

*(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).*

## **REGULAR MEETING – CITY COUNCIL**

**-DECEMBER 20, 2010-**

Regular meeting of the City Council was held on Monday, December 20, 2010 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:10 P.M. by the Council President.

Roll call showed the following members present: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin, Council Vice-President Livingston and Council President Lanni -9.

Also Present: Mayor Allan Fung; Robin Muksian-Schutt, Director of Administration; Gerald Cordy, Deputy Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Robert Strom, Director of Finance; Mike Igoe, City Controller; Patrick Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

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

**Council President Lanni** presented a plaque to outgoing Councilman Aceto.

**Council Vice-President Livingston** presented a plaque to outgoing Councilwoman Bergin.

**Councilman Lupino** presented a Citation to outgoing Council Vice-President Livingston.

**Councilman Lupino** presented a Citation to outgoing Council President Lanni.

**Council President Lanni** acknowledged the following who were present in the audience: former Councilman Michael Sepe, former Councilman Jeffrey Barone, Councilman-Elect James Donahue, Councilman-Elect Michael Favicchio, Councilman-Elect Steven Stycos and Councilwoman-Elect Leslie Luciano. He also acknowledged Municipal Court Judges Fred Joslyn and Raymond Coia.

**-DECEMBER 20, 2010-**

## **II. PUBLIC HEARINGS**

**Deloris Issler**, 108 Eldridge St., appeared to speak regarding Ordinance 9-10-7 and commended the mayor for vetoing this Ordinance. She stated that the City cannot afford this and there is no money, the City is in debt and the City needs to stop spending.

**Maureen Casey**, 87 Perkins Ave. appeared to speak and asked that the Council and Administration not forget the people on Perkins Ave.

**Richard Martin**, 72 Fletcher Ave. appeared to speak and asked that the Council take another look at revenues and finances. There is a sewer problem on Fletcher Ave. that needs to be addressed. The insurance companies will not cover sewer backups. The residents on Fletcher Ave. are entitled to enjoy their property just like everyone else in the City. He asked that the City Council take a further look at Ordinance 9-10-7 and rework it to the Mayor's satisfaction because the residents are indeed suffering.

**Chris Brouillette**, Davis Ave., appeared to speak and asked that the City Council do something about the flooding problems on Davis Ave.

**Brian Dupont**, 91 Perkins Ave., appeared to speak and asked that the City Council work with the Administration to move forward to come up with an Ordinance that is satisfactory to be presented at the State level and at that level, the State would decide whether or not to give the City authority for tax relief.

**Michael Behm** appeared to speak regarding Ordinance 9-10-7 and asked that the City Council come up with a solution to prevent future problems and future issues.

**Mayor Fung** appeared to speak and thanked the four outgoing Council members for all their hard work and wished them the best as they move forward in their careers and it has been an honor to serve with them during the last two years. He addressed Ms. Issler's remarks about the City not having any money, we do have a healthy fund balance in the City of Cranston and the Auditing Firm is present to make a presentation on our Fiscal City Audit.

**Council President** asked that the Audit presentation be taken out of order. No one objected.

## **-DECEMBER 20, 2010-**

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

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

##### **ANNUAL AUDIT REPORT FOR FY 2009-2010**

**Jim Prescott**, Auditor, appeared to present the Audit. He stated that the draft of the Management Letter has been given to the Administration and his firm is waiting for response from the Administration.

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

### **III. DOCKETED RESOLUTIONS**

None.

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

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

##### **CRANSTON GREEN BUILDING COMMISSION – Final Report**

On motion by Councilman Lupino, seconded by Councilman Pelletier, it was voted to accept this report. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin, Council Vice-President Livingston and Council President Lanni -9.

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

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

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin, 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, Council Vice-President Livingston and Council President Lanni -9.

## **-DECEMBER 20, 2010-**

### **“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, Council Vice-President Livingston and Council President Lanni -9.

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

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

### **“PARTIAL APPROVAL OF TAX INTEREST WAIVER FOR PARK AVE. LIMITED PARTNERSHIP”**

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin it was voted to approve the above partial approval of Tax Interest Waiver for Park Ave. Limited Partnership. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin, Council Vice-President Livingston and Council President Lanni - 9.

### **“PARTIAL DENIAL OF TAX INTEREST WAIVER FOR PARK AVE. LIMITED PARTNERSHIP”**

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin it was voted to approve the above partial denial of Tax Interest Waiver for Park Ave. Limited Partnership. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin, Council Vice-President Livingston and Council President Lanni - 9.

### **DISPLACED FLOOD VICTIMS POSSIBLE ASSISTANCE. Administration Report.**

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

### **ANNUAL AUDIT REPORT FOR FY 2009-2010**

This item was discussed earlier in the meeting.

**-DECEMBER 20, 2010-**

**11-10-2        ORDINANCE AUTHORIZING THE CITY WESTERN CRANSTON  
ROAD IMPACT FEES FOR CONSTRUCTION OF SAFETY  
IMPROVEMENTS AT THE INTERSECTION OF SCITUATE,  
WAYLAND AND PHENIX AVENUES**

Councilmen Santamaria and Pelletier asked to be added as co-sponsors.

On motion by Councilman Pelletier, seconded by Councilman Lupino, 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, Council Vice-President Livingston and Council President Lanni -9.

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

**10-10-1        "ORDINANCE IN AMENDMENT OF TITLE 10, CH. 32 OF THE  
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'MOTOR  
VEHICLES AND TRAFFIC' (4 Way Stop, Orchard Valley &  
Ashbrook Dr.)"**

On motion by Councilman Pelletier, seconded by Councilman Lupino, the above Ordinance was adopted on a vote of 8-1. The following being recorded as voting "aye": Councilmen Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin, Council Vice-President Livingston and Council President Lanni -8. The following being recorded as voting "nay": Councilman Lupino -1.

**10-10-2        "ORDINANCE IN AMENDMENT OF TITLE 10, CH. 32 OF THE  
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'MOTOR  
VEHICLES AND TRAFFIC' (Brooks St. No Parking)"**

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin, 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, Council Vice-President Livingston and Council President Lanni - 9.

## **-DECEMBER 20, 2010-**

### **TRAFFIC ENGINEER REPORT ON STADIUM PARKING ISSUES IN NOVEMBER**

**David Ferguson**, Traffic Engineer, appeared to speak and stated that there are parking problems in this area and we have some small alternatives or resolutions to this problem.

**Councilman Archetto** stated that his concern was Super Bowl Saturday, which took place two weeks after Thanksgiving, and nothing was put into place to alleviate the parking problems. He can't see why on Saturday events, the City can't institute shuttle service redirecting the parking to either Bain Middle School parking lot or City Hall parking lot, since it is not in use on weekends.

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin, it was voted to move the question on this topic. Motion passed on a vote of 7-2. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Pelletier, Santamaria, Councilwoman Bergin, Council Vice-President Livingston and Council President Lanni -7. The following being recorded as voting "nay": Councilmen Navarro and Archetto -2.

On motion by Councilman Aceto, seconded by Councilman Santamaria, it was voted to accept the Traffic Engineer's Report. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin, Council Vice-President Livingston and Council President Lanni -9.

### **CLAIMS COMMITTEE (Michelle Bergin-Chair)**

**Ratification of settled claims for: Lisa Gamba \$286.00; Jeffrey McGovern \$250.00; Jacqueline Pezzullo \$775.00.**

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

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

## **-DECEMBER 20, 2010-**

### **V. ELECTION OF CITY OFFICIALS**

#### **“BUILDING APPEAL BOARD”:**

- **Steven Guglielmo, Architect**

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

#### **“JUVENILE HEARING BOARD”:**

- **Ray Coia, Re-appointment**

On motion by Councilwoman Bergin, seconded by Council Vice-President Livingston, it was voted to re-appoint **RAYMOND COIA** as a member of the **Juvenile Hearing Board**. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin, Council Vice-President Livingston and Council President Lanni - 9.

- **David Gilligan, Re-appointment**

On motion by Council Vice-President Livingston, seconded by Councilman Navarro, it was voted to re-appoint **DAVID GILLIGAN** as a member of the **Juvenile Hearing Board**. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin, Council Vice-President Livingston and Council President Lanni - 9.

- **Joseph Marocco, Appointment**

On motion by Council Vice-President Livingston, seconded by Councilman Pelletier, it was voted to Appoint **JOSEPH MAROCCO** as a member of the **Juvenile Hearing Board**. Motion passed on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Pelletier, Santamaria, Councilwoman Bergin, Council Vice-President Livingston and Council President Lanni -8. The following being recorded as voting “nay”: Councilman Archetto -1.

- **Frank Migliorelli, Alternate Re-appointment**

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin, it was voted to re-appoint **FRANK MIGLIORELLI** as an Alternate member of the **Juvenile Hearing Board**. Motion passed on a vote of 7-2. The following being recorded as voting “aye”: Councilmen Lupino, Navarro, Archetto, Santamaria, Councilwoman Bergin, Council Vice-President Livingston and Council President Lanni - 7. The following being recorded as voting “nay”: Councilmen Aceto and Pelletier -2.

**-DECEMBER 20, 2010-**

**“FLOOD SUB-COMMITTEE”:**

- **Richard Martin (stakeholder)**

On motion by Councilman Navarro, seconded by Councilman Santamaria, it was voted to appoint **RICHARD MARTIN** as a member of the ***Flood Sub-Committee***. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin, Council Vice-President Livingston and Council President Lanni -9.

**VI. REPORT OF CITY OFFICERS**

None.

**VII. EXECUTIVE COMMUNICATIONS**

**REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR DEPUTY CHIEF JEFFREY WALL, CRANSTON FIRE DEPARTMENT”**

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin, 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, Council Vice-President Livingston and Council President Lanni -9.

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

No discussion.

**Ms. Schutt** stated that the Mayor has taken Court action against a female Police Officer who has been out of work for several years. He will keep the Council updated on this issue.

**Ms. Schutt** presented monthly summary from the Fire and Police Departments, as had been requested last month by Councilman Navarro.

**Ms. Schutt** wished the outgoing Council members good luck in their future.

**VIII. COUNCIL PRESIDENT COMMUNICATIONS**

**Council President Lanni** thanked everyone present this evening and stated that he has mixed emotions leaving, but he thinks it is time. He stated that former Councilmen Mike Sepe, Aram Garabedian and the late former Council President Peter Pastore were his mentors and they are very big shoes to fill.

## **-DECEMBER 20, 2010-**

### **IX. COUNCIL MEMBER COMMUNICATIONS**

#### ***Councilman Lupino:***

- ***Comprehensive Plan – Status Update***

**Councilman Lupino** stated that the Comprehensive Plan has been submitted to the State.

- ***Legal Fees***

**Councilman Lupino** questioned why there are no legal fees year to date in his packet. Ms. Schutt stated that Ms. Marino was out sick today and she will submit this list to the City Clerk tomorrow to forward to the City Council.

- ***179 Kearney St.***

Ms. Schutt stated that there have been offers made. There has been further action in the Courts since the last Council meeting, which are out of the City's hands.

#### ***Council Vice-President Livingston:***

- ***Cranston High School West Gymnasium***

**Council Vice-President Livingston** indicated that he has received calls from parents of problems with the floor of the gym being slippery. Ms. Schutt stated that she is not aware of this, but the City has no jurisdiction over that. She will call Joel Zisseron and advise him of this. She will be happy to offer our labor services, if needed.

### **X. OLD BUSINESS**

#### **“RESOLUTION URGING THE MAYOR TO TAKE ALL NECESSARY STEPS TO ENTER INTO AND EXECUTE AN AGREEMENT WITH THE STATE OF RHODE ISLAND FOR STATE AND FEDERAL FUNDING OF THE CRANSTON STREET ENHANCEMENT PROJECT”**

**Ms. Schutt** provided the Mayor's written opinion on this Resolution. Councilman Navarro indicated to the Clerk that any time a Resolution is passed urging the Mayor to do something, he is, by Charter, to present a written opinion on that Resolution.

**Council President Lanni** asked Mr. Quinlan to explain the Section of the Charter regarding this issue. Mr. Quinlan stated that the Charter is clear, the Mayor has the right to introduce an Ordinance. As for Resolutions, only a Council member or members are allowed to introduce them. A Resolution is a will of the legislative body. The Mayor was presented with a 25 page memo referring every Section of the Charter regarding this issue and he has not responded back on this memo.

## **-DECEMBER 20, 2010-**

### **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 – January 10, 2011

12-10-1 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and traffic” (Stop, Frankfort Street at Speck Avenue).

#### Claims Committee

\*Personal injury claim of Patricia Caprichio from incident on November 27, 2010.

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

On motion by Councilman Aceto, 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, Council Vice-President Livingston and Council President Lanni -9.

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

**9-10-7 ORDINANCE IN AMENDMENT OF TITLE 3 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE AND FINANCE’ (Tax Relief for Federal Disasters). Mayor’s Disapproval Filed 11/30/2010.**

On motion by Councilman Aceto, seconded by Councilman Pelletier, it was voted to refer this Ordinance to Finance Committee so it can be re-worded in proper format.

#### Under Discussion:

**Council Vice-President Livingston** stated that he does not think this is proper. This Ordinance has to be either overridden or a new Ordinance has to be reintroduced for next month. Legal Counsel agreed.

Motion and second were withdrawn.

On motion by Councilman Lupino, seconded by Councilman Aceto, it was voted to override the Mayor’s veto.

#### Under Discussion:

**Council Vice-President Livingston** stated that he feels the best way to address this issue is to lobby the General Assembly.

**Councilman Navarro** agreed with Council Vice-President Livingston. He stated that a flood Sub-Committee has been established and we should not rush to pass this Ordinance.

## **-DECEMBER 20, 2010-**

**Councilman Pelletier** agreed with Council Vice-President Livingston and stated that we are putting the cart before the horse. This Ordinance does not help the flood victims. We need to come up with an Ordinance that will help the people and can work.

**Councilman Archetto** agreed with past speakers and stated that this is premature. We have a Flood Sub-Committee.

Roll call was taken on motion to override the Mayor's veto and motion failed on a vote of 2-7. The following being recorded as voting "aye": Councilmen Lupino and Aceto -2. The following being recorded as voting "nay": Councilmen Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin, Council Vice-President Livingston and Council President Lanni -7.

### **IAFF LOCAL 1363, 2008-2011 MODIFICATIONS; AND 2011-2013 (Received 12/14/2010)**

No action needed.

### **CONSERVATION EASEMENT FOR 684 NATICK AVE. (Awaiting Executed Copy)**

**City Clerk** stated that this is still in the process of having all parties' signatures. No action needed.

### **TEAMSTERS, LOCAL 251, NUTRITION WORKERS OVERTIME MOU (Awaiting Dated Executed Copy)**

**Ms. Schutt** stated that she will provide the Clerk with a dated copy.

## **XIII. PUBLIC HEARINGS**

**Richard Bray, Sr.**, Ward 1, District 1, Committeeman, appeared to speak and thanked Council Vice-President Livingston for all his hard work in Ward 1 and he is going to miss him. He also wished everyone a Merry Christmas.

**Ms. Petrarca**, 2566 Cranston St., appeared to speak regarding property at 2548-2550 Cranston St., whose owner was allowed to build without a permit. Her property was not taken into consideration when this permit was issued. There were two additions with no permits. Council Vice-President Livingston indicated that this is not a Council issue. He received a call from the attorney for the party and was advised that the property owner did obtain Zoning approval and they are working with the Mayor's Office. Councilman Lupino indicated that building violations are not the purview of the Council. He went to the Building Official's Office and was advised that the Inspector had set up an inspection for that day. He spoke to the Building Official that same day and was told everything was done per his Office approval and there were permits in place. Ms. Schutt stated that since there is an attorney retained, this could be potentially litigation and should not be discussed in open forum

**Resident** of 27 Locust Glen Ct., appeared to represent her mother who lives on Cranston St. and spoke regarding the 2548-2550 Cranston St. issue addressed by Ms. Petrarca. She stated that the letter sent unsigned by the City of Cranston was threatening to her elderly mother. Ms. Schutt stated that that is not a City of Cranston letter. The City did not send that letter.

**-DECEMBER 20, 2010-**

**Richard Martin**, 72 Fletcher Ave., appeared to speak and stated that in addition to the flood problems on Fletcher Ave., there is noise problem coming from Eastland Foods trucks parked on Fletcher Ave. He asked that the City Council look into the noise Ordinance and look at how long the high noise level can go for a long period of time. Noise from the trucks has lasted up to 13 hours straight, mostly at night. Council President Lanni asked that the Solicitor look into this, as far as the Code is concerned.

**Deloris Issler**, 108 Eldridge St., appeared to speak and asked that the City Council immediately roll back in property tax so we can stimulate the economy. She asked the Administration what the numbers are with the City services that have responded to the Riverbend Apartments and what they are.

**Judge Fred Joslyn**, 23 Gaglione Court, appeared to speak and expressed his gratitude to each of the City Council members for making Cranston a great City to live in and work in. He also wished the outgoing Council members and the incoming Council members luck.

The meeting adjourned at 9:40 P.M.

Maria Medeiros Wall, JD  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)