

SPECIAL MEETING – CITY COUNCIL

-JANUARY 10, 2008-

Special meeting of the City Council was held on Thursday, January 10, 2008, in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 6:05 P.M. by Council President Garabedian.

Roll Call showed the following members present: Councilmen Lanni, Lupino, Livingston (appeared at 6:15 p.m.), Navarro (appeared at 6:12 p.m.), Council Member Bucci (appeared at 6:12 p.m.), Councilmen Santamaria, Barone and Council President Garabedian -8

Absent: Council Vice-President McFarland -1.

Also Present: Mayor Michael Napolitano; Ernest Carlucci, Director of Administration; Frank Migliorelli, Deputy Director of Administration; Vito Sciolto, City Solicitor; Patrick Quinlan, City Council Legal Counsel; Corsino Delgado, Director of Finance; Steve Woerner, City Council Internal Auditor; Ernie DePari, Superintendent of Highway; Colonel Stephen McGrath.

-JANUARY 10, 2008-

Clerk read Call of the Meeting:

****AMENDED NOTICE**

**CITY OF CRANSTON
RHODE ISLAND**

NOTICE OF SPECIAL MEETING OF THE CITY COUNCIL

In Accordance with the Home Rule Charter and Section 3.07 and Section 2.04.060 of the City Code thereof, I hereby call a special meeting of the City Council to be held on **Thursday, January 10, 2008 at *6:00 p.m.** in Cranston High School East Auditorium, 9 899 Park Avenue, Cranston, RI, at which meeting the following items of business shall be transacted:

The following items of business shall be transacted:

***2007 Annual Audit from Kostin, Ruffkess & Company**

Report from Administration on Snow Removal Procedures

Inventory and status of present equipment

Snow removal personnel

Requirements and procedures for hiring of private contractors

Funds expended to date for snow removal

And I hereby request the City Clerk to notify all Council members of the Call of the special meeting.

Executed at Cranston, Rhode Island, this 8th day of January 2008.

/s/ Aram G. Garabedian, Council President

Individuals requesting interpreter services for the hearing-impaired must notify the Office of the City Clerk at 461-1000 Ext. 3197 seventy-two (72) hours in advance of the hearing date."

-JANUARY 10, 2008-

CERTIFICATION

I hereby certify that a true copy of the attached Amended Notice of a special meeting of the City Council to be held on Thursday, January 10, 2008 at 6:00 P.M. in the Council Chambers, third floor, City Hall, 869 Park Ave., Cranston, R.I. was delivered via electronic mail on the 8th day of January 2008 and regular mail, postage prepaid to the addresses listed below.

Council President Aram G. Garabedian
173 Belvedere Dr.
Cranston, RI 02920
Aram@blissproperties.net

Council Member Maria A. Bucci
301 Wilbur Ave.
Cranston, RI 02921
MarBC4@aol.com

Councilman Terence Livingston
28 Tucker Ave.
Cranston, RI 02905
Terry@livingstonlaw.us

Councilman Jeffrey P. Barone
16 Samuel Court
Cranston, RI
Jeffreyb22@cox.net

Councilwoman Paula B. McFarland
100 Pomham St.
Cranston, RI 02910
p_mcfarland@verizon.net

Councilman John E. Lanni, Jr.
111 Woodview Dr.
Cranston, RI 02920
john.lanni@yahoo.com

Councilman Anthony J. Lupino
15 Black Oak Court
Cranston, RI 02921
tlupino@cox.net

Councilman Emilio L. Navarro
61 Autumn St.
Cranston, RI 02910
Navarro_emilio@hotmail.com

Councilman Richard Santamaria
20 Burr St.
Cranston, RI 02920
Ritatj10@yahoo.com

/s/ Rosalba Zanni, Assistant City Clerk

-JANUARY 10, 2008-

2007 Annual Audit from Kostin, Ruffkess & Company

Allan Fung appeared to speak and stated that he would like the opportunity to ask questions after the auditors make their presentation on the audit.

Ronald Nossek of Kostin, Ruffkess and Company, appeared to speak as to how the Natasha Valley settlement was handled. He indicated that the financial statements belong to the management of the City of Cranston. The liability booked in the financial statements was not booked by the auditors. It was booked by the management. In regards to the Valley settlement, it is his position that the City booked this correctly. The reason this was booked correctly is stated in authoritative language in Phasa 5.

Council President Garabedian asked Mr. Woerner to comment on this. Mr. Woerner addressed a handout, which he stated that the Clerk's Office e-mailed to the Council members today. Based on the timeframe that the accident occurred and the City agreed on the amount of the settlement and liability was the City's, he feels this was booked correctly.

Councilman Barone asked Mr. Nossek if he would have any input or impact that the amount that management would set aside for any claim. Mr. Nossek stated that indirectly, yes, if management came to him and stated that there is a liability out there. They would go through this with management.

Councilman Livingston asked if it is correct that the auditors do not make a decision of the value of the case. Mr. Nossek stated, that that is correct.

Councilman Barone asked when preparing the audit, are the auditors made aware of possible litigations. Mr. Nossek stated that primarily, through inquiry to management. They also look to outside counsel to see if management missed anything.

Councilman Barone stated that he does not see any dollars put aside in the audit for the Cullion lawsuit or for a Caruolo Act from the School Department. Mr. Nossek stated that he is not aware of any settlements in these cases. When you are in negotiation, you do not want to set a number and impede the negotiations.

Public Speakers:

Allan Fung appeared to speak and stated that his concerns of other potential liabilities which are not footnoted in this audit. If you are booking this in the 2007 audit, you also have to recognize the revenue stream because this money has to be bonded out. This is for both the Valley case and the Providence Water settlement. Mr. Nossek stated that the date of the event that cause the settlement would have had to have happened prior to the balance sheet date. He cannot justify booking a revenue that may never happen because an Ordinance would have to be approved by the Council on the bonding for these cases. Mr. Fung stated that he does not agree that the Mayor has authority to settle a claim, but his contention is that the Council has to approve it.

Cynthia Fogarty, 60 Ausdale Rd., appeared to speak and stated that she agrees with concerns stated by Mr. Fung. She asked that the audit not be approved as it is now.

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

-JANUARY 10, 2008-

Report from Administration on Snow Removal Procedures

Anthony Sylvia, Director of Public Works, appeared to speak. He stated that there are 322 miles of City roads to be taken care of. There are a number of buildings in the City that are also the responsibility of the Public Works Department to clear snow. In the fall, we advertised for private contractors. Our City forces include four-wheel pickup trucks, a ten-wheel dump truck, a loader and two back hoes. Staff comes primarily from the Highway Division. We also rely on a number of other City departments, such as Building Maintenance, Parks and Recreation and Traffic Safety, among others, of which the staff have CDL licenses. Our prices for the private contractors are competitive with other communities and RI DOT. The City is segregated into sixteen plow districts. During the two snowstorms, starting with the storm on December 11, 2007, the City utilized over 2,000 tons of salt and 2,600 tons of sand. On December 11, 2007, schools were dismissed between 1:00 and 2:15 P.M., causing large amount of traffic and resulted not only from school being released, but also people being let out of work and this caused gridlocks. Operation to clean the streets continued right through the next morning and school was only delayed one hour the next morning.

Councilman Barone stated that based on the conditions and the amount of staff Mr. Sylvia had, they did a great job. He asked Mr. Sylvia how the City oversees or monitors the sub-contractors that bid to plow our streets, to make sure they are not plowing in another City in between. Mr. Sylvia stated that it is the sole responsibility of the dispatchers to monitor and keep in touch with the private contractors. Councilman Barone asked what type of mechanism he would put in place so we don't have the problems or issues that occurred during the last snowstorm happen again. Mr. Sylvia stated that one of the things he is developing a grading sheet for the dispatchers to evaluate the contractors.

Councilman Livingston stated that he received a number of concerns from constituents and he asked for this meeting to see how we can do things better. He asked that Mr. Sylvia let the people know what the different challenges are between the Eastern side of the City and the Western side when it comes to snow plowing. Mr. Sylvia stated that the Western side of the City contains roads that are wider. The challenges in the Western part include high elevation and roads seem to freeze up faster than the Eastern side. The Eastern side of the City, the streets are more narrow, there is more on-street parking and roads being more narrow are more challenging. Councilman Livingston asked how the independent contractors are chosen and do we have minimum standards for them. Mr. Sylvia stated that the qualifications are that they have the right type of equipment and proper insurance. Councilman Livingston asked what is the easiest way for the Council to contact the drivers in their Wards if their area is not being plowed. Mr. Sylvia stated that the easiest thing is to call him directly.

Mr. Sylvia indicated that Cranston High School West, Hope Highlands Elementary School and Bain Middle School are the City's responsibility to plow the snow. Councilman Santamaria asked how long it takes to plow these schools. Mr. Sylvia stated that it takes a couple of hours.

Councilman Navarro asked what the procedure is if a constituent needs to call Highway. Mr. Sylvia stated that the Highway Division is staffed with at least five employees who answer the phones and that phone number is 942-9200.

Councilman Lupino questioned if Highway can work with the Police Department to tag or cite people who cause traffic problems.

-JANUARY 10, 2008-

Mr. Carlucci appeared to speak and stated that in regards to the East/West issue, he noted that the Highway Garage is on the Western side of the City and the City trucks could not even get out of the parking lot during the December 11, 2007 storm. They had to have the Police help them to get out onto the main road, due to the traffic. He stated that the City is pro-active to get cars off the road, in getting basketball nets off the sidewalks. The City did approach the Providence Journal and the Cranston Herald in regards to the enforcing the parking ban and we even knocked on doors to have people move their cars, but we still had people who were cited.

Arthur Jordan of Local 1322 Labors International, appeared to speak and stated that he has worked for the City for 31 years. The taxpayers need to be patient and stay off the streets during a snowstorm in order to let the plows do their job. In a storm, timing is everything. This City, the third largest City in the State, owns only one ten-wheel dump truck. Most of the sub-contractors are not equipped and the larger equipped contractors go plow for the State or other Cities and Towns or for private companies. He suggests that all the communities should set all the rates the same so there is no competition among communities. Since he has been with the City, there are nine less employees in the Highway Division with 286 more streets in the City to plow. The growth of the City needs to be addressed. There needs to be money put aside because there are infrastructures which are falling apart in the City. If we are worried about snow, spend the dough.

Cynthia Fogarty, 60 Ausdale Rd., appeared to speak and stated that when she served on the Council, each of the Council members had the dispatcher's phone number in their Ward. She addressed the Ordinance on the books which states that sidewalks must be cleared of snow and stated that during the December 11, 2007 storm, she shoveled her sidewalk and later, a plow piled ice and slush onto her sidewalk. She does not know if it was a City plow or a private contractor. She questioned the plow driver why he placed the snow and ice on her sidewalk and asked him to remove it from the sidewalk, but he did not. She submitted pictures indicating this. He stated to her that there was no other place to put the snow.

Samuel Torman, 45 Welfare Ave., appeared to speak and questioned why the Ordinance requiring sidewalks to be shoveled is not being enforced. He makes sure his sidewalk is always cleared. He stressed that the property owner should be cited similar to a parking ticket.

Councilman Navarro asked if the Ordinance on the books has ever been enforced. He questioned if it can be enforced 100%.

Councilman Lanni stated that this Ordinance is relatively a new Ordinance on the books and he voted against it at the time it passed, mainly, due to it placing a burden on the elderly in the City. He would not want to be responsible for a person dying of a heart attack for clearing the sidewalk. This is the reason he voted against the Ordinance.

Allan Fung, 252 Mayfield Ave., appeared to speak and stated that what he found problematic with the last snowstorm is the post cleanup. This is why a lot of the side streets in the City were very icy and were loaded with ruts. There should have been sanding of the streets right away.

Valerie Schuele, 27 Farm St., appeared to speak regarding the clearing of the sidewalks and stated that she understands we have elderly in the City, but we also have kids in the City. It is a safety issue if the streets are not cleared and there has to be a solution. If the Ordinance is not going to be enforced, then take it off the books.

-JANUARY 10, 2008-

Al Muoio, 60 Deerfield Rd., owner of Law Beautician, appeared to speak and he re-iterated the statements made by Mr. Jordan. He stated that he has plowed for 35 years. The traffic problems in the last storm was not a City problem. The City trucks just could not get out onto the main roads. This was a State problem.

Ms. Mangione, Paine Ave., appeared to speak and asked what will happen the next time. She has a handicapped sister and a neighbor whose daughter is dying and the streets were not plowed at all. The Mayor went to the area and her home personally, and he was not aware of this problem and he had the streets plowed. Mayor Napolitano stated that when he went to Ms. Mangione's home, he stated to her that there were small plows dispatched originally and could not handle it and he then sent large plow to clear the roads.

Councilman Livingston thanked the Administration for the presentation and he also thanked the public for attending this meeting and addressing their concerns. He feels this meeting was very helpful.

Joe Cabral, 112 Norwood Ave., City Highway employee, appeared to speak and stated that he plows the Edgewood area and he tried to work very hard. The last storm, he pre-treated every single street, but it did not do any good.

Hope Pilkington, 12 Selkirk Rd., appeared to speak and stated that her brother-in-law works for Highway in Scituate and he told her that below 20 degrees, calcium works the best on the roads. It is more expensive, but it works good. Mr. Jordan stated that calcium has been tried in the past in Cranston, but found it not to be effective. Ms. Pilkington stated that she is a senior and she clears her sidewalk and she asked that the Council not use seniors as an excuse for the lazy people.

Councilman Lupino stated that one of the things stated over and over by the City staff is that the City has old equipment that needs to be replaced. He asked if dump trucks were recently purchased. He requested an analysis be done of what it would cost to replace the five old trucks in comparison to an outright purchase compared to lease. Mr. Carlucci stated that during the last budget session, the Administration realized that there is only so much money and we are limited by the cap. Maybe this can be re-addressed during the next budget session.

The meeting adjourned at 8:45 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committee

(See Stenographic Notes of Meredith Mahoney, Stenotypist)