

REGULAR MEETING – CITY COUNCIL

-JANUARY 28, 2002-

Regular meeting of the City Council of the City of Cranston was held on Monday, January 28, 2002 in the Council Chamber, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:15 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Carlino, Mancini, Nardolillo, Councilwomen O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –9.

Also Present: Michael Maggiacomo, Director of Administration; John Toic, Deputy Director of Administration; William Brody, City Solicitor; Tom Rose, Director of Finance.

The Pledge of Allegiance was led by Councilman Aceto. Invocation was given by Councilman Lanni.

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

-JANUARY 28, 2002-

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

“RESOLUTION HONORING ROBERT J. WAHLBERG”

Councilman Nardolillo read this Resolution and presented it to Mr. Wahlberg.

On motion by Councilman Nardolillo, seconded by all members of the City Council, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Carlino, Mancini, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –9.

-JANUARY 28, 2002-

“RESOLUTION HONORING MALCOLM DANIELS”

Councilwoman O’Hara read this Resolution and presented it to Mr. Daniels.

On motion by Councilwoman O’Hara, seconded by all members of the City Council, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Carlino, Mancini, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –9.

-JANUARY 28, 2002-

II. INTRODUCTION OF UNDOCKETED RESOLUTIONS

“RESOLUTION EXTENDING CONGRATULATIONS AND PRAISE TO THE NEW ENGLAND PATRIOTS”

No one objected to this Undocketed Resolution.

On motion by Councilman Nardolillo, seconded by all members of the City Council, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Carlino, Mancini, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –9.

-JANUARY 28, 2002-

III. COUNCIL PRESIDENT COMMUNICATIONS

No business.

IV. COUNCIL MEMBER COMMUNICATIONS

Councilman Carlino asked questions regarding the actuarials vs. the financial reports presented by Tom Rose. Mr. Rose stated that the ones the Council received were through November, 2001. He will be handing out the ones through December, 2001 later on in the meeting.

Councilman Carlino spoke regarding the overbudget for the IT Department. Mr. Rose stated that the City has a lease, which includes the hardware, of approximately \$380,000 a year, which is made annually in July.

Councilman Carlino asked questions regarding the Police Department – “Heavy Expenses Replacement Vehicles”. He stated that, he thought this was not approved. Mr. Maggiacomo stated that “Unmarked Vehicles” is what was not approved.

Councilman Carlino questioned the snow removal cost for this year. Mr. Maggiacomo stated that, as of December 31, 2001, \$3,904 was spent for snow removal overtime, \$3,083 for snow removal vendors contracts and \$3,004 for snow removal materials; we have budgeted \$367,000. Any savings, depending on the weather, would just be used to offset over budgeted line items.

Councilman Carlino asked what is expected in revenue and what is the collection rate. Mr. Rose stated that, as far as revenue, in the General Fund, we are at 47.5% of our budget. We have about \$105,000,000 budgeted from the taxes; about \$45,000,000 from the state as of December 31, 2001, of which, we have received about 1/3 of that through January 25. Depending on what revenue line item it is, determines when that revenue comes in. Monthly amount we receive from the state for education is approximately \$3 million.

Councilman Hersey asked where we are at with the Insurance Risk. Mr. Rose stated that 48.6% of our revenue budgeted has come in.

-JANUARY 28, 2002-

Councilman Hersey stated that he has received complaints of odors from the Sewer Treatment Plant. Mr. Maggiacomo stated that an odor base line has been put in place per the contract. We have not seen any increase in odor complaints. He stated that if he can be supplied with the date and time of the complaint, the City might be able to provide a specific reason or explanation for that problem on that specific date and time. He also stated that if odors are emanating outside of the baseline, there is nothing the City can do. He stated that the State owes the following in City tax for the Howard Complex: approximately \$500,000 for FY 1999-2000; approximately \$500,000 for FY 2000-2001. We have a team of City officials working with the state officials in trying to obtain these funds.

Councilwoman McFarland questioned the “Worker’s Compensation Medical”. She stated that this originally had an amount and now it shows a zero balance in the financial reports. Mr. Maggiacomo stated that this was put into the “Worker’s Compensation – Beacon”.

Councilwoman McFarland spoke regarding “School Claims”, which shows \$150,000. She stated that the City received a reimbursement from the Schools for \$60,000 and this is not shown on the financial reports; this may have occurred before December 31, 2001 or after. Mr. Rose stated that he will check the General Account balance and see if it shows in that.

-JANUARY 28, 2002-

V. EXECUTIVE COMMUNICATIONS

“JOINT RESOLUTION MEMORIALIZING THE GENERAL ASSEMBLY TO CREATE A COMMERCIAL REDEVELOPMENT ZONE AT THE SITE OF THE FORMER NARRAGANSETT BREWERY”. (MAYOR O’LEARY AND COUNCILWOMAN MCFARLAND).

On motion by Councilwoman McFarland, seconded by Councilman Mancini, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Carlino, Mancini, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –9.

-JANUARY 28, 2002-

“JOINT RESOLUTION IN SUPPORT OF GRANT APPLICATION TO THE RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION”. (MAYOR O’LEARY AND COUNCILWOMAN MCFARLAND).

Councilwoman McFarland asked that she abstain from voting on this item, since she is employed by Rhode Island Housing and Mortgage Finance Corporation.

On motion by Councilman Mancini, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 8-0 with one abstention. The following being recorded as voting “aye”: Councilmen Carlino, Mancini, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Aceto, Lanni and Council President DeLorenzo –8. Councilwoman McFarland abstained.

-JANUARY 28, 2002-

“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR JEFFREY J. WALL, CRANSTON FIRE DEPARTMENT.”

On motion by Councilman Aceto, seconded by Councilman Mancini, it was voted to approve this request. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Carlino, Mancini, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –9.

VI. PUBLIC HEARINGS

Albert Aubin, Chairman of the Conservation Commission, appeared to speak in favor of proposed “Resolution for Open Space on Gladstone Street”. He also spoke regarding the trees removed by Carpionato on Sockanosset Crossroad former Boys Training School. He stated that the Commission is sending a letter to the Mayor to try and solve this problem and hope to correct it soon. He cautioned rapid development throughout the City.

Vincent DeQuattro, 62 Selma St., appeared to speak regarding the City finances and stated that the City needs a plan to change what is wrong with the past. He also spoke regarding the proposed “Resolution Memorializing the General Assembly to enact legislation authorizing the City of Cranston to issue 235M in bonds for the purpose of financing the unfunded pension liability of the City”.

Marie Sweet, Gladstone St., member of the Conservation Commission, appeared to speak in favor of proposed “Resolution for Open Space on Gladstone St.”

Bernard Nascenzi, 419 Laurel Hill Ave., School Committee Member, appeared to speak in favor of proposed “Resolution for Open Space on Gladstone St.”

-JANUARY 28, 2002-

Jim Davey, 12 Quail Ridge Rd., appeared to speak regarding the fire pension system. He stated that the following issues should be reviewed:

- Police and fire can retire after 20 years of service at any age
- Full medical or dental coverage even after they retire
- 3% COLA.

Mr. Davey questioned whether the taxpayers know how much of their budget is going to the Police and Fire. He questioned who negotiates contracts from the standpoint of the public and does the public get to give input or does the Council have any role in contract negotiations, since the Police contract is coming up for renewal this coming July.

Councilman Nardolillo stated that in regards to the public comments, tomorrow there will be a Special Finance Committee meeting regarding pension obligation bonds. In reference to the paid medical, he is not aware of any other Fire Department throughout the state that co-pays their medical coverage. In regards to the issue of public input, Councilman Nardolillo stated that we have hearings and the Council and the public have input on this. Mr. Brody stated that the benefits for the retirees were the subject of collective bargaining agreements that go back about 40 years. Discussion of benefits for retirees is part of the collective bargaining process. Negotiations of contracts is handled by the Administration and subject to the ratification and inquiry of the Council, which the Council is elected by the people. Public advise is always sought at Council meetings.

Councilman Carlino stated that all the issues raised by Mr. Davey were raised three or four years ago by the Council and this went to arbitration and the City lost in arbitration.

VI(A) CAYER PRESCOTT-FISCAL AUDITORS REQUEST FOR AUDIT EXTENSION

On motion by Councilman Nardolillo, seconded by Councilman Lanni, it was voted to approve this extension to April 1, 2002. Motion passed on a vote of 8-0, with one member not present for vote. The following being recorded as voting "aye":

Councilmen Carlino, Nardolillo, Councilwoman O'Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo
-8. Councilman Mancini was not present for roll call.

-JANUARY 28, 2002-

Councilman Nardolillo stated that he will send a letter to Mr. Prescott asking him to attend the February 14, 2002 Finance Committee meeting to answer questions from the Committee.

Councilman Nardolillo asked Mr. Rose if there are any other issues holding up the prior audit besides the \$42,000 bill. Mr. Rose stated that there are not.

Councilman Nardolillo asked when the 2000 audit will be signed and delivered. Mr. Rose stated that he spoke to Sean Warren of KPMG and they would release financing statements this week.

Councilman Aceto asked, in reference to the \$42,000 bill, has KPMG submitted an accounting on this? Mr. Rose stated that he spoke to Sean Warren and he stated that he will work on it and get it to the Council next week.

Councilman Carlino asked that when Cayer Prescott comes before the Finance Committee he would like the following:

- a status report
- what are issues going to be, if any

He also suggested that KPMG appear before the Finance Committee along with Cayer Prescott, to explain the \$42,000 bill.

Mr. Rose stated that he spoke to Sean Warren today and he stated that they would release the financing statement without the payment of the \$42,000.

Councilwoman McFarland asked what are the penalty to KPMG, if any, for not completing the audit on time. Mr. Rose stated that he would have to check the proposal.

Councilwoman McFarland asked what role the Internal Auditor plays. Mr. Rose stated that the Internal Auditor's role has been in assisting in working with Cayer Prescott and KPMG in getting the audit done.

Councilwoman McFarland asked what role the Citizens Fiscal Advisory Board play. Mr. Rose stated that the Board has had periodic meetings on status of the audit, but did not have major role.

-JANUARY 28, 2002-

Councilwoman McFarland stated that the Council is mentioned in the management letter and the Council should be involved in responding to this letter. Mr. Rose stated that the management letter has not gone out. If the Council has comments that they would like to give, they can notify him and they will be included. It is usually the Administration that is involved with the management letter and that is how it has been handled in the past. Mr. Brody stated that the letter goes to the Administration and the Administration responds to it. The Council should not be involved in this process. Councilwoman McFarland stated that, if that is the case, the City Council should not be mentioned in the management letter. Mr. Maggiacomo stated that the reason the Council is mentioned in the management letter is it is the Council's responsibility to interact with the Administration.

Councilman Aceto stated that he cannot believe that such a big firm, such as KPMG, who does audits for large corporations, cannot handle an audit for the City of Cranston. He does not want to speak with Sean Warren, he would like to speak to his boss and his boss's boss and if we have to hire an attorney to get this audit, then we need to, because the residents of Cranston do not deserve this.

**VIA. APPEAL OF SAFETY SERVICES AND LICENSES
COMMITTEE'S APPROVAL OF BV LICENSE FOR THE
PALESTINE TEMPLE SHRINE CLUB**

Mr. Brody stated that this matter last month was referred back to Safety Services and Licenses Committee for the February meeting and no discussion needs to be held at this meeting.

VII. DOCKETED RESOLUTIONS

“RESOLUTION FOR OPEN SPACE ON GLADSTONE STREET.”

On motion by Councilwoman McFarland, seconded by Councilman Aceto, it was voted to approve the above Resolution.

Discussion took place on proposed amendments.

On motion by Councilwoman McFarland, seconded by Councilman Aceto, it was voted to make the following amendments to the above Resolution: fifth paragraph, after the words ‘that the’, add “**the City of Cranston shall**” and delete ‘Conservation Commission will’; sixth paragraph, after the words ‘that the’, add “**City of Cranston shall**” and delete ‘Conservation Commission ‘. Motion passed on a vote of 8-0 with one not present for roll call. The following being recorded as voting “aye”: Councilmen Carlino, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –8. Councilman Mancini was not present for roll call.

On motion by Councilwoman McFarland, seconded by Councilwoman O’Hara, the above Resolution was adopted as amended on a vote of 8-0 with one not present for roll call. The following being recorded as voting “aye”: Councilmen Carlino, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –8. Councilman Mancini was not present for roll call.

-JANUARY 28, 2002-

“RESOLUTION MEMORIALIZING THE GENERAL ASSEMBLY TO ENACT LEGISLATION AUTHORIZING THE CITY OF CRANSTON TO ISSUE 235M IN BONDS FOR THE PURPOSE OF FINANCING THE UNFUNDED PENSION LIABILITY OF THE CITY.”

On motion by Councilman Hersey, seconded by Councilman Mancini, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”:
Councilmen Carlino, Nardolillo, Mancini, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo
-9.

**VIII. REPORT OF COMMITTEES
COMMITTEE ON ORDINANCE**

12-01-1 “ORDINANCE IN AMENDMENT OF CHAPTER 5 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘BUILDING CODE’ (OPTIONAL PLAN REVIEW FEES).”

On motion by Councilwoman O’Hara, seconded by Councilwoman McFarland, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Carlino, Mancini, Nardolillo, Councilwomen O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –9.

-JANUARY 28, 2002-

12-01-2 “ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘BUILDING CODE’ (FEES)”.

On motion by Councilwoman O’Hara, seconded by Councilman Hersey, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Carlino, Mancini, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –9.

COMMITTEE ON FINANCE

“RESOLUTION AUTHORIZING TAX ABATEMENTS – RECOMMENDED BY CITY ASSESSOR (REAL ESTATE ABATEMENTS).”

On motion by Councilman Nardolillo, seconded by Councilman Aceto, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”:
Councilmen Carlino, Mancini, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo
–9.

-JANUARY 28, 2002-

“RESOLUTION AUTHORIZING TAX ABATEMENTS – RECOMMENDED BY CITY ASSESSOR (MOTOR VEHICLE ABATEMENTS).”

On motion by Councilman Nardolillo, seconded by Councilwoman McFarland, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Carlino, Mancini, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –9.

-JANUARY 28, 2002-

“RESOLUTION AUTHORIZING HOMESTEAD ABATEMENTS–RECOMMENDED BY CITY ASSESSOR.”

On motion by Councilman Nardolillo, seconded by Councilman Hersey, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Carlino, Mancini, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –9.

-JANUARY 28, 2002-

IX. ELECTION OF CITY OFFICIALS

On motion by Councilman Aceto, seconded by Councilman Hersey, it was voted to re-appoint the following RANDALL A. JACKVONY, 198 Burdick Dr., Cranston; STEVEN J. CROSBY, 205 Tomahawk Trail, Cranston; MATTHEW M. EGAN, 72 Belmont Rd., Cranston; JERRY BLAU, 165 Harvard St., Cranston, as members of the Board of Contract and Purchase. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Carlino, Mancini, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –9.

On motion by Councilman Hersey, seconded by Councilwoman McFarland, it was voted to re-appoint ROBERT HAROOTUNIAN, 321 Lawnacre Dr., Cranston, 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 Carlino, Mancini, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –9.

On motion by Councilman Hersey, seconded by Councilwoman McFarland, it was voted to appoint GRANT DERDERIAN, 25 Buxton Dr., Cranston, as a member of the Personnel Appeal Board. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Carlino, Mancini, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –9.

On motion by Councilman Hersey, seconded by Councilman Aceto, it was voted to re-appoint JOHN ENNIS, 1200 Reservoir Ave., Cranston, as a member of the Probate Judge Advisory Commission. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Carlino, Mancini, Nardolillo, Councilwoman O’Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo –9.

-JANUARY 28, 2002-

On motion by Councilman Carlino, seconded by Councilman Aceto, it was voted to re-appoint ANTHONY CIPRIANO, 249 Glen Hills Dr., Cranston, as a member of the Probate Judge Advisory Commission. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Carlino, Mancini, Nardolillo, Councilwoman O'Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo -9.

X. REPORT OF CITY OFFICERS

No business.

XI. NEW BUSINESS

On motion by Councilwoman O'Hara, seconded by Councilman Hersey, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, FEBRUARY 14, 2002 at 7 PM pursuant to Sec. 3.12 of the Charter on a vote of 9-0. The following being recorded as voting "aye": Councilmen Carlino, Mancini, Nardolillo, Councilwoman O'Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo
-9.

- 1-02-1 Ordinance in amendment of Chapter 16 of the Code of the City of Cranston, 1970, entitled "Licenses Generally" (Placing Liquor License Cap). SAFETY SERVICES AND LICENSES COMMITTEE 2/4/2002 and ORDINANCE COMMITTEE 2/14/2002.
- 1-02-2 Ordinance amending the Capital Budget for the fiscal year commencing July 1, 2001 and ending June 30, 2002. FINANCE COMMITTEE 2/14/2002 and ORDINANCE COMMITTEE 2/14/2002.

On motion by Councilwoman O'Hara, seconded by Councilman Aceto, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, MARCH 14, 2002 at 7 PM pursuant to Sec. 3.12 of the Charter on a vote of 8-0. The following being recorded as voting "aye": Councilmen Carlino, Mancini, Nardolillo, Councilwoman O'Hara, Councilman Hersey, Councilwoman McFarland, Councilmen Aceto, Lanni and Council President DeLorenzo
-9.

- 1-02-3 Ordinance in amendment of Chapter 30 of the Code of the City of Cranston, 1970, entitled "Zoning" (Change of Zone – Fourth Ave.). CITY PLAN COMMISSION 3/5/2002 and ORDINANCE COMMITTEE 3/14/2002.
- 1-02-4 Ordinance amending Chapter 30-42 of the Code of the City of Cranston, 1970, entitled "Zoning Board of Review." CITY PLAN COMMISSION 3/5/2002 and ORDINANCE COMMITTEE 3/14/2002.

XII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

Mr. Brody spoke regarding some procedural matters:

- He stated that the matter regarding the "Appeal of the Palestine Shrine Club" last month was referred back to Safety Services and Licenses Committee for the February meeting and no discussion needs to be held at this meeting.
- "Resolution authorizing Tax Abatements-Tax Assessment Board of Review" – this matter is not subject to the Council's review and no action is required.

XIII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Senator Aram Garabedian spoke regarding trees that were removed at the former Boys Training School by Carpionato. He stated that these trees were cut in the Wetlands area and other site. DEM is citing and issuing a cease and desist order. He asked that the Council take this as a serious thing and also presented a letter from DEM.

Councilwoman O'Hara asked what the City can do if a developer does not conform to the master plan. Mr. Brody stated that we are researching this right now with the Building Inspector to see what restrictions were attached to the Zoning change and he will keep the Council informed.

Councilwoman McFarland stated that we have a development that has not put up sufficient trees (Brewery Site). Mr. Brody stated that he will check with the Building Inspector tomorrow. He stated that there may be factors, such as the time of the year when trees can be planted, but he will check into this.

The meeting adjourned at 10:00 P.M.

Maria Medeiros Wall
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees