

REGULAR MEETING – CITY COUNCIL

-DECEMBER 21, 2009-

Regular meeting of the City Council was held on Monday, December 21, 2009 in the Council Chambers, City Hall, 869 Park Ave., Cranston, Rhode Island.

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

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

Also Present: Robin Muksian-Schutt, Director of Administration; Gerald Cordy, Deputy Director of Administration; 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

“CITATION TO OFFICER LEE SOHN OF THE CRANSTON POLICE DEPARTMENT”

Councilman Pelletier presented Citation.

II. PUBLIC HEARINGS

Diana Gordon, 363 Pontiac Ave., appeared to speak regarding the request from Dad’s Diner for a 24-hour license. She stated that after the Safety Services meeting last week, she drove by this establishment and could not find it. She suggested that the City help the applicant to try to place a sign advertising this business. She also indicated that there is no fence along the applicant’s property, which he stated at the Safety Services meeting that there is a fence; he has two parking spaces, the rest of the parking would be on-street parking on Atwood Ave. She did ask the Council to take the neighbor’s concerns into consideration, because they are taxpayers.

Annunziata Ruggieri, 21 Clemence St., appeared to speak regarding Dad’s Diner’s application for 24-hour license and stated that she lives behind this business and she presented pictures of the area. She stated that she is a taxpayer and her concerns should be taken into consideration. She asked that the applicant install a higher fence all around the property of the business.

Albert DiRaimo, 20 Clemence St., appeared to speak regarding Dad’s Diner’s application for 24-hour license and stated that at the Safety Services meeting, the applicant stated that there is no access from Atwood Ave. to Clemence St.. There is a walkway from Clemence St. to Atwood Ave. to applicant’s business. A 24-hour license will only add to the problems.

III. DOCKETED RESOLUTIONS

None.

IV. REPORT OF COMMITTEES

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

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

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

“TAX INCENTIVE APPLICATION FOR 848 PARK AVE. ASSOCIATES LLC”

On motion by Councilman Aceto, seconded by Councilman Pelletier, it was voted to approve the above Tax Incentive Application.

Under Discussion:

Councilman Santamaria asked how many employees this establishment has at this time and how many it will have in the future. **Lawrence DiBoni**, Economic Development Director, appeared to speak and stated that there will be approximately 30-60 employees in the future. At this time, there are 25 employees.

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

“CITY AUDIT FOR FISCAL YEAR 2009”

On motion by Council Vice-President Livingston, seconded by Councilman Navarro, it was voted to approve the City Audit for Fiscal Year 2009.

Under Discussion:

Jim Prescott, Auditor, appeared to give a brief presentation regarding the City Audit. He pointed out the changes in the Fund Balance of the Financial Statement General Fund on page 29. He stated net loss of \$1.6 million, net revenues came in at approximately \$91,000 surplus and on the expenditure, \$1.9 million loss. Schools Activity - \$3.5 million operating loss for this year. Mr. Prescott stated that the Auditing Firm has issued a draft management letter today.

Council President Lanni stated that once the management letter is completed, it needs to go to the City Council.

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Mr. Prescott referred to the third page of the handout he presented regarding adjustments that the auditors made and stated that there are no disagreements with management. His firm feels the City is following correct accounting policies, no evidence of the City consulting other auditors. He indicated that he or his firm are available by phone, e-mail or in person if there are any questions.

Councilman Aceto suggested that in the future, the Council be given the final audit at least by the beginning of December so the Council can have ample time to review it. Ms. Schutt stated that the Council receiving it the middle or the end of December has been the case for years. In the past, there have been meetings held on December 29th or December 30th to approve the Audit.

Councilman Livingston asked for Mr. Woerner's comments before the Council voted.

Council President Lanni asked Mr. Woerner to comment on the Audit.

Mr. Woerner stated that he had not read the entire report yet, but does not expect to find any issues, if he does he will notify the Council immediately. There are no major management letter issues.

Councilman Lupino questioned the disclaimer. **Mr. Prescott** explained that if they found any evidence of a violation they would have to report it. None were found. He indicated that the Audit will be hand-delivered to the Auditor General next Monday.

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

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

10-09-1 ORDINANCE IN AMENDMENT OF TITLE 10 CHAPTER 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'MOTOR VEHICLES AND TRAFFIC' (Bretton Woods and Sagamore Rd.)

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

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“ALL NIGHT LICENSE – NEW, DAD’S DINER, 871 ATWOOD AVE.”

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

Under Discussion:

Councilman Lupino stated that he is opposed to granting this license for the same reasons stated by the neighbors earlier:

- Fence behind the establishment is in need of repair;
- 24-hour license would be enabling people to frequent the business;
- Lack of parking. All the parking is on Atwood Ave.

He stated that he visited an after hours diner in Providence that has an All-Night License and there is at least one or two Police Officers present doing detail. He does not know if we could require that for this business or if it is feasible. He is concerned that once this license is issued, it is issued to the location. He would be willing to support this if it the license is renewable every nine months and if the license does not transfer to a new owner. **Councilman Aceto** expressed his concern regarding the condition of the fence and who owned it. The owner of the property does have plans to replace it. Councilwoman Bergin-Andrews stated that she did not have concerns regarding parking since she has been to Harrietts and there isn't a problem finding parking in the middle of the night and you can't assume people out late are driving drunk. She did not see a need for the three month review but would support the motion as presented.

Council Vice-President Livingston stated that this license is just for this applicant and future applicants would have to apply. He has not heard of any problems at this establishment. If there are problems or complaints, then the applicant can be called in for Show Cause and restrictions can be placed on the license or the license can be revoked. He indicated that there is a business down the street from this establishment, which has an All-Night License.

Anthony Arena, applicant, appeared to speak.

Councilman Aceto asked who installed the fence behind this business. Mr. Arena stated that the owner of the property installed the fence. Councilman Aceto asked that Mr. Arena put pressure on the owner of the property to repair the fence for the neighbor's sake.

Councilman Lupino indicated to Mr. Arena that he should also be responsible for the neighbors across the street from the business. If there are noises from his patrons or any other problems, he assumes responsibility for the actions of his patrons.

Councilman Lupino requested a point of clarification of three month review and whether license does not stay at this location.

Council President Lanni stated that the All Night License will be reviewed in three months and then will go back to Safety Services and the fence is not in the motion, but recommended it be fixed.

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

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

RATIFICATION OF SETTLED CLAIMS FOR: Jacqueline, William & Jae Pezzullo \$775.00; Herman Brown and Attorney David J. Anderson \$12,000; Donald MacPhee \$300; RI Interlocal Trust for the Town of Bristol Rescue \$1,939.50; Patricia A. Cipriano \$50.00.

On motion by Councilman Aceto, seconded by Councilman Navarro, it was voted to approve the above claims as a block. Motion passed on a vote of 8-0 with 1 abstention. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council President Lanni -8. Council Vice-President Livingston abstained.

V. ELECTION OF CITY OFFICIALS

"JUVENILE HEARING BOARD: RE-APPOINTMENT OF MICHAEL DOUGLAS AND FRANK MIGLIORELLI AS MEMBERS AND KENNETH VALE AS AN ALTERNATE MEMBER"

On motion by Council Vice-President Livingston, seconded by Councilman Pelletier, it was voted to take a vote on the above appointments and re-appointment 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. Councilman Navarro was not present for roll call vote.

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

VI. REPORT OF CITY OFFICERS

None.

VII. EXECUTIVE COMMUNICATIONS

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

None.

Revenues from Stadium

Ms. Schutt stated that at the last meeting, a Council member asked for an update on the Revenues from the Stadium, since the turf was installed. She stated that since September 15, 2007, which was the first event, we had \$187,682 in Revenues.

Anthony Liberatore, Director of Parks and Recreation, appeared to speak and stated that his entire Overtime budget is \$45,000 for the Fiscal Year.

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“UPDATE ON POCASSET RIVER PROJECT”

None.

Reports

Ms. Schutt presented Police and Fire Department statistics for the months of November and December.

False Alarm Fines

Councilman Pelletier stated that at the last meeting, he asked how much in fines we have issued for false alarms. **Ms. Schutt** stated that since October, 2009, we have issued approximately \$5,000 in fines, however, none have been paid. They will be forwarded to a collection agency.

Councilman Aceto asked that if fines are not paid, they be forwarded to the Clerk's Office in case that entity has a business license, and a lien can be placed on their license.

Snowstorm

Ms. Schutt thanked the Highway Department, Police and Fire Departments and all the people who worked during the snowstorm this past weekend. She commended the Laborer's, Teamsters and Dispatchers for the fine work they did.

Ms. Schutt addressed protocol during a snowstorm. She stated that she does have a concern and addressed a violation to Section 3.19 of the Charter. She referred to an incident that occurred on Sunday, when a Council member showed up at Highway and demanded that a truck be sent out immediately. This is in violation of Section 3.19 of the Charter and it is demeaning to the workers. The protocol is that if there are any concerns from the Council, they should be addressed to her or the Mayor.

Councilman Pelletier stated that the crews did an excellent job.

Councilman Navarro stated that there was an incident of a ten-wheel City truck, which rolled over during the storm. He asked how the driver is and what the status of the vehicle is. **Ms. Schutt** stated that there is an investigation being conducted. Mechanical failure will be looked at and the driver is fine. It happened to be the oldest truck on our fleet. The Council will be updated once the investigation is completed. **Councilman Navarro** asked to be provided with a copy of the Police Report. **Colonel Palumbo** stated that the investigation has not started yet, once it is completed, the report can be provided.

Councilman Archetto commended the Laborer's, Teamsters and everyone that worked during the past snowstorm.

Councilman Navarro questioned the gate which was damaged at the Highway garage. **Ms. Schutt** stated that it was a personnel matter. A truck slid into the gate. The truck has been impounded and City is checking for mechanical failure or human error. It was the oldest truck in the fleet. **Councilman Navarro** stated that he believes the chasis was destroyed and would like a report. **Colonel Palumbo** stated that the investigation hasn't been closed, and he will forward one when it is closed.

Bubble Rink Damage

Ms. Schutt reported that there was damage to the bubble rink and partial deflation. The City did a controlled deflated so there would be no damage to the boards or glass. The insurance company will be checking into this.

VIII. COUNCIL PRESIDENT COMMUNICATIONS

Council President Lanni stated that all the Council members and the Mayor have received a letter from the School Department regarding deficits the School Department has incurred. He will call a special meeting between the Council and the School Committee to sit down and see what we can do to stop this bleeding, because the taxpayers of the City cannot afford this kind of debt.

Council Vice-President Livingston stated that he will be asking the Finance Director to see if we can level fund the Schools this year and take back a certain amount from them to pay off the loan. This would force them to make cuts. He does not know what we can do by meeting with the Schools. They have to live within the budget and if there are any cuts they need to make, then that is what they have to do.

IX. COUNCIL MEMBER COMMUNICATIONS

Council Vice-President Livingston

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

No discussion.

Councilman Aceto

Natick Ave .Traffic Engineer – Accident Data

Ms. Schutt stated that there were no reported accidents.

Councilman Pelletier

Accident Data for Natick Ave. area

Ms. Schutt stated that there were no reported accidents.

Councilman Lupino

School Performance Audit

Councilman Lupino stated that this item has been on the docket since June. This is totally unacceptable. We have been waiting for this report for months. **Steve Woerner** stated that everyone needs to know the results. It was received six weeks ago but held back because of trial.

Council President Lanni asked Mr. Woerner to comment. Mr. Woerner stated that the Audit was supposed to be done. The City CPA is looking at and compiling it. He suggested bringing in the educational and financial consultants and have some kind of discussion on the findings.

Councilman Navarro

Purchasing Process for road salt

No discussion.

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Councilman Santamaria

Salt Barn Update

Councilman Santamaria stated that he spoke to Senator Reed's Office and they would like to meet in a month or two with the Administration and a Council representative.

Status of Street Opening Ordinance

Ms. Schutt stated that Warren Ave. was paved prior to the snow storm.

Councilwoman Bergin-Andrews

Park Theatre Lease Agreement status

Ms. Schutt stated that we have obtained the previous lease. A final version of the new lease has not been signed. If the Council has any concerns or complaints regarding the Park Theatre, she asked that they contact the Administration and they will address them. She also indicated that Park Theatre could use one entrance for valet parking, but they cannot charge for people to park in the City Hall parking lot.

Amendment of Council Rule Regarding Notification, Rules 18 & 32

Councilwoman Bergin-Andrews stated that she would prefer that correspondence be sent electronically and have copies available the night of the meetings. She is looking to save money in postage and paper.

Councilman Lupino stated that the reason this was placed in the Rules was because there was a Council member who was not computer knowledgeable. He requested that the Clerk send a receipt and track the sent e-mail.

Councilman Archetto stated that he would like a Study Committee set up to see what the cost is and what paperwork is being discussed.

Council President Lanni stated that the Council Rules state that mailings can be done by regular mail or electronic. It is an option we have.

Council Vice-President Livingston stated that we have a Rules Committee, why not call a meeting.

Council President Lanni asked Chairman of the Rules Committee, Councilman Santamaria, to call a meeting of the Rules Committee to discuss this.

Councilman Lupino stated that since we have the option in the Rules already, why not exercise that option for a short time to see if it works.

City Clerk suggested that the we do a one month trial of just electronic communications and reevaluate at that time. The **Council President** was in agreement and a one month trial period was accepted.

State Cuts

Council President Lanni stated that with the State cuts, he is concerned about the Pilot Program. One thing that concerns him is how much it costs us to serve the institution. Ms. Schutt stated that it is not necessarily the expense of the cost per run, there are a lot of hidden costs, such as IOD. She can try to get to get a cost per run, but a lot are intangible costs.

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Councilman Archetto left meeting at 9:20 P.M.

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 – January 4, 2010

12-09-1 Ordinance in amendment of Title 10 Chapter 12 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Wilbur & Natick Ave.).

Claims Committee

*Randy Rubinstein: Property damage incident on December 9, 2009

*Paul Santos: Property damage incident on December 3, 2009

*Diana E. Andreozzi: Property damage incident on December 9, 2009

*Anna Massenzio: Property damage incident on December 8, 2009

*forwarded only to City Council, Solicitor and Anna Marino

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

XII. MISCELLANEOUS BUSINESS ON CLERK’S DESK

**LABORER’S LOCAL 1322 CBA JULY 1, 2009 TO JUNE 30, 2012 AND MOA
(Awaiting Executed Copy)**

Arthur Jordan stated that the contract is awaiting his signature, but due to the snowstorm this past weekend, he has not had a chance to sign the contract.

XIII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Valerie Chiulli appeared to speak and stated that the Council needs to ask what a basic education is. She asked that the School Committee and the City work together for the benefit of the children.

The meeting adjourned at 9:30 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).