

SPECIAL MEETING – CITY COUNCIL

-JANUARY 3, 2008-

Special meeting of the City Council was held on Thursday, January 3, 2008, in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 6:35 P.M. by Council President Garabedian.

Roll Call showed the following members present: Councilmen Lanni, Lupino, Livingston (appeared at 7:20 p.m.), 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; Patrick Quinlan, City Council Legal Counsel; Corsino Delgado, Director of Finance; Steve Woerner, City Council Internal Auditor.

-JANUARY 3, 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 3, 2008 at 6:30 p.m.** in the ***Cranston High School East Auditorium, 899 Park Avenue**, Cranston, RI, at which meeting the following items of business shall be transacted:

The following items of business shall be transacted:

Open Session:

Public Comment on Mayor Napolitano's proposed settlement of Cullion Concrete

Executive Session pursuant to RIGL 42-46-5 (a) (2)

Collective Bargaining/Potential litigation:

Cullion Concrete

Police Retirements: Robert Brown and John Schaffran

Open Session:

Ordinance 12S-07-1 in Amendment of Title 10.12 of the Code of the City of Cranston, 2005, Entitled "Motor Vehicles and Traffic" (Cranston and McCabe St)

Resolution Establishing Procedural Rules for Project REDIRECT

Police Retirements: Robert Brown and John Schaffran

2007 Annual Audit from Kostin, Ruffkess & Company

Introduction of New Business:

Ordinance No. 1S-08-1 loan order authorizing the issue of \$2,500,000 judgment bonds of the City for the settlement of "Valley vs. City of Cranston" authorizing the issue of \$2,500,000 temporary notes for that purposes and authorizing advances from the General Treasury for that purpose. (Judgment Bond Valley vs. City of Cranston).

Ordinance No. 1S-08-2 transferring appropriations and amending the Budget for the fiscal year commencing July 1, 2007 and ending June 30, 2008 (State Mandated Revaluation).

Ordinance No. 1S-08-3 transferring appropriations and amending the Budget for the fiscal year commencing July 1, 2007 and ending June 30, 2008 (Personnel Analyst).

Ordinance No. 1S-08-4 in Amendment of Title 13.08 of the Code of the City of Cranston, 2005 entitled "Sewer Service System" (Sewer Tie In Loan Fund Regulations)

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 28st day of December 2007.

/s/ Aram G. Garabedian, Council President

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CERTIFICATION

I hereby certify that a true copy of the attached Call of a special meeting of the City Council to be held on Thursday, January 3, 2008 at 6:30 P.M. in the Council Chambers, third floor, City Hall, 869 Park Ave., Cranston, R.I. was delivered via electronic mail on the 28th day of December 2007 and regular mail, postage prepaid to the addresses listed below.

Council President Aram G. Garabedian
173 Belvedere Dr.
Cranston, RI 02920
[Aram @blissproperties.net](mailto: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
jlanni@peterpanbus.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

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Council President Garabedian indicated that the auditors are not able to attend this meeting since they are on vacation and the 2007 Audit will be discussed and voted on at Thursday's Special City Council meeting. If any members of the public are present for the snow plowing issue, this also be addressed at next Thursday's Special meeting.

Councilman Barone asked that since the Audit is listed on the notice for this evening's meeting and the Finance Director is present, if there are members of the public who would like to speak, they be allowed to speak.

Allan Fung, 252 Mayfield Ave., appeared to speak and stated that the Rainy Day Fund has been tapped. He has an issue with the \$2.5 million settlement for the Natasha Valley case that has not been approved yet by the Council and should not be pushed to the 2007 Budget. The Auditors should be asked why they gave the opinion they gave and how it should be booked. He questioned if the \$2.5 million was brooked properly. If we are going out to bond, it should be recognized as a debt service and not as an expense, especially for the Providence Water settlement.

Cynthia Fogarty, 60Ausdale Rd., appeared to speak and stated that she also would like the Auditors to explain the reason why the settlement is being booked in the 2007 Budget.

Council Vice-President McFarland stated that she will not be able to attend next Thursday's meeting since she will be out of town on business. She has some grave concerns and because of that, she would be opposed to approving this Audit. She would also like to have the Auditor General give an opinion in writing, giving a ruling on booking such debts.

Council Vice-President McFarland motioned to request in writing from the Auditor General a ruling on booking such debts. Council President Garabedian seconded the motion for discussion purposes. Roll call was taken and motion failed on a vote of 2-6. The following being recorded as voting "aye": Council Vice-President McFarland and Council President Garabedian -2. The following being recorded as voting "nay": Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilman Santamaria -6. Councilman Barone was not present for roll call vote.

12S-07-1 ORDINANCE IN AMENDMENT OF TITLE 10.12 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'MOTOR VEHICLES AND TRAFFIC' (Cranston St. and McCabe St.)

Council President Garabedian recused himself, since the law firm representing the developer is a tenant of his.

Richard Licht, Esq., appeared to represent the developer and stated that the company hopes to acquire this property. The proposal is for a Rite Aid. There is an agreement that requires the developer to pay for designs and relocation and there would be no costs or expenses to the City. This agreement has been submitted to Solicitor Sciolto. No one appeared to oppose.

On motion by Councilman Lupino, seconded by Councilman Lanni, it the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -7. Councilman Livingston was not present for roll call vote and Council President Garabedian recused himself.

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“RESOLUTION AMENDING RESOLUTION NO. 2007-7 ‘PROJECT REDIRECT’ (Reduce Expenses, Develop Income, Revenue and Enhancement – Control Taxes)”

On motion by Councilman Lanni, seconded by Councilman Santamaria, the above Resolution was adopted 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.

PUBLIC COMMENT ON MAYOR NAPOLITANO’S PROPOSED SETTLEMENT OF CULLION CONCRETE

Dennis DeMarco, 27 Hersey Rd., appeared to oppose to the concrete plant in this area.

Amelia Rose, organizer of “Toxic Actions Center”, based in Providence. She stated that her organization was contacted by the residents for support and she reaffirmed the initial support of the residents.

Frank Mattiucci, 37 Howland Rd., appeared to speak and stated that he is present to state the resident’s relief and gratitude for a solution to this problem and a settlement that assures the City residents that this issue will be resolved. The area residents welcome the proposed settlement, welcome an end to litigation and legal maneuvers, which would have prolonged this issue. He urged the Council to approve this settlement and put an end to this problem once and for all.

Jean Pettee, 20 Hamilton rd., appeared to speak and stated that she wants this issue to be over. The residents do not want this plant in this area and it seems to her this is the best solution to this issue.

Arlene McGarrahan, 23 Hamilton Rd., appeared to speak and stated that she supports the proposed settlement.

Joann Mancini, 28 Hamilton Rd., appeared to speak and voiced her support for the Mayor for his proposed settlement.

Nick Nofi, 28 Fairweather Ave., appeared to speak to support the Mayor’s solution for this settlement.

Joyce Cote, 65 Easton Ave., appeared to speak and stated that although this may not be the best fiscal solution, she is in favor of the proposal to eliminate this proposed plant.

Brenda Myette, 11 Bryant Rd., appeared to speak and asked where the \$1.9 million to be paid to Cullion will come from. She is disgusted with this possible solution. This is not a solution, this is extortion.

Gail Yanku, 32 Hamilton Rd., appeared to speak and stated that she is in favor of the proposed settlement.

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Adrienne Wynn, 79 Howland Rd., appeared to speak and stated that in March of 2006, she called City Hall questioning the activity in this area and was lied to and was told a permit was not needed. Five days later, a permit was issued to Cullion. If she as not lied to, the neighborhood would have been immobilized and a proposed settlement of \$1.9 million might have been averted. She urged the Council to accept this proposal.

Rita Holihan appeared to speak and stated that she lives 800' from the proposed plant. She is present this evening to speak in the capacity of official of the Pawtuxet River Authority. She stated that the Pawtuxet River Authority applauds the Administration for proposal for Open Space for this property. She presented a copy of her statement.

Council President Garabedian requested that the Stenographer provide a copy of the transcript of this hearing as soon as possible.

Richard Crowell, Esq., appeared to represent "Cranston Citizens for Responsible Zoning and Development". He suggested that the Council consider forming a board consisting of members of this organization, in helping of any development of this property. Councilman Lupino stated that instead of forming another group, he suggested that the residents be invited to attend the Pawtuxet River Authority meetings. Ms. Holihan stated that the Authority would welcome the residents. The Authority's meetings are public.

Councilman Lupino suggested that a vote be taken on this issue prior going into Executive Session. Council Vice-President McFarland stated that the only thing before the Council this evening is to discuss what has been proposed and brought before the Council for a settlement. An Ordinance or Resolution would have to be drafted and then the Council will vote on any settlement at that time.

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NEW BUSINESS:

City Clerk read the following introduced items and the Committees and the date referred to for public hearing:

Finance Committee – January 17, 2008

1S-08-1 Ordinance loan order authorizing the issue of \$2,500,000 judgment bonds of the City for the settlement of “Valley vs. City of Cranston”: authorizing the issue of \$2,500,000 temporary notes for that purpose and authorizing advances from the General Treasury for that purpose (Judgment Bond Valley vs. City of Cranston).

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).

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).

Finance Committee – February 14, 2008

1S-08-4 Ordinance in amendment of Title 13.08 of the Code of the City of Cranston, 2005, entitled “Sewer Service System” (Sewer Tie In Loan Fund Regulations).

On motion by Councilman Lanni, seconded by Councilman Santamaria, the above items were referred to the respective Committees. Motion passed on a vote of 7-1. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria and Council President Garabedian -7. The following being recorded as voting “nay”: Council Vice-President McFarland -1. Council Member Bucci was not present for roll call vote.

Council President Garabedian presented the City Clerk a letter of claim from former Finance Director, Jerome Baron, and asked that it be referred to the Claims Committee.

EXECUTIVE SESSION REGARDING ‘COLLECTIVE BARGAINING/POTENTIAL LITIGATION: CULLION CONCRETE AND POLICE RETIREMENTS – ROBERT BROWN AND JOHN SCHAFFRAN

On motion by Councilman Lupino, seconded by Councilman Santamaria, it was voted to go into Executive Session pursuant to RIGL 42-46-5(a)(2). 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.

Council Member Bucci left the meeting.

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The meeting went into Executive Session at 7:45 P.M.

Present in Executive Session: Councilmen Lanni, Lupino, Livingston, Navarro, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian; Mayor Napolitano; Ernest Carlucci, Director of Administration; Vito Sciolto, City Solicitor; Patrick Quinlan, City Council Legal Counsel.

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, it was voted to come out of Executive Session. 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.

The meeting came out of Executive Session at 9:40 P.M.

On motion by Council Vice-President McFarland, seconded by Councilman Santamaria, it was voted to seal the minutes of Executive Session. 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.

The meeting adjourned at 9:50 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committee

(See Stenographic Notes of Ron Ronzio, Stenotypist)