

REGULAR MEETING – CITY COUNCIL

-AUGUST 24, 2009-

Regular meeting of the City Council was held on Monday, August 24, 2009 in the Council Chambers, City Hall, 869 Park Ave., Cranston, Rhode Island.

The meeting was called to order at 7:00 P.M. by the Council Vice-President.

Roll Call showed the following members present: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

Absent: Council President Lanni -1.

Also Present: Mayor Fung; Robin Muksian-Schutt, Director of Administration; Gerald Cordy, Deputy Director of Administration; Chris Rawlson, Assistant City Solicitor; Robert Strom, Director of Finance; Patrick Quinlan, City Council Legal Counsel; Steve Woerner, City Council Auditor.

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

II. PUBLIC HEARINGS

Mayor Fung, appeared to speak regarding his Advice and Consent of his appointment of Marco Palombo as Colonel of the Police Department. He thanked the Finance Committee for conducting a public hearing last week. He stated that Colonel Palombo is the right person for this job and urged approval of this appointment. He also thanked Captains Schaffran and Ryan for participating in the interview process.

Diana Gordon, 363 Pontiac Ave., appeared to speak in favor of the Mayor's Advice and Consent of appointment of Marco Palombo as Colonel of the Police Department. She also spoke and addressed concerns with Ordinance 6-09-9, stating that this is taking away rights of the people.

Richard T. Bray, Sr., Committeeman, Ward 1, District 1, appeared to speak in favor of the Mayor's Advice and Consent of appointment of Marco Palombo as Colonel of the Police Department.

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The following members of the Public appeared to speak regarding problems caused by the Praise Tabernacle Church:

Resident of 235 Magnolia St., appeared to speak regarding noise and parking problems caused by this Church.

Sharon DePetrillo, 237 Magnolia St., appeared to speak and stated that parking is horrendous. Something needs to be done about this Church.

James Theodosiou, 260 Magnolia St., appeared to speak regarding loud noise and people attending the Church parking in his driveway. He has approached the Church dozens of times and the problems still remain.

Al Pangburn, 34 Briar Hill, Pastor of Praise Tabernacle Church, appeared to speak and he apologized to the neighbors. He stated that the Church is willing to work with the neighbors. He indicated that last Thursday, when Councilman Navarro contacted him, was the first time he learned of this problem. The Church has hired security, which should solve or diminish the noise and parking problems.

Christine Jernquist Liberatore, appeared to speak and stated that her mother lives at 235 Magnolia St.

Ken Rouleau, 66 Nelson Rd., appeared to speak regarding Ordinance 6-09-9 and questioned the reason for this Ordinance. Acting Council President Livingston stated that this Ordinance will be discussed when it comes time to vote on it.

Debra Smith, 14 Concord Ave., appeared to speak in favor of Ordinance 6-09-9.

Cranston Police Department 2009 Federal Justice Assistance Grant Application

Lt. Vincent McAteer, appeared to give a presentation regarding this grant application. He stated that part of this grant will be used for purchase of seven police cruisers to be used for drug program. We have applied for \$196,994, non-City matching grant funds.

Mayor Fung addressed the Council regarding the Governor's additional revenue cut to the City of Cranston of approximately \$3 million, along with other cities and towns, which he found out a few hours ago from the press. This cut is from the last quarter of Motor Vehicle excise income revenue. He will be meeting with the Finance Director and his legal staff tomorrow to try to put together a plan to address this. He has not spoken to the Governor's Office or anyone at the State yet.

Councilman Lupino asked if this would have to be approved by the General Assembly. Mayor Fung stated that he does not know the details of this. **Representative Nicholas Mattiello** appeared to speak and stated that his understanding is it will have to go before the full legislature. As Chair of the Finance Committee, his feeling is municipalities have absorbed enough and the State should be finding money somewhere else.

III. DOCKETED RESOLUTIONS

“RESOLUTION URGING THE HOUSE OF REPRESENTATIVES NOT TO PASS SENATE BILL 1041 ENTITLED ‘TRANSFER OF NORTHERN RHODE ISLAND EDUCATIONAL COLLABORATIVE SCHOOL DISTRICTS’”

Councilmen Santamaria, Pelletier and Aceto asked to be added as co-sponsors of this Resolution.

On motion by Councilman Lupino, seconded by Councilman Santamaria, it was voted to adopt the above Resolution.

Under Discussion:

Councilman Lupino indicated that by passing this Resolution, it would be giving kids false hope, because Davies already has a waiting list.

Roll call was taken on motion to adopt the above Resolution and motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

“RESOLUTION IN RECOGNITION OF THE OAKLAWN GRANGE’S NEW CHARTER”

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

IV. REPORT OF COMMITTEES

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

7-09-1 “ORDINANCE IN AMENDMENT OF TITLE 2, OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (Authorized Use of Municipal Vehicles)”

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

7-09-2 “ORDINANCE IN AMENDMENT OF TITLE 10, CHAPTER 32.650 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Norfolk St., 2 Hr. Parking)”

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, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

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7-09-3 “ORDINANCE IN AMENDMENT OF TITLE 10, CHAPTER 32.040 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (RIPTA Park Ave.)”

On motion by Councilman Lupino, 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, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

7-09-4 “ORDINANCE IN AMENDMENT OF CHAPTER 10.32 OF TITLE 10 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Hazelton St. and West View Ave.)”

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

7-09-5 “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO LEASE A PORTION OF 155 GANSETT AVE., CRANSTON, RI (Peter Pastore Youth Center)”

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

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

“RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS”

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

“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”

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

“APPROVAL OF ADVICE AND CONSENT OF MAYOR’S APPOINTMENT OF MARCO PALOMBO AS CHIEF OF POLICE”

On motion by Councilman Lupino, seconded by Councilman Aceto, it was voted to approve the Mayor’s Advice and Consent of the appointment of Marco Palombo as Chief of Police. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

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

**“CLASS B VICTUALLING ALCOHOLIC BEVERAGE LICENSE – FABRIZI’S
FAST FOOD, INC., 31-33 GANSETT AVE”**

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

**6-09-3 “ORDINANCE IN AMENDMENT OF TITLE 8, CHAPTER 8.08 OF
THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED
‘FIRE PREVENTION CODE’ (Outdoor Fires Prohibited)”**

On motion by Councilman Navarro, seconded by Councilman Archetto, it was voted to approve the above Ordinance. Motion failed a vote of 2-6. The following being recorded as voting “aye”: Councilman Navarro and Council Vice-President Livingston - 2. The following being recorded as voting “nay”: Lupino, Aceto, Archetto, Pelletier, Santamaria and Councilwoman Bergin-Andrews -6.

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

Ratification of settled claims for: Dennis Ciaramello \$283.01; Kenneth Bernard \$268.00; GEICO for R. Ratnam \$5,877.17; GEICO for B. McGetrick \$3,394.43; Angela Shulenberg \$300.00; Robert A. Dail \$95.00; Donald Koerner \$53.03; Jacqueline, William and Jae Pezzullo \$775.00.

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

V. ELECTION OF CITY OFFICIALS

None.

VI. REPORT OF CITY OFFICERS

None.

VII. EXECUTIVE COMMUNICATIONS

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

None.

Ms. Schutt presented monthly update regarding the Fire and Police calls. She stated that last month, a question was asked of how many repeat fire alarm offenders there were. She stated that there were three repeat offenders, which were all businesses. The Fire Department is looking into this to see if these were extenuating circumstances.

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VIII. COUNCIL PRESIDENT COMMUNICATIONS

None.

IX. COUNCIL MEMBER COMMUNICATIONS

Council Vice-President Livingston

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

No discussion held.

Councilman Aceto

Natick Ave. Engineering Study Follow-Up Report

Ms. Schutt stated that we are still looking at the Fall for the bridge to be completed and still working with DEM.

Councilman Santamaria

Comprehensive Plan Update

Acting Council President stated that he will meet with all the members of the Council after this meeting to schedule a date for a special meeting to discuss this item.

Councilman Navarro

Status report on Camera exchange with Veolia Water

Ms. Schutt stated that training of the employees has been done and the camera was ready to be used and it broke and it was sent back to Veolia, at their cost for repair, and it broke again. She spoke to Veolia today and indicated that the contract was predicated on the camera and if it does not work, then we want our other camera back.

Councilman Lupino

School Performance Audit

Mr. Woerner stated that he has a 76-page executive summary. There are several possible things that could come from this. He feels that a meeting should be held between the Mayor's Office and the City Council to discuss this in Executive Session because it will go to litigation.

Councilman Lupino asked if the City's attorney has a copy of this Executive Summary. Mr. Woerner stated, no, none has it yet except for himself. Councilman Lupino asked if the Auditor General has a copy of this document. Acting Council President Livingston stated that this is still in draft form. When the final Audit is complete, everyone will receive a final document.

Councilman Aceto asked where we stand with the money the school still owes the City. Mr. Strom stated that he met with the School Department last week and right now they owe the City \$4.6 million from last year. We are still going back and forth on this because they are saying that they owe approximately \$2.6 million. We are trying to reconcile that difference.

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Council Member Bergin-Andrews

Traffic Lights at Glenham and Dellwood

Council Member Bergin-Andrews asked that Administration look into the possibility of installing a traffic light at 35 Dellwood and Glenham. Mr. Cordy stated that the City is currently evaluating this and the City Engineer will check into this.

Councilman Aceto

Report on Stop Signs in the City and Ordinances on the Books

Councilman Aceto stated that at the last Public Works Committee meeting, it was requested from the Administration have the Public Works Department put together, for the September Public Works Committee meeting, a list of all Stop Signs and Ordinances on the books. He asked if this has been done yet. Ms. Schutt stated that this will be a little time-consuming. She does not think it can be done by the September meeting. Acting Council President Livingston asked that this item be placed on the October Public Works Committee agenda as a report to be forwarded to the full City Council in October.

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 8, 2009

- 8-09-1 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Chestnut Hill Ave. and Laurel Hill Ave.).**
- 8-09-2 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (West Blue Ridge and Summit Dr.).**
- 8-09-3 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Garland Ave. and Spenstone Rd.).**
- 8-09-4 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Davis Ave. and Summer St.).**
- 8-09-5 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (No Parking After 5:00 P.M.)**
- 8-09-6 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Cutting Ave. and Cranston St.).**

Public Works Committee – September 17, 2009

- 8-09-10 Ordinance in amendment of Chapter 12.30 of the Code of the City of Cranston, 2005, entitled “Parks and Recreational Facilities” (Dog Park).**

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Finance Committee – September 17, 2009

- 8-09-8 Ordinance in amendment of Chapter 2.80 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Retirement Allowance for Retired City Employees).**
- 8-09-9 Ordinance amending Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Police Department Composition III).**

Ordinance Committee – September 17, 2009

- 8-09-7 Ordinance authorizing the Purchasing Agent to lease the building at 25 Brayton Ave., Cranston, RI (Hope Alzheimer’s Center).**
- 8-09-11 Ordinance in amendment of Title 8 of the Code of the City of Cranston, 2005, entitled “Health and Safety” (Foreclosure Requirements for Owner Occupied Residential Properties).**
- 8-09-12 Ordinance in amendment of Title 8 of the Code of the City of Cranston, 2005, entitled “Health and Safety” (Foreclosure Requirements for Rental Properties).**

Claims Committee

- *Robert J. Riggi, Jr., property damage claim August 1, 2009
- *Cole Wright, property damage claim November 1, 2008
- *Pauline and Joseph Volpi, claim for incident on July 18, 2009

*forwarded only to City Council, Solicitor and Anna Marino

XII. MISCELLANEOUS BUSINESS ON CLERK’S DESK

LABORER’S LOCAL 1322 CBA JULY 1, 2009 TO JUNE 30, 2012 AND MOA

FIREFIGHTERS LOCAL 1363, IAFF CONTRACT – EXECUTED COPY FILED AUGUST 20, 2009

City Clerk stated that the Laborer's executed CBA has not yet been received the Firefighters executed CBA was filed with here office on August 20, 2009

No action taken.

XIII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

None.

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).