

# REGULAR MEETING – CITY COUNCIL

**-AUGUST 28, 2006-**

Regular meeting of the City Council was held on Monday, August 28, 2006 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 Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci (appeared at 8:30 P.M.), Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian –9.

Also Present: Paul Grimes, Director of Administration; Robin Muksian-Schutt, Deputy Director of Administration; Mike Glucksman, City Solicitor; Patrick 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**

### **“SWEARING IN OF KIRK MCDONOUGH, COUNCIL CITY WIDE”**

Council President Garabedian swore Mr. McDonough in as Councilman City Wide to replace former Councilman Pisaturo.

### **“PORT EDGEWOOD MARINA AND PAWTUXET COVE MARINA AND RAYMOND J. MOONEY, GENERAL MANAGER, FOR THEIR COMMUNITY SERVICE AND SUPPORT OF THE CRANSTON BOATING COMMUNITY”**

City Clerk read Citation.

Council President Garabedian thanked the above organization for their support in donating funds to repair the City’s boat used by the City’s Harbor Master.

## **II. EXECUTIVE COMMUNICATIONS**

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

No report.

**-AUGUST 28, 2006-**

**Cranston High School East Addition**

Mr. Grimes appeared to speak regarding the Cranston High School East project. He stated that this project is underway. The addition to the school does require some variances, dimensional for height and area coverage variance. The Administration has asked the Zoning Board of Review for a special meeting in order to have these variances considered so the project can continue. City buildings are not exempt from this requirement. The Zoning Board of Review does not meet until October and this project cannot wait.

Council Vice-President McFarland stated that she has spoken to Mr. Grimes regarding this and the School Buildings Committee, which she and Council President Garabedian serve on, is meeting tomorrow and she will ask the Committee to refer a letter to the Zoning Board of Review asking for a special meeting.

Council Member Fogarty asked why this has not been done earlier instead of asking for a special meeting. Mr. Grimes stated that there is a demolition permit, which is allowing the construction company to proceed up until now. Council Member Fogarty asked if the City was not aware that a variance was needed when the design was approved. Mr. Grimes stated that the School Buildings Committee approved the designs. Council Member Fogarty questioned if the School Buildings Committee was aware that a variance was needed when they approved the designs. Mr. Grimes stated that the variance is for 63' versus 35'.

**III. COUNCIL PRESIDENT COMMUNICATIONS**

**“RESOLUTION NO. 2006-45 STATUS REPORT ON MAYOR’S REIMBURSEMENT TO CITY”**

Council President Garabedian asked Solicitor what avenues the Council has regarding this matter. Mr. Glucksman stated that at this time, the Council can bring the Executive Branch to Court, to Sixth Division District Court. Mr. Quinlan stated that the Council could also file a complaint with the Ethics Commission. Council President Garabedian urged the Council members to join him in that suit and go through the Ethics Commission, which would be less costly. Council Vice-President McFarland stated that even though the cost was only \$3,000, it was at a cost to the taxpayers and she would like to join Council President Garabedian in that suit. She also indicated that there is nothing in the Charter authorizing the Mayor to send a letter to the taxpayers with the tax bills. Councilman Lanni stated that he also would like to join Council President Garabedian in that suit. Council President Garabedian stated that an Ethics violation will be prepared and referred to the Commission.

Council President Garabedian stated that he received a letter from Bethany Lutheran Church, 116 Rolfe St., opposing the proposed cement batching facility off Pontiac Ave.

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

Councilman Barone stated that in the October flood, people had their utility service shut off and the Building Inspector was not made aware of this. He stated that the City needs to communicate with the Building Inspector to come up with a plan where whoever is doing the evacuation needs to advise the Building Inspector that this is being done.

Councilman Fung spoke regarding Ordinance 6-06-8 in regards to Impact Fees in Western Cranston for road improvements and asked that at the next Committee meeting, this Ordinance be reconsidered. He urged the Council not to delay approving this. The roads are in bad need of repairs because we are winding down in doing these types of projects.

Council Vice-President McFarland addressed the issue brought up by Councilman Barone regarding the flood which occurred in October. She stated that the Flood and Drainage Study Commission has met three or four times to date. The Building Inspector has not attended any of the meetings, which he is welcomed to attend. A systematic plan is being worked on for future floods. The Building Inspector should take a pro-active approach and let the Commission know in what areas he would like to be involved in. Council Member Fogarty stated that she and Councilman Barone both serve on the Audit Committee, which is a standing Committee of the Council and they meet on the same night as the Flood and Drainage Study Commission, which causes a conflict for her and Councilman Barone to attend the Flood and Drainage Study Commission meeting. The Audit Committee has a set calendar of meeting dates for the year, which was established in January. She asked if the date of the Flood and Drainage Study Commission meetings could be changed to another date and time so it does not conflict with the Audit Committee meetings. Council President Garabedian stated that this will be addressed and the date and time of the Flood and Drainage Study Commission will be changed so it does not conflict with the Audit Committee meeting.

Council President Garabedian recognized Senator Hanna Gallo and School Committee Member Anthony Lupino in the audience.

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

**Father Sheehan** of Holy Apostles Church appeared to speak in favor of “Resolution Requesting the RI Department of Transportation Perform a Traffic Study at Pippin Orchard Rd. and Scituate Ave.” He stated that this parish started with 500 families in 1995 and it has grown to 1800 families. Cars speed going through the intersection of Pippin Orchard Rd. and Scituate Ave. and there have been accidents at this intersection. He presented a petition with approximately 586 signatures of residents who are in favor of this Resolution.

**John DiBona, Esq.**, appeared to represent Carlino and Testa Developers, LLC, applicants for Ordinance 2-06-8 “In Amendment of Chapter 17 of the Code of the City of Cranston, 2005, Entitled ‘Zoning’ (Change of Zone-Burton St. II) and “Resolution Authorizing the Abandonment of a Portion of Burton St.” He stated that the Planning Commission, at the August 1, 2006 meeting, recommended approval of the Zone Change. He asked that the Council adopt the Ordinance as recommended by the Planning Commission and the Ordinance Committee and approve Resolution authorizing the Abandonment of Burton St.

**Keven McKenna, Esq.**, appeared to oppose to the Zone Change and the Abandonment of Burton St. He stated that the legal reasons for this opposition is the plan has not been approved by the State. He questioned why not put the road that is being requested to be abandoned, up for bid instead of giving it to a former Councilman. There was inside agreement between the City Council and former Councilman Carlino.

## -AUGUST 28, 2006-

**Kevin McAllister, Esq.**, appeared to represent United Cerebral Palsy of Rhode Island, applicant for Ordinance 4-06-16 “In Amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled ‘Zoning’ (Change of Zone-20 Phenix Ave.)”

**Ed Pagliarini**, 275 Warwick Ave., abutting property owner of the proposed closure of Waite Ave., appeared to speak. He asked if a presentation will be made on the proposal to close this road. Ms. Schutt stated that Walter Skorupski of the Engineering Division is present and will speak regarding this. Council President Garabedian stated that this presentation will be made when the item comes up on the docket.

**Frank Mattiucci**, 37 Howland Rd., President of Cranston Citizens for Responsible Zoning and Development and property owner, appeared to speak regarding the issued building permit for a proposed concrete batching facility on Marine Dr. He stated that after hearings held on the permitting process, it is still unclear whether the Building Inspector failed in his duties to the taxpayers or rushed issuing the permit. He stated that the residents have not received any help at all from City Hall and he thanked the Council for all their help.

**Anthony Lupino**, 15 Black Oak Court, appeared to speak and commended the Council for proposing Ordinance 7-06-1 “Renaming the ‘Cranston Community Youth Center’ located on Gansett Ave. to ‘Peter T. Pastore, Jr., Youth Center’”. He also stated that he is glad that Peter Pastore is being recognized and hopes a bust or a painting will be added to the Center. Mr. Lupino also spoke regarding the proposed concrete plant on Marine Dr. and questioned why this Council did not question the Building Inspector why or how he could approve something like a cement plant without asking for assistance.

**Joseph Castellone**, 27 Mauran St. appeared to speak in favor of “Resolution Urging the Zoning Board of Review to Revoke the Issuance of the Permit Issued to Karleeter/Cullion”.

**David Fair**, 268 Lawnacre Dr., appeared to speak in favor of “Resolution Urging the Zoning Board of Review to Revoke the Issuance of the Permit Issued to Karleeter/Cullion”. He stated that the first mistake was made by the City in 1947 when the first permit was issued to this industrial area. The second mistake was made when ‘concrete’ was left out of the original law. He stated that the residents have been told that the company has access to the road and their property leads to Marine Dr. Their property does not lead to Marine Dr. He thanked the Council for all the time they spent on this investigation.

**Senator Hanna Gallo**, 23 Ruskin St., appeared to speak as to the flooding issue and stated that a law was passed this year that will address the flooding. She asked if anyone has heard from DEM as far as why the permit for the concrete plant on Marine Dr. was issued and neighbors have told her that there is still activity going on there. She also questioned if anyone is monitoring this. Council President Garabedian stated that Mr. Murray, attorney for the company, has told the Council that they have ceased and desist working on this property and since there is an appeal, everything is on hold. DEM is still working on the issue.

**Timothy Dodd, Esq.**, appeared to represent Domestic Bank and asked the Council to consider their previous vote regarding application for installation of propane tank on for Domestic Bank, 815 Reservoir Ave.

**Michael Hebert**, Supervisor Historic Preservation and Archeologist, appeared to speak and made a request of the Council to remove 30 burials at the State Farm Cemetery. Site Alteration Plan has already been submitted to the Council. He is present this evening to obtain the Council’s approval to remove those remains and at a later date, when a re-burial plan is established, will come back to the Council for their approval.

## -AUGUST 28, 2006-

**Lynn Furney** of the Planning Department, appeared to speak and stated that she did give a recommendation regarding this issue, as required by Ordinance. When any remains in a historic cemetery are excavated, by Ordinance, it requires permission to remove those remains prior to removal, under the supervision of an archeologist and funeral director and notification of kin be done in the newspaper and kin can comment on the proposal. In order to put the new drainage system in, the remains need to be removed.

Councilman Livingston asked that Planning's Recommendations be entered into the record. Councilman Barone asked what will happen to the remains that will not be identified. Ms. Furney stated that they will be re-buried in the State Cemetery in the Howard Complex. Mr. Hebert stated that they have made requests to rebury the remains at the State Cemetery at Pontiac and Knight St.

**John Priest** appeared to discuss the proposed plans for the drainage system. Ms. Furney stated that as to the drainage system upgrade, D.O.T. is proposing to repair it using asphalt. The problem she has, as evident, asphalt crumbles after time. Her recommendation is that concrete or cement be used.

**Craig Stenning**, Executive Director of Department of Retardation and Hospital, appeared to speak and pointed out that MHRH does have the names of the individuals who are buried at the site. There are seven conditions that MHRH would like to see met, one of which is the remains would be under the supervision of a funeral director.

Councilman McDonough asked what the time frame is for reburial. Mr. Hebert stated that the earliest for this to be completed is the Spring. Council President Garabedian asked that up to date information be referred to Ms. Furney so the Council and the City can be kept informed on the progress.

**Valerie Chiulli**, 27 Farm St., appeared to speak in favor of Ordinance 7-06-1 "Renaming the 'Cranston Community Youth Center' located on Gansett Ave. to 'Peter T. Pastore, Jr., Youth Center'" and stated that this is a great tribute to a great man and will show his children what a wonderful person their father was.

**John Iafrate**, 198 Randall St. and owner of 342 Atwood Ave., appeared to oppose to Ordinance 2-06-8 "In Amendment of Chapter 17 of the Code of the City of Cranston, 2005, Entitled 'Zoning' (Change of Zone-Burton St. II) and "Resolution Authorizing the Abandonment of a Portion of Burton St.". He also presented a handout to the Council. Councilman Fung stated that he took offense to a comment made by Attorney McKenna earlier in the meeting implying that there was an inside agreement made between this Council and the applicant, former Council Member Carlino. That is in poor taste. The members of this Council have the utmost integrity. When looking at this application, it was not looked at as applicant being a former Councilman, it was looked at as a Change of Zone application.

**-AUGUST 28, 2006-**

**VI. DOCKETED RESOLUTIONS**

**“RESOLUTION REQUESTING THE R.I. DEPARTMENT OF TRANSPORTATION PERFORM A TRAFFIC STUDY AT PIPPIN ORCHARD ROAD AND SCITUATE AVENUE”**

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

**“RESOLUTION URGING THE ZONING BOARD OF REVIEW TO REVOKE THE ISSUANCE OF THE PERMIT ISSUED TO KARLEETOR/CULLION”.**

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

Under Discussion:

Gavel was handed to Vice-President McFarland.

Councilman Barone asked to be added as co-sponsor of this Resolution. He stated that he feels that it is the responsibility of the Council to protect the people and by passing this Resolution, the Council would be doing their due diligence in protecting the people. Council President Garabedian stated that he feels we need to move forward based on a number of items that were violated by the Building Inspector and the Planning Department. He submitted a packet of documents for the Zoning Board of Review. Gavel was handed back to Council President Garabedian.

Councilman Lanni thanked Council President Garabedian for the many many hours he spent in researching this issue.

On motion by Council Vice-President McFarland, seconded by Council Member Bucci, it was voted to amend the above Resolution by adding the following to second page, last paragraph “cement and/or concrete”.

On motion by Councilman Fung, seconded by Councilman Livingston, it was voted to further amend this Resolution by adding “cement and/or concrete” throughout the Resolution. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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

(Reports from the Finance Committee and Safety Services and Licenses Committee were taken out of order, before Ordinance Committee, since Council Vice-President McFarland, Ordinance Committee Chair, was not present in the Chambers.)

**-AUGUST 28, 2006-**

**COMMITTEE ON FINANCE  
(Cynthia M. Fogarty, Chair)**

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

On motion by Council Member Fogarty, seconded by Councilman McDonough, the above Resolution was adopted on a vote of 6-3. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Councilman Barone and Council President Garabedian -6. Council Member Bucci, Councilman Lanni and Council Vice-President McFarland were not present for roll call vote.

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

On motion by Council Member Fogarty, seconded by Councilman Barone, the above Resolution was adopted on a vote of 7-2. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Councilmen Lanni, Barone and Council President Garabedian -7. Council Member Bucci and Council Vice-President McFarland were not present for roll call vote.

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

**6-06-16 “ORDINANCE IN AMENDMENT OF CHAPTER 10 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (WAITE AVE. CLOSURE)”**

On motion by Councilman Lanni, seconded by Councilman Livingston, it was voted to approve the above Ordinance.

Under Discussion:

**Ed Pagliarini**, 275 Warwick Ave., owner of adjacent property on Waite Ave., appeared to speak. He stated that he obtained a drawing a few minutes ago regarding this and he objects to this proposal and there should be further amendments to this. Councilman Lanni asked what Mr. Pagliarini’s modifications would be and if Walter Skorupski of the Engineering Division had any remarks on them. Walter Skorupski appeared to speak and stated that Mr. Pagliarini’s biggest problem is him losing access to his property from Waite Ave. He stated that he conducted the existing survey and drawing. Ms. Schutt appeared to speak and stated that Mr. Pagliarini could go through the process for a curb cut, which would be approved by the Council. Council Vice-President McFarland questioned who would be responsible for any costs. Ms. Schutt stated that the curb cut cost would be decided through the installation and would need the Public Works Director’s recommendation.

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

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

**-AUGUST 28, 2006-**

**“CLASS BV ALCOHOLIC BEVERAGE LIQUOR LICENSE – TMG OF NEW ENGLAND, D/B/A TED’S MONTANA GRILL, 2 CHAPEL VIEW BLVD.”  
(Recommended Approval)**

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

## **VII. REPORT OF COMMITTEES**

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

**2-06-8 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Change of Zone-Burton St. II)”**

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

**3-06-5 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Change of Zone-Phenix/Lofty)”**

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

**4-06-16 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Change of Zone-20 Phenix Ave.-former Highway Garage)”**

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

**5-06-6 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Change of Zone-340 Scituate Ave.)”**

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

**-AUGUST 28, 2006-**

**6-06-18      “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE  
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED  
‘ZONING’ (Change of Zone-1138 Pontiac Ave.)”**

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.

**7-06-1      “ORDINANCE RENAMING THE ‘CRANSTON COMMUNITY  
YOUTH CENTER’ LOCATED ON GANSETT AVE. TO ‘PETER T.  
PASTORE, JR. YOUTH CENTER”**

On motion by Council Vice-President McFarland, seconded by all the members of the City Council, it was voted to adopt the above Ordinance.

Under Discussion:

Council Vice-President McFarland stated that Peter Pastore was a person of utmost integrity and the time and dedication he put into the City showed the kind of person he was and how much he loved the City of Cranston.

Roll call was taken on motion to adopt the above Ordinance and motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**7-06-2      “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE  
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED  
‘ZONING’ (Industrial Performance Commission Membership)”**

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

**COMMITTEE ON CLAIMS  
(Councilman John E. Lanni, Jr., Chair)**

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

**William Pezzullo \$10,000; Jacqueline Pezzullo \$387.50; William Pezzullo \$193.75; Jae Pezzullo \$193.75; Nationwide Insurance for Joseph Papa \$149.95; Paul Venditto \$8,984.30; Danah Mattera \$1,000; Elizabeth Russell \$100.00; Nationwide Insurance for Robert Romano \$3,762.71; Danah Mattera \$1,000; Bridget Blais \$1,000; Concetta Palermo \$8,000; Richard & Rebecca Bond \$19,000; Edward & Maria Patonio \$4,500; Kathleen Mattiace \$2,602.50; Ruth Brennan \$2,962.50; Patricia DiBiase \$45,000; Michael DiFazio \$32,000; Thomas Costello \$8,000; Anthony Singh & Sheryl Ricard \$8,000; Anthony & Rosemarie Loberti \$1,750.”**

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

**-AUGUST 28, 2006-**

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

None.

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

Mr. Igoe reported on the City's financials. He stated that through the end of July, 2006, the General Fund collected \$42,065,717 and expended \$27,666,062 and Cash of \$1,741,039.

## **IXA. OLD BUSINESS**

**“RESOLUTION AUTHORIZING THE ABANDONMENT OF A PORTION OF BURTON ST. II” (Tabled 5/22/2006 and 7/24/2006).**

On motion by Councilman Livingston, seconded by Councilman McDonough, 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 McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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

**3-06-5 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Change of Zone-Phenix Ave. and Lofty Rd.)” Tabled 5/22/2006 and 7/24/2006 City Council.**

Vote on this Ordinance was taken under the “Ordinance Committee” portion of the Docket.

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

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

### **Public Works Committee – September 14 2006**

Request from National Grid for pole location at Calef St.

Petition from National Grid for pole location at Hope Rd.

Petition from National Grid for pole location at Scituate Ave.

Petition for Abandonment of a portion of Amflex Dr. (Institute Proceedings).

### **Ordinance Committee –September 14 , 2006**

8-06-1 Ordinance in amendment of Title 6.08 of the Code of the City of Cranston, 2005, entitled “Dogs and Other Animals” (Nuisance-Barking).

8-06-3 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Arts Commission).

## -AUGUST 28, 2006-

### Safety Services and Licenses Committee –September 11 , 2006

8-06-2 Ordinance in amendment of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Twin Birch Rd. and Paige Dr.).

On motion by Councilman Barone, seconded by Council Member Fogarty, 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 McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

### Claims Committee

**David H. Sholes**

**Rita B. Garceau**

**Melinda Smolenski**

**Sabina Martinous**

**Mark and Maureen Morse for Noah E. Morse**

On motion by Council Vice-President McFarland, seconded by Councilman McDonough, the above claims were referred to the Claims Committee. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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

### **“APPLICATION FOR UNDERGROUND STORAGE TANK FOR DOMESTIC BANK, 815 Reservoir Ave. – Request from Attorney Dodd for reconsideration”**

On motion by Councilman Barone, seconded by Councilman Livingston, it was voted to reconsider the original vote taken on this issue.

#### Under Discussion:

Council Vice-President McFarland asked what the reconsideration is and will this be referred back to Committee. Council President Garabedian stated that this will be referred back to Committee for reconsideration. Council Member Fogarty stated that she would like the neighbors to be notified when this is heard. It would not be fair to the neighbors who are not present this evening. City Clerk stated that there is no notification required. These are placed on the agenda and posted. If Council wishes abutters to be notified, she will.

**Timothy Dodd, Esq.**, appeared to represent Domestic Bank and stated that he thinks this should be before the City Council because it was the Council who tabled it. Councilman Barone asked Solicitor’s opinion, since this was referred by the Safety Services and Licenses Committee without recommendation and now is being reconsidered, does it have to go back to Safety Services and Licenses. Mr. Glucksman stated that it would be up to the Council if they would like to have Safety Services and Licenses Committee hear it or hear it at the next Council meeting.

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

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

**-AUGUST 28, 2006-**

**“APPLICATION FROM RI DEPARTMENT OF TRANSPORTATION RE:  
STATE FARM CEMETERY”**

On motion by Council Member Fogarty, seconded by Councilman Livingston, it was voted approve a permit for Phase I as requested by D.O.T. with the recommendations of the Planning Department included, and report to the Council at the November meeting. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS**

**Steve Callahan**, 135 Amanda St., appeared to speak and referred to a letter he received regarding a claim he filed for a flood which occurred in October. He stated that the letter he received does not inform him that there is an appeal process. He asked what this appeal process is. Solicitor Glucksman stated that the person can file an appeal directly with a Court for a denied claim. He is not aware of any internal appeal process for a denied claim. Council President Garabedian stated that he believes that there is an appeal process through the City Council before it goes to Court. He believes it is through the City Council. Council Member Bucci stated that she has received phone calls from constituents who received denial letters and she then spoke to Anna Marino, Claims Examiner, and was told that there is an appeal process. She would ask that the Claims Committee send a letter to those residents who were denied, indicating that there is an appeal process. She would ask that the Claims Committee send a letter to those residents who were denied indicating whether there is an appeal process or not and if there is, what that process is. Council Member Fogarty stated that according to the Council Rules, if an item is denied in Committee, it stays in Committee and does not go to the full Council. Councilman Fung cautioned that there is a State Law where if the City does not respond to a claim within a certain amount of time, the person has the right to sue. Mr. Callahan stated that there was an independent study done and he asked if he can obtain a copy of this study. Solicitor Glucksman stated that the Claims Committee would have to vote on whether this is a public document, since it was presented to the Committee in Executive Session. Council Vice-President McFarland stated that the Claims Committee meets in Executive Session and this report would have been sealed with the minutes.

**Evelyn Morocco**, 31 Zinnia Dr., appeared to speak and stated that she was out of the country on October 15, 2005 when water backed up on her property and flooded her basement. There was sand in the pipes and the City went out and cleaned it. She filed a claim and received a denial letter. She questioned who is liable for this. It is a pipe the City put in and used to be maintained yearly by the City, which has not been done in approximately ten years. Councilman McDonough stated that he has been speaking with Mr. Schiappa for approximately one month regarding the Zinnia Dr. issue. The pipe was put in to protect the neighborhood. The pipe does fill up with sand when there is heavy rain and it gets backed up. This is a big issue at this area. He suggested that maybe the Public Works Committee review this and obtain a report from the Public Works Department to address this and obtain more facts. Councilman Lanni stated that he has no problem with this issue going before the Public Works Committee as long as it is not called an appeal. Council President Garabedian asked that this issue be placed on the Public Works Committee Agenda and speaker be notified of this meeting. Council Vice-President McFarland suggested that this could also be referred to the Flood and Drainage Study Commission if it is the City’s responsibility.

**-AUGUST 28, 2006-**

**Emilio Navarro**, 61 Autumn St., appeared to speak and requested from the Council a thorough accounting of the developments of the Park Cinema project. He asked how much the City has invested towards this project. He asked for an update status on the project and how much it has cost the City regarding this project. Solicitor Glucksman stated that the status has been given to the Safety Services and Licenses Committee. Council Vice-President McFarland stated that the status should come from the Economic Development Director of where this is going with this project. She stated that a written status update from the Economic Development Director is fine. Council Member Fogarty stated that there has been no money invested by the City for this project. This is a private project. This project has gone through the City's various departments for various approvals. Councilman Lanni stated that this will be coming before the Safety Services and Licenses Committee in October for status update and if any costs have been incurred by the City, be presented at that time.

The meeting adjourned at 10:05 P.M.

Maria Medeiros Wall  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).