

## **REGULAR MEETING – CITY COUNCIL**

**-APRIL 27, 2009-**

Regular meeting of the City Council was held on Monday, April 27, 2009 in the Council Chambers, City Hall, 869 Park Ave., Cranston, Rhode Island.

The meeting was called to order at 7:05 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Lupino, Aceto, Navarro, Archetto (Appeared at 7:10 P.M.), Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

Also Present: Robin Muksian-Schutt, Director of Administration; Gerald Cordy, Deputy Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Robert Strom, Director of Finance; Patrick Quinlan, City Council Legal Counsel; 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 TO DR. LAURA ALBANESE, PRINCIPAL OF THE YEAR”**

**Councilwoman Bergin-Andrews** presented Citation.

#### **“CITATIONS TO CRANSTON WEST HIGH SCHOOL BOYS WINTER ICE HOCKEY VARSITY TEAM IN CAPTURING THE 2008-2009 DIVISION 1A STATE CHAMPIONSHIP”**

**Councilmen Santamaria, Lupino and Council Vice-President Livingston** presented Citations.

#### **“CITATION TO GIANNA VELINO OF EXCELLENCE FOR WINNING THE GOLD MEDAL FOR PREPARED SPEECH IN THE SKILLS USA COMPETITION”**

**Councilman Pelletier** presented Citation.

**-APRIL 27, 2009-**

## **II. PUBLIC HEARINGS**

### **“PRESENTATION BY NEW ENGLAND GREEN ENERGY CORPORATION IN REGARDS TO RENEWABLE ENERGY AND POTENTIAL COST SAVINGS”**

**Representative Peter Palumbo**, appeared to speak as a member of New England Green Energy Corporation, LLC and gave a slide show presentation. He also presented a handout and introduced the following members of the corporation: Richard Hittinger, Kent Eldridge, Scott Fitch, Ken Filarski and Charles Pappas. He thanked the Mayor and Mr. Cordy for getting together all the utility bills for the City to start to work on a plan for the City.

**Richard Hittinger** appeared to speak regarding geothermal.

**Council Vice-President Livingston** asked for letters of recommendation from other entities that this company has worked for and what it would cost the City to retain this company. Representative Palumbo stated that it would not cost the City anything, unless they find the funds for the City. Council Vice-President Livingston urged the Administration to look into this program because it looks like it would save the City significant monies.

**Janice Ruggieri**, School Committee Member, appeared to speak in opposition to the “Resolution in Support of Repeal of the Caruolo Act”.

**Joe Cole**, RIPTA bus driver, appeared to speak in favor of “Resolution Encouraging the Rhode Island Public Transportation Authority to Restore Full Service to the Elmwood/Auburn #20 Bus Line in Cranston”.

**Michael Colasante**, member of the Industrial Development Commission, appeared to speak regarding “Resolution Forming a Committee Comprised of Cranston Businesses to Assist the City in Recruiting New Businesses to the City” and stated that he feels forming this Committee is a duplication, since there is already the Industrial Development Commission. He would like a member of the Council to be a liaison to his Committee. Two Administrations ago, the name was changed from Economic Development Commission to the Industrial Development Commission. He does not know why, but he would ask that this be changed back to Economic Development Commission so it does not cause any confusion of what this Commission does.

**Frank Kelly**, 176 Mayfield Ave., President of Teachers Alliance, appeared to oppose to “Resolution in Support of Real of the Caruolo Act”.

**Stephanie Culhane**, 97 Concord Ave., School Committee Member, appeared to speak regarding the presentation made by New England Green Energy Corporation and asked that the City explore a variety of options for savings. She also spoke in opposition to “Resolution in Support of Real of the Caruolo Act”.

**Susan Pagnozzi**, President of Chamber of Commerce, appeared to speak regarding “Resolution Forming a Committee Comprised of Cranston Businesses to Assist the City in Recruiting New Businesses to the City” and stated that the Industrial Development Commission has experts and are doing a great job. This new Commission is not needed.

**-APRIL 27, 2009-**

### **III. DOCKETED RESOLUTIONS**

#### **“RESOLUTION ENCOURAGING THE RHODE ISLAND PUBLIC TRANSPORTATION AUTHORITY TO RESTORE FULL SERVICE TO THE ELMWOOD/AUBURN #20 BUS LINE TO CRANSTON”**

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

On motion by Councilman Lupino, seconded by Council Vice-President Livingston, it was voted to amend the above Resolution as follows: after second paragraph, add “along with the impact on the citizens who depend on public transportation”. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

Roll call was taken on motion to approve the above Resolution as amended and motion passed on a vote of 9-0. The following being recorded as voting “aye”: the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

#### **“RESOLUTION FORMING A COMMITTEE COMPRISED OF CRANSTON BUSINESSES TO ASSIST THE CITY IN RECRUITING NEW BUSINESSES TO THE CITY”**

Resolution was withdrawn by sponsor.

#### **“RESOLUTION IN SUPPORT OF HOUSE BILL 5883 ‘AN ACT RELATING TO HIGHWAYS-MAINTENANCE OF TOWN HIGHWAYS’”**

On motion by Councilman Lupino, seconded by Councilman Navarro, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

#### **“RESOLUTION PROCLAIMING APRIL 24, 2009 AS ‘RHODE ISLAND DAY OF REMEMBRANCE OF THE ARMENIAN GENOCIDE’ IN COMMEMORATION OF THE GENOCIDE FROM 1915 TO 1923 AND HONORING ARMENIAN-AMERICANS”**

On motion by Council Vice-President Livingston, seconded by Councilman Navarro, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

#### **“RESOLUTION URGING THE STATE OF RHODE ISLAND TO NAME THE RHODE ISLAND TRAFFIC TRIBUNAL COURTHOUSE IN CRANSTON THE ‘ALBERT E. DEROBIO COURTHOUSE’”**

On motion by Council Vice-President Livingston, seconded by Councilman Navarro, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**-APRIL 27, 2009-**

**“RESOLUTION IN SUPPORT OF THE CITY OF CRANSTON  
NEIGHBORHOOD STABILIZATION FUND”**

**Ms. Schutt and David Maher**, Director of Community Development, appeared to speak.

On motion by Councilman Pelletier, seconded by Councilman Archetto, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**“RESOLUTION IN SUPPORT OF REPEAL OF THE CARUOLO ACT”**

**Councilman Aceto** motioned to approve the above Resolution. No one seconded motion.

**Councilman Pelletier** motioned to withdraw the above Resolution. No one seconded motion.

**Council President Lanni** recognized Councilman Aceto on motion to approve and he seconded the motion.

Under Discussion:

**Councilman Pelletier** stated that he has no problem with this Resolution being approved, but he would like more clarification on what happens after this is passed.

**Councilman Aceto** stated that this Resolution was placed on the docket because there have been at least 15-16 other communities who have passed a Resolution exactly the same. This Resolution is being passed to ask the General Assembly to come up with a plan that won't cost the City money because there has been a lot of money spent on legal fees that has not helped the students or the taxpayers of the City.

**Councilmen Lupino, Navarro and Council Vice-President Livingston** all stated that they will not support this Resolution. This is the only recourse for the Schools and they have no other alternative.

**Council Vice-President Livingston** questioned the third paragraph of the Resolution as to what “all bills” are. He suggested amending the third paragraph, third line, after “urges”, add “that the General Assembly review alternatives to the present”, delete “passage of all bills that would end the filing of”.

On motion by Councilman Aceto, seconded by Council Vice-President Livingston, it was voted to amend the above Resolution as follows: third paragraph, third line, after “urges”, add “that the General Assembly review alternatives to the present”, delete “passage of all bills that would end the filing of”. Roll call was taken on motion to amend and motion failed on a vote of 4-5. The following being recorded as voting “aye”: Councilmen Aceto, Santamaria, Council Vice-President Livingston and Council President Lanni -4. The following being recorded as voting “nay”: Councilmen Lupino, Navarro, Archetto, Pelletier and Councilwoman Bergin-Andrews -5.

Roll call was taken on main motion to approve the above Resolution as amended and motion failed on a vote of 3-6. The following being recorded as voting “aye”: Councilmen Aceto, Santamaria and Council President Lanni -3. The following being recorded as voting “nay”: Councilmen Lupino, Navarro, Archetto, Pelletier Councilwoman Bergin-Andrews and Council Vice-President Livingston -6.

**-APRIL 27, 2009-**

**“RESOLUTION REQUESTING THE GENERAL ASSEMBLY CORRECT RIGL 44-3-16 ELDERLY TAX FREEZE EXEMPTION AND RIGL 44-3-13 PERSONS OVER THE AGE OF 65 EXEMPTIONS”**

Mr. Quinlan appeared to explain this Resolution.

On motion by Councilman Lupino, seconded by Councilwoman Bergin-Andrews, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**“RESOLUTION IN SUPPORT OF LEGISLATION H-5044 ENTITLED ‘AN ACT RELATING TO CRIMINAL OFFENSES-PROSTITUTION AND LEWDNESS”**

On motion by Councilman Navarro, seconded by Councilwoman Bergin-Andrews, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**“RESOLUTION URGING THE ZONING BOARD OF REVIEW TO HOLD OFF ON GRANTING ANY ZONING VARIANCES TO MASSAGE PARLORS UNTIL PENDING LEGISLATION H-5044 IS RESOLVED”**

On motion by Councilman Navarro, seconded by Councilwoman Bergin-Andrews, it was voted to approve the above Resolution.

Under Discussion:

**Council Vice-President Livingston** questioned if this body has the power to hold off on variances being granted until legislation is resolved. Mr. Quinlan stated that it does not prohibit them from granting a variance, it expresses the Council’s opinion. It does not violate the law, if they approve a variance.

**Solicitor Kirshenbaum** stated that the Code does not differentiate between therapeutic and adult theme massage parlors. Zoning requires variance for special use permit.

Roll call was taken on motion to approve the above Resolution and motion passed on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8. The following being recorded as voting “nay”: Councilman Lupino -1.

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

##### **COMMITTEE ON FINANCE (Emilio L. Navarro, Chair)**

**“APPROVAL OF INDEPENDENT AUDITOR JAMES PRESCOTT OF BRAVER CPA FOR FISCAL YEARS 2009-2010-2011”**

On motion by Councilman Navarro, seconded by Councilman Aceto, it was voted to approve the hiring of James Prescott of Braver CPA as Independent Auditor for Fiscal Years 2009-2010-2011. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**-APRIL 27, 2009-**

**“RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS”**

On motion by Councilman Navarro, seconded by Councilman Archetto, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”**

On motion by Councilman Navarro, seconded by Councilman Aceto, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**“TAX INTEREST WAIVER APPROVALS AS RECOMMENDED BY CITY TREASURER”**

On motion by Councilman Lupino, seconded by Councilman Santamaria, it was voted to approve the above list of Tax Interest Waiver Approvals as recommended by the City Treasurer. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**“TAX INTEREST WAIVER APPROVAL OF SALVATORE PERESCHINO”**

On motion by Councilman Navarro, seconded by Councilman Aceto, it was voted to approve the Tax Interest Waiver request of Salvatore Pereschino. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**3-09-1 “ORDINANCE IN AMENDMENT OF CHAPTER 3.04.100 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE AND FINANCE’ (INDEPENDENT AUDIT)”**

On motion by Councilman Navarro, seconded by Council Vice-President Livingston, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

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

**“NATICK AVE. ENGINEERING STUDY”**

**Ms. Schutt** stated that the City has received four bids and will be open at the Board of Contract and Purchasing meeting and paving work has begun.

**-APRIL 27, 2009-**

**“RESOLUTION STREET NAME CHANGE FROM GOECKEL AVE. TO CPC FOUNDERS WAY”**

On motion by Councilman Aceto, seconded by Council Vice-President Livingston, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**COMMITTEE ON CLAIMS  
(Michelle Bergin-Andrews, Chair)**

**Ratification of settled claims for:** Virginia Kowal \$50.00, Michael Barber \$170.50, Paul Bailey’s Collision Center \$1,561.77, Jacqueline, William and Jae Pezzullo \$775.00, Liberty Mutual as subrogee of Luigi Caranci \$4,954.35, Jaime Caniglia \$1,346.43, Anthony Belcher \$200.30, JoAnn Accetta \$119.07, Marie Cummings \$104.20, Janine Jackson \$78.34, Andrea Greene \$50.00, Linda Maroun \$147.47, Daniel Nuey \$50.00, Linda Winman \$73.88, Anthony Del Prete \$50.00, Christopher Mariotti \$50.00.

On motion by Councilwoman Bergin-Andrews, seconded by Councilman Pelletier, it was voted to approve the above-listed claims. Motion passed on a vote of 8-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council President Lanni -8. Council Vice-President Livingston was not present for roll call vote.

**V. ELECTION OF CITY OFFICIALS**

***DIVERSITY COMMISSION***

**Council President Lanni** nominated Councilman Navarro to serve on this Commission and Councilman Aceto seconded the nomination.

**Councilman Navarro** asked Administration when this Commission will be meeting. Ms. Schutt stated that she will look into this and advise him.

**VI. REPORT OF CITY OFFICERS**

None.

**VII. EXECUTIVE COMMUNICATIONS**

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

None.

**“REQUEST TO BE CONTINUED IN SERVICE LT. DENNIS MOORE, CRANSTON FIRE DEPARTMENT”**

**Ms. Schutt** appeared to speak.

On motion by Councilman Santamaria, seconded by Council Vice-President Livingston, it was voted to approve the above request. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**VIII. COUNCIL PRESIDENT COMMUNICATIONS**

None.

**IX. COUNCIL MEMBER COMMUNICATIONS**

**Council Vice-President Livingston**

***Update Regarding Preservation of Rolfe St. Cannons***

**Council Vice-President Livingston** asked that this item be removed from the docket because Economic Development is working on this and when he has update, he will report back to the Council.

***Summary of Breakdown from Audit Team of Cost for Basic Education Program***

**Mr. Strom** stated that he does not have this information this evening. He will confer with the School Department. Mr. Woerner stated that there is no consensus on the numbers among the School Audit Team at this time. There is a lot of debate internally of what this number is.

**Council Vice-President Livingston** stated that he cannot believe that we spent hundreds of thousands of dollars for the Caruolo and we can't come up with an amount of what it costs the City for a basic education program. He cannot accept this. He does not expect Mr. Strom to have this number, since he has not been with the City that long. He expects our experts, who we are paying hundreds of thousands of dollars to know what this number is. He questioned if we can have those experts at the April 30<sup>th</sup> amendment meeting. He asked Mr. Woerner if we can get an opinion from each expert and what they think about the number for April 30<sup>th</sup>. Mr. Woerner stated that he will do his best. Council Vice-President Livingston asked Mr. Woerner that maybe he could have this information for the May 12<sup>th</sup> meeting. Mr. Woerner stated, yes.

**Councilman Navarro** stated that as to the April 30<sup>th</sup> amendment meeting, is being cancelled and rescheduled to the following Wednesday, May 6, 2009. That might be the best time to invite the experts. This date is pending so the City Clerk can check the schedule to make sure this does not conflict with any other meetings.

***Harbor Management Plan***

**Mr. LaPolla** appeared to speak and stated that the Harbor Management Plan is completed and we are seeking funds to pay for submission.

**Councilman Santamaria**

***Update on Status of Comprehensive Plan***

**Mr. LaPolla** stated that the Comprehensive Plan is 95% complete.

**Councilman Pelletier** asked that for next month's docket, "phase-out line for Natick Ave." be added.



**X. OLD BUSINESS**

None.

**XI. INTRODUCTION OF NEW BUSINESS**

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

**Safety Services and Licenses Committee – May 4, 2009**

**4-09-1 Ordinance in amendment of Title 9, Chapter 4 of the Code of the City of Cranston, 2005, entitled “Offenses Against Public Peace and Decency” (Disorderly Conduct and Indecency – Telephonic Harassment).**

**4-09-2 Ordinance in amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (South Comstock Parkway and Olney Arnold Rd.).**

**Finance Committee – May 14, 2009**

**4-09-3 Ordinance amending Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Police Department Composition).**

**4-09-4 Ordinance amending Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Fire Department Composition).**

**Public Works Committee – May 14, 2009**

**Petition from National Grid for pole location at Avery Rd.**

**Petition from National Grid for pole location at Wilbur Ave.**

**Petition from National Grid for pole location at Kneeland St.**

**Petition from National Grid for pole location at Bank St.**

**Claims Committee**

\*Nancy Petrone

\*Patricia Warner

\*Jim Richardson

\*Steven Botelho

\*Susan and Carmelo Scuncio

\*John and Marjorie Sivo

\*Kevin A. Ramirez

\*Robert Harootunian

\*Robert Harootunian

\*Chris Freelo

\*Cosmo D. Cambio

\*Laura Crumb

\*Daniel Tennett

\*Larry Hammond

\*John Lamantia

\*Michael Carano

\*Ferdinand Franco

\*David Stickel

\*Angelo Marchetti

\*Siena Coppelino

\*Erena Yates Harootunian

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

On motion by Council Vice-President Livingston, seconded by Councilman Pelletier, 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 Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**-APRIL 27, 2009-**

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

None.

**XIII. PUBLIC HEARINGS ON UNDOCKETED ITEMS**

**Steve Callahan** appeared to speak regarding a claim he filed two years ago for a sewer backup, which was denied. He has been given the run around for two years. He filed an appeal and has never received any response of when his appeal will be heard.

The meeting adjourned at 9:30 P.M.

Maria Medeiros Wall, JD  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).