

REGULAR MEETING – CITY COUNCIL

-JANUARY 28, 2008-

Regular meeting of the City Council was held on Monday, January 28, 2008 in the Council Chambers, City Hall, 869 Park Ave., Cranston, Rhode Island.

The meeting was called to order at 7:02 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; Anthony Sylvia, Director of Public Works; Steve Woerner, City Council Internal Auditor; Patrick Quinlan, City Council Legal Counsel.

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

None.

II. EXECUTIVE COMMUNICATIONS

“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR CHIEF RICHARD DELGADO, CRANSTON FIRE DEPARTMENT”

On motion by Councilman Barone, seconded by Councilman Santamaria, it was voted to approve the above request. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –8. Council Member Bucci was not present for roll call vote.

ORDINANCE NO. 1S-03-8. Mr. Migliorelli stated that the Administration was withdrawing Ordinance no. 1S-03-8, the budget amendment for the Personnel Analyst.

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

None reported.

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VI. DOCKETED RESOLUTIONS

“RESOLUTION AFFIRMING THE MEDIATED SETTLEMENT OF THE KARLEETOR CULLION LAWSUITS”

III. COUNCIL PRESIDENT COMMUNICATIONS

Council President Garabedian read a letter dated January 22, 2008 from the Michael A. Traficante, Chairman of Cranston School Committee.

Discussion regarding Resolution Affirming the Mediated Settlement of the Karleetor Cullion Lawsuits

Council President raised a questions regarding the process for the discussion of the Cullion Resolution. The **City Solicitor** responded that the content discussed in Executive Session cannot be revealed and the City is still under a confidentiality order.

Councilman Navarro stated that there has been a public statement issued that pretty much gives parameters of what the settlement involves and he would like to be assured that we can speak on what has been made public on this settlement.

Council President Garabedian stated that we all know that there is an agreed statement that was made public and appeared in the newspapers and there may be other things published in the newspapers that some of us fell are pertinent to tonight's discussion and he has reservations acting on a Resolution if they cannot discuss information learned in Executive Session. He feels their hands are tied in terms of be able to express their opinion and reasons for it.

Councilman Livingston stated that he also has a number of questions on the procedure to be followed this evening. He had raised a number of issues and questions in the Executive Session that he wanted addressed before taking any action. He was told and expected a follow-up Executive Session to have those matters addressed. He feels he is hamstrung, if he cannot get answers to his questions before being asked to vote on the Resolution. **Mr. Quinlan** stated things that were in the Mayor's statement, the joint statement that the Court approved are public and can be discussed. However, if there are questions raised in Executive Session and the Council needs answered before acting on the Resolution, he would suggest going into Executive Session to answer those. He stated there is a subsequent revised draft of the settlement, from the one previously presented to the Council, but that it has not yet been sent to the other party. Some amendments have been made which may address some of the issues raised in Executive Session.

Councilman Livingston stated that he would have preferred an Executive Session before this meeting. He just received the Resolution on Friday and is concerned about acting on it tonight.

Mr. Quinlan stated that the way the Resolution was drafted, was to get an expression of sentiments supporting the concept of settling the case. The terms are still being worked on, some of the very issues brought up by Councilman Livingston in Executive Session, and he thinks at some point, to satisfy any questions, the Council will need to meet in Executive Session.

Councilman Lanni stated that this in only a Resolution and not an Ordinance. He agrees that another Executive Session is needed before any Ordinance or any settlement that is agreed on. The Solicitor will have to stop any discussion tonight that is inappropriate.

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Councilman Barone agreed with Councilman Livingston that there are still some unanswered questions that he would like answered before he could make an educated decision on this.

Council Vice-President McFarland stated that she is in favor of resolving this issue and purchasing the land outright so that the City has an opportunity to have some Open Space in the area that would not otherwise have Open Space.

Council President Garabedian asked how the Council feels about going into an Executive Session for a limited time period. **Councilman Livingston** stated that he does not want a limit on the time because there are too many questions. The Administration was very helpful in going over everything, they worked very hard at this, but the Council has not been involved in the negotiations nor privy to all the background that the Administration has. He also has an Ordinance that he is introducing this evening and was hoping to discuss in detail in Executive Session.

Council Vice-President McFarland stated that a concern she has with this Resolution is there are no terms laid out. In general, she supports this Resolution and it has always been her contention from day one that we have this as Open Space.

Council Vice-President McFarland motioned to take out "\$1.9 million" from this Resolution. **Councilman Barone** seconded motion. Motion and second were withdrawn.

Councilman Navarro stated that this Resolution is based on the settlement that has been proposed in order to go forward with a settlement.

Councilman Lanni agreed with Councilman Navarro and Council Vice President's motion to eliminate 1.9M since we don't know the cost. He does not think we need to go into Executive Session at this time for a Resolution, but does to review any revised draft of the settlement and every question that the Council has needs to be answered.

Council Vice-President McFarland stated that a Resolution is non-binding, it is just an intent, the Council can only act through an Ordinance.

Council President Garabedian stated that he feels the Council's Counsel is acting on behalf of the Administration and not the Council. As Council members, they all ran to represent the people. He has never in his twenty years in office been in a situation where he could not publicly state his feelings because of a confidentiality order and feels that it is a civil rights violation to prohibit elected officials from explaining their reasons for their votes.

Mr. Quinlan stated on the record that he resented the Council President remark that he is not representing the Council. Both the Council members and the City are defendants in this lawsuit. It would be irresponsible to publicly comment on sensitive evidence that was presented to the Council in Executive Session while the case is still pending, and which could be used against the Council. It is his job is to protect the Council and the City's interest in this and not allow comment on evidence that would compromise the City's position.

Mayor Napolitano stated that he agreed with Mr. Quinlan and thinks the Council needs to listen to their attorney and that they have been very well represented.

Council President Garabedian asked Mr. Quinlan if the Council has absolute immunity in performing their legislative function. Mr. Quinlan stated that he would prefer not to give legal advice on the record when you are in the middle of a lawsuit, particularly when the issue of immunity is one of their strongest defenses if the case does not settle. He would be willing to confer with him privately or in Executive Session.

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On motion by Council Vice-President McFarland, seconded by Councilman Barone, it was voted to take out of order “Docketed Resolutions” to discuss and vote on “Resolution Affirming the Mediated Settlement of the Karleeter Cullion Lawsuits”.

Under Discussion:

Councilman Navarro raised a point of order, in that there are members of the public present to speak on this issue before the Council acts.

Motion passed on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Lanni, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting “nay”: Councilman Lupino -1.

Public Speakers:

Gail Yanku, 32 Hamilton Rd., appeared to speak and stated that she is aware that everyone is worried about where the money is going to come from to buy this concrete plant and she is also, but on the Western side of the City, they have put tennis courts and walking tracks and she thinks this is very good. People need Open Space. She does not expect a manicured park where the plant is, if the property is purchased and is indeed made Open Space.

Marybeth Mathewson, 40 Hamilton Rd., appeared to speak and stated that she does not want this concrete plant 400 feet from her home. She needs to be able to sell her home at true market value when she decides to sell.

Frank Mattiucci, 37 Howland Rd., appeared to speak and stated that he is present this evening to ask the Council to support this Resolution to settle this matter. If City government had functioned as intended, the facts would have been made known before the permit was issued, as happened in Western Cranston and we would not be discussing a buyout, but it did not and a permit was granted and now the business owners is seeking compensation for his land and for his loss. A well known and respected appraisal firm places the value of the Cullion claim at \$3.3 million. The Mayor has negotiated a settlement of \$1.9 million, far below the appraised value and then secured grants and promises of other money to reduce this cost substantially. This is an opportunity for the City to end this nightmare once and for all.

Adrian Bonnie Wynn, 79 Howland Rd., appeared to speak and stated to the Council that they have the power and obligation to her neighborhood and the citizens of Cranston. She asked the Council to accept the Resolution, accept the solution and support the Resolution.

Dan McKenna, 53 Howland Rd., appeared to speak and stated that there are identified sources of funding now to lessen the burden on the City of Cranston. It is about time we get rid of this. We have to decide what is most important to the citizens of the neighborhood and the citizens of Cranston. He asked the Council to please pass the Resolution.

Suzanne Arena, 62 Glenview Dr., Secretary and PR person for Cranston Citizens for Responsible Zoning and Development, appeared to speak and stated that this organization is supporting of a settlement that would remove this threat to our neighborhood and would have the City acquired the land for the benefit of the uses by all residents of Cranston.

Jean Petty, 20 Hamilton Rd., appeared to speak and addressed the Council and stated that they are all elected officials of the citizens of Cranston because the citizens believed in them and elected them and now it is time for the Council to show the citizens that they made the right decision. The residents want this over now.

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Nick Nolfi, 28 Fairweather Ave., appeared to speak and stated that the residents need to have some action. Clear up the concerns and questions that there may be, even if an Executive Session is needed.

Rita Holihan, Cranston Representative for the Pawtuxet River Authority, appeared to speak and stated that the Authority is very interested in resolution of this matter. The Authority has continued to suggest to the Administration and City Council that as painful as this decision might be and as expensive, it does open up a wonderful opportunity for the City to make a tremendous investment in Open Space infrastructure. The Authority is in the process of applying for land acquisition grants and trying to secure other funding to help support this effort and would be willing and ready to negotiate with the City upon settlement of this for the possibility of some acquisition or re-acquisition of some of the land in question.

Diane Andrade, 60 Euston Ave., appeared to speak and stated to the Council that they have to realize that if the property is not purchased now, Cullion will have the ability and the right to do something else with that property. That property will cause irreparable damage to the rest of the City. If there is something built there, we will not have a flood zone and when we have spring rains or heavy winter snow and water is going to backup and places like Garden City will be flooded and other neighborhoods will be affected. We have to realize that this needs to be Open Space and we have got to start using it as Open Space when we have the need for a flood zone and for the rest of the time people can use it as they feel.

Councilman Lupino asked if there is any new information to be provided in Executive Session that we have not already heard, because we are going into Executive Session to discuss the Resolution and not the settlement. Mr. Quinlan stated that some Council members at the beginning of the meeting stated that they needed some information. We do have copies being made of the second draft of the settlement, which addresses some concerns raised at the last Executive Session. The intention of the Executive Session is to answer those questions.

Councilman Lupino motioned to go into Executive Session for no longer than half an hour. No one seconded the motion.

“RESOLUTION AFFIRMING THE MEDIATED SETTLEMENT OF THE KARLEETOR CULLION LAWSUITS”

On motion by Councilman Barone seconded by Council Vice-President McFarland, it was voted to amend line 85 of the Resolution to omit “1.9 million”.

Under Discussion:

Council Vice-President McFarland stated that in the last paragraph, the Council gives authorization and directs the City Council attorney and the Solicitor to finalize all the terms of the settlement. We do not want to give up our rights to actually approve such a settlement because there is no mechanism to fund this. She asked if we give our authorization to discuss the final terms of the settlement, does that mean there will be no Ordinance forthcoming and the Mayor will be taking the money out of the budget and leaving the budget into a deficit until the fourth quarter transfer. Mr. Quinlan stated that there are two pieces, the first piece is what we are trying to do is get a Resolution expressing the intent of the Council to resolve a matter. The second piece is the Council would have to approve the funding, which is an obligation of the Council and the Resolution deals with that in lines 95-97.

Council Vice-President McFarland asked that the amendment should include language such as “the final terms will be presented in draft form for approval before the City Council”.

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Councilman Livingston stated that line 88 of the Resolution should include language to indicate that we are moving forward.

Mr. Quinlan stated that in addressing Council Vice-President McFarland's concern, we could add to line 88 of the Resolution, after the words "acquisition of the property": "said terms will be presented in final form to the Council for its approval".

Council Vice-President McFarland motioned to amend line 88 as stated by Mr. Quinlan. Councilman Barone seconded the motion.

Mr. Quinlan clarified the amendments stated:

- Line 85, strike the "\$1.9 million"
- Line 88, add "said terms will be presented in final form to the Council for its approval"

Councilman Navarro stated that deleting "\$1.9 million", this is part of the settlement. Councilman Santamaria suggested stating "for the agreed amount".

Mayor Napolitano addressed the funding for purchasing this property. He stated that currently there is \$261,000 from D.E.M. that they have agreed to give us towards this property; \$620,000 of bond money; \$275,000 of Revolving Loan Fund that we have applied for at 0% interest. That is \$1.1 million. The Director of CDBG is working on a project of whether or not we can get HUD money within 45 days, which may amount to \$300,000 a year. He knows that Ms. Holihan is working very diligently to see if she can get money from PRA in grants and everything else. He is afraid that if the \$1.9 is taken out of the Resolution, for the second time, Mr. Cullion will walk away from the negotiating table. He asked to be given the opportunity to get the funding.

Council Vice-President McFarland removed her motion to amend.

Councilman Lupino stated that this is a City issue and not just an Eastern side issue. This is a wrong that was done to all the citizens of Cranston by a prior Administration. What we are doing is we are righting a wrong that was a burden that was placed upon this City by a prior Administration. It is time for us to act and time for us to do the right for the people of Cranston.

Council President Garabedian made the following points in the Resolution: he stated that lines 25 and 26, state "real property located at Marine Dr.". This place has had five addresses. It is not on Marine Dr. Councilman Navarro asked for point of order and asked if Council President Garabedian is going to speak regarding this item, he relinquish the gavel and step down from the Council President's seat. Council President Garabedian handed gavel to Council Vice-President McFarland.

Council President Garabedian stated that everyone is aware that no address has ever been issued to this location; the Council followed the directive of the Court in appointing new Zoning Board of Review members. The matter of eminent domain is not mentioned in this Resolution. He has difficulty supporting this Resolution. It bothers him that in the same month that Cullion got the permit, they purchased an additional six and a half acres of land for \$50,000.

Councilman Barone stated that his concern with the \$1.9 million for the 17 acres of land is this property is part of the Open Space inventory that we own now. The City purchased Knight Estates, a total of 51 acres, total price of \$1,850,000, of which the City contributed \$140,000. The City purchased Ringrose Farm, total price of \$508,000 for 51 acres, the City contributed \$100,000. Good Earth, which is 21 acres, total price of \$100,000, the City contributed \$50,000. He has a hard time accepting the fact that we have to pay \$1.9 million for 17 acres of flood land. Based on the Open Space inventory that we have, that is what we are going to end up paying, the \$1.9 million because he has not see any of the money that the Mayor was speaking of. He has not seen that we have secured that money. Because that amendment to remove the \$1.9 million is not going to come out of the Resolution, that is the only reason he will vote against this Resolution, because of the \$1.9 million, not the settlement itself.

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Mayor Napolitano stated that the \$1.9 million is not just for the land, it is for everything that has occurred prior to this. If you go to Court and you win, you are going to have to compensate Cullion for a taking. Judge Weisberger said himself that this case has merit. The City would have to pay 12% per year in interest. Are you prepared to tell the people in the City of Cranston that you could have settled this for \$1.9 million and if you lose, you have to pay \$6.5 million. He asked that the Council please consider that this is not about the assessed value of that property.

Councilman Santamaria and Council Vice-President McFarland asked for clarification from Mr. Quinlan of the status of any amendments that are pending to this Resolution. Mr. Quinlan stated that Council Vice-President McFarland withdrew her motion to amend, then there was a second amendment that was proposed by Councilman Barone, which was seconded by Council Vice-President McFarland as well as Councilman Lanni. Council Vice-President McFarland withdrew her second and Councilman Lanni also withdrew his second, so there are no amendments currently pending. Councilman Livingston did make a suggested amendment, which is on line 84, after the word “mediation” to add “and subject to final approval of said terms by the City Council” and the rest of the sentence to stay as is.

On motion by Councilman Livingston, seconded by Councilman Lanni, it was voted to amend Resolution as follows: line 84, after the word “mediation”, add “and subject to final approval of said terms by the City Council”. Motion passed on a vote of 7-2. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilman Santamaria and Council Vice-President McFarland -7. The following being recorded as voting “nay”: Councilman Barone and Council President Garabedian -2.

On motion by Councilman Livingston, seconded by Councilman Lanni, it was voted to amend Resolution as follows: Line 88, after the word “property”, add “subject to City Council approval”. Motion passed on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilman Santamaria, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting “nay”: Councilman Barone -1.

On motion by Councilman Santamaria, seconded by Councilman Lanni, it was voted to move the question. 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 Councilman Santamaria, seconded by Councilman Navarro, the above Resolution was adopted as amended. Motion passed on a vote of 6-3. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria and Council Vice-President McFarland -6. The following being recorded as voting “nay”: Council Member Bucci, Councilman Barone and Council President Garabedian -3.

III. COUNCIL PRESIDENT COMMUNICATIONS

Discussion of Process for Proposed Cullion Settlement. (See earlier minutes)

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IV. COUNCIL MEMBER COMMUNICATIONS

Council Vice-President McFarland:

Status Update Regarding transfer of land for Cranston St. Library Council Vice President stated that she understood the Library has spoken to Mr. Carlucci, but she has not received a report on this.

Solicitor's Opinion regarding the City's ability to place restrictions on use of land offered for sale – City Solicitor Sciolto stated that restrictions can be placed by either the City Planning Commission or a majority vote of the City Council.

Councilman Lupino

Economic Development Director's Opinion as to best Potential Use of the Atwood Ave. (former Police Station Property) He doesn't see any report from Paula Watt, the Economic Development Director. Councilman Santamaria asked Administration where we are on this issue. Mr. Migliorelli stated that the City is preparing a RFP. Council President stated that if we're putting restriction in place they need to be included in the RFP, it is not a unilateral decision for the administration to make.

Councilman Barone asked what was the deadline for the School Department's request. Mr. Migliorelli indicated there was a meeting set up for tomorrow morning.

Council Vice-President McFarland inquired on the Pocasset and Pawtuxet River. Mr. Sylvia stated that the City was moving forward with Johnston. Have filed an application but nothing more has happened since his report to the Flood Commission. The State has accepted the application, and he was not aware of Johnston's efforts on this. He will continue to monitor this.

Council President Garabedian inquired on the Capuano land donation. Mr. Sylvia stated that he reviewed the assessment and has some concerns as a result. He is working with the Mayor and trying to move ahead.

Councilman Navarro reported on the Parks and Recreation Committee meeting of January 24, 2008. Phase 1 and Phase II of the renovations to the Cranston soccer and baseball field. Phase one was the gravel, and Phase 2 is the new clay in existing fields. Also the Cranston HS West track is not regulation size. Discussion also ensued with Mr. Liberatore regarding the carbon dioxide incident at the Ice Rink.

V. PUBLIC HEARINGS

(See earlier minutes)

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VI. DOCKETED RESOLUTIONS

“RESOLUTION REQUESTING THAT CARPIONATO PROPERTIES CONDUCT A TRAFFIC STUDY ON NEW LONDON AVE. AT ITS INTERSECTION WITH MESHANTICUT VALLEY PARKWAY AND THE CHAPEL VIEW ENTRANCE”

On motion by Councilman Santamaria , seconded by Councilman Livingston, it was voted to approve the above Resolution. Discussion ensued.

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to move the question. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8. Councilman Lanni was not present for roll call vote.

Roll Call was taken on motion to adopt the above Resolution and motion passed on a vote of 6-2. The following being recorded as voting “aye”: Councilmen Lupino, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -6. The following being recorded as voting “nay”: Councilman Livingston and Council President Garabedian -2. Councilman Lanni was not present for roll call vote.

VII. REPORT OF COMMITTEES

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

12-02-2 ORDINANCE IN AMENDMENT OF CHAPTER 17.28 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (DRIVE INS). As amended 1/17/2008 with recommendations of the Plan Commission.

Council Vice President stated that this is being re-advertised and will be on the Ordinance Committee on February 14, 2008.

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

“RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS”

On motion by Councilman Barone, seconded by Councilman Livingston, 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.

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“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”

On motion by Councilman Livingston, seconded by Councilman Barone, 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.

“TAX INCENTIVE APPLICATION FOR FINAL GIFT PET CREMATION SERVICES, INC., 1 DANIELS WAY, CRANSTON, RI, FOR PROPERTY LOCATED AT ASSESSOR’S PLAT 36-1, LOT 133”

On motion by Councilman Barone, seconded by Councilman Lanni, it was voted to approve this Tax Incentive Application.

Under Discussion:

Councilman Lupino stated that at the Finance Committee meeting, he asked questions of Ms. Watt and she was to be present this evening to answer those questions. He stated that Final Gift Pet Cremation Services already exists in the City. They have a location approximately 1/4 of a mile from the location that they plan to build on and in the location that they are in, there are two other similar businesses - Final Gift Pet Cremation Services, Western Hills Crematory and Paws at Rest, and the question of Ms. Watt was if we are giving this Incentive to the other two businesses. He will abstain or vote no on this because he has not heard back from Ms. Watt on this.

Council Vice-President McFarland asked the Solicitor for opinion - she was under the impression that Tax Incentives had to be for new location of a business and not a relocation within our City. She believes that this is under our Tax Incentive.

Mr. Sciolto addressed Chapter 3.80 of the Code and stated that there are certain criterias that need to be examined.

Motion and second were withdrawn.

On motion by Councilman Barone, seconded by Councilman Livingston, it was voted to refer this Tax Incentive Application back to the Finance Committee and have applicant appear before the Committee to answer any questions the Committee members may have. Motion passed on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting “nay”: Councilman Navarro -1.

“TAX INTEREST WAIVER APPROVALS”

On motion by Councilman Barone, seconded by Councilman Livingston, it was voted to approve the list of interest waiver approvals. 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.

“TAX INTEREST WAIVER DENIALS”

On motion by Councilman Navarro, seconded by Councilman Barone, it was voted to approve the list of interest waiver denials. 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.

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1S-08-2 ORDINANCE TRANSFERRING APPROPRIATIONS AND AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2007 AND ENDING JUNE 30, 2008 (State Mandate Revaluation)

On motion by Councilman Barone, seconded by Navarro, 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.

1S-08-3 ORDINANCE TRANSFERRING APPROPRIATIONS AND AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2007 AND ENDING JUNE 30, 2008 (Personnel Analyst)

(See Executive Communications, earlier minutes. Ordinance was withdrawn.)

**SAFETY SERVICES & LICENSES COMMITTEE
(John E. Lanni, Jr., Chair)**

"CLASS B VICTUALLING ALCOHOLIC BEVERAGE LICENSE – 69 POINT ST. LLC. D/B/A POWERS PUB, 2190 BROAD ST."

On motion by Councilman Santamaria, seconded by Councilman Barone, it was voted to approve this liquor license application. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8. Council Member Bucci was not present for roll call vote.

**COMMITTEE ON CLAIMS
(Anthony J. Lupino, Chair)**

"RATIFICATION OF SETTLED CLAIMS FOR: Carole Stimpson \$1,548.23; Jacqueline, William & Jae Pezzullo \$775.00; Nationwide Insurance for Jairo Morales \$2,523.41; Francesca Solitro-Coppa \$50.00; Clean Air of America for Meei Jen Lin \$4,264.91; Robert Relli \$50.00.

On motion by Councilman Santamaria, seconded by Councilman Barone, it was voted to approve the above-listed claims. Motion passed on a vote of 7-2 with 2 abstentions. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Navarro, Council Member Bucci, Councilman Santamaria, Council Vice-President McFarland and Council President Garabedian -7. Councilmen Barone and Livingston abstained.

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VII. ELECTION OF CITY OFFICIALS

BUILDING APPEALS BOARD:

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, it was voted to appoint DAVID PRINCIPE as a member of the Building Appeals Board.

Under Discussion:

Councilman Barone withdrew Mr. Louis P. Petrucci's name from consideration.

Motion to appoint Mr. Principe passed on a vote of 8-1. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilman Santamaria, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting "nay": Councilman Barone -1.

Council President Garabedian stated that an Architect is needed for this Board and asked if there are any nominations. Councilman Navarro stated that he does have a candidate, but he has not received a resume to submit to the City Council. Council President Garabedian stated that this appointment can be made at the next meeting.

TAX ASSESSMENT BOARD OF REVIEW:

On motion by Councilman Lanni, seconded by Council Vice-President McFarland, it was voted to re-appoint ROBERT HAROOTUNIAN as a member of the Tax Assessment Board of Review. Motion passed on a vote of 8-1. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilman Santamaria, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting "nay": Councilman Barone -1.

VIII. REPORT OF CITY OFFICERS

None.

IX. OLD BUSINESS

None.

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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:

Safety Services and Licenses Committee – February 4, 2008

- 1-08-3 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Garden City Dr., Poplar Dr. and Garden Court, 4 Way Stop).**
- 1-08-4 Ordinance in amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (McCabe St.).**
- 1-08-5 Ordinance in amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (New Depot Ave.).**
- 1-08-6 Ordinance in amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Franklin Ave.).**

Ordinance Committee – February 14, 2008

- 1-08-1 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Redevelopment Agency).**
- 1-08-2 Ordinance in amendment of Title 2.77 of the Code of the City of Cranston, 2005, entitled “Redevelopment Areas” (Marine Dr. Redevelopment Area).**

Claims Committee

- *Michael St. Laurent
- *Theresa Pennacchia
- *Michael and Kerrie Graziano
- *Randy Rubinstein
- *William Brophy
- *Ann Antosia
- *Domenic Albanese
- *Ralph DeFusco
- *Diana Andreozzi
- *Sandra and Daniel Alves
- *Margarito Reyes
- *Robert Blackburn
- *John Cruz, Jr.
- *Janet Ann Saccoccio
- *Stacey Kaplan
- *Jeffrey Gaccione
- *Sebouh Yepremian
- *Thanly Hang
- *Leonard D’Ercole

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, 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 Lanni, Lupino, Navarro, Livingston, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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XI. MISCELLANEOUS BUSINESS ON CLERK'S DESK

“MARIE SORMAN, CDBG COORDINATOR – CERTIFICATION”

Ms. Wall stated that the certification certificates were in Council's packets. **Council Vice President McFarland** stated that she wanted the certification for all city employee that are required to be certified.

XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Paul Valetta, President of Cranston Firefighters Union, appeared to speak and stated that the Fire Department has acquired the truck for cyanide poisoning, and that the City was awarded \$500,00 from Homeland Security to purchase a state of the art fire rescue boat which can be used by the Harbor Master as well.

Allie Perabakaski, 66 Walker, Quincy, Massachusetts, appeared to speak on the Lyndon H. Larouche's Homeowners and Bank Protection Act. Council Vice-President inquired why it was named after Larouche? Ms. Perabakaski stated that Lyndon Larouche is a pretty controversial figure. Council Vice- President McFarland stated that she would tweak the Resolution and present it at next month's meeting.

The meeting adjourned at 10:15 P.M.

Maria Medeiros Wall, JD
City Clerk

(See Stenographic Notes of Ron Ronzio, Stenotypist).