

# REGULAR MEETING – CITY COUNCIL

**-FEBRUARY 26, 2007-**

Regular meeting of the City Council was held on Monday, February 26, 2007 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 Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

Also Present: Ernest Carlucci, Director of Administration; Frank Migliorelli, Deputy Director of Administration; Vito Sciolto, City Solicitor; Corsino Delgado, Director of Finance; Pat Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

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

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

### **Citation for ZACHARY SAILER, winner of the Cranston City Wide Spelling Bee**

Councilman Navarro presented Citation to Mr. Sailer.

### **Citations for MARCO SCHIAPPA, former Director of Public Works and JARED RHODES, former City Planner**

Council Vice-President McFarland and Council President Garabedian presented Citation to Mr. Schiappa and Councilman Lanni read Citation for Mr. Rhodes, who was not present.

## **II. EXECUTIVE COMMUNICATIONS**

### **“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR DET. SGT. ANTONIO BUONANNO, CRANSTON POLICE DEPARTMENT”**

Mr. Carlucci appeared to speak.

On motion by Councilman Barone, seconded by Councilman Lanni, it was voted to approve the above request. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

**III. COUNCIL PRESIDENT COMMUNICATIONS**

**“PROPOSED ATWOOD AVENUE VILLAGE (POLICE STATION PROPERTY)”**

Council President Garabedian stated that currently, there is a Zone Change Ordinance pending changing the Zone for the property at the current Police Station to C-2, which allows for residential, commercial and retail. The City has recently built a new Police Station and this piece of property will eventually be placed on the market to be sold. Some of his concerns are the drainage and water issues. During the election campaign, he and Councilmen Lanni and Lupino campaigned on the issue of trying to expand the City's tax base. The issues are moving the ball field and how much it will cost and the water issue be taken care of. This Zone Change Ordinance was continued by the Ordinance Committee last month to the July Ordinance Committee meeting in order to look into the drainage issue.

Council Vice-President McFarland stated that Lynne Furney, Acting City Planner, is present to make a presentation regarding this issue. She stated that during the budget process for Fiscal Year 2006-2007, the City decided to sell the land. All the Council members voted on the budget and she voted against the Capital Budget. During that budget process, there was no mention of a consultant, no mention of possibly selling the restaurant nearby (Tabor Franchi Post) and there was no mention of selling the whole parcel. When this Ordinance was before the Planning Commission, again, no one came forward to give any opinions or suggestions. She stated that Randall Pond and the Pocasset River run through this area. This is a neighborhood that actually sits on Atwood Ave. This neighborhood is the only neighborhood that does not have any Open Space or Recreational Facilities in it. We have to make sure we protect the neighborhood in this area. She stated that she looked at the Census information and it indicated that the Knightsville neighborhood has the highest poverty level. She also looked at our Zoning and this Ordinance would have to go to the Planning Commission and would require a two-thirds approval by the Council and the Comprehensive Plan would also need to be looked at.

Councilman Lanni stated that as far as the Knightsville neighborhood being at poverty level, he finds that very hard to believe. As far as Open Space, the ball field is used primarily by adult leagues. He suggests that this needs to be considered. He and Councilman Lupino and Council President Garabedian made a pledge to the taxpayers during the election, to increase the tax base of the City so taxpayers' taxes don't continue to sky rocket.

Councilman Santamaria stated that he had concerns regarding this issue prior to him being elected to the City Council and now he has concerns regarding the egress and ingress onto Atwood Ave. There are plenty of issues and even though the City needs the revenues, we need to take our time to look at this and not rush into anything.

Councilman Livingston stated that this issue is listed on the docket under “Council President Communication” and the Council President has spoken on this and there are a roomful of people who would like to speak on items listed on the docket to be voted on and he agrees that we should not rush into anything, but Ms. Furney should not be making a presentation this evening.

On motion by Councilman Livingston, seconded by Councilman Lupino, it was voted to not have Ms. Furney make a presentation on this issue this evening. Motion passed on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council President Garabedian -8. The following being recorded as voting “nay”: Council Vice-President McFarland -1.

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

No report.

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

Councilman Lupino questioned if any correspondence has been received from the Town of Johnston regarding the Resolution on the Pocasset Flood this Council passed last month in regards to forming a joint Committee to address the flood issues of the Pocasset River. Council President Garabedian stated that he is confident that with Senator Reed's support, the Town of Johnston will join the City of Cranston.

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

**Debra Greifer**, 48 Richland Rd., appeared to speak in favor of Ordinance 10-06-2.

**Mark Lucas**, 28 Riverfarm Rd., appeared to speak in favor of Ordinance 10-06-2.

Council President Garabedian indicated that there is a plan that was delivered to City Hall today by the Attorney for Domestic Bank, which was similar to the one from last month and it was accepted by Mr. Baker, of Domestic Bank.

**Tom Cloonen**, 24 Richland Rd., appeared to speak in favor of Ordinance 10-06-2 and stated that the Bank violated the Cease and Desist Order again this morning. He also stated that the plan being mentioned should not be tied into the parking Ordinance. The City needs to force the Bank to be in compliance with the Code as far as the lot goes. He presented a petition of 104 neighbors who are in favor of this Ordinance.

**Ed Angilly**, 28 Richland Rd., appeared to speak in favor of Ordinance 10-06-2 and stated that as Councilman Santamaria stated earlier, if the City needs revenues, have the Police go to Forest Hills and have them start ticketing the cars, which are illegally parked every day. This two-hour parking is a way to share the street.

**Kathleen Cook**, 27 Richland Rd., appeared to speak in favor of Ordinance 10-06-2.

**Dolores Hiter**, 40 Richland Rd., appeared to speak in favor of Ordinance 10-06-2.

**Rick Hiter**, 40 Richland Rd., appeared to speak in favor of Ordinance 10-06-2 and stated that all the neighbors are asking for is fairness. They are willing to share the streets of their neighborhood.

**Cynthia Fogarty, Esq.**, former Council Member, appeared to represent residents of Forest Hills Neighborhood Association and stated that she introduced this Ordinance when she served on the City Council and these neighbors are willing to share the street with the Bank.

**Phillip Conte**, 55 Crawford St., appeared to speak and stated that by placing a two-hour parking is an exercise of futility. The Police Department is already short staffed. He questioned how do we facilitate getting a Police Officer to go up and down these streets to tag the cars. He believes better solutions can be found.

**John Smith**, 26 Robinhood Rd., appeared to oppose to the two-hour parking for the safety needs of the employees of the Bank and effective administration of City government. This Ordinance would send out an anti-business message to the community.

**Unidentified Employee** of Domestic Bank appeared to oppose to this Ordinance.

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**Bethany Merchant**, 99 Sands St., employee of Domestic Bank, appeared to oppose to this Ordinance and stated that there are solutions, but a two-hour parking is not the solution.

**Resident** of 100 Lake Garden Dr., appeared to oppose to this Ordinance and stated that a two-hour parking is not going to benefit the neighborhood. He also stated that he has been an employee of Domestic Bank for approximately twenty years.

**John Chenick**, employee of Domestic Bank for approximately nine years, appeared to oppose to this Ordinance. He also stated that parking has been a problem since he has worked for this Bank. A two-hour parking will accomplish nothing.

**Patrick Duhon**, 24 Richland Rd., appeared to speak in favor of this Ordinance and stated that this is not a matter of either or, this is a matter of both. Passing this Ordinance and the Bank moving forward with the plans developed.

### **VI. DOCKETED RESOLUTIONS**

**“RESOLUTION URGING THE MEMBERS OF THE RHODE ISLAND GENERAL ASSEMBLY TO INTRODUCE AND PASS LEGISLATION AMENDING RIGL 45-24-56 AUTHORIZING ADDITIONAL ALTERNATE MEMBERS ON THE CRANSTON ZONING BOARD OF REVIEW” (Sponsored by the City Council)**

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

**VII. REPORT OF COMMITTEES**

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

**10-06-2 “ORDINANCE IN AMENDMENT OF CHAPTER 10 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Richland Rd. – Domestic Bank)”**

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

Under Discussion:

Council Vice-President McFarland stated that this problem has been going on for over 20 years. It is too bad that we have business owners that never plan for future growth.

Councilman Navarro addressed the employees of Domestic Bank and stated that the cause of this problem is not the City. It is not the City Council’s fault and it is not the neighbor’s fault. Their employer is supposed to address these issues. The two-hour parking is the start of a solution to the problems that have gone on for many many years.

Council President Garabedian handed the gavel to Council Vice-President McFarland.

Council President Garabedian stated that the Bank submitted a plan today to the City Planning Department to be heard at the March 14, 2007 Site Plan Review Commission meeting. What is needed to solve the problems is for the neighborhood to be patient a little longer and wait for the parking lot to get done. The two-hour parking is not going to work and does not address the safety issue.

Councilman Barone stated that if this plan comes to fruition, this Ordinance can be repealed. We need to give the neighbors something. They have been coming to the Council for over nine years and have been given nothing.

Council Vice-President McFarland handed gavel back to Council President Garabedian.

Councilman Lupino questioned why the plans presented in City Hall today are dated January 14, 2007 and a letter presented to him this evening is dated February 26, 2007. **Timothy Dodd, Esq.**, appeared to represent Domestic Bank, and stated that revisions were further done as late as last Thursday, at the suggestions of Site Plan Review.

On motion by Councilman Barone, seconded by Councilman Navarro, it was voted to move the question. Motion failed on a vote of 2-6. The following being recorded as voting “aye”: Councilmen Navarro and Barone -2. The following being recorded as voting “nay”: Councilmen Lanni, Lupino, Livingston, Council Member Bucci, Councilman Santamaria and Council President Garabedian -6.

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Councilman Lupino asked what the Bank's parking policy is. Attorney Dodd stated that the policy is to abide by the Cease and Desist Order. There is no written policy. In the case of a parking ban, as in today's case, the parking lot is used. Councilman Lupino asked how many spaces are required by number of employees that work presently at the Bank. Attorney Dodd stated that he cannot answer this question because the Bank exists on certain variances granted years ago. Councilman Lupino asked how many spots the Bank needs to operate on a day to day basis. Attorney Dodd stated that he believes the plan calls for 69. Councilman Lupino asked how many employees the Bank has. Attorney Dodd stated that this would fluctuate. **Craig Baker**, of Domestic Bank, appeared to speak and stated that at 7:30 AM, there are 4 employees, by 3:00 PM they have approximately 70-75 employees, by 5:00 PM to 7:00 PM, they have approximately 30 employees and from 10AM on they have approximately 70 employees. Some employees do use bus transportation. Councilman Lupino stated that, if the plan is approved, it does not tell him that the Bank has a policy in place to park on the lot. It does not tell him how many cars park on the street. He stated that he wishes to amend this Ordinance, if passed, by adding wording in the Ordinance that if the Ordinance is passed, it be revisited after the parking lot is paved, landscaping is done and the parking policy of the Bank has been put into place.

Councilman Livingston stated that he is not convinced that the two-hour parking is going to resolve this issue. He is also not convinced that the Police Department has manpower to have an Officer at the location every two hours to cite cars. He would also hate to see all the hard work Council President Garabedian put into this to resolve this problem, go to waste. He would be willing to table this Ordinance for a few months and come back to see what the Bank can do in those two months to resolve this issue.

Councilman Santamaria asked how many spaces the new plan has. Attorney Dodd stated that according to the Traffic Engineer Report and after an analysis done by the Traffic Engineer, who does not recommend the two-hour parking, the plan shows approximately 60 spaces.

On motion by Councilman Lanni, seconded by Council Member Bucci, it was voted to move the question. Roll call was taken and motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

On motion by Council Member Bucci, seconded by Councilman Livingston, it was voted to continue this Ordinance to the March City Council meeting. Motion passed on a vote of 5-4. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Council Member Bucci and Council President Garabedian -5. The following being recorded as voting "nay": Councilmen Navarro, Santamaria, Barone and Council Vice-President McFarland -4.

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**COMMITTEE ON FINANCE  
(Terence Livingston, Chair)**

**1-07-1           “ORDINANCE AMENDING THE BUDGET FOR THE FISCAL  
YEAR COMMENCING JULY 1, 2006 AND ENDING JUNE 30, 2007  
(Mayor’s Office Confidential Secretary). Continued in Committee”**

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

Mr. Quinlan stated that under Council Rule 34D, table and continue is the same because the Committee did not act on it and thereby, does need a motion to remove from the table.

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

Council Vice-President McFarland left the meeting at 10:05 P.M.

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

On motion by Councilman Barone, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council President Garabedian -8.

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

On motion by Councilman Barone, seconded by Councilman Lupino, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council President Garabedian -8.

**“TAX INTEREST WAIVER LIST”**

On motion by Councilman Barone, seconded by Councilman Lupino, the above Tax Interest Waiver List was approved on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council President Garabedian -8.

**“TAX INCENTIVE APPLICATION FOR KAMCO SUPPLY OF 37 AMFLEX DR.”**

On motion by Councilman Lupino, seconded by Councilman Navarro, the above Tax Incentive Application was approved on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council President Garabedian -8.

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**“APPEAL OF TAX COLLECTOR’S DENIAL OF TAX INTEREST WAIVER  
REQUEST OF DONNA BIBEULT AND BIING LEE”**

On motion by Councilman Lupino, seconded by Councilman Lanni, it was voted to approve the Tax Collector’s recommendation of the above two items.

**Mr. and Mrs. Biing Lee** appeared to request to speak.

On motion by Councilman Barone, seconded by Councilman Lanni, it was voted to suspend the Council Rules and allow Mr. and Mrs. Lee to speak. Motion passed on a vote of 6-2. The following being recorded as voting “aye”: Councilmen Lanni, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council President Garabedian -6. The following being recorded as voting “nay”: Councilmen Lupino and Livingston -2.

Mr. and Mrs. Lee appeared to speak and asked that their request to have the interest waived be approved.

On motion by Councilman Livingston, seconded by Councilman Lupino, it was voted to refer both of the above appeals back to the Finance Committee. Motion passed on a vote of 6-2. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Council Member Bucci, Councilman Santamaria and Council President Garabedian -6. The following being recorded as voting “nay”: Councilmen Navarro and Barone -2.

**COMMITTEE ON PUBLIC WORKS  
(Maria A. Bucci, Chair)**

**“SEWER ADJUSTMENT APPEAL FOR PROPERTY AT 1329 NARRAGANSETT  
BLVD.” Recommended approval 2/15/2007.**

On motion by Councilman Barone, seconded by Councilman Lupino, it was voted to approve the recommendation of the Public Works Committee. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council President Garabedian -8.

**“SEWER ADJUSTMENT APPEAL FOR PROPERTY AT 358 BAY VIEW AVE.”  
Recommended denial 2/15/2007.**

On motion by Councilman Lupino, seconded by Councilman Barone, it was voted to approve the recommendation of the Public Works Committee. Motion passed on a vote of 7-1. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council President Garabedian -7. The following being recorded as voting “nay”: Councilman Livingston -1.

**“SEWER ADJUSTMENT APPEAL FOR PROPERTY AT 531 PONTIAC AVE.”  
Recommended denial 2/15/2007.**

On motion by Councilman Barone, seconded by Councilman Lupino, it was voted to approve the recommendation of the Public Works Committee. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council President Garabedian -8.

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

**“BOARD OF CONTRACT AND PURCHASE – re-appointment of MICHAEL IMBRUGLIA FOR A TERM TO EXPIRE ON 1/28/2008”**

On motion by Councilman Barone, seconded by Councilman Navarro, it was voted to re-appoint MICHAEL IMBRUGLIA as a member of the Board of Contract and Purchase.

Under Discussion:

Motion failed on a vote of 3-5. The following being recorded as voting “aye”: Councilmen Livingston, Navarro and Barone -3. The following being recorded as voting “nay”: Councilmen Lanni, Lupino, Council Member Bucci, Councilman Santamaria and Council President Garabedian -5.

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

No business.

### **IXA. OLD BUSINESS**

No business.

Councilman Barone left at 10:20 P.M.

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**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 – March 15, 2007**

**Petition from Coastway Credit Union for change of street name from Lovell Ave. to Coastway Plaza.**

**Petition from National Grid Electric Company for installation of gas main located at 4 Exchange St. and 5 Vinton Ave.**

**Finance Committee – March 15, 2007**

**2-07-4 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2006 and ending June 30, 2007 (Budget Stabilization-Refuse Removal).**

**Ordinance Committee – March 15, 2007**

- 2-07-1 Ordinance amending Chapter 17.108 of the Code of the City of Cranston, 2005, entitled “Zoning Board of Review” (Additional Alternate Members).**
- 2-07-2 Ordinance in amendment of Chapter 10.12 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Harmon Ave., Browne St., Gladstone St., Lawrence St., Wentworth Ave., Homestead Ave., Tennyson Rd., Fairweather Ave., Netherlands Ave., Glengrove Ave., Orchard St., Princess Ave.; Farragut St.; Pawtuxet Ave.; Mapleton St.; Park Ave.; Aqueduct Rd.; Puritan Ave.; Cranston St.).**
- 2-07-3 Ordinance in amendment of Chapter 10.32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Marlow St., Stony Brook Dr. and Harcourt St.).**

**City Plan Commission – March 6, 2007**

**2-07-1 Ordinance amending Chapter 17.108 of the Code of the City of Cranston, 2005, entitled “Zoning Board of Review” (Additional Alternate Members).**

**Claims Committee**

- \*Tracy B. Fontes**
- \*Mary Pagano**
- \*Law Offices of Brian Cunha & Associates for Edda & Evaristo Sabato**

On motion by Council Member Bucci, seconded by Councilman Navarro, the above items were referred to the respective Committees. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria and Council President Garabedian -7.

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**XI. MISCELLANEOUS BUSINESS ON CLERK'S DESK**

City Clerk stated that a letter was received from, William Guglietta, Auxiliary Judge, waiving any compensation while serving in this position. Councilman Lupino questioned what would happen to those funds. Mr. Woerner stated that it would just remain in the Budget.

**XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS**

None.

The meeting adjourned at 10:30 P.M.

Maria Medeiros Wall, JD  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).