

REGULAR MEETING – CITY COUNCIL

-JUNE 23, 2003-

Regular meeting of the City Council of the City of Cranston was held on Monday, June 23, 2003.

The meeting was called to order in the Council Chamber, City Hall, at 7:05 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

Absent: Councilwomen O’Hara and McFarland –2.

Also Present: Paul Grimes, Director of Administration; Robin Muksian-Schutt, Deputy Director of Administration; Nancy Ponte, Assistant City Solicitor; Jerome Baron, Director of Finance; Mike Igoe, City Controller; Carlo DelBonis, Tax Assessor.

Council President Pastore stated that Councilwomen O’Hara and McFarland are on vacation and he will be on vacation the next two weeks.

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

No Business.

II. INTRODUCTION OF UNDOCKETED RESOLUTIONS

No Business.

III. EXECUTIVE COMMUNICATIONS

Mr. Grimes stated that the Mayor and his Administration takes offense to the reference being used in last Friday’s newspaper article stating that the City Council were a bunch of lightweight. They take exception to this language and feel the suggestion is offensive.

IV. COUNCIL PRESIDENT COMMUNICATIONS

Council President Pastore stated that Norm Orandanker has requested the Council President needs to make appointments to the *Diversity Commission*. Council President Pastore appointed Councilman *FUNG, NANCY DAVIS O’HARA and TAWA PITTMAN* to this Commission.

-JUNE 23, 2003-

Council President Pastore stated that he previously has asked the Administration to review Ordinance changing the impact fee structure. He asked if this has been drafted yet. Mr. Grimes stated, no, not yet. Council President Pastore asked if this could be drafted for tomorrow's Special Council meeting. Mr. Grimes stated that he will confer with the Finance Director and the Solicitor to see if this can be drafted for introduction tomorrow night. He will contact the Council President tomorrow to see if this can be done for tomorrow's meeting

Council President Pastore asked for cash flow and balance sheet update. Mr. Igoe stated that through the month of May, year to date revenue to the General Fund is \$178.6 million; General Fund expenditure year to date is \$152 million; we have collected to date \$122.2 million of net taxes; collection rate is 98.7%.

Council President Pastore stated that he received a letter from Donald Frederick, Principal of Cranston High School East, recommending that the Council and Administration consider leasing parking spaces from Benny's to address the parking problem at City Hall. Council President Pastore asked that copies of this letter be sent to the Administration for their input on this matter.

Council President Pastore asked that the City Clerk draft a Proclamation for Christopher DelSesto, former member of the Zoning Board, for his years of service to the City. Mr. DelSesto is leaving due to the term limitations and hopes he will be able to serve the City on some other Board of Commission.

V. COUNCIL MEMBER COMMUNICATIONS

No Business.

VI. PUBLIC HEARINGS

No Business.

VII. UNDOCKETED RESOLUTIONS

No Business.

VIII. DOCKETED RESOLUTIONS

“RESOLUTION AMENDING LOAN ORDER NO. 2001-69”.

Council President Pastore stated that this will remain tabled.

“RESOLUTION AUTHORIZING EXECUTION AND DELIVERY OF AN ADDENDUM TO THE INTER-MUNICIPAL AGREEMENT FOR WASTEWATER SERVICES BY AND BETWEEN THE CITY OF CRANSTON AND THE TOWN OF WEST WARWICK”.

Council President Pastore stated that this Resolution was tabled last month due to two questions he asked:

1. why his signature is required on the agreement, and
2. amount of dollars stated in the legislation is an approximate amount. Why not state an exact amount?

Ms. Ponte addressed the question of the requirement of the Council President's signature on the agreement. She stated that she spoke to City Solicitor Alston today regarding this and Ms. Alston stated to her that we are just following what other cities and towns are doing with these types of projects. Mr. Grimes addressed Council President Pastore's second question regarding the amount. He stated that he would have to refer to the Public Works Director on why it states an approximate amount. Council President Pastore stated that this Resolution will be voted on later on in the Agenda so Mr. Grimes can confer with the Public Works Director.

-JUNE 23, 2003-

Council President Pastore stated that there should be some kind of a cap of what we are agreeing to this evening. The reason why this is coming before the Council is because the Town Manager of West Warwick wants his money and also because we are getting grant money. Council President Pastore stated that before we act on this Resolution, he asked for an amendment of placing a cap in the agreement and he stated that he hopes the Solicitor has read that document and the City is at no risk. Ms. Ponte stated that Solicitor Alston did review this document. Mr. Grimes suggested instead of placing a cap, to place wording "not to exceed" a certain amount.

Council President Pastore stated that if there are no objections, he would like to have an Un-Docketed Resolution introduced at tomorrow night's special meeting regarding Separation of Powers. Ms. Wall stated that the Call and Advertisement for tomorrow's special meeting just states School Department Budget and not "any other business." Ms. Ponte stated that due to this, this Resolution cannot be introduced tomorrow night. Council President Pastore asked that the City Clerk transmit a letter by the Council to the legislatures and the Governor supporting passage of bill of Separation of Powers.

Council President Pastore stated that at the last Ordinance Committee meeting, Councilman Fung asked Darrell Brown, Director of Economic Development, to send revisions to Ordinances 5-03-11 thru 5-03-14. He asked Councilman Fung if he received these revisions. Councilman Fung stated, no. Mr. Brown stated that he forwarded these changes to the Council members and to Council President Pastore. Council President Pastore asked Councilman Fung to meet with Mr. Brown and discuss the amendments and these Ordinances will be adopted tonight without the amendments. Four new Ordinances will be introduced next month with the amendments.

"RESOLUTION CREATING A RESTRICTED MUNICIPAL INDEBTEDNESS ACCOUNT ENTITLED 'SCITUATE AVENUE SCHOOL'."

On motion by Councilman Lanni, seconded by Councilman Fung, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7.

"RESOLUTION AUTHORIZING ADMINISTRATION TO ENGAGE A GRANT WRITER TO OBTAIN ADDITIONAL FINANCIAL RESOURCES."

Councilman Jackvony explained the origin of this Resolution and that he has already gotten calls from an interested grant writer in Texas.

On motion by Councilman Jackvony, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7.

Council President Pastore addressed pending bills in the Assembly on Separation of Powers and thought late to do a Resolution and he would ask to send a letter of support. Councilman Fung suggested memorializing both bills and not address Sub A. Councilman McDonough stated his concern with not wanting to alienate either branch.

On motion by Councilman Lanni, seconded by Councilman Ferolito, it was voted to have the City Clerk send a letter to the General Assembly and Governor endorsing the concept of Separation of Powers. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7.

-JUNE 23, 2003-

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

**5-03-1 "ORDINANCE IN AMENDMENT OF CHAPTER 32 OF THE
CODE OF THE CITY OF CRANSTON, 1970, ENTITLED
'MUNICIPAL COURT'."**

Council Member Fogarty stated that there are some scrivener's errors that need to be corrected: section 1, "place" should be "places" and last line should be "court".

On motion by Council Member Fogarty, seconded by Councilman McDonough, the above Ordinance was adopted on a vote of 6-1. The following being recorded as voting "aye": Councilman Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -6. The following being recorded as voting "nay": Councilman Fung -1.

**5-03-7 "ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE
CODE OF THE CITY OF CRANSTON, 1970, ENTITLED 'MOTOR
VEHICLES AND TRAFFIC', 'TRAFFIC PROHIBITED ON
CERTAIN STREETS - LOCAL ACCESS ONLY' BY ADDING
LAKE VIEW RD., PORTION OF."**

On motion by Council Member Fogarty, seconded by Councilman Ferolito, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7.

**5-03-8 "ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE
CODE OF THE CITY OF CRANSTON, 1970, ENTITLED 'MOTOR
VEHICLES AND TRAFFIC', 'SAME-BETWEEN 8:00 AM AND
5:00 PM' BY ADDING PERSHING ST., PORTION OF."**

On motion by Council Member Fogarty, seconded by Councilman McDonough, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7.

**5-03-9 "ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE
CODE OF THE CITY OF CRANSTON, 1970, ENTITLED 'MOTOR
VEHICLES AND TRAFFIC', 'ONE WAY TRAFFIC ON CERTAIN
STREETS BETWEEN CERTAIN HOURS' BY ADDING
BETWEEN THE HOURS OF 8:00 AM AND 9:30 AM AND 2:00 PM
AND 3:30 PM ON THE DAYS WHEN CHESTER BARROWS
SCHOOL IS IN SESSION, VEHICULAR TRAFFIC SHALL MOVE
IN THE FOLLOWING SPECIFIED DIRECTION ON THE
FOLLOWING STREETS: NETHERLANDS AVE., PORTION OF."**

On motion by Council Member Fogarty, seconded by Councilman Ferolito, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7.

-JUNE 23, 2003-

5-03-11 “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ADMINISTRATION’ (FIVE YEAR ECONOMIC DEVELOPMENT TAX INCENTIVE PROGRAM FOR INDUSTRIALLY ZONED PROPERTY).”

On motion by Council Member Fogarty, seconded by Councilman Ferolito, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

5-03-12 “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ADMINISTRATION’ (TEN YEAR ECONOMIC DEVELOPMENT TAX INCENTIVE PROGRAM FOR INDUSTRIALLY ZONED PROPERTY).”

On motion by Council Member Fogarty, seconded by Councilman Lanni, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

5-03-13 “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ADMINISTRATION’ (FIVE YEAR ECONOMIC DEVELOPMENT TAX INCENTIVE PROGRAM FOR COMMERCIALY ZONED PROPERTY).”

On motion by Council Member Fogarty, seconded by Councilman McDonough, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

5-03-14 “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ADMINISTRATION’ (TEN YEAR ECONOMIC DEVELOPMENT PROGRAM FOR COMMERCIALY ZONED PROPERTY).”

On motion by Council Member Fogarty, seconded by Councilman Lanni, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

5-03-15 “ORDINANCE AMENDING ARTICLE IV-B, FREEZE OF TAX RATE AND VALUATION FOR THE ELDERLY, SECTION 2-33-7 AND SECTION 2-33-8.”

On motion by Council Member Fogarty, seconded by Councilman Jackvony, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

-JUNE 23, 2003-

5-03-16 “ORDINANCE AMENDING ARTICLE IV-B, FREEZE OF TAX RATE AND VALUATION FOR THE ELDERLY, SECTION 2-33-8.”

On motion by Council Member Fogarty, seconded by Councilman Ferolito, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

5-03-17 “ORDINANCE AMENDING ARTICLE IV-B, FREEZE OF TAX RATE AND VALUATION FOR THE ELDERLY, SECTION 2-33-10.”

On motion by Council Member Fogarty, seconded by Councilman Jackvony, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

COMMITTEE ON FINANCE

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

On motion by Council Member Fogarty, seconded by Councilman Fung, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

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

On motion by Council Member Fogarty, seconded by Councilman McDonough, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

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

On motion by Council Member Fogarty, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

“RESOLUTION AUTHORIZING SUPPLEMENTAL ABATEMENTS-RECOMMENDED BY CITY ASSESSOR.”

On motion by Council Member Fogarty, seconded by Councilman Fung, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

-JUNE 23, 2003-

“TAX INTEREST WAIVER LIST.”

On motion by Council Member Fogarty, seconded by Councilman Ferolito, it was voted to approve this list. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

“TAX INCENTIVE APPLICATION FOR ADAMS & O’BRIEN REALTY, LLC, 66 STAMP FARM RD.”

On motion by Council Member Fogarty, seconded by Councilman Fung, it was voted to approve the Tax Incentive Application. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

Councilman Fung asked, since an Ordinance was adopted earlier on Tax Incentives, by passing this application, which Ordinance would take effect? Mr. DelBonis stated that this would go under the new legislation passed earlier tonight. This application would qualify under the five-year phase-in.

VOTE ON: “RESOLUTION AUTHORIZING EXECUTION AND DELIVERY OF AN ADDENDUM TO THE INTER-MUNICIPAL AGREEMENT FOR WASTEWATER SERVICES BY AND BETWEEN THE CITY OF CRANSTON AND THE TOWN OF WEST WARWICK”.

On motion by Councilman Lanni, seconded by Councilman Jackvony, it was voted to remove this Resolution from the table. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

On motion by Councilman Lanni, seconded by Councilman McDonough, it was voted to amend the above Resolution as follows: **“place cap of \$232,418, which would exclude any clean water matching funds. In the event the cap is exceeded, it would come back before the Council for approval”.** Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

On motion by Councilman Lanni, seconded by Councilman McDonough, the above Resolution was adopted as amended on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

X. ELECTION OF CITY OFFICIALS

On motion by Council Member Fogarty, seconded by Councilman McDonough, it was voted to appoint **CURTIS PONDER** to the Zoning Board of Review to replace Christopher DelSesto. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7.

-JUNE 23, 2003-

Councilman Jackvony spoke regarding Committee to review bids for Grant Writer and stated the following members: Purchasing Agent, appointee by the Mayor from Administration, 2 Council members appointed by the Council President - one minority and one majority member.

Council President Pastore appointed Councilmen Jackvony and McDonough to the Committee to review bids for the Grant Writer.

XI. REPORT OF CITY OFFICERS

No Business.

XII. NEW BUSINESS

On motion by Council Member Fogarty, seconded by Councilman McDonough, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, JULY 17, 2003 at 7 PM pursuant to Sec. 3.12 of the Charter on a vote of 7-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7.

- 6-03-1 Ordinance in amendment of Chapter 2 of the Code of the City of Cranston, 1970, entitled "Administration". (Health Care Cost Liability).
ORDINANCE COMMITTEE 7/17/2003.
- 6-03-3 Ordinance in amendment of Chapter 18 of the Code of the City of Cranston, 1970, entitled "Offenses-Miscellaneous." ORDINANCE COMMITTEE 7/17/2003. (Cigarette Ban - Commercial Establishments).
- 6-03-4 Ordinance in amendment of Chapter 18 of the Code of the City of Cranston, 1970, entitled "Offenses-Miscellaneous." ORDINANCE COMMITTEE 7/17/2003. (Cigarette Ban - Public Buildings).
- 6-03-5 Ordinance in amendment of Chapter 18 of the Code of the City of Cranston, 1970, entitled "Offenses-Miscellaneous." ORDINANCE COMMITTEE 7/17/2003. (Cigarette Ban - Hospitals).
- 6-03-6 Ordinance in amendment of Chapter 18 of the Code of the City of Cranston, 1970, entitled "Offenses-Miscellaneous." ORDINANCE COMMITTEE 7/17/2003. (Cigarette Ban - Waiting Rooms)

On motion by Council Member Fogarty, seconded by Councilman Ferolito, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, AUGUST 14, 2003 at 7 PM pursuant to Sec. 3.12 of the Charter on a vote of 7-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7.

- 6-03-2 Ordinance in amendment of Chapter 30 of the Code of the City of Cranston, 1970, entitled "Zoning." (Dimensional Variances by Building Official). CITY PLAN COMMISSION 8/5/2003 and ORDINANCE COMMITTEE 8/14/2003.

On motion by Councilman McDonough, seconded by Councilman Lanni, it was voted to suspend Council Rule 25B. Motion passed on a vote of 6-1. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Ferolito, Lanni, McDonough and Council President Pastore -6. The following being recorded as voting "nay": Council Member Fogarty -1.

-JUNE 23, 2003-

On motion by Council Member Fogarty, seconded by Councilman Lanni, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, JULY 17, 2003 at 7 PM pursuant to Sec. 3.12 of the Charter on a vote of 7-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Council Member Fogarty, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -7.

- 6-03-7 Ordinance amending Chapter 30 of the Code of the City of Cranston, 1970, entitled "Zoning". (Sign Permit Fee Schedule). ORDINANCE COMMITTEE 7/17/2003.
- 6-03-8 Ordinance amending Chapter 30 of the Code of the City of Cranston, 1970, entitled "Zoning". (Variance Application Fee Schedule). ORDINANCE COMMITTEE 7/17/2003.
- 6-03-9 Ordinance amending Chapter 5 of the Code of the City of Cranston, 1970, entitled "Building Code". (Permits Fee Schedule). ORDINANCE COMMITTEE 7/17/2003.
- 6-03-10 Ordinance amending Chapter 16 of the Code of the City of Cranston, 1970, entitled "Licenses Generally". (Drainlayers License). SAFETY SERVICES & LICENSES COMMITTEE 7/7/2003 and ORDINANCE COMMITTEE 7/17/2003.

XIII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

No Business.

XIV. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Aram Garabedian appeared to speak and asked what the current number is for tax freeze and is concerned about the income guidelines. Mr. DelBonis stated that the income guidelines were raised by the Council. Council President Pastore asked Solicitor to further research to see if Ordinance 5-03-15 can be further amended addressing the ceiling cap.

The meeting adjourned at 8:25 P.M.

Maria Medeiros Wall
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypists)