

REGULAR MEETING – CITY COUNCIL

-JULY 24, 2006-

Regular meeting of the City Council was held on Monday, July 24, 2006 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:05 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci (appeared at 8:30 P.M.), Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian –9.

Also Present: Paul Grimes, Director of Administration; Robin Muksian-Schutt, Deputy Director of Administration; Mike Glucksman, City Solicitor; Evan Kirshenbaum, Assistant City Solicitor; Patrick Quinlan, City Council Legal Counsel; Mike Igoe, City Controller; Steve Woerner, City Council Internal Auditor.

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

None.

II. EXECUTIVE COMMUNICATIONS

“MAYOR’S OBJECTION TO PROPOSED ORDINANCE NO. 5-06-2 PASSED JUNE 26, 2006”

On motion by Councilman Lanni, seconded by Councilman Livingston, it was voted to place this item on the lower part of the agenda. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. Council Member Bucci was not present.

“REQUEST TO BE PLACED ON PENSION LIEUTENANT JOHN J. QUIRK, CRANSTON FIRE DEPARTMENT”

Mr. Grimes appeared to speak.

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

-JULY 24, 2006-

III. COUNCIL PRESIDENT COMMUNICATIONS

“RESOLUTION NO. 2006-45 STATUS REPORT ON MAYOR’S REIMBURSEMENT TO CITY”

Council President Garabedian stated that it has been reported in the newspapers that the Mayor will not pay for this reimbursement. Councilman Lanni questioned if the Mayor’s salary can be attached. Solicitor Glucksman stated that the Mayor would have to be sued and a jury would have to render a judgment and he would have to be served with a judgment. Council President Garabedian asked for further information on how we can proceed with this.

IV. COUNCIL MEMBER COMMUNICATIONS

“HALL MANOR – REMOVAL OF TREES (Councilman Livingston)”

Councilman Livingston asked that this be placed on the Public Works Agenda.

Councilman Barone stated that the Council received a red line on Monday by the Administration regarding the Police Contract. He questioned why this is not on the docket for this evening. Council President Garabedian stated that he has asked Mr. Woerner to look into this and he is awaiting more information. He also stated that he assured Mr. Grimes that this will be taken up within one week. Another reason this is not on the docket for this evening is he has exhausted all his time this week working on the concrete plant issue, which is being built off Pontiac Ave.

V. PUBLIC HEARINGS

Anthony Lupino, 15 Black Oak Court, appeared to speak regarding “Resolution Proposing Amendment to Section 6.04 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on the Ballot the Following Referendum Question (School Budget)” and “Resolution Proposing Amendment to Section 6.04 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on the Ballot the Following Referendum Question (School Committee Elector’s Signatures)”. He stated that this is the first time he is hearing of these Resolutions. He asked for Solicitor’s opinion and if he has reviewed these Charter Amendment requests and if the Council has the power to go forward to supersede State Law. Council President Garabedian stated that this particular Section of the Charter will need validation by the General Assembly and the questions will be placed on the ballot for the November elections. Solicitor Glucksman agreed that the Section being proposed to be changed would require General Assembly validation.

-JULY 24, 2006-

The following members of the public appeared to speak regarding “Resolution Directing the City Council or any Committee thereof to Conduct an Investigation of the Property and Legality of the Fast Track Consideration and Issuance of a Building Permit for the Construction of a Cement Plant Adjacent to a Well Established, Heavily Populated, Residential Neighborhood, Including the Building Official’s Compliance with State Law, the Cranston Charter and the Cranston Code of Ordinance”:

- **Frank Mattiucci**, 37 Howland Rd., appeared to represent members of the Cranston Citizens for Responsible Zoning and Development and presented copies of permitting information from DEM. He stated that the residents received an anonymous letter stating that permits were issued for a proposed cement plant. They appealed to Council President Garabedian and Council Member Fogarty for help. The permitting process continued with unusual speed and the project was approved prior to an Ordinance being passed prohibiting this type of facility in the City.

- **Ted Weller**, 33 Hersey Rd., appeared to speak and stated that he has lived in this area for approximately 40 years. Within the last few years, there has been increase in traffic and more flooding in the area. He questioned the timing of the building permit being issued on March 23, 2006 for a cement plant, just days prior to the Ordinance being passed prohibiting this type of plant in the City. He believes that this entire project deserves a comprehensive study by the City and DEM and a traffic study, along with air quality study. He also stated that the site where this plant is proposed to be built is in the vicinity of the CLCF building, and noted there are many children that live in this area.

- **Senator Hanna Gallo** appeared to oppose to a cement plant being built in this area. She also indicated that there are air quality issues, and that she is looking into this with DEM.

- **Robert Murray, Esq.**, appeared to represent the applicant who holds the permit for this cement plant. He stated that this Resolution, in his opinion, is unfair and unnecessary. The permit was issued in the normal course, issued on the 15th day. The permit process was an open process, done with the knowledge of at least five City departments and went through the normal process. Two Ordinances were passed after the permit was granted, the asphalt and cement ordinance was not in effect. They were passed against the Solicitor’s opinion and are illegal and unconstitutional. He also stated that the Building Inspector did nothing illegal. He has to apply the law as it stands at the time of application. The State law sets the procedure for appeals from the Building Inspector’s decision.

- **Adrienne Wynn**, 79 Howland Rd., appeared to speak and stated that there were trees being cut down on Marine Drive in early March and she called the Building Inspector’s Office and could not find out any information as to why all the trees were being cut down. She called Jared Rhodes, City Planner, and he knew the exact area she was speaking of. She also spoke to Gary in the Building Inspector’s Office and was told that no building permit was necessary. Since that time, there has been loud noises, truck noise, even on Saturdays. The neighborhood is totally deteriorating. She does not understand why DEM does not need to issue any permits, as she was advised.

- **Paul Mulholland**, 66 Euston Ave., appeared to speak and stated that when he applied for a permit to place an addition on his house, he had to wait three months. He questioned how this applicant received his permit so much faster.

- **Mark Lucas**, 28 Riverfarm Rd., appeared to speak and stated that additional burden should be placed on these types of businesses to make sure that they really do fit with the neighborhood. This type of cement plant does not fit with this neighborhood.

-JULY 24, 2006-

- **Joanne Murphy**, 66 Fairweather Ave., appeared to oppose to a cement plant in this area. There is a safety issue with the Waterman School children.

- **Harold Reall**, 38 Howland Rd., appeared to speak and stated that there is a bridge in the area, which allows trucks which are below twenty-two ton limit, and indicated that a cement truck would well exceed this limit.

- **Beth Miller**, Forest Ave. appeared to speak in favor of this Resolution and asked why a routine permit would be filed on a fast track, this seems very suspicious to hear that it was done four days prior to an Ordinance being passed prohibiting such plants. In the last six months, she has noticed much more traffic in the neighborhood and disturbance of not only the wetlands, but the wildlife.

- **Dan McKenna**, 53 Howland Rd., appeared to speak and stated that no impact studies were ever done concerning this plant. He questioned what is going to happen to the air, water and quality of life.

- **David Phayre**, 268 Lawancre Dr., appeared to speak and stated that it is his understanding that no permit was needed from DEM because no insignificant change was made to the permit, which he does not agree with. He asked what the capacity of the plant is per day. The average concrete plant capacity is 250 cubic yards per day. This applicant's original request was 250 and was increased to 500 per day. He also questioned what the hours of operation are going to be. This plant would be 150 feet away from the nearest home. He went online and the closest he could find were 800-1100 feet away from homes and residents still opposed them.

Councilman Fung addressed the question of capacity, which was addressed by one of the speakers. Attorney Murray stated that he can't address this question specifically. He could provide it at a later time. As to the traffic issue, this facility is only intended to service concrete projects in the northern Rhode Island area, so their trucks do not have to return to Westerly. The information that is being promoted this evening is not correct. Councilman Fung asked if construction is still ongoing at this time. Attorney Murray stated that there has been no further construction since June 8, 2006, and ceasing of construction was voluntarily agreed upon by his client, until DEM addresses some issues they have. Councilman Fung asked if there is a pending application from DEM from 2004. Attorney Murray stated that there is a permit modification pending and this is one of the reasons his client agreed to stop construction. Councilman Fung asked Attorney Murray when he anticipates a decision from DEM on this application. Attorney Murray stated that he does not know.

Council Member Fogarty stated that there are some serious questions that need to be answered, such as the Building Inspector issuing the permit and the permit was not for this type of plant there. She asked that the Mayor order a cease and desist based on an invalidly issued permit. She also had previously questioned what the inventory is that is going to be stored at this location and where it is going to be stored and where the washout is going to go and the Building Inspector did not have those answers. DEM also did not have the answers to these questions and this is why DEM asked for a modification to the permit. She posed these questions to the Solicitor.

-JULY 24, 2006-

Council Vice-President McFarland stated that back at the end of May, she received copies of the permits and supporting information and was made aware that DEM issued a permit to a different organization than the one issued to, and it was to a building that was involved in a fire. She asked that the building permit be removed. She stated that there is an Industrial Performance Committee and, to date, the Mayor still has not made appointments to this Committee. She questioned why the City and the Building Inspector have not met with the company to date to address these issues. Solicitor Glucksman stated that he has just found out about this issue last week and would have to do some research.

Councilman Lanni stated that if this Resolution does anything, it does one thing, it would provide the appropriate forum for everyone to be heard and all the information to come out.

Gavel was passed to Council Vice-President McFarland.

Council President Garabedian stated that the issue is the quality of life. It is not an issue of economic development. He checked the tax records in the City and the valuation on this property is only \$5,400 because it is in a flood zone area. The records in City Hall also show there is no such address as 2 Marine Dr., the address listed when permit was applied for. There is a paper street that goes down Pontiac Ave. City Ordinance states that if you do not have an address, you cannot issue a building permit. This permit should never have been issued. There are flaws in this permit and he is confident that there is enough information that will prevent this project from going forward.

Gavel was handed back to the Council President.

Councilman Barone stated that there are a lot of unanswered questions and Attorney Murray's client has not been given the opportunity to answer them. He stated that the Council needs to meet with DEM, DOT and the Building Inspector to make sure the correct answers to these questions are obtained.

“RESOLUTION DIRECTING THE CITY COUNCIL OR ANY COMMITTEE THEREOF TO CONDUCT AN INVESTIGATION OF THE PROPRIETY AND LEGALITY OF THE FAST TRACK CONSIDERATION AND ISSUANCE OF A BUILDING PERMIT FOR THE CONSTRUCTION OF A CEMENT PLANT ADJACENT TO A WELL ESTABLISHED, HEAVILY POPULATED, RESIDENTIAL NEIGHBORHOOD, INCLUDING THE BUILDING OFFICIAL'S COMPLIANCE WITH STATE LAW, THE CRANSTON CHARTER AND THE CRANSTON CODE OF ORDINANCES”

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

On motion by Councilman Barone, seconded by Councilman Livingston, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. Council Member Bucci was not present.

Public Hearings (Cont.)

Ann Mantia appeared to speak regarding Ordinance 6-06-4, specifically dealing with the Women's Health Center located on Broad St. She stated that this Ordinance would limit the First Amendment Right. Councilman Livingston stated that all this Ordinance does is correct a grammatical error. This Ordinance would be in conformance with the First Amendment principals. What this limits is people leaving enormous signs in the public right of way unattended.

Barbara Burgess appeared to speak to oppose to Ordinance 6-06-4, specifically dealing with the Women's Health Center located on Broad St. and stated that this Ordinance is not needed because the people who are placing the signs at this location are not causing traffic problems.

Bruce Saccoccio, 42 Vincent Way, appeared to speak in favor of Ordinance 6-06-15.

Rita Coffee, 99 Betsy Williams Dr., appeared to oppose to Ordinance 6-06-4, specifically dealing with the Women's Health Center located on Broad St.

Claire Davis, 19 Betsy Williams Dr., appeared to speak in favor of Ordinance 6-06-4 specifically dealing with the Women's Health Center located on Broad St. She stated that Mr. Coffee parks his truck with signs on the street being left unattended, which are very distracting and dangerous to the area residents and drivers.

Daniel Harp, 103 Betsy Williams Dr., appeared to speak in favor of Ordinance 6-06-4 specifically dealing with the Women's Health Center located on Broad St. and stated that the signs which are placed near this location, are very provocative and disturbing.

Andrea Handler, 112 Betsy Williams Dr., appeared to speak in favor of Ordinance 6-06-4.

Hillary Nicholson, 103 Betsy Williams Dr., appeared to speak in favor of Ordinance 6-06-4.

Paul Valetta, President of Local 1363 Fire Fighters Union, appeared to speak in favor of "Resolution Ratifying the Memorandum of Agreement Between the City and the International Association of Fire Fighters Local 1363".

Mark Lucas, 28 Riverfarm Rd., appeared to oppose to the application from Domestic Bank for storage tank at 13 Richland Rd.

Leonard Guglielmino, Vice-President of Domestic Bank appeared to speak in favor of application from Domestic Bank for storage tank at 13 Richland Rd. Council Member Fogarty stated that the question she had at the Safety Services and Licenses Committee meeting was if the City legally can place an underground tank in a residential zone. She has not received an answer to this question. Mr. Guglielmino stated that the Building Inspections Department has no problem with this application. Council Vice-President McFarland asked how many parking spaces will be lost by installing this tank. Mr. Guglielmino stated, one. Council Vice-President McFarland stated that she cannot support this application because Domestic Bank has always had problems with parking and a few years ago, the bank purchased nearby property to add parking and after all that, they will be losing a space. Councilman Lanni stated that at the Safety Services and Licenses Committee meeting, it was stated that this application met State regulations and Fire Codes in the City. The only question was if a propane tank could be placed in a residential area and this question has not been answered. Solicitor Glucksman stated that he spoke to Assistant Solicitor Nancy Ponte, who attends the Safety Services and Licenses Committee meetings, and she stated to him that she did not find any law prohibiting propane tanks from being installed in a residential area, but he did ask her to continue researching this.

-JULY 24, 2006-

Ed Pagliarini, Warwick Ave., appeared to speak regarding Ordinance 6-06-16 regarding closure of Waite Ave. He asked that the Council continue this hearing and conduct a visual presentation as to what the City's intentions are for closure of this street. Ms. Schutt stated that she spoke to the Public Works Department and they have some preliminary drawings and will be happy to continue this issue so the residents could see what the proposals are.

Andrea Rucio, 20 Stevens Rd., appeared to speak regarding application from Domestic Bank for storage tank at 13 Richland Rd. and stated that he does not want a storage tank behind his back yard.

6-06-3 “ORDINANCE IN AMENDMENT OF TITLE 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (Police Commander II)”

On motion by Councilman Livingston, seconded by Councilman Fung, the above Ordinance was adopted on a vote of 8-1. The following being recorded as voting “aye”: Councilman Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting “nay”: Councilman Pisaturo -1.

“MAYOR’S OBJECTION TO PROPOSED ORDINANCE NO. 5-06-2 PASSED JUNE 26, 2006”

On motion by Councilman Lanni, seconded by Councilman Pisaturo, it was voted to override the Mayor's veto. Motion failed (2/3 majority required) on a vote of 5-3 and 1 absent. The following being recorded as voting “aye”: Councilman Pisaturo, Council Member Fogarty, Council Member Bucci, Councilman Lanni and Council President Garabedian -5. The following being recorded as voting “nay”: Councilmen Fung, Livingston and Barone -3. Council Vice-President McFarland was not present for roll call vote.

VI. DOCKETED RESOLUTIONS

“RESOLUTION DIRECTING THE CITY COUNCIL OR ANY COMMITTEE THEREOF TO CONDUCT AN INVESTIGATION OF THE PROPRIETY AND LEGALITY OF THE FAST TRACK CONSIDERATION AND ISSUANCE OF A BUILDING PERMIT FOR THE CONSTRUCTION OF A CEMENT PLANT ADJACENT TO A WELL ESTABLISHED, HEAVILY POPULATED, RESIDENTIAL NEIGHBORHOOD, INCLUDING THE BUILDING OFFICIAL'S COMPLIANCE WITH STATE LAW, THE CRANSTON CHARTER AND THE CRANSTON CODE OF ORDINANCES”

Vote on this Resolution was taken following Public Hearing.

-JULY 24, 2006-

“RESOLUTION APPROPRIATING \$1,000 TO THE CLCF GALS ALL STAR SOFTBALL TEAMS”

Councilman Livingston motion to adopt the above Ordinance. Councilman Lanni seconded the motion.

Under Discussion:

Council Vice-President McFarland asked where these funds will be coming from. Council President Garabedian stated that the Council has an account, which is used to donate to various organizations in the City. Council Vice-President McFarland asked to make sure there is enough money in that account, since the Council budgeted to give St. Mary’s Feast, Gaspee Days and a few other organizations money. Councilman Pisaturo stated that he is concerned that this would be starting a bad precedent. Council Vice-President McFarland stated that she would have no problem, as a Council member, donating \$100 and if every other Council member donates equal to or more, this organization would receive more then \$1,000.

Roll call was taken on motion to adopt the above Ordinance and motion passed on a vote of 6-1 with one abstention and one not present. The following being recorded as voting “aye”: Councilmen Fung, Livingston, Council Member Fogarty, Councilmen Lanni, Barone and Council President Garabedian -6. The following being recorded as voting “nay”: Councilman Pisaturo -1 Council Member Bucci was not present for roll call vote and Council Vice-President McFarland abstained due to lack of funding.

“RESOLUTION RATIFYING THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND THE INTERNATIONAL ASSOC. OF FIRE FIGHTERS, LOCAL 1363”

On motion by Councilman Barone, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. Council Member Bucci was not present for roll call vote.

“RESOLUTION PROPOSING AMENDMENT TO SECTION 6.04 OF THE CRANSTON HOME RULE CHARTER AND DIRECTING THE SECRETARY OF STATE TO PLACE ON THE BALLOT THE FOLLOWING REFERENDUM QUESTION (School Budget)”

Council President Garabedian motioned to adopt the above Resolution, Councilman Lanni seconded the motion.

Under Discussion:

Council President Garabedian passed gavel to Council Vice-President McFarland.

Council President Garabedian, sponsor of this Resolution, appeared to speak in favor of this Resolution. Councilman Fung urged opposition to all the Charter changes listed on the docket because the amendments impact areas within the Mayor’s authority. He quoted Section 15.10 of the City Charter. He asked for legal opinion from the Solicitor. Solicitor Glucksman stated that he spoke to Mr. Quinlan, City Council legal counsel, and he also has questions regarding this issue. They have reached a solution and this issue could be placed before a judge as soon as possible. He believes there needs to be a Charter Review Commission, which would review these Resolutions. Procedurally, if these Resolutions are passed this evening, they could be placed before a judge and there still may be time to place them before the voters in November.

Councilman Lanni stated that past practice has been that Resolutions are passed by the Council and placed before the voters.

Roll call was taken on motion to adopt the above Resolution and motion failed on a vote of 4-5. The following being recorded as voting “aye”: Councilman Livingston, Council Member Bucci, Councilman Lanni and Council President Garabedian -4. The following being recorded as voting “nay”: Councilmen Pisaturo, Fung, Council Member Fogarty, Councilman Barone and Council Vice-President McFarland -5.

“RESOLUTION PROPOSING AMENDMENT TO SECTION 6.17 OF THE CRANSTON HOME RULE CHARTER AND DIRECTING THE SECRETARY OF STATE TO PLACE ON THE BALLOT THE FOLLOWING REFERENDUM QUESTION (Additional Appropriations)”

Council President Garabedian, sponsor of Resolution, appeared to speak in favor.

On motion by Council President Garabedian, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 7-2. The following being recorded as voting “aye”: Councilmen Pisaturo, Livingston, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilmen Fung and Barone -2.

“RESOLUTION PROPOSING AMENDMENT TO CHAPTER 3 OF THE CRANSTON HOME RULE CHARTER AND DIRECTING THE SECRETARY OF STATE TO PLACE ON THE BALLOT THE FOLLOWING REFERENDUM QUESTION (Internal Auditor)”

Council President Garabedian, sponsor of Resolution, appeared to speak in favor.

On motion by Council President Garabedian, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 6-2. The following being recorded as voting “aye”: Councilman Pisaturo, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -6. The following being recorded as voting “nay”: Councilmen Fung and Barone -2. Councilman Livingston was not present for roll call vote.

“RESOLUTION PROPOSING AMENDMENT TO SECTION 7.08 OF THE CRANSTON HOME RULE CHARTER AND DIRECTING THE SECRETARY OF STATE TO PLACE ON THE BALLOT THE FOLLOWING REFERENDUM QUESTION (Purchasing Agent)”

Council President Garabedian, sponsor of Resolution, appeared to speak in favor.

On motion by Council President Garabedian, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 6-2. The following being recorded as voting “aye”: Councilman Pisaturo, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -6. The following being recorded as voting “nay”: Councilmen Fung and Barone -2. Councilman Livingston was not present for roll call vote.

“RESOLUTION PROPOSING AMENDMENT TO SECTION 3.02 OF THE CRANSTON HOME RULE CHARTER AND DIRECTING THE SECRETARY OF STATE TO PLACE ON THE BALLOT THE FOLLOWING REFERENDUM QUESTION (Salaries Council)”

Council President Garabedian, sponsor of Resolution, appeared to speak in favor. Discussion took place on whether this is the correct procedure to address this change. Councilman Fung stated that this issue should be addressed during the budget process.

Council President Garabedian, sponsor of this Resolution, withdrew this Resolution.

“RESOLUTION PROPOSING AMENDMENT TO SECTION 5.06 OF THE CRANSTON HOME RULE CHARTER AND DIRECTING THE SECRETARY OF STATE TO PLACE ON THE BALLOT THE FOLLOWING REFERENDUM QUESTION (Salaries Mayor)”

Council President Garabedian, sponsor of this Resolution, withdrew this Resolution based on the discussion and reasons given for the previous Resolution.

-JULY 24, 2006-

“RESOLUTION PROPOSING AMENDMENT TO SECTION 7.05 OF THE CRANSTON HOME RULE CHARTER AND DIRECTING THE SECRETARY OF STATE TO PLACE ON THE BALLOT THE FOLLOWING REFERENDUM QUESTION (Board of Investment Commissioners)”

Council President Garabedian, sponsor of Resolution, appeared to speak in favor.

On motion by Council President Garabedian, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 7-2. The following being recorded as voting “aye”: Councilmen Pisaturo, Livingston, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilmen Fung and Barone -2.

“RESOLUTION PROPOSING AMENDMENT TO SECTION 2.04 OF THE CRANSTON HOME RULE CHARTER AND DIRECTING THE SECRETARY OF STATE TO PLACE ON THE BALLOT THE FOLLOWING REFERENDUM QUESTION (School Comm. Elector’s Signatures)”

Council President Garabedian, sponsor of Resolution, appeared to speak in favor.

On motion by Council President Garabedian, seconded by Councilman Pisaturo, the above Resolution was adopted on a vote of 7-2. The following being recorded as voting “aye”: Councilman Pisaturo, Livingston, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilmen Fung and Barone -2.

VII. REPORT OF COMMITTEES

COMMITTEE ON ORDINANCE (Paula McFarland, Chair)

4-06-10 “ORDINANCE IN AMENDMENT OF TITLE 10 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Automated Traffic Violation Monitoring)”

On motion by Council Vice-President McFarland, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 5-1. The following being recorded as voting “aye”: Councilman Fung, Council Member Fogarty, Councilman Barone, Council Vice-President McFarland and Council President Garabedian -5. The following being recorded as voting “nay”: Councilman Livingston -1. Councilman Pisaturo, Council Member Bucci and Councilman Lanni were not present for roll call vote.

-JULY 24, 2006-

4-06-12 “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO CONVEY PROPERTY LOCATED ALONG DYER AVE., IN EXCHANGE FOR TITLE TO PROPERTY LOCATED ALONG CRANSTON ST. (Arlington Library)” Amended 6/26/2006 City Council.

Council Vice-President McFarland motioned to adopt the above Ordinance. Councilman Fung seconded the motion. Motion failed by less than majority on a vote of 4-2 and 3 not present. The following being recorded as voting “aye”: Councilmen Fung, Livingston, Barone and Council Vice-President McFarland -4. The following being recorded as voting “nay”: Council Member Fogarty and Council President Garabedian - 2. Councilman Pisaturo, Council Member Bucci and Councilman Lanni were not present for roll call vote.

On motion by Council Vice-President McFarland, seconded by Councilman Livingston, it was voted to reconsider the above vote and to adopt the above Ordinance. Motion passed on a vote of 6-3. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Lanni, Barone, and Council Vice-President McFarland -6. The following being recorded as voting “nay”: Council Member Fogarty, Council Member Bucci and Council President Garabedian -3.

6-06-3 “ORDINANCE IN AMENDMENT OF TITLE 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (Police Commander II)”

Vote on this Ordinance was taken earlier in the meeting.

6-06-4 “ORDINANCE IN AMENDMENT OF TITLE 17.72 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Signs)”

On motion by Councilman Livingston, seconded by Council Vice-President McFarland, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

6-06-13 “ORDINANCE APPROVING, RATIFYING AND ADOPTING THAT CERTAIN MASTER AGREEMENT BY AND BETWEEN TACO, INC. AND THE CITY OF CRANSTON RELATING TO THE ABANDONMENT OF A PORTION OF CARLSBAD STREET AND THE IMPROVEMENT OF TWO INTERSECTIONS”

On motion by Council Vice-President McFarland, seconded by Councilman Livingston, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

-JULY 24, 2006-

**COMMITTEE ON FINANCE
(Cynthia M. Fogarty, Chair)**

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

On motion by Council Member Fogarty, seconded by Councilman Barone, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**6-06-9 “ORDINANCE AMENDING THE CAPITAL BUDGET FOR THE
FISCAL YEAR COMMENCING JULY 1, 2006 AND ENDING
JUNE 30, 2007 (Police Station)”**

On motion by Council Member Fogarty, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**6-06-10 “ORDINANCE TRANSFERRING APPROPRIATIONS AND
AMENDING THE BUDGET FOR THE FISCAL YEAR
COMMENCING JULY 1, 2005 AND ENDING JUNE 30, 2006
(Supplemental Appropriations)”**

On motion by Council Member Fogarty, seconded by Councilman Fung, the above Ordinance was adopted on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone and Council President Garabedian -8. The following being recorded as voting “nay”: Council Vice-President McFarland -1.

**6-06-12 “ORDINANCE IN AMENDMENT OF TITLE 3 OF THE CODE OF
THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE AND
FINANCE’ (Ten Year Tax Incentive Program for Taco, Inc.)”**

On motion by Council Vice-President McFarland, seconded by Councilman Fung, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**6-06-19 “ORDINANCE AMENDING THE BUDGET FOR THE FISCAL
YEAR COMMENCING JULY 1, 2005 AND ENDING JUNE 30, 2006
(Budget Stabilization)”**

On motion by Council Member Fogarty, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

“CRANSTON OPEB TRUST AGREEMENT”

On motion by Council Member Fogarty, seconded by Councilman Lanni, it was voted to approve the establishment of this Trust. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

-JULY 24, 2006-

**COMMITTEE ON PUBLIC WORKS
(John E. Lanni, Jr., Chair)**

**6-06-1 “ORDINANCE IN AMENDMENT OF TITLE 15 OF THE CODE
OF THE CITY OF CRANSTON, 2005, ‘BUILDINGS AND
CONSTRUCTION’ (Building Code-Public Buildings)”**

On motion by Councilman Lanni, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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

**“APPLICATION FOR UNDERGROUND STORAGE TANKS AT 13 RICHLAND
RD.”**

On motion by Councilman Fung, seconded by Councilman Barone, it was voted to approve this application. Motion failed on a vote of 4-5. The following being recorded as voting “aye”: Councilmen Fung, Livingston, Lanni and Council President Garabedian -4. The following being recorded as voting “nay”: Councilman Pisaturo, Council Member Fogarty, Council Member Bucci, Councilman Barone and Council Vice-President McFarland -5.

**“CLASS B FULL ALCOHOLIC BEVERAGE LICENSE FOR STAZS SPORTS
LOUNGE, 1458 PARK AVE.”**

On motion by Council Vice-President McFarland, seconded by Council Member Bucci, it was voted to approve this extension of cap for the above establishment. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**6-06-14 “ORDINANCE IN AMENDMENT OF CHAPTER 10 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR
VEHICLES AND TRAFFIC’ (Cranston St. and Burnham Ave.)”**

On motion by Councilman Lanni, seconded by Council Member Bucci, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**6-06-15 “ORDINANCE IN AMENDMENT OF CHAPTER 10 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR
VEHICLES AND TRAFFIC’ (Natick Ave. and Phenix Ave.)”**

On motion by Councilman Lanni, seconded by Council Vice-President McFarland, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

-JULY 24, 2006-

**6-06-16 “ORDINANCE IN AMENDMENT OF CHAPTER 10 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR
VEHICLES AND TRAFFIC’ (Waite Ave. Closure)”**

On motion by Council Vice-President McFarland, seconded by Council Member Bucci, it was voted to continue this Ordinance to next month’s meeting. Motion passed a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**6-06-17 “ORDINANCE IN AMENDMENT OF CHAPTER 10 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR
VEHICLES AND TRAFFIC’ (Julia St. Closure)”**

On motion by Council Member Bucci, seconded by Councilman Fung, the above Ordinance was adopted on a vote of 8-1. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone and Council President Garabedian -8. The following being recorded as voting “nay”: Council Vice-President McFarland -1.

VIII. ELECTION OF CITY OFFICIALS

**“PUBLIC LIBRARY BOARD OF TRUSTEES – Reappointment of Robert Stravato
and Edward Costa”**

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, it was voted to re-appoint **ROBERT STRAVATO AND EDWARD COSTA** as members of the ***Public Library Board of Trustees***. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**“COUNCIL APPOINTMENT TO FILL THE CITY WIDE UNEXPIRED TERM
OF COUNCILMAN PISATURO, EFFECTIVE AUGUST 21, 2006”**

On motion by Councilman Lanni, seconded by Council Vice-President McFarland, it was voted to appoint **KIRK MCDONOUGH** to fill the unexpired term of Councilman Pisaturo. Motion passed on a vote of 7-2. The following being recorded as voting “aye”: Councilmen Pisaturo, Livingston, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilmen Fung and Barone -2.

IX. REPORT OF CITY OFFICERS

No. Business.

-JULY 24, 2006-

IXA. OLD BUSINESS

“RESOLUTION AUTHORIZING THE ABANDONMENT OF A PORTION OF TERRACE AVE.”

City Clerk stated that applicant’s attorney has requested that this Resolution be withdrawn. They are requesting a “No Parking” sign for that location.

“RESOLUTION NO. 2006-36 AUTHORIZING THE ABANDONMENT OF A PORTION OF BURTON ST.”

This Resolution will remain tabled.

2-06-8 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Change of Zone-Burton St. II)” Tabled 5/22/2006 City Council.

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, it was voted to remove this Ordinance from the table. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. Council Member Bucci was not present for roll call vote.

On motion by Councilman Lanni, seconded by Councilman Livingston, the above Ordinance was referred back to Committee. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. Council Member Bucci was not present for roll call vote.

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 City Council.

This Ordinance will remain tabled.

X. INTRODUCTION OF NEW BUSINESS

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

Public Works Committee – August 17, 2006

Request from National Grid for pole location at Nina Court and Julianna Drive.

Petition from National Grid for pole location at Phenix Avenue.

Petition from National Grid for pole location at Burlingame Rd.

Petition for Abandonment of a portion of Mayberry St. (Institute Proceedings).

-JULY 24, 2006-

Ordinance Committee –August 17 , 2006

- 7-06-1 Ordinance renaming the Cranston Community Youth Center located on Gansett Ave. as the “Peter T. Pastore, Jr., Youth Center”.
- 7-06-2 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Industrial Performance Commission Membership).

On motion by Council Vice-President McFarland, seconded by Councilman Fung, the above items were referred to the respective Committees. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. Council Member Bucci was not present for roll call vote.

Claims Committee

Crescenzo Cece, Jr. – property damage claim.

Maria Diep on behalf of minor children – Emmanuel Baez, Brandon Dorrejo & Sofia Baez

Nationwide Insurance subrogation claim, insured Robert & Joan Romano

On motion by Councilman Pisaturo, seconded by Council Vice-President McFarland, the above Claims were referred to the Claims Committee. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. Council Member Bucci was not present for roll call vote.

XI. MISCELLANEOUS BUSINESS ON CLERK’S DESK

No business.

XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

No business.

Solicitor Glucksman stated that the Public Works Director could not attend this meeting, but asked him to advise the Council that a settlement agreement has been reached with the insurance company regarding the Ice Rink fire in the amount of \$2.1 million, which will cover all the costs. He also stated that the renovations are 95% completed.

The meeting adjourned at 11:00 P.M.

Maria Medeiros Wall
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).