go to Mr. Gainor's home, you see nothing but white back of the signs, you do not see the advertisements. Those fields were there when Mr. Gainor purchased his home. Those fields were there when Mr. Gainor put an addition on his home. Mr. Liberatore promised that by mid June, first week in July, all the signs will be taken down. He also stated that he was promised by CLCF that when season is officially over, all tubing will be removed.

**-APRIL 23, 2007-**

**Ernie Pascale**, 70 Baryton Ave., appeared to speak regarding the issues at Brayton Park. He stated that the advertisement signs are 3x8'. The residents do not want these changes and don't need it. It is a City park and they are taxpayers and they have to look at this every day and they should not have to. No one advised the neighborhood of this or asked for any opinion. The yellow tubing is hideous. This was a neighborhood park where little kids could play and people could walk the park.

**Suzanne Arena**, 72 Glen View Dr., appeared to represent Mr. & Mrs. Jen Tao and Meei Jen Lin, who live near her and who had a flood on Monday. Ms. Arena thanked the Mayor for approving necessary overtime to help these people. She indicated that the claims that were filed during the previous Administration that had water not sewer, have not been paid. She thanked Ernie DePari, Superintendent of Highway and Henry Peter, General Highway Foreman, for all their help in using the camera in viewing the sewer drains. This camera has been in Public Works for a long time. She submitted a letter on behalf of the Lin's asking that they be heard on their claim. Councilman Lanni stated that he understands what these residents have been going through. He was assured by the past Administration that it was everything except roots and sewers.

**Henry Peter**, General Highway Foreman, appeared to speak and stated that Highway was not allowed to purchase a complete package that was needed for the camera. It was deemed too expensive. He had deemed it extremely necessary. They did obtain a vacuum truck for \$258,000, which came in two weeks ago. The camera is an important component of the package. We had asked for a van with the complete package. The only thing we were allowed to purchase was a camera unit for \$39,000, but nothing to transport it. It will fit in a customized van.

**Susan Gainor**, 62 Brayton Ave., appeared to speak and stated that twelve years ago, when they purchased their home, the park did not look like it does now. Since they have lived there, this is the first time, the safety issue has come up. Council Vice-President McFarland asked Ms. Gainor if they have appeared before the Parks and Recreation Advisory Board regarding this issue, since this is where items such as signage and the tubing on the fence, are approved or addressed and this Board also has a Council member who serves on it. Ms. Gainor stated, no, she did not know this Board existed. Council Vice-President McFarland asked that the City Clerk send a memo to the Administration and the Director of Parks and Recreation requesting that the Council be provided with information by the next Council meeting, on who made the decision or if approval took place at this Board level or where the approval to place these items came from. Councilman Barone stated that this issue never went before the Parks and Recreation Advisory Board. CLCF just did it.

Council President Garabedian stated that, by Ordinance, the City Council has the ultimate authority over any property in the City, including playgrounds in the City and ball fields.

**Bill Greenaway**, 576 Comstock Parkway, appeared to speak regarding the RI Labor Relations Board decision regarding the Crossing Guards and indicated that the City has two days to appeal this decision. You need to preserve your right to appeal. Council Vice-President McFarland stated that the Council has not been informed of this as a body. This will be discussed tomorrow evening in Executive Session and we need to make that decision tomorrow evening.

**Robert Murray, Esq.**, 21 Garden City Dr., appeared to speak and questioned if a vote was taken on the Resolution regarding the Concrete Plant and what the vote was. Clerk confirmed that a vote was taken and motion passed unanimously.

**-APRIL 23, 2007-**

**Richard Tomlins**, 400 Farmington Ave., appeared to speak regarding the issue of the Concrete Plant and stated that under the Superior Court ruling, he asked what limitations the Council is working under, whether it is strictly the Zoning Board of Review. Mr. Quinlan stated that there is an Order of the Supreme Court, it stays all proceedings except allowing the Council to expand the Zoning Board of Review membership. Mr. Tomlins questioned if the Council, in Executive Session, could invite representatives from D.E.M. and/or the Attorney General's Office to discuss this issue. Mr. Quinlan stated that as to the Attorney General's Office, if there is something that it relates to this issue, the Council could invite them. As to D.E.M., he would think not, since they are involved in this matter.

**LEGAL FEES**

Council Vice-President McFarland indicated to the Council members that at the end of their packet that was provided prior to the meeting, is a handout of the legal bills. She questioned page 6 of this handout and asked what issue Michelson & Michelson billed for for March 16, 2007 with Zoning Board of Review. Mr. Sciolto stated that that case involves where the Zoning Board of Review rejected an applicant. Council Vice-President McFarland questioned page 7, the invoice from Richard Silva and asked what this matter was for. Mr. Sciolto stated that his services were as Special Duty Assistant Solicitor prosecuting in Superior Court during the previous Administration. Council Vice-President McFarland asked what matter was billed for for in October, 2006 for new Police Station. Mr. Sciolto stated that he would have to review this invoice. Council Vice-President McFarland questioned the matter of RI Builders Association. Mr. Sciolto stated that this is for a pending suit. Council Vice-President McFarland questioned page 8 for Robinson for November, 2006 and asked what this Audit Report and Response to the Audit for the same exact date was for. Mr. Sciolto stated that he would have to review these invoices. This was prior to his appointment. Council Vice-President McFarland asked the Law Department that whatever this Audit and Response was for, this information be provided to the Council.

The meeting adjourned at 11:25 P.M.

Maria Medeiros Wall, JD  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).