

## **REGULAR MEETING – CITY COUNCIL**

**-APRIL 25, 2005-**

Regular meeting of the City Council was held on Monday, April 25, 2005 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: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian –9.

Also Present: Paul Grimes, Director of Administration; Michael Glucksman, City Solicitor; Evan Kirshenbaum, Assistant City Solicitor; Pat Quinlan, City Council Legal Counsel; Mike Igoe, City Controller; Steve Woerner, City Council Internal Auditor.

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

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

**“CITATION FOR GIRL SCOUTS OF AMERICA, TROOP 558.”**

Council President Garabedian stated that this will be continued to next month’s meeting.

### **II. EXECUTIVE COMMUNICATIONS**

**“REQUEST TO BE PLACED ON PENSION ROLL, RONALD MARTIN, CRANSTON POLICE DEPARTMENT”.**

Mr. Grimes appeared to speak.

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

**“REQUEST TO BE PLACED ON PENSION ROLL, STEVEN C. ROBERTSON, CRANSTON POLICE DEPARTMENT”.**

Mr. Grimes appeared to speak.

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

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## **II. EXECUTIVE COMMUNICATIONS (Cont.)**

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

Mr. Grimes appeared to speak.

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

**“MAYORAL OBJECTIONS FILED 4/13/2005 FOR ORDINANCE 2-05-2 ‘IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (NEGOTIATIONS JOINT COMMITTEE). PASSED 4/6/2005”.**

**“MAYORAL OBJECTIONS FILED 4/13/2005 FOR ORDINANCE 2-05-3 ‘IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (CITY COUNCIL OFFICE). PASSED 4/6/2005”.**

Mr. Grimes questioned why the above two items are listed under “Executive Session”. Ms. Wall stated that these were listed under this section because it was to convey the objections of the Mayor of these Ordinances to the City Council.

On motion by Councilman Lanni, seconded by Councilman Pisaturo, it was voted to override the Mayor’s Veto for Ordinance 2-05-2.

Under Discussion:

Council President Garabedian asked if there are any proposals or amendments from the Council as to this Ordinance. Council Vice-President McFarland stated that her objections to this Ordinance is to the fact that the Ordinance does not define who the spokesperson is and questioned whether it would be more prudent for this Council to propose another Ordinance. Councilman Lanni stated that in the past, Councilwoman McFarland, former Councilman John Nardolillo, and former Councilwoman Ellen O’Hara sat in in negotiations and this seems to be in line with past practice. Councilman Fung stated that this is not authorized by the Charter and practically speaking, by having two bodies sit in in negotiations, he questioned how it is going to work in negotiations. Councilman Livingston stated that he views this as a separation of powers issue. We should not be asking for permission on what is going on in negotiations. We have tried time and time again with the Administration to come up with an alternative to this Ordinance that would be acceptable to the Administration, and it concerns him to have every single roadblock put up by the Administration to prevent the Council from sitting in and seeing what is going on. Councilman Pisaturo stated that when he speaks to his constituents and they are told that the Mayor does not sit in in negotiations, they were aghast to find out that the Mayor does not participate in negotiations. The constituents feel that the Council was elected by the people of this City, and the labor attorney the City has hired to negotiate the contracts and Mr. Grimes were not.

Gavel was handed to Vice-President McFarland.

Council President Garabedian stated that traditionally, for years, he has sat in the audience and has seen contracts come before the Council to be ratified, that were never read. It is time the Council assumed the responsibility given to them by the City Charter and State Statute. Under the Ordinance, the Mayor continues to be involved in negotiations. We are sending a member of the Council as Council representative. The Ordinance is very-well balanced. It does not take away the Mayor’s powers. He asked that the Council support the override.

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## **II. EXECUTIVE COMMUNICATIONS (Cont.)**

**“MAYORAL OBJECTIONS FILED 4/13/2005 FOR ORDINANCE 2-05-2 ‘IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (NEGOTIATIONS JOINT COMMITTEE). PASSED 4/6/2005”.**

**“MAYORAL OBJECTIONS FILED 4/13/2005 FOR ORDINANCE 2-05-3 ‘IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (CITY COUNCIL OFFICE). PASSED 4/6/2005”.**

Gavel was handed back to the Council President.

Roll call was taken on motion to override the Mayor’s Veto for Ordinance 2-05-2 and motion passed on a vote of 7-2. The following being recorded as voting “aye”: Councilmen Pisaturo, Livingston, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilmen Fung and Barone -2.

On motion by Council Member Fogarty, seconded by Council Vice-President McFarland, it was voted to override the Mayor’s Veto for Ordinance 2-05-3.

### Under Discussion:

Council Member Fogarty stated that the office space for the City Council was discussed with the Administration and Solicitor and this override was purely an immature act. There was no need for this override. She stated to Solicitor Glucksman, that if he does not have the authority to speak for the Mayor at this point going forward, then the Mayor should be present at the meetings. Council Vice-President McFarland asked Solicitor Glucksman if he had signed off on this Ordinance. She stated that she has found out that Solicitor Glucksman had initially signed the Ordinance and then took away the signature after he found out the Mayor was planning to override this Ordinance. She is concerned to have one person who does not attend our meetings and goes out for outside legal opinions and then vetoes bills, this is a big concern of hers.

Roll call was taken on motion to override the Mayor’s veto for Ordinance 2-05-3 and motion passed on a vote of 7-1, with 1 abstention. The following being recorded as voting “aye”: Councilmen Pisaturo, Livingston, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilman Barone -1. Councilman Fung abstained.

## **III. COUNCIL PRESIDENT COMMUNICATIONS**

- *Financial Up date*

Council President Garabedian asked for financials update. Mr. Igoe stated the following: As of the end of March, \$162,195,772 has been collected; \$154,493,003 has been expended; cash position of \$8,678,203.

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#### **IV. COUNCIL MEMBER COMMUNICATIONS**

Councilman Fung stated that he received the following request this past week and asked the Council for consideration: Bain Middle School produced a video. One of the persons in that video was a Bain student, Allison Rodrigues, who was recently selected into the Junior States Summer Program at Yale University for the Summer program. The Cost for this program is \$3,200 and she is seeking financial contributions from any individuals. Councilman Fung asked that if any members of this Council wish to contribute to this, it would be appreciated.

Councilman Livingston stated that he has received calls from residents regarding a property at Elmwood and Sharon, owned by Capco, where a fence is not properly constructed. They have been cited to put up a new fence and new poles. He asked that Mr. Sciolto attend the next Council meeting, along with the Minimum Housing Officer, to update the Council on the status of this issue and what steps and actions will be taken to resolve this issue.

Council Vice-President McFarland stated that Saturday is Earth Day and she asked for the Council and the public's support. She also stated that Bain Middle School has won the RI Science Competition and on May 21 the students will be attending the National Competition in Illinois and anyone who can help finance this trip for the students, will be appreciated.

Council Member Fogarty stated that at the last Safety Services and Licenses Committee meeting, there was no Solicitor present. She reminded Solicitor Glucksman that there was an Ordinance passed, which Councilman Pisaturo sponsored, requesting that a Solicitor to be present at all meetings. Solicitor Glucksman stated that it was his mistake for not calling Assistant Solicitor Ponte to cover this meeting, since Assistant Solicitor Kirshenbaum was on vacation at the time.

Councilman Barone recognized Joe Castellone, a member of the Pawtuxet River Authority, who was present in the audience, for a job well done in his and the Authority's efforts in cleaning up the Pawtuxet River area.

#### **V. PUBLIC HEARINGS**

**Michelle Comar**, resident of Warwick, appeared to speak in favor of the appointment of Robert Cushman as Economic Development Manager.

**Steven Antonucci**, President of IBPO Local 301, Police Union, appeared to speak in favor of Ordinance 4S-05-2. He also described the process of promotions and stated that a few weeks ago, that process was changed, which has caused animosity and morale problems in the Police Department. He asked that the Police Department Administration advocate for fair treatment that they received in going through the ranks.

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**VI. DOCKETED RESOLUTIONS**

**“RESOLUTION AUTHORIZING A LOAN FROM THE GENERAL FUND TO THE RECREATION CAPITAL FUND.” (Tabled 3/28/2005).**

On motion by Councilman Fung, seconded by Councilman Barone, it was voted to remove this Resolution from the table. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

On motion by Councilman Fung, seconded by Councilman Barone, it was approve this Resolution.

Under Discussion:

Councilman Fung asked what the difference is between what the Charter states and what this Resolution does. Council President Garabedian stated that when the City adopts a Capital Budget, the item cannot be changed in the year’s current budget. Council Member Fogarty stated that she does not think a Resolution is the proper vehicle regarding this issue.

On motion by Councilman Fung, seconded by Council Member Fogarty, it was voted to table this Resolution. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**“RESOLUTION RELATIVE TO THE CITY OF CRANSTON’S OPPOSITION TO THE KEYSpan LNG MARINE TERMINAL PROPOSAL FOR PROVIDENCE”.**

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

**“RESOLUTION SUPPORTING STATE ENABLING LEGISLATION AUTHORIZING CITIES AND TOWNS TO IMPLEMENT TRAFFIC SAFETY RED LIGHT MONITORING AND ENFORCEMENT SYSTEMS”.**

On motion by Councilman Fung, seconded by Council Vice-President McFarland, it was voted to approve this Resolution.

Under Discussion:

Captain Ronald Blackmar appeared to speak regarding how people would be cited if they violated a law and were taped on this system. He stated that at this time, there is no enabling legislation in Rhode Island. Councilman Pisaturo asked what the cost is associated with implementing this system. Mr. Grimes stated that the cost is born by the vendor and the vendor would get a portion of the revenues. The City could purchase the system, but it would become very expensive.

Roll call was taken on motion to approve. Motion passed on a vote of 7-1 with one abstention. The following being recorded as voting “aye”: Councilmen Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilman Barone, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilman Pisaturo -1. Councilman Lanni abstained.

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**“RESOLUTION REQUESTING THE CITY SOLICITOR TO FILE A COMPLAINT WITH THE PUC”.**

On motion by Councilman Fung, seconded by Councilman Barone, the above Resolution was tabled on a vote of 5-3 with one abstention. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Bucci and Councilman Barone -5. The following being recorded as voting “nay”: Council Member Fogarty, Council Vice-President McFarland and Council President Garabedian -3. Councilman Lanni abstained.

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

**1S-05-1 “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO ENTER INTO A LEASE AGREEMENT AND DEVELOPMENT AGREEMENT FOR THE NEW POLICE STATION AT THE INTERSECTION OF CRANSTON ST. AND GARFIELD AVE.”.**

Council Vice-President McFarland reported that the Ordinance Committee met and referred this Ordinance to the full City Council without recommendation.

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

Under Discussion:

Council President Garabedian presented a handout of statistics his personal CPA compiled. Mr. Grimes explained the process of how this parcel was selected and the process for this project. He stated that Council Vice-President McFarland, Councilman Fung and former Council President Pastore all participated in the process along with others, in scoring the location based on criteria that was set. When looking at the numbers, the numbers are based on net present value. He urged the Council to pass this Ordinance. He stated that the Administration has done everything they could to address the concerns of the Council. This is a good financial deal and the City has a need for it.

Colonel McGrath appeared to speak and stated that the current Police Station is in deplorable condition. The Committee created last year, put in many hours in rating the sites that were received through RFP. He urged passage of this Ordinance, so the Police Officers can continue to deliver the service that they need to deliver in a better working environment.

Council Vice-President McFarland stated that if there was an opportunity, she asked what would it take to rehab such a sick building that the Police Officers are working in. Colonel McGrath stated that he is not sure the cost factor. He does not see how it is worth to rehab the building. Doorways, cellblocks, building security, are all inadequate to meet the accreditation standards, among other inadequacies. Council Vice-President McFarland asked what the timeframe is for accreditation. Colonel McGrath outlined the accreditation process: three year time window from date of application to on-site inspection for approval. The Police Department is in the process of creating a policy and procedures manual, which should be completed by the end of this year. We will have three years from then to apply for that.

Councilman Barone stated that he will vote in favor of this Ordinance. If any other site were to be considered, the cost would be astronomical.

**VII. REPORT OF COMMITTEES (Cont.)  
COMMITTEE ON ORDINANCE**

**1S-05-1      “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO  
ENTER INTO A LEASE AGREEMENT AND DEVELOPMENT  
AGREEMENT FOR THE NEW POLICE STATION AT THE  
INTERSECTION OF CRANSTON ST. AND GARFIELD AVE.”.  
(Cont.)**

Councilman Lanni stated that the City received RFP's from four different companies. The company selected showed the City three different sites that they owned. He asked if this is correct. Mr. Grimes stated, yes. Councilman Lanni stated that the City did not do their due diligence.

Council President Garabedian stated that he looked at the 25-acre Police Training Academy site that the City owns as a possible site for the new Police Station. He will not vote in favor of this Ordinance because we would be throwing away taxpayers dollars over 25 a year-period. The current Police Station could also be sold. Captain Blackmar stated that he has been part of this process of looking for a site for the new Police Station for six years. There are several problems with the training facility site. A good part of that site is fill from the hurricane of 1995 and the O'Leary Administration looked at this site back then. Another problem with this site is the pipeline, and there would have to be blasting done there.

Council Member Fogarty stated that the Council needs to compare what we have and compare plans. The Performance Audit asked that we increase the Police size. We cannot do that with the building that we are in. When RFP came in, we had six proposals in total, three proposals from one developer and three from another. She asked if this is correct. Mr. Grimes stated, yes.

Council President Garabedian asked who proposed the numbers on the new Police Station. Mr. Grimes stated, the Administration put these numbers together with an independent financial consultant. Council President Garabedian stated that he has a concern with this lease and there are questions on this lease that have to be asked.

Councilman Pisaturo stated that because of the financing, he will be voting against this Ordinance. The taxpayers do not want us to spend more then we have to. The location has nothing to do with his decision. It is the finances. Council Vice-President McFarland stated that Councilman Pisaturo sat in in sub-committee meetings two months ago and she has not received any comments or concerns that he has addressed this evening. She stated that the Council either vote on a new building tonight or when budget is adopted, she will advocate that we transfer money in the Capital Budget to rehab the present building.

Councilman Lanni stated that it is not the Ward that he does not want this station in, it is the economics. Everyone, including himself, believe we need a new facility. All he is saying is lets do our due diligence, which he believes we have not.

Council Member Fogarty stated that the handout presented by the Council President, was presented two months ago and it is not new to the Council. This was created by an independent auditor.

Councilman Livingston stated that he has served on the Council for four months and he believes he does not have all the facts to make a reasonable decision on whether or not this is a good project or a bad project.

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**VII. REPORT OF COMMITTEES (Cont.)  
COMMITTEE ON ORDINANCE**

**1S-05-1      “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO  
ENTER INTO A LEASE AGREEMENT AND DEVELOPMENT  
AGREEMENT FOR THE NEW POLICE STATION AT THE  
INTERSECTION OF CRANSTON ST. AND GARFIELD AVE.”.  
(Cont.)**

Mr. Woerner stated that he looked at the finances. He stated that he is Finance Director in Lincoln and that town is in the process of building a new school and Gilbane is doing the work. He asked Gilbane what it would cost to build a police station and based on what they told him, he did a financial analysis and came up with \$3 - \$4 million cost for the City to buy and build a police station itself. He compared this to what the Administration presented. He found that the City has \$13.2 million in authority for this project. To bond that out, is \$23.3 million and the City would need another \$1 million of another financing source to complete this project. He figures the City would need approximately \$14.3 million to complete this project. He estimated the City's total savings would be approximately \$3 million. Council Vice-President McFarland asked Mr. Woerner if he is suggesting that the City take the property by eminent domain. Mr. Woerner stated that if the City can strike a deal, that would be fine. Council Vice-President McFarland asked Mr. Woerner if he has insured any legal costs in regards to eminent domain. Mr. Woerner stated, supposedly, it is a fairly procedural process when it goes through the Courts.

Gavel was handed to the Vice-President.

Council President Garabedian stated that there are issues in the Performance Audit that have not been taken up in terms of the building. We have not gone through the building size in detail. There are things in the lease that we do not agree with or have questions on. The primary reason he is opposed to this is the financials. He would be in favor of tabling this to look at the numbers and go through the lease in more detail.

Councilman Pisaturo stated that if developers are not willing to negotiate a better offer, then he would be opposed to the tabling.

Council Vice-President McFarland stated that if the documents presented by Council President Garabedian are to be made part of the record, he would have to disclose CPA's name, who did the analysis for him, and would have to come before this Council and give testimony as far as his analysis. Mr. Woerner would also be asked to testify as to his analysis.

Attorney Martin Temkin appeared to speak and stated that his client will always be willing to talk.

Councilman Lanni stated that Sepe Associates, who did the analysis for the Administration, should also appear before the Finance Committee to testify how he came up with their numbers.

Council Vice-President McFarland asked that anyone that has any concerns or questions, prepare them for the Finance Committee meeting. Council President Garabedian stated that anyone who has questions, they be forwarded to the Chair of Finance, but the normal procedure is, the Council members would go to the meeting and ask questions then.

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**VII. REPORT OF COMMITTEES (Cont.)  
COMMITTEE ON ORDINANCE**

**1S-05-1       “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO ENTER INTO A LEASE AGREEMENT AND DEVELOPMENT AGREEMENT FOR THE NEW POLICE STATION AT THE INTERSECTION OF CRANSTON ST. AND GARFIELD AVE.”.  
(Cont.)**

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

On motion by Councilman Livingston, seconded by Councilman Lanni, it was voted to refer this Ordinance to the Finance Committee. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**2-05-8       “ORDINANCE IN AMENDMENT OF CHAPTER 12 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘STREETS AND SIDEWALKS’ (STORM DRAINS).”**

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

**3-05-1       “ORDINANCE AUTHORIZING THE BORROWING OF \$170,000.00 FROM THE CITY OF CRANSTON GENERAL FUND FOR VARIOUS RECREATION CAPITAL IMPROVEMENT PROJECTS.”**

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

**4S-05-1       “ORDINANCE AUTHORIZING THE BORROWING FROM THE GENERAL FUND OF UP TO \$1.5 MILLION TO THE SCHOOL CAPITAL FUND (SCHOOL ROOFS).”**

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

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**VII. REPORT OF COMMITTEES (Cont.)  
COMMITTEE ON ORDINANCE**

**4S-05-2      “ORDINANCE AMENDMENT TO THE CIVIL SERVICE RULES  
AND REGULATIONS APPROVED DECEMBER 12, 1955 AS  
AMENDED BY THE COUNCIL MARCH 26, 2001.”**

On motion by Council Vice-President McFarland, seconded by Councilman Pisaturo, it was voted approve the above Ordinance

Under Discussion:

Councilman Fung stated that he will vote opposed to this Ordinance because this Ordinance deals with a Charter provision. Councilman Livingston agreed with statement made by Councilman Fung. He stated that he does not believe we can change our Rules and Regulations to change our Charter. Councilman Lanni stated that if you go by past practice, this is what we have been doing. Now all of a sudden, the Rules are being changed. That is not fair to the Police and not fair to anybody. Council Vice-President McFarland stated that it is our job to clarify this issue until such time that we have a Charter Review Commission to have this issue changed.

Roll call was taken on motion to approve and motion passed on a vote of 5-4. The following being recorded as voting “aye”: Councilman Pisaturo, Council Member Fogarty, Councilmen Lanni, Barone and Council Vice-President McFarland -5. The following being recorded as voting “nay”: Councilmen Fung, Livingston, Council Member Bucci and Council President Garabedian -4.

**COMMITTEE ON FINANCE**

**“ADVISE AND CONSENT OF COLONEL STEPHEN MCGRATH, CRANSTON  
POLICE DEPARTMENT.”**

Council Member Fogarty reported that the Finance Committee met and recommended approval of this Advise and Consent.

Councilman Pisaturo questioned if this vote is just for the Advise and Consent or includes the contract. Solicitor Glucksman stated that this vote is just for the Advise and Consent. The term of contract will go back to the Finance Committee.

On motion by Councilman Barone, seconded by Councilman Pisaturo, it was voted to approve the Advise and Consent of Colonel McGrath. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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**COMMITTEE ON FINANCE (Cont.)**

**“ADVISE AND CONSENT OF ROBERT CUSHMAN, ECONOMIC DEVELOPMENT MANAGER.”**

Council Member Fogarty reported that the Finance Committee met and referred the Advise and Consent of Robert Cushman to the full City Council with recommendation of denial.

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, it was voted to accept the report of recommendation of the Finance Chair. Motion passed on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Pisaturo, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting “nay”: Councilman Fung -1.

On motion by Councilman Pisaturo, seconded by Councilman Lanni, it was voted to deny the Advise and Consent of Robert Cushman. Motion passed on a vote of 5-4. The following being recorded as voting “aye”: Councilmen Pisaturo, Livingston, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -5. The following being recorded as voting “nay”: Councilman Fung, Council Member Fogarty, Council Member Bucci and Councilman Barone -4.

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

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

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

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

**“TAX INTEREST WAIVER LIST”**

On motion by Council Member Fogarty, seconded by Councilman Pisaturo, the above Tax Interest Waiver List was approved on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**VII. ELECTION OF CITY OFFICIALS**

Councilman Fung questioned why no appointments have been made to the Board of Canvassers, since letters and resumes were sent to the Council and City Clerk by the Democratic and Republican party chairs and why this is not listed on the docket. Council President Garabedian stated that there is a State Statute in question and this will be placed on next month’s docket. At this time, it is not properly before the Council. Councilman Lanni stated that we should obtain legal opinion from the Solicitor to speed this along.

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

No Business.

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

On motion by Councilman Pisaturo, seconded by Council Member Fogarty, the following introduced Ordinance be advertised for hearing before the Ordinance Committee on THURSDAY, May 12, 2005 at 7 PM pursuant to Sec. 3.12 of the Charter. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone and Council President Garabedian -8. Council Vice-President McFarland was not present for roll call vote.

- 4-05-1 Ordinance in amendment of Chapter 12 of the Code of the City of Cranston, 2005, entitled "Streets, Sidewalks and Public Places" (Repair of Sidewalks – Notice to Abutting Owners). PUBLIC WORKS COMMITTEE 5/12/2005 and ORDINANCE COMMITTEE 5/12/2005.
- 4-05-2 Ordinance in amendment of Chapter 12 of the Code of the City of Cranston, 2005, entitled "Streets, Sidewalks and Public Places" (Repair of Sidewalks – Generally). ). PUBLIC WORKS COMMITTEE 5/12/2005 and ORDINANCE COMMITTEE 5/12/2005.
- 4-05-3 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2004 and ending June 30, 2005. (FY 05 Budget Increase 4<sup>th</sup> Quarter – Supplemental Appropriation). FINANCE COMMITTEE 5/12/2005 and ORDINANCE COMMITTEE 5/12/2005.
- 4-05-4 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Parkway Ave., Broad St. and Woodbury Rd.). ORDINANCE COMMITTEE 5/12/2005.
- 4-05-5 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Parkway Ave., Broad St. and Cloverdale Rd.). ORDINANCE COMMITTEE 5/12/2005.

## **XI. MISCELLANEOUS BUSINESS ON CLERK'S DESK**

Petitions/Notice of Claims to City Council. REFERRED TO INSURANCE AND RISK MANAGEMENT COMMISSION.

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

None.

The meeting adjourned at 10:40 P.M.

Maria Medeiros Wall  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).