

REGULAR MEETING – CITY COUNCIL

-AUGUST 23, 2010-

Regular meeting of the City Council was held on Monday, August 23, 2010 in the Council Chambers, City Hall, 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, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews (appeared at 7:15 P.M.), Council Vice-President Livingston and Council President Lanni -8.

Absent: Councilman Navarro -1.

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

None.

II. PUBLIC HEARINGS

Richard Tomlins, 400 Farmington Ave., appeared to speak and stated that the City is \$1 million in the hole that we have not budgeted for. He is concerned about where the funding will come from to turn the street lights back on.

Rachel McNally, 113 Hilltop Dr., President of Open Space, appeared to speak and asked the Council to consider the Comprehensive Plan, as amended.

-AUGUST 23, 2010-

II. DOCKETED RESOLUTIONS

“RESOLUTION REQUESTING THAT THE GENERAL ASSEMBLY WAIVE DEM PERMITTING REQUIREMENTS FOR REPAIR OF FLOOD DAMAGED MUNICIPALLY OWNED INFRASTRUCTURES IN OR ADJACENT TO WETLANDS”

Councilman Pelletier stated that he was advised that there will be legislation in the upcoming General Assembly for passage and it will help mitigate the permitting process.

On motion by Councilman Pelletier, seconded by Councilman Aceto, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -7.

IV. REPORT OF COMMITTEES

**ORDINANCE COMMITTEE
(Anthony J. Lupino, Chair)**

2-10-4 “ORDINANCE APPROVING THE 2010 COMPREHENSIVE PLAN FOR THE CITY OF CRANSTON (As Amended 5/24/2010)”

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

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

“RESOLUTION AUTHORIZING REAL ESTATE AND TANGIBLE TAX ABATEMENTS”

On motion by Councilman Lupino, seconded by Councilman Archetto, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -7.

-AUGUST 23, 2010-

“RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS DUE TO BOARD OF REVIEW ADJUSTMENTS”

On motion by Councilman Lupino, seconded by Councilman Archetto, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -7.

“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”

On motion by Councilman Lupino, seconded by Councilman Archetto, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -7.

“TAX INTEREST WAIVER APPROVALS AS RECOMMENDED BY CITY TREASURER”

On motion by Councilman Pelletier, seconded by Council Vice-President Livingston, it was voted to approve the above list of Tax Interest Waiver Approvals as recommended by City Treasurer. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

7-10-5 “ORDINANCE AUTHORIZING THE CITY TO UTILIZE WESTERN CRANSTON RECREATIONAL CAPITAL FACILITIES IMPACT FEES FOR THE PURCHASE OF A CONSERVATION EASEMENT LOCATED AT 864 NATICK AVE.”

On motion by Councilman Lupino, seconded by Councilman Archetto, it was voted to approve the above Ordinance.

Under Discussion:

Ms. Schutt stated that due to some title issues, the Administration is requesting that this Ordinance be continued to the August 30, 2010 special meeting. Councilman Aceto indicated that the August 30th meeting is for Special Finance Committee and not City Council meeting.

Solicitor Kirshenbaum stated that this proposal is in Ordinance form. He has not received, as he had requested at the last meeting, the legal description for this property, and therefore, he has signed this Ordinance as a negative endorsement.

-AUGUST 23, 2010-

Council Vice-President Livingston stated that he feels this is being rushed way too fast for some special interest. He cannot attend the meeting on August 30th, but if he could, he would vote in opposition to this Ordinance.

Motion to approve and second were withdrawn.

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin-Andrews, it was voted to refer this Ordinance to the September City Council meeting.

Under Discussion:

Ms. Schutt stated that if this is delayed any longer, we may lose matching funds or grants.

Peter LaPolla, City Planner, appeared to speak and indicated that funding will still be available and we can hold off on this until September.

Council Vice-President Livingston cautioned the City Council members to scrutinize this issue because the Council has been told this had to be approved right away and now it can wait.

Jim Walker, Attorney for the Estate, appeared to speak and confirmed that this could be continued to the September Council meeting. There was a gift tax benefit that expires September 20th, but the family is willing to forego that and will deal with the tax issues in other ways.

Councilman Lupino reminded the Council of the outcry against loss of open space. He asked how many homes could be built on this Open Space at A-80. Mr. LaPolla stated, approximately 250 homes. **Councilman Lupino** stated that if we don't protect this as open space, development would be costly to the City. Mr. Lapolla stated that cost would be about one million in excess of taxes. At A80 taxes would be approximately two and a half million. Mr. Lapolla stated he would have the exact figures for the next Council meeting.

Council Vice-President Livingston questioned if there will be an appraisal for this land. He would like to have this done on the property. He also asked that the administration present a cost/benefit analysis of the benefit to both the family and the City as well as the cost.

Roll call was taken on motion to continue this Ordinance to the September meeting passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

-AUGUST 23, 2010-

**7-10-6 “ORDINANCE AUTHORIZING THE CITY TO UTILIZE
EASTERN CRANSTON RECREATIONAL IMPACT FEES FOR
THE REMOVAL OF AN ABANDONED STORAGE TANK IN
PREPARATION FOR ANTICIPATED LANDSCAPE
IMPROVEMENTS”**

Council President Lanni asked for any motions. No motions were made.

Mr. Cordy stated that there was indication that the tank was leaking and it was removed within the budget that was allowed.

Ms. Schutt stated that this went out to bid for service. The reason this came before the Council was to use Impact Fees. The normal procedure to remove storage tanks does not need Council approval.

On motion by Councilman Lupino, seconded by Councilman Archetto, it was voted to approve the above Ordinance.

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin-Andrews, it was voted to move the question. Motion failed on a vote of 4-4. The following being recorded as voting “aye”: Councilman Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -4. The following being recorded as voting “nay”: Councilmen Lupino, Aceto, Archetto and Pelletier -4.

Councilman Lupino stated that we will be spending money and landscaping without a study to see if there was any contamination from the tank. Ms. Schutt stated that the study is being done.

Councilman Santamaria questioned what the \$18,000 is for. Mr. Cordy stated that the \$18,000 was strictly for the removal of the tank. The bid came in and awarded for \$14,000. Fees for testing the tank is included in the \$14,000. The landscaping will be done by the City and materials will be donated.

Councilman Pelletier asked how much is in the Impact Fees Account. Mr. Strom stated, \$79,000, before taking the \$18,000.

-AUGUST 23, 2010-

Council President Lanni stated that the former Highway Garage was on this site and when it was moved during the O’Leary Administration. The City hired a company to clean up the site; they must have missed something. He asked if the City is looking into holding the company that did the clean up responsible. Mr. Cordy stated that the City is trying to determine whether or not there was any liability or negligence on their part and is looking into that.

Roll call was taken on motion to approve the above Ordinance and motion failed on a vote of 4-4. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Pelletier and Council President Lanni -4. The following being recorded as voting “nay”: Councilmen Archetto, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -4.

“ICE RINK FINANCIALS UPDATE”

No discussion.

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

7-10-1 “ORDINANCE IN AMENDMENT OF TITLE 10, CH. 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Wildflower Dr.)”

On motion by Councilman Aceto, seconded by Councilman Pelletier, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

7-10-2 “ORDINANCE IN AMENDMENT OF TITLE 10, CH. 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Auburn St., Reservoir Ave. and Hayward St.)”

7-10-3 “ORDINANCE IN AMENDMENT OF TITLE 10, CH. 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Auburn St., Hayward St. and Reservoir Ave.)”

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

Motion and second were withdrawn.

-AUGUST 23, 2010-

7-10-4 “ORDINANCE IN AMENDMENT OF TITLE 10, CH. 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Auburn St., Hayward St. and Rugby St.)”

On motion by Councilman Pelletier, seconded by Council Vice-President Livingston, it was voted to vote on the above two Ordinances as a block. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

On motion by Councilman Santamaria, seconded by Councilman Pelletier, the above two Ordinances were adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

CLAIMS COMMITTEE (Michelle Bergin-Andrews, Chair)

Ratification of settled claims for: GEICO for Kerry Delagarza \$1,021.72; Robert Lambert & Sinapi, Formisano & Co. \$2,500; Progressive Insurance for Michael Kachanis \$6,093.46; Jacqueline, William & Jae Pezzullo \$775.00; Steven Petrarca \$1,698.59; Frank Cambio \$322.04; Lisa Iafrate \$267.50; Leanne DeCosta \$57.15; Elena Harootunian \$300.00; Pasquale DiFilippo \$106.43; Susan Roberts \$217.00; Edward Sheridan \$71.43.

On motion by Councilman Aceto, seconded by Councilman Pelletier, it was voted to approve the above claims as a block. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

On motion by Councilman Aceto, seconded by Councilman Pelletier, it was voted to approve the above claims. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

-AUGUST 23, 2010-

V. ELECTION OF CITY OFFICIALS

“BUILDING APPEAL BOARD”:

- **Louis Petrucci – Electrician, Appointment**

On motion by Councilman Pelletier, seconded by Councilman Lupino, it was voted to appoint Louis Petrucci as a member of the Building Appeal Board. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

VI. REPORT OF CITY OFFICERS

“REPORT FROM CITY COUNCIL AUDITOR REGARDING MOTOR VEHICLE TAX ABATEMENTS”

Mr. Woerner stated that due to a computer system problem, the Motor Vehicle tax bills had to be re-mailed. The new Motor Vehicle tax caused a reduction in tax levy of approximately \$450,000.

Councilman Aceto asked what the real collection rate will be on Motor Vehicle tax. **Mr. Woerner** stated that he does not think there will be any change from historical rates from the vehicles with significant value of over \$6,000. There will be some concern with people getting tax bills for the first time in many years and people with older vehicles. Councilman Aceto asked how we will make up for the additional deficit. **Ms. Schutt** stated that this will be a challenge. **Mr. Strom** stated that five of the last six years, the total levy in tax collection has been 99%, which included Motor Vehicle. We have had very good tax collection. There should not be a deficit. The Tax Assessor has found another \$90,000 in tangible tax that was not included in the levy.

Councilman Pelletier asked if the City has taken into account the people who are unable to pay this additional tax or increase. **Mr. Strom** stated that we have taken into consideration the people who could and could not pay. We are always willing to meet with people to set up payment plans, especially in hardship situations.

-AUGUST 23, 2010-

VII. EXECUTIVE COMMUNICATIONS

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

Ms. Schutt stated that the City has engaged Partridge, Snow & Hahn as legal counsel to work with the City to set up the new pension plan as there are new hires for the Teamsters that will be going into that plan.

Councilman Aceto asked why the City did not go to a financial firm who specializes in this rather than a legal firm. **Mr. Strom** stated that we wanted to obtain a legal opinion to make sure that everything meets standards and obligations of the new Plan.

Councilman Aceto asked where the funds will come from to pay for this. **Ms. Schutt** stated that this will come from the Legal Budget.

“REQUEST TO BE PLACED ON PENSION DEPUTY CHIEF EDWARD J. GRADY, CRANSTON FIRE DEPARTMENT”

On motion by Councilman Aceto, seconded by Councilman Pelletier, the above request was approved on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

“LEGAL FEES – REPORT FOR YEAR TO DATE AND REPORT FOR MONTH OF JULY, 2010”

Ms. Schutt presented reports.

VIII. COUNCIL PRESIDENT COMMUNICATIONS

Council President Lanni stated that the Administration stated that we will lose \$450,000 due to Motor Vehicle tax. The City cannot afford to lose \$450,000. There is a problem. The truth of the matter is we will not collect 90% in Motor Vehicle tax. Looking forward, we have a hole in this budget bigger than anyone wants to admit. We should not try to make believe it is not there.

-AUGUST 23, 2010-

IX. COUNCIL MEMBER COMMUNICATIONS

Councilman Aceto

- **Status Natick Ave. Bridge**

Ms. Schutt stated that the design work will be done by the Fall.

- **Street Lighting – Administration report funding for shutting off and restoring street lighting and for increased operational costs; rationale for implementation policy**

Councilman Aceto asked if there is a plan of when lights will be turned back on. **Ms. Schutt** stated that according to National Grid, weather permitting, they will start turning the lights back on this week and they will be determining the schedule of which ones get turned on.

Councilman Archetto stated that if it cost the City \$25,000 to turn off the lights and now \$25,000 to turn them back on, he asked how the City will make this up. **Ms. Schutt** stated that we had budgeted \$75,000 to turn them off. We are also renting the old Police Station which is bringing in some good revenue.

- **Fletcher Ave.**

Councilman Aceto stated that there are mounds and mounds of dirt in certain portions of the Fletcher Ave. River that have accumulated over the years. He stated that he would like Mr. Cordy to meet him at the site to show him what he is referring to. With the City's plan and possible dredging, it would solve the problem of flooding in this area. Mr. Cordy stated that we are hoping that some of the debris will be classified as flood debris and therefore removed with federal funds.

Councilman Lupino

- **Administration legal fees report YTD FY 2010 and 2011**

Councilman Lupino stated that going forward, he would like month and year to date reports.

Councilman Navarro

- **National Grid's Schedule for resumption of street lighting**

(See earlier discussion).

-AUGUST 23, 2010-

Councilman Santamaria

- **Status of Federal Funds for Pocasset River**

Mr. Cordy stated that contract is in the process of being revised. Councilman Santamaria asked that this item be continued to next month's meeting.

Councilman Archetto

- **Councilman Archetto** asked what the status is of sale of the former Police Station. Ms. Schutt stated that when bids came in, they came in at below 90% of the appraised value. We are getting revenue on this building from rentals. The Administration would like to try to get this property sold.

Councilman Pelletier

- **Councilman Pelletier** stated that work is almost completed. Landscaping and striping lines has started and residents are very happy with the progress.

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 – September 13, 2010

8-10-1 Ordinance in amendment of Title 10, Ch. 12 of the Code of the City of Cranston, 2005, entitled "Motor Veh. & Traffic" (Crescent Ave., Wessex St. and Appleton St.).

8-10-2 Ordinance in amendment of Title 10, Ch. 12 of the Code of the City of Cranston, 2005, entitled "Motor Veh. & Traffic" (Crescent Ave., Appleton St., Wessex St., Harmon Ave., Lowell St. and Marlborough St.).

-AUGUST 23, 2010-

Ordinance Committee – September 16, 2010

8-10-3 Ordinance approving Cranston 2010 Hazard Mitigation Plan.

Public Works Committee – September 16, 2010

Request from National Grid for Pole Location at Webster Ave.

Claims Committee

*Savannah Gobeli for property damage claim from incident on August 13, 2010.

*Shannon Crosby for property damage claim from incident on April 22, 2010.

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Councilman Aceto, seconded by Councilman Lupino, the above items were referred to the respective Committees. Motion passed on a vote of 9-0. . Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

XII. MISCELLANEOUS BUSINESS ON CLERK’S DESK

IBPO Local 301 CBA for FY 2008-2009 and 2009 and 2009-2012 (Awaiting Executed copy)

City Clerk stated that contracts have been received in her Office today and are on file.

IAFF Local 1363. 2008-2011 Modifications; and 2011-2013 (Awaiting Executed copies)

City Clerk indicated that these contracts have not been received yet. This item is continued to next month’s meeting.

DEM Notice of National Grid’s application for alteration of freshwater wetlands permit

City Clerk indicated that the plans are in the Clerk’s Office for review.

-AUGUST 23, 2010-

XIII. PUBLIC HEARINGS

Albert Benetti, 24 Concord Ave., appeared to speak and stated that as to the street lights being turned off and back on. He asked if the savings anticipated from turning the street lights off added to the deficit. He asked that for the next Council meeting, the following be provided: what the possible shortfall would be so we will be prepared for the next year's budget.

Resident of 20 Lucy Ave., appeared to speak regarding medicinal marijuana centers. She stated that she is concerned of where these centers will be located. She asked if the City has anything in writing of where these types of places would not be allowed to protect schools, playgrounds, etc.

Richard Tomlins, 400 Farmington Ave., appeared to speak regarding the Motor Vehicle tax. He stated that the City is not going to collect taxes as stated by the Administration. There are people who do not have the money to pay the taxes. He has heard that the City has a collection attorney to collect unpaid taxes, but he has not seen any analysis of how much this is going to cost.

The meeting adjourned at 8:30 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).