

REGULAR MEETING – CITY COUNCIL

-FEBRUARY 23, 2009-

Regular meeting of the City Council was held on Monday, February 23, 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: Mayor Allan W. Fung; Robin Muksian-Schutt, Director of Administration; Gerald Cordy, Deputy Director of Administration; Anthony Cipriano, City Solicitor; Robert Strom, Director of Finance; Patrick Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor; Peter LaPolla, City Planner.

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

On motion by Councilman Lupino, seconded by Councilman Livingston, it was voted to suspend the Rules in order to act on Election of City Officials. 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.

V. ELECTION OF CITY OFFICIALS

Audit Committee

- **Appointment of Michael Farina**

On motion by Councilman Lupino, seconded by Council Navarro, it was voted to appoint **MICHAEL FARINA** as a member of the *Audit 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-Andrews, Council Vice-President Livingston and Council President Lanni -9.

Tax Assessment Board of Review

- **Re-appointment of Rory A. Budlong**

On motion by Councilman Lupino, seconded by Council Vice-President Livingston, it was voted to re-appoint **RORY A. BUDLONG** as a member of the *Tax Assessment Board of Review*. 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.

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Municipal Court Judges:

- **Thomas Ricci, Senior Associate Judge**
- **Raymond Coia, Associate Judge**
- **Kenneth Schreiber, Associate Judge**
- **David Gilligan, Auxiliary Judge**

On motion by Council Vice-President Livingston, seconded by Councilman Lupino, it was voted to appoint **THOMAS RICCI** as *Municipal Court Senior Associate Judge*; **RAYMOND COIA** as *Municipal Court Associate Judge*; **KENNETH SCHREIBER** as *Municipal Court Associate Judge*; and **DAVID GILLIGAN** as *Municipal Court Auxiliary Judge*. 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.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

“SWEARING IN OF MUNICIPAL COURT JUDGES BY MAYOR ALLAN FUNG”

- Raymond Coia as Associate Judge
- Kenneth Schreiber as Associate Judge
- David Gilligan as Auxiliary Judge

Mayor Fung administered the Oath of Office to Municipal Court Associate Judge Raymond Coia, Municipal Court Associate Judge Kenneth Schreiber and Municipal Court Auxiliary Judge David Gilligan.

II. PUBLIC HEARINGS

Cindy Fogarty, member of the Cranston Chamber of Commerce, appeared to oppose to “Resolution urging the RI General Assembly to enact legislation enabling the City of Cranston to enact an Ordinance requiring businesses resident within the City to obtain a license”. She indicated that there are numerous sections in the Code that address violations that could be enforced. She asked for a show of hands of the members of the public who are opposed to this Resolution and approximately a dozen people raised their hands.

Richard Bray, Ward 1 District 1 Committeeman appeared to speak in favor of “Ordinance 7-08-2 in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Definitions). He stated that Stop and Shop is the most friendly business in the community and they do a lot for the community. Mr. Bray stated that he wants to see laborers, electricians, carpenters and others, have jobs and this will do that.

Councilman Navarro indicated that there has been no plan put forth for a Stop and Shop. This is just an Ordinance that is being proposed to be passed for a definition change.

Raymond Tomasso, 150 Lyndon Rd., appeared to oppose to “Ordinance 7-08-2 in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Definitions). He indicated that Stop and Shop was referenced in the Planning Commission notes of September 11, 2007, indicating that this Ordinance was being introduced for a Stop and Shop in this area. He stated that he does not think this is in the best interest of the community. The property should be subdivided and have multiple small businesses there. He also opposed to the process this is being put through.

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Marie Sweet, 174 Gladstone St., Chair of Conservation Commission, appeared to speak and stated the Commission's concerns with any impact that any development in this area would have on the Pawtuxet River. She asked that the Council keep this in mind.

Beth Lewis of Partridge, Snow & Hahn, appeared to represent members of the Edgewood Heights Neighborhood Association. She indicated that there is no recommendation from the Planning Commission and asked that no action be taken this evening and referred back to the Planning Commission for fact-finding.

Andrew Vose, 35 Red Barn Ct., appeared to oppose to "Resolution urging the RI General Assembly to enact legislation enabling the City of Cranston to enact an Ordinance requiring businesses resident within the City to obtain a license". He operates a one-man remodeling business and he is an LLC, pays corporation taxes and State taxes, along with taxes for his property. If this Resolution is passed, businesses will be driven out of the City.

Valerie Schule appeared to oppose to "Resolution urging the RI General Assembly to enact legislation enabling the City of Cranston to enact an Ordinance requiring businesses resident within the City to obtain a license" and stated that the Council wants the City to be business friendly, passing this Resolution, would not be business friendly.

Nancy Davis, 17 Merrill Rd., appeared to oppose to "Resolution urging the RI General Assembly to enact legislation enabling the City of Cranston to enact an Ordinance requiring businesses resident within the City to obtain a license" and spoke as an attorney with a business at 1062 Reservoir Ave. and pays Real Estate and Tangible taxes in the City of Cranston. She did not find Cranston, Cranston found her. There is a way for the City to find businesses. She suggested that the City spend time and money to find the people who are not complying and are operating illegally. She also stated that she is concerned that this Resolution is very vague.

Kenneth Filarski, 39 Perrenial Dr., appeared to oppose to "Resolution urging the RI General Assembly to enact legislation enabling the City of Cranston to enact an Ordinance requiring businesses resident within the City to obtain a license". He pledged that if this Resolution is rescinded, he will help the Council and Mayor find other ways to raise money for the City of Cranston and to save money for the City.

Sue Pagnozzi, Director of Cranston Chamber of Commerce, appeared to oppose to "Resolution urging the RI General Assembly to enact legislation enabling the City of Cranston to enact an Ordinance requiring businesses resident within the City to obtain a license". She stated that last year, the Chamber had 500 members. As of today, the Chamber has 375 members. Approximately 50% of the ones that the Chamber lost, went out of business. If we continue to impose fees, we are not going to get ahead.

Joseph Caparco, resident of the City and construction worker, appeared to speak in favor of "Ordinance 7-08-2 in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Definitions). He stated that he looks to his elected officials for hope. He asked for passage of this Ordinance for the benefit of all Cranston residents.

Joseph Dugan, 183 Lyndon Rd., appeared to oppose to "Ordinance 7-08-2 in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Definitions).

Arthur Jordan appeared to speak in favor of "Ordinance 7-08-2 in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Definitions). He stated that passage of this Ordinance will lead to economic construction jobs, cashiers and others. We need economic growth, we need jobs and development.

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John Caprio, 19 Jasmine Ct., construction worker, appeared to speak in favor of “Ordinance 7-08-2 in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Definitions).

Ronald Caprio, 150 Pleasant St., appeared to speak in favor of “Ordinance 7-08-2 in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Definitions).

Richard Brown, 171 Hilltop Dr., member of the Conservation Commission, appeared to oppose to “Ordinance 7-08-2 in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Definitions). He indicated to Section 2-5.020 of the Charter, which he stated was violated because the Planning Commission never notified the Conservation Commission that this Ordinance was being referred to the City Council without a recommendation. He asked that this Ordinance not be acted on and asked that the Solicitor review it to see if the Charter was violated.

L. Jusilla, 105 Lyndon Rd., appeared to oppose to “Ordinance 7-08-2 in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Definitions).

Jim Quinlan, 55 Angell Ave., appeared to oppose to “Resolution urging the RI General Assembly to enact legislation enabling the City of Cranston to enact an Ordinance requiring businesses resident within the City to obtain a license”. He stated that businesses are suffering and this Resolution will not help the businesses.

Albert Benetti, 24 Concord Ave., appeared to oppose to “Resolution urging the RI General Assembly to enact legislation enabling the City of Cranston to enact an Ordinance requiring businesses resident within the City to obtain a license”. He stressed to the Council not to hit people for more fees in this economy. Now is not the time.

Paul Conello, 306 Lawnacre Dr., appeared to oppose to “Ordinance 7-08-2 in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Definitions) and also to oppose to “Resolution urging the RI General Assembly to enact legislation enabling the City of Cranston to enact an Ordinance requiring businesses resident within the City to obtain a license”.

William Unger, 102 Lyndon Rd., appeared to oppose to “Ordinance 7-08-2 in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Definitions).

Beth Lawrenson, Fordson Ave., appeared to oppose to “Ordinance 7-08-2 in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Definitions). Some of her concerns are increase in traffic, increase in Police and security and impact on the Pawtuxet River.

Ray Sepe, 36 Western Industrial Dr., owner of a business at this location, appeared to speak on behalf of small businesses, opposed to “Resolution urging the RI General Assembly to enact legislation enabling the City of Cranston to enact an Ordinance requiring businesses resident within the City to obtain a license” and asked that more taxes not be added.

Tom Bowman, member of the Cranston Chamber of Commerce, appeared to oppose to “Resolution urging the RI General Assembly to enact legislation enabling the City of Cranston to enact an Ordinance requiring businesses resident within the City to obtain a license”.

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Diana Gordon, owner of Antiques in the Attic, appeared to oppose to “Resolution urging the RI General Assembly to enact legislation enabling the City of Cranston to enact an Ordinance requiring businesses resident within the City to obtain a license”.

Susan Unger, 102 Lyndon Rd., appeared to oppose to “Ordinance 7-08-2 in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Definitions) and stated that the residents are looking for a long-term vision and long-term protection for the neighborhood.

III. DOCKETED RESOLUTIONS

“RESOLUTION URGING THE RHODE ISLAND GENERAL ASSEMBLY TO ENACT LEGISLATION ENABLING THE CITY OF CRANSTON TO ENACT AN ORDINANCE REQUIRING BUSINESSES RESIDENT WITHIN THE CITY TO OBTAIN A LICENSE”

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

Under Discussion:

Councilman Aceto stated that this Resolution is very-well intended, however, he questioned whether we need to look at the procedure of how the business license would work in Cranston.

Councilwoman Bergin-Andrews agreed with Councilman Aceto and stated that she is in the process of introducing a Resolution creating a Committee to bring more businesses to the City. She indicated that in 1985, there was a business license and then Councilman Sepe, proposed an Ordinance eliminating the business license. It did not work then and she does not think it will work now.

Councilman Navarro stated that during the 2007-2008 budget process, the then City Treasurer, brought to the attention of the Council that there are a large number of unpaid tangible taxes. At that time, the then City Treasurer, made a suggestion of creating a universal business license starting with new businesses going forward.

Council Vice-President Livingston stated that the reason he introduced this Resolution was because we have problems in neighborhoods. To him, this is a constituent-friendly Resolution. He had an issue with a business in his Ward, where there were numerous constituent complaints. He asked the City Clerk to issue a Show Cause notice and was told she could not do that because the City does not license that particular type of business. He contacted the Solicitor to question how this business could be approached and was advised that the City could not do anything because the City does not license that type of business. This is why he introduced this Resolution. This Resolution is only asking General Assembly approval. An Ordinance would have to be drafted once approval is given by the General Assembly and at that point, the Council will determine the regulations and the fees. He pledged he will work with the business owners in Cranston. This is not about the fee, it is about making sure that we, as City Council, have some kind of regulatory power to help resolve issues between businesses and residents.

Councilman Pelletier stated that if this is not about fees, he suggested having the businesses link to the City’s website to register their business.

Councilman Archetto stated that we are in a recession. We do not need to add to the pain. This Resolution will send a message that we are unfriendly to businesses.

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Councilman Lupino stated that, as Majority Leader, he strongly urged support of passage of this Resolution. This is not bad for businesses, it is bad for bad businesses. We have approximately \$1.6 million in taxes that have not been and probably will never get collected. This Council recently codified the five year and ten year Tax Incentive that encouraged business in the City and no one from the Chamber or the businesses appeared to support those Tax Incentives. This Resolution would be making the City business friendly. This Resolution would be good for the good businesses. This Resolution is not for new taxes. It would be for some oversight to know when someone is not paying their tangible taxes.

Council President Lanni handed gavel to Council Vice-President Livingston.

Council President Lanni stated that he has served on the Council for ten years. From day one, the first Finance meeting, uncollected tangible taxes was discussed. This has been going on for years and years. The \$1.6 million uncollected has to come out of taxpayer dollars. This is a Resolution asking for General Assembly approval for the Council to adopt an Ordinance similar to the one Warren, North Providence and Johnston currently has.

The gavel was handed back to Council President Lanni.

Councilwoman Bergin-Andrews motioned to refer this Resolution back to the Finance Committee with changes adding the fees and also addressing suggestion made by Councilman Pelletier as to businesses registering on the City's website. Council Vice-President Livingston stressed that this is just a Resolution asking General Assembly for power to enact a business license. This is why there is no fee in the Resolution. That would be premature at this time. If authority is given, an Ordinance would then be drafted stating the fees and other regulations.

Councilman Navarro asked Administration to address the uncollected tangible taxes. Mayor Fung stated that the Administration is aggressively pursuing to engage a firm to go after revenue assets that are out remaining, not just tangible, but auto. Council President Lanni asked how much this firm would charge. Mayor Fung stated they are at a 25% rate on the interest part, this percentage was dropped from what previous firm was charging. Council President Lanni stated that if this business license was created, we could close businesses down, collect full taxes due and not pay any firm for any fees.

Councilman Pelletier suggested holding off on this Resolution and try to work with the businesses, look at our collection process at least until we know how much we are losing out.

Councilman Aceto asked if the City knows what amount of tangible taxes is currently owed this fiscal year. Mr. Strom stated approximately \$400,000. Councilman Aceto asked what process is in place currently for collecting delinquent tangible taxes. Mr. Strom stated that he does not believe there is no mechanism in place to collect. There is a retiree who may be able to handle the delinquent taxes by making phone calls at a commission of amount collected.

Roll call was taken on motion to adopt above Resolution and motion failed on a tie vote. The following being recorded as voting "aye": Councilmen Lupino, Navarro, Council Vice-President Livingston and Council President Lanni -4. The following being recorded as voting "nay": Councilmen Aceto, Archetto, Santamaria and Councilwoman Bergin-Andrews -4. Councilman Pelletier was not present for roll call vote.

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“RESOLUTION AUTHORIZING EXCHANGE OF CITY PROPERTY (CAMERA) WITH VEOLIA WATER”

On motion by Councilman Navarro, seconded by Council Vice-President Livingston, 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-Andrews, Council Vice-President Livingston and Council President Lanni -9.

“RESOLUTION MEMORIALIZING THE RHODE ISLAND GENERAL ASSEMBLY TO AMEND RIGL 37-7-5 EXPANDING THE RESPONSE TIME FOR CITIES AND TOWN ON SURPLUS LAND ACQUISITIONS”

On motion by Councilman Lupino, seconded by Councilwoman Bergin-Andrews, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8. Councilman Navarro was not present for roll call vote.

IV. REPORT OF COMMITTEES

ORDINANCE COMMITTEE (Anthony J. Lupino, Chair)

7-08-2 “ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Definitions)”

Councilman Aceto stated that he will recuse from any discussion or vote on this item pursuant to RIGL 36-14-6(1).

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

Under Discussion:

Councilman Navarro stated that he will be voting against this Ordinance because it would be giving up the Council’s authority for people to scrutinize plans.

Council Vice-President Livingston stated that he will also be voting against this Ordinance.

Ms. Schutt stated that regardless of the vote this evening, the Administration will work with the neighbors prior to Site Plan Review. It was agreed by the Mayor and the Planning Director that a community meeting would be held prior to Site Plan Review to address the neighbors’ concerns.

Roll call was taken on motion to adopt the above Ordinance and motion passed on a vote of 6-2 with 1 recusal. The following being recorded as voting “aye”: Councilmen Lupino, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council President Lanni -6. The following being recorded as voting “nay”: Councilman Navarro and Council Vice-President Livingston -2. Councilman Aceto recused.

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**1-09-1 “ORDINANCE IN AMENDMENT OF TITLE 2 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED
‘ADMINISTRATION AND PERSONNEL’ (City Council Members
Personnel Status)”**

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

Under Discussion:

Councilman Lupino stated that his understanding is that this Ordinance is codifying a duty that has been ongoing probably during the last ten to fifteen years.

Ms. Schutt stated that a personnel file has been set up in the Personnel Department for the City Council. She apologized to the Council for any inconvenience.

Council President Lanni stated that he introduced this Ordinance because the Personnel Director would not process the paperwork for the City Council for their payroll check. Now it will become part of the Code and this will happen again.

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 Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

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

**“2008 FINAL AUDIT AND MANAGEMENT LETTER”
Presentation by Kostin, Ruffkess & Company**

Council President Lanni stated that no action is needed this evening since the Audit has been previously approved. The purpose of this being on the Docket is for the Auditor to answer any questions the Council may have.

Ron Nossek of Kostin, Ruffkess & Company, was present to represent the Auditing company.

Councilman Navarro asked Mr. Nossek to address the Management Letter.

Mr. Nossek stated that his firm’s letter of recommendation contains four recommendations and he discussed each one.

Mr. Strom stated that as to the recommendation regarding “Public Facilities Management”, he met with the person from the management company and the City Auditor and came to the conclusion that the management company will provide the city with quarterly statements and if there is any problem, it will be addressed at that time. As to the “Fixed Assets”, that has been reconciled. As to the “Property Tax Receivable”, he is working with the Treasurer regarding this. The City is going to purge that and zero out all those accounts. The only item that he will have to pursue is the “Sewer Operations” and he will have to speak to the Public Works Director regarding this.

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“RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS”

On motion by Council Vice-President Livingston, seconded by Councilman Archetto, 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-Andrews, Council Vice-President Livingston and Council President Lanni -9.

“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”

On motion by Council Vice-President Livingston, seconded by Councilman Lupino, 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-Andrews, 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 Councilman Lupino, the above list of Tax Interest Waiver Approvals 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.

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

12-08-7 “ORDINANCE IN AMENDMENT OF CHAPTER 10.04 OF TITLE 10 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES & TRAFFIC’ (Penalties For Traffic Violations)”

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

Under Discussion:

Council Vice-President Livingston stated that there is a scrivener’s error he would like corrected in line 34 of page three of the Ordinance.

On motion by Council Vice-President Livingston, seconded by Councilman Pelletier, it was voted to correct the following scrivener’s error: after the word “stated”, add “standing and parking”. 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.

On motion by Councilwoman Bergin-Andrews, seconded by Councilman Pelletier, it was voted to amend line 32 of the Ordinance as to the overnight parking, fine to remain \$15 during the winter months, prior to November 1st and after March 31st.

Under Discussion:

Councilman Santamaria stated that he would like the Police Major or Colonel to address this as to whether this is dueable, since the tickets are pre-printed with the fines. Ms. Schutt stated that the printing of the tickets may be a problem, since the tickets are pre-printed.

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Roll call was taken on motion to amend and motion failed on a vote of 4-5. The following being recorded as voting “aye”: Councilmen Aceto, Archetto, Pelletier and Councilwoman Bergin-Andrews -4. The following being recorded as voting “nay”: Councilmen Lupino, Navarro, Santamaria, Council Vice-President Livingston and Council President Lanni -5.

Roll call was taken on motion to adopt the above Ordinance as corrected with scrivener’s error 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.

COMMITTEE ON CLAIMS (Michelle Bergin-Andrews, Chair)

Ratification of settled claims for: Larry Junior \$159.38; Jacqueline, William & Jae Pezzullo \$775.00; Casco Indemnity Company as Subrogee for Maria Rosa \$4,243.12; Janet B. Hevey \$300.00; Christopher & Charlene Geremia \$325.00; Joseph & Karen Sylvia \$50.00; Keith J. Stromberg \$175.11; Stephen Duarte & Attorney Formisano \$35,000.00; Karen F. Menard \$1,716.12; Kimberly Corso \$50.00; Nicola & Maria Marella \$50.00; Joseph & Patricia Testa \$50.00; Sandra Tatalo \$146.08; JoAnne Schiavulli \$300.00.

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 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. Councilman Livingston abstained.

V. ELECTION OF CITY OFFICIALS

Council President Lanni announced the following appointments.

Audit Committee

- **Appointment of Michael Farina**

Tax Assessment Board of Review

- **Re-appointment of Rory A. Budlong**

Municipal Court Judges:

- **Thomas Ricci, Senior Associate Judge**
- **Raymond Coia, Associate Judge**
- **Kenneth Schreiber, Associate Judge**
- **David Gilligan, Auxiliary Judge**

The above items were voted on at the beginning of the meeting.

VI. REPORT OF CITY OFFICERS

None.

VII. EXECUTIVE COMMUNICATIONS

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

None.

VIII. COUNCIL PRESIDENT COMMUNICATIONS

Council President Lanni stated that this Council is faced with hard decisions in these difficult economic times. He stated that he believes this Council is on the right track.

IX. COUNCIL MEMBER COMMUNICATIONS

Councilman Aceto

Proposed Incremental Department Budget Cuts for 2009

Ms. Schutt stated that the Administration has asked for 5 and 10% cuts from Directors. 5% cuts come predominantly from attrition and non-essential services. 10% came from personnel cuts. The Mayor has met with all four Unions and all four Unions understand that concessions are absolutely essential. The Administration is hoping that within the next few weeks, there will be some kind of concessions from at least one, if not all the Unions.

Councilman Lupino asked what the dollar amount is that the Administration is looking for from the Unions. Ms. Schutt stated that two of the Unions are in negotiations and she would rather not state a number, without compromising negotiations. One of the things the Administration is doing is asking Directors for 25% co-pay and no raises for the next two years. Those are the types of concessions the Administration hopes to obtain from other Unions. The Administration is in discussions with Blue Cross and United Health also.

Councilman Santamaria asked that other Unions, who are not contributing as much or at all to the health coverage, be approached for concession. The Teamsters and the Laborers are contributing 20% and their salary are lower than the other two Unions. Ms. Schutt stated that the Mayor has made it very clear to all four Unions that he is aggressively looking for substantial concessions, including co-share, from everyone.

Councilman Lupino

Sockanosset Crossroad and New London Ave. Traffic Study

Councilman Lupino asked that this item be referred to the Public Works Committee for a presentation by Carpiato regarding the traffic study.

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Natick Ave. Engineering Study Report

Councilman Lupino stated that the Council has been asking for some action on this issue since June, 2008. He asked what the status is. **Mr. Sylvia** stated that he has an RFP that he is modifying. There have been several requests made for federal assistance. He acknowledges the importance of this project and the City is moving as quickly as possible on this.

Ms. Schutt assured the Council that this is a top priority for the Mayor. Councilman Lupino asked if there is a date of when the RFP is going to be ready. Ms. Schutt stated that she will give an update at the Public Works Committee meeting.

Status of Snow Removal Budget

Ms. Schutt stated that to date, as of last week, cost is approximately \$832,560. Budget for that is approximately \$700,000, including Emergency Fund. Overtime is approximately \$166,452 and \$100,000 was budgeted.

Per Diem Rate for all Non-Union City Personnel

Councilman Lupino stated that if there are going to be furlough days, there should be furlough days from top to bottom for personnel.

Status of Conveyance of State Surplus Land Located at Meshanticut Valley Parkway and Route 2

Mr. Cordy stated that a letter of interest was sent to DOT on February 20, 2009 expressing the City's interest in this piece of property. The Administration sent this letter of interest prior to knowing about the letter of January 12, 2009 from DOT.

Councilman Lupino asked if this property has been appraised. Mr. Cordy stated that at this point, the estimated size of the property is the only information that can be obtained

Councilman Santamaria

Update on Status of Comprehensive Plan

Mr. LaPolla stated that Land Use Plan is approximately 80-90% completed. He asked that this item be continued to next month for update.

Update on Status of 275 Atwood Ave. (former Police Station Property)

Mr. Cordy stated that Phase I has been completed by Dem and report from Fuss & O'Neill should be received by the end of this week. The Administration anticipates Fuss & O'Neill to begin drilling by April 1st.

Councilman Santamaria asked that this item be continued to the April meeting for update.

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Councilman Pelletier

Update Regarding School Department Budget Deficit

Ms. Schutt stated that the number we are at is \$3.587 million. The Administration is meeting with the School Department every other week to see if we can find money in the budget.

Councilman Pelletier asked for this item to be continued to next month for update.

Mr. Strom stated that of the \$3.5 million, the School Superintendent has put aside \$420,000 due to State Aid cuts and \$900,000 deficit reduction plan.

Councilman Aceto asked where we stand with Project ReDirect. Ms. Schutt stated that the Administration informally spoke about meeting with the School Department and City Council representatives of areas that can be immediately worked on.

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:

Public Works Committee – March 12, 2009

Petition from National Grid for pole location at Wine St.

Claims Committee

- *Kimberly Covill
- *Kristin Hicks
- *Linda Beckman
- *Raymond Smith
- *Lucy Ragosta
- *Virginia Kowal
- *Asoina Nazurdeen
- *Father Vincent Rossi
- *Elizabeth Fishman
- *Richard Nordlund
- *Mike Markaror
- *Jennifer & Leland Merrill
- *Harleysville Group for Peter Mullen
- *Michael Barber
- *Steven Callahan
- *Atty. John Dineen for S. Joan Cavanagh
- *Atty. Jay Bianco for Edith Ascenzi
- *Nicholas Viccione
- *Cecelia Frusher
- *Sharon Gendron-Petroff
- *Renee Bacon

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Council Vice-President Livingston, seconded by Councilman Lupino, 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,

-FEBRUARY 23, 2009-

XII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

- 10-08-6** **“ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE & FINANCE’ (Commercial Tax Incentive Five Year)” Correction of Scrivener’s error.**
- 10-08-7** **“ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE & FINANCE’ (Commercial Tax Incentive Ten Year)” Correction of Scrivener’s error.**

Clerk stated that the following scrivener’s drafting error that needs to be corrected in the above two Ordinances, which were approved December 15, 2008:

- 10-08-6 page two of the Ordinance, (A-1), third line states “{ten} three-five employees”, the **ten** should be deleted. The remainder of the Ordinance is correct.
- 10-08-7 page two of the Ordinance, (A-1), third line states “{ten} fifteen employees”, the **ten** should be deleted. The remainder of the Ordinance is correct.

On motion by Council Vice-President Livingston, seconded by Councilman Pelletier, it was voted to approve the correction of the scrivener’s drafting error as read by the Clerk. 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.

“APPEAL FROM TAFT & MCSALLY (Carpentier Realty) DATED FEBRUARY 16, 2009 REGARDING SHARX BAR & GRILL/CLUB 505”

Council President Lanni asked that this appeal be referred to the Solicitor for his review and opinion as to whether Carpentier Realty has standing to appeal this matter to the full Council, and if there is, he will schedule a special council meeting to take up the matter.

XIII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

None.

The meeting adjourned at 11:00 P.M.

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).