

# REGULAR MEETING – CITY COUNCIL

**-JANUARY 29, 2007-**

Regular meeting of the City Council was held on Monday, January 29, 2007 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:00 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian (left at 7:50 P.M.) –8.

Absent: Councilman Lanni -1.

Also Present: Ernest Carlucci, Director of Administration; Frank Migliorelli, Deputy Director of Administration; Vito Sciolto, City Solicitor; Charles Garganese, Jr., Assistant City Solicitor; Pat Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

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

Council President Garabedian recognized former Councilman Allan Fung in the audience.

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

### **Citation for VICTORIA SCHUELE, U.S. Military Academy at West Point, Class of 2011**

Council Member Bucci presented Citation to Ms. Schuele.

## **II. EXECUTIVE COMMUNICATIONS**

### **“REQUESTS TO BE CONTINUED IN SERVICE FOR ONE YEAR CHIEF RICHARD DELGADO AND DEPUTY CHIEF PAUL REED, CRANSTON FIRE DEPARTMENT”**

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

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### **III. COUNCIL PRESIDENT COMMUNICATIONS**

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

No report.

#### **“FINANCIAL STATE OF THE CITY ADDRESS AS OF DECEMBER 31, 2006 BY STEVE WOERNER, COUNCIL’S INTERNAL AUDITOR AND MICHAEL IGOE, CITY CONTROLLER”**

Mr. Woerner appeared to speak and stated that this is a follow-up to the November 30, 2006 report and he finds the status of the City’s finances in the same condition. He stated that the budget is going to have to be managed. There are significant shortages in accounts, but investment income has been good. Mr. Woerner presented a report as a follow-up on the levy issue. He stated that it appears to him that there was some communication error between the Finance Director and the Tax Assessor. The former Finance Director did not agree with him. Mr. Woerner stated that he discussed his findings with the Auditor General and Mr. Igoe and Mr. Igoe agreed with him and the Auditor General did not have any real questions on it.

Councilman Lupino asked why Mr. Baron, Finance Director, is not present this evening. Mr. Carlucci stated that Mr. Baron was let go by the Administration on Friday. He stated that he spoke to Mr. Igoe and since Mr. Igoe agrees with Mr. Woerner on the financial status of the City, he was directed not to attend this meeting in order to save money in overtime. Councilman Lupino asked if every meeting that Mr. Baron did not attend and Mr. Igoe was present, did Mr. Igoe receive overtime. Mr. Carlucci stated, yes, because it is contractual that any meetings employees attend after hours, they receive either compensatory time or overtime. The Directors do not receive overtime, since they are salaried employees.

Council Vice-President McFarland asked who the \$26,000 budgeted for Overtime in the Auditing Department is for. Mr. Woerner stated that this is for Mr. Igoe. Council Vice-President McFarland questioned who the \$605 budgeted for Overtime in the Finance Department is for. Mr. Woerner stated that he does not know who this would be for. Council Vice-President McFarland stated that under the Laffey Administration, there was an Administrative Unit Contract that she and former Council President Pastore helped put together, which there is no Overtime provision in that contract.

Councilman Livingston commended the Napolitano Administration for getting a handle on saving money for the taxpayers.

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

Council Vice-President McFarland asked Paul Valletta, President of Firefighters Union to make a presentation on behalf of Cranston Firefighters Union. Mr. Valletta appeared to speak and stated that in August, he attended IAFF 48<sup>th</sup> Biennial Convention in Canada and was given a Resolution in honor of all the firefighters who died in the September 11, 2001 terrorist attacks and he asked that the Administration and City Council accept this Resolution and display it in City Hall. Council Vice-President McFarland thanked Mr. Valletta and stated that she is honored that this is the first piece that will be hung in the City Hall Council Chambers.

Councilman Lupino stated that he has been a Council member for 28 days and he has received more complaints from residents regarding the Zoning and Building Inspectors Office in terms of the length of time for permits, than he ever did in the eight years he served on the School Committee. This is something the Administration must take very seriously. He asked that the Administration take steps to address this issue. Mr. Carlucci stated that this Administration is aggressively trying to address the issues of not just this department, but of every department in the City and changes are in the works. We will continue to move forward, but changes will not occur immediately. Councilman Lupino asked if there is any way the Council can receive communication from the Administration on how the progress is going, because part of the problem is lack of communication. Mr. Carlucci stated that the Administration will meet with all the departments as the first step, and the Council will be updated and input can be given to the Administration by the Council. Council Vice-President McFarland suggested that perhaps a route slip could be implemented, whether for a variance or permit, whereby all departments that need to be involved are involved and there would be better communication by the departments and require a signature on the route slip of who the employee is that the taxpayer spoke to with a date and time.

#### **“SOLICITOR’S OPINION REGARDING APPOINTMENT OF PAUL CASEY AS THE CITY’S HARBOR MASTER”**

Matter was continued as Solicitor is still working on his opinion.

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

**Allan Fung**, former Council member, appeared to speak and requested a copy of Mr. Woerner’s report and asked if the Mayor’s Office is still going to pursue a 5% across the board cut from each department, and if so, he would like a report of each department of what those proposed cuts would be. He stated that if the Administration would like these requests in writing, he can do that. Mr. Woerner handed Mr. Fung a copy of his report. Mr. Carlucci stated that the Administration has asked that every department head provide any potential cuts they may have without affecting the safety of the taxpayers. The Administration has not exactly asked for the 5%.

Council President Garabedian left the meeting to attend a Zoning Board meeting in Newport and handed gavel to Council Vice-President McFarland.

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## **VI. DOCKETED RESOLUTIONS**

**“RESOLUTION CRANSTON JOHNSTON POCASSET RIVER REMEDIATION COMMISSION” (Sponsored by Council President Garabedian and Council Vice-President McFarland)**

On motion by Council Member Bucci, seconded by Councilman Lupino, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

## **VII. REPORT OF COMMITTEES**

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

**11-06-5 “ORDINANCE IN AMENDMENT OF CHAPTER 10 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Plantation and Cypress Dr.)”**

On motion by Councilman Barone, seconded by Councilman Livingston, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

**11-06-3 “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO LEASE A PORTION OF 1090 CRANSTON ST. TO THE COMPREHENSIVE COMMUNITY ACTION PROGRAM (CCAP Administrative Offices)”**

On motion by Councilman Barone, seconded by Councilman Navarro, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

**12-06-1 “ORDINANCE NAMING A NEW SOFTBALL FIELD AT JOE VENTETUOLO COMPLEX AS ‘THE DAVID TAFT CLCF SOFTBALL FIELD’”**

On motion by Councilman Barone, seconded by Councilman Lupino, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

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**IXA. OLD BUSINESS**

**3-06-5           “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Change of Zone-Phenix Ave. and Lofty Rd.)” Tabled 5/22/2006 and 7/24/2006 City Council.**

On motion by Council Member Bucci, seconded by Councilman Lupino, it was voted to remove the above Ordinance from the table. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

On motion by Council Member Bucci, seconded by Councilman Livingston, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

**VII. REPORT OF COMMITTEES (Cont.)**

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

**12-06-2           “ORDINANCE AUTHORIZING THE CITY TO UTILIZE EASTERN CRANSTON POLICE IMPACT FEES FOR DIGITAL RADIO INFRASTRUCTURE AT NEW STATION”**

On motion by Councilman Barone, seconded by Councilman Santamaria, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

**1S-07-1           “ORDINANCE AUTHORIZING THE CITY TO UTILIZE EASTERN AND WESTERN CRANSTON RECREATIONAL IMPACT FEES FOR THE INSTALLATION OF THE ADDITIONAL MODULAR ICE RINK FACILITY”**

On motion by Councilman Lupino, seconded by Councilman Livingston, it was voted to adopt the above Ordinance.

Under Discussion:

Council Member Bucci asked Mr. Woerner to speak regarding the Ordinance that was passed last month in the amount of \$150,000 and now this one for \$75,000. Mr. Woerner stated that the Council had asked for a breakdown to make it balanced between the Eastern and Western side. Mr. Igoe was asked for this and no report has been received yet.

Roll call was taken on motion to adopt and motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

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

On motion by Councilman Barone, seconded by Councilman Santamaria, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

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

On motion by Councilman Barone, seconded by Councilman Lupino, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

**“TAX INTEREST WAIVER LIST” (Recommended approval of all except D. Bibeault)**

On motion by Councilman Barone, seconded by Councilman Livingston, the above Tax Interest Waiver List was approved except for D. Bibeault. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

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

**“COUNCIL RATIFICATION OF SETTLED CLAIMS FOR:**

**Richard Conforti \$22.00; Jacqueline, William & Jae Pezzullo \$775.00; Bagus & Beagan, LLC & Debra Albanese \$5,032.00; Rappoport, DeGiovanni & Caslowitz, Inc. \$967.92; Kristen Mitchell \$1,999.29; Michelle Ballou \$332.85; Maria Diep & Fay Law Associates \$7,500.00.”**

On motion by Councilman Barone, seconded by Councilman Navarro, it was voted to ratify all the above-listed settled claims. Motion passed on a vote of 6-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Lupino, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -6. Councilman Livingston abstained.

**VIII. ELECTION OF CITY OFFICIALS**

**“BOARD OF CONTRACT AND PURCHASE – re-appointments of COLLEEN CRUDELE and HAROLD TILLINGHAST”**

On motion by Councilman Barone, seconded by Council Member Bucci, it was voted to re-appoint COLLEEN CRUDELE and HAROLD TILLINGHAST as members of the *Board of Contract and Purchase*. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

**“ARTS COMMISSION – appointment of ELIZABETH COCCIO”**

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to appoint ELIZABETH COCCIO as a member of the *Arts Commission*. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

**“CITY COUNCIL AUDITOR – re-appointment of STEPHEN WOERNER**

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to re-appoint STEPHEN WOERNER as the *City Council Auditor*. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

**“AUDIT COMMITTEE – re-appointment of MARSHALL D’AMBROSIO, JR. and a COUNCIL MEMBER”**

Council Vice-President McFarland asked Council members for a volunteer to serve on this Committee. Councilman Navarro volunteered.

On motion by Councilman Barone, seconded by Councilman Livingston, it was voted to re-appoint MARSHALL D’AMBROSIO, JR. and appoint COUNCILMAN EMILIO L. NAVARRO as members of the *Audit Committee*. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

**“TAX ASSESSMENT BOARD OF REVIEW – re-appointment of NEIL AMPER”**

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to re-appoint NEIL AMPER as a member of the *Tax Assessment Board of Review*. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7.

**“AFFORDABLE HOUSING COMMISSION – appointment of JOANNE MCGUNAGLE and ERIC HANGEN”**

On motion by Councilman Barone, seconded by Councilman Livingston, it was voted to appoint JOANNE MCGUNAGLE and ERIC HANGEN as members of the *Affordable Housing Commission*. Motion passed on a vote of 6-1. The following being recorded as voting “aye”: Councilmen Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -6. The following being recorded as voting “nay”: Councilman Lupino -1.

**IX. REPORT OF CITY OFFICERS**

No business.

**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 5, 2007**

**1-07-2 Ordinance in amendment of Title 5.64 of the Code of the City of Cranston, 2005, entitled “Business Licenses and Regulations” (Public Entertainment License).**

**Public Works Committee – February 15, 2007**

**Petition from National Grid Electric Company for pole location at Dover St.**

**Correspondence from Johnston Mayor William Macera regarding request from Nicola Ricci of Victor Anthony Properties requesting approval for installation of sanitary sewer lateral at 1901 Plainfield Pike.**

**Finance Committee – February 15, 2007**

**1-07-1 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2006 and ending June 30, 2007 (Mayor’s Office Confidential Secretary).**

**Tax Incentive Application from Kamco Supply of 37 Amflex Dr.**

**Claims Committee**

- \*Richard Storti
- \*Amalgamated Financial Equities, III, LLC.
- \*Joseph and Sallie Pisaturo
- \*Michelle Ballou
- \*John Gallo
- \*Michelle Capuano
- \*Michael Caldarone
- \*Ardemis Yepremian
- \*Stephen and Francine Beranbaum
- \*Richard and Susan DeMaria
- \*Robert Romano

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

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

City Clerk stated that she received a letter of resignation from Robert Dunning, who was appointed by the Council as Sealer of Weights and Measures. Councilman Navarro stated that Mr. Dunning, who is in the audience, will be conducting the services as Sealer of Weights and Measures at the State level.

**XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS**

**Steven Callahan**, 135 Amanda St., appeared to speak and asked which Council members serve on the Claims Committee. Councilman Lupino stated that he is Chair and Councilmen Santamaria, Navarro, Lanni, Barone and Council President Garabedian serve as members. Mr. Callahan stated that in December, he received a reply from the Attorney General's Office in regards to his request for a copy of a study done by a consultant regarding the October, 2005 flood. He has been informed by the Attorney General's Office that a reply has been sent to the Solicitor's Office and asked if the Solicitor has received this correspondence. Mr. Sciolto stated that he does not recall receiving it, but he will check into it. Mr. Callahan provided Solicitor Sciolto with a copy of this correspondence. He also asked if the Solicitor has the binder that he provided the Claims Committee regarding his claim. Mr. Sciolto stated that he does not recall having this binder, but he will check with former Solicitor Michael Glucksman and former Assistant Solicitor Evan Kirshenbaum.

Councilman Lupino stated that he made requests of all claims paid during the last five years and he has received that information. He also asked for claims that have not been resolved and he has not received that yet. He should get this information by the next Claims Committee meeting, which is February 5, 2007.

Mr. Sciolto introduced Charles Garganese, Jr., Assistant City Solicitor, who will be assigned to the Claims Committee.

Mr. Callahan asked if he could re-address the Claims Committee regarding his claim. Council Vice-President McFarland suggested that the Chair of the Claims Committee review the documents before him and any outstanding claims and at that time, he can decide if a claimant should be called back before the Claims Committee. She also stated that former Assistant Solicitor Kirshenbaum was to review the Sewer Treatment contract and he did not get a chance to review it since change in Administration. Once the contract is reviewed, a determination can be made if claimant should be called before the Claims Committee or not. Councilman Lupino stated to Mr. Callahan, that at this time, it is premature to re-hear his arguments on his claim. Council Vice-President McFarland asked Solicitor Sciolto if he could give a timeframe that his office will be able to review the Sewer Treatment contract. Mr. Sciolto stated that he does not have any opinion ready and he will check with the former Solicitor on what was requested and he asked that Mr. Callahan bear with him, since he would be starting from scratch.

The meeting adjourned at 8:30 P.M.

Maria Medeiros Wall, JD  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).