

REGULAR MEETING – CITY COUNCIL

-JULY 26, 2010-

Regular meeting of the City Council was held on Monday, July 26, 2010 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, Aceto, Navarro, Archetto (appeared at 7:05 P.M.), Pelletier, Santamaria, Councilwoman Bergin-Andrews (appeared at 7:05 P.M.), Council Vice-President Livingston and Council President Lanni -9.

Also Present: Robin Muksian-Schutt, Director of Administration; Gerald Cordy, Deputy Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Robert Strom, Director of Finance; Patrick Quinlan, City Council Legal Counsel; 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. PUBLIC HEARINGS

Steve Carrera, 16 Mollie Dr., appeared to speak regarding an incident that occurred approximately nine days ago, which he was very disturbed by. The incident involved an elderly woman in a wheelchair. The Police responded and he feels they handled this appropriately but the tow company was remiss in the way they handled the elderly woman's wheelchair by leaving it in the inclement weather. The woman was put under a lot of stress and he wants to see some kind of procedure in place so this does not happen again. Ms. Schutt stated that she received a phone call on this issue that evening from a news station and the chair was eventually returned back to the woman. The reason the woman was separated from the chair was because of her medical condition. The chair was taken to the tow company's lot and the owner's son was called and advised that the chair was at there. He told them he would pick it up before they closed. The collision company assured the woman that they would pay for any repairs to the chair at no cost to her.

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin-Andrews, it was voted to take under "Council Member Communications", the item regarding "City's Tow List". Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

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IX. COUNCIL MEMBER COMMUNICATIONS

Councilman Lupino

City's Tow List

Councilman Lupino stated that the question has come up is what are the parameters in the RFP that had grounds for removal even if there is a lack of common sense. Ms. Schutt stated that in fairness to the Police Sergeant and the tow company, they did reach the owner's son by 3:30 p.m. that day and he assured them that he would be there by closing time to pick up the chair. We went out for RFP approximately two months ago and several companies responded and she, the Purchasing Agent and the Police Chief reviewed the bids. Not one of the companies provided all the required documents that had been asked for. The Purchasing Agent has contacted all the bidders asking that they submit all required documentations and this is where we are now.

II. DOCKETED RESOLUTIONS

“RESOLUTION IN OPPOSITION TO HESS WEAVER’S COVE LNG ‘OFFSHORE’ PROPOSAL”

Council President Lanni stated that though the Council has previously passed a Resolution in opposition to this facility, he was contacted by a Councilor from Jamestown who asked that it be passed in the attached format for consistency.

On motion by Councilwoman Bergin-Andrews, seconded by Councilman Pelletier, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -7. Councilmen Lupino and Aceto recused.

“RESOLUTION REGARDING SCHOOL DEFICIT REDUCTION PLAN”

On motion by Councilwoman Bergin-Andrews, seconded by Council Vice-President Livingston, it was voted to approve the above Resolution.

Under Discussion:

Councilman Aceto asked if once this is approved by the Auditor General, would we have to amend the Budget or pass an Ordinance to go forward with this. Mr. Strom stated that he is not sure.

Council Vice-President Livingston stated that the Schools owe the City \$6 million. He asked if this is reducing what they owe by \$3 million. Mr. Strom stated, yes.

Councilman Aceto asked where the adjustment will be shown when the Auditors audit the books. Mr. Strom stated that this is a two-year process, so it would show up in 2009 and 2010.

Councilman Aceto stated that the Council has to watch out for the taxpayers of the City of Cranston and by doing this, we still are not watching out for all the taxpayers. This is why he will be voting against this Resolution.

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On motion by Councilman Lupino, seconded by Council Vice-President Livingston, it was voted to move the question. Motion passed on a vote of 7-2. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -7. The following being recorded as voting "nay": Councilmen Navarro and Archetto -2.

Roll call was taken on motion to adopt the above Resolution and motion passed on a vote of 6-3. The following being recorded as voting "aye": Councilmen Lupino, Navarro, Archetto, Pelletier, Councilwoman Bergin-Andrews and Council President Lanni -6. The following being recorded as voting "nay": Councilmen Aceto, Santamaria and Council Vice-President Livingston -3.

IV. REPORT OF COMMITTEES

FINANCE COMMITTEE (Emilio L. Navarro, Chair)

"RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS"

On motion by Councilman Aceto, seconded by Councilman Lupino, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

"TAX INTEREST WAIVER APPROVALS AS RECOMMENDED BY CITY TREASURER"

On motion by Council Vice-President Livingston, seconded by Councilman Lupino, it was voted to approve the above list of Tax Interest Waiver Approvals as recommended by the City Treasurer. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

6-10-3 "ORDINANCE TRANSFERRING APPROPRIATIONS AND AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2009 AND ENDING JUNE 30, 2010 (4th Quarter Transfers"

On motion by Councilman Lupino, seconded by Councilman Pelletier, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

"RESOLUTION AUTHORIZING THE SALE OF PROPERTY AT SCITUATE AVE. AND CASTLETON DR. (APT 27/4, LOT 2)"

On motion by Councilman Lupino, seconded by Councilman Pelletier, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

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“ICE RINK FINANCIALS UPDATE”

Mr. Strom stated that to date, he has received financials for July 2009 through May 2010. He has not received financials for the month of June 2010.

On motion by Councilman Pelletier, seconded by Councilman Lupino, it was voted to continue this item to next month’s meeting. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**ORDINANCE COMMITTEE
(Anthony J. Lupino, Chair)**

6-10-1 “ORDINANCE IN AMENDMENT OF TITLE 17.92 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Variances and Special Use Permits)”

On motion by Councilman Aceto, seconded by Councilman Lupino, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**CLAIMS COMMITTEE
(Michelle Bergin-Andrews, Chair)**

RATIFICATION OF SETTLED CLAIMS FOR: Jacqueline, William & Jae Pezzullo \$775; Dennis Signoriello \$109.95; Lois DiBiasio \$76.65; Mark Adamek \$37.53; Jacqueline Pezzullo \$7,500; William Pezzullo \$3,750; Jae Pezzullo \$3,750; Paul Morrissey and Rob Levine & Associates \$4,500; Lynne Urbani-Craddock \$300; Robert Blinkhorn \$50; Stacey Bendell \$63.77; Jae Pezzullo \$10,000; Jacqueline, William & Jae Pezzullo \$775; Melinda Smolenski and Attorney Edward Shapira \$5,000; Lillian Lord and Attorney Joseph Casale \$1,000.

On motion by Councilwoman Bergin-Andrews, seconded by Councilman Lupino, it was voted to vote on the above claims as a block. Motion passed on a vote of 8-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council President Lanni -8. Council Vice-President Livingston abstained.

On motion by Councilwoman Bergin-Andrews, seconded by Councilman Aceto, it was voted to approve the above claims. Motion passed on a vote of 8-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council President Lanni -8. Council Vice-President Livingston abstained.

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V. ELECTION OF CITY OFFICIALS

“BUILDING APPEAL BOARD”:

- **Appointment of an Electrician**
- **Appointment of an Architect**

Council President Lanni stated that we need an electrician and architect for this Board, and asked that it be continued to next month’s meeting.

“PUBLIC LIBRARY BOARD OF TRUSTEES”:

- **Re-appointment of Joseph Cicione and Deborah Brody**

On motion by Councilman Aceto, seconded by Councilman Pelletier, it was voted to re-appoint Joseph Cicione and Deborah Brody as members of the Cranston Public Library Board of Trustees. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

VI. REPORT OF CITY OFFICERS

“CITY COUNCIL’S INTERNAL AUDITOR’S FINANCIAL ANALYSIS FY 2010”

Mr. Woerner presented a report and indicated that there were several variances, one being the loss of State Aid of approximately \$1.8 million.

VII. EXECUTIVE COMMUNICATIONS

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

Ms. Schutt stated that the City has engaged with Rossi Law Offices to collect delinquent tangible taxes.

Councilman Navarro asked how much the City is trying to collect. Mr. Strom stated approximately \$1.2 million. Councilman Navarro stated that in February of 2009, the Council was provided with a printout of delinquent taxes. He asked how much of that was recouped. Mr. Strom stated that we are down to approximately \$1.3 million.

Councilman Aceto asked why we need special counsel for this and if this went out to bid. Ms. Schutt stated that it did not go out to bid. The firm gets 25% of the interest and the City gets 100% of past due amounts and 75% of the interest. This is for Tangible only. Attorney Lepizzera handles only the motor vehicle. If we were to hire employees to do this in-house, we would have to pay benefits and salary.

Councilman Lupino asked why the Council was not provided with legal fees this evening. Ms. Schutt stated that the Council is usually provided with the report bi-monthly. Councilman Lupino asked that for next month’s meeting, the Council be provided with two reports: year to date ending fiscal year 2010 and a second report YTD for 2011.

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“ADVICE AND CONSENT OF MAYOR’S RE-APPOINTMENT OF GILBERT PARRILLO AS A MEMBER OF THE CRANSTON CONSERVATION COMMISSION”

“ADVICE AND CONSENT OF MAYOR’S APPOINTMENT OF TERAH SPRAGUE-CHADBROWN AS A MEMBER OF THE CRANSTON CONSERVATION COMMISSION”

On motion by Councilman Lupino, seconded by Councilman Pelletier, it was voted to approve the above Advice and Consent of the Mayor’s re-appointment of Gilbert Parrillo and appointment of Terah Sprague-ChadBrown as members of the Cranston Conservation Commission. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

VIII. COUNCIL PRESIDENT COMMUNICATIONS

Council President Lanni stated that he, School Department Representatives and members of the City Administration met weekly on the deficit reduction plan and they worked very hard to get this done. It is a major accomplishment from the Council and School Committee.

IX. COUNCIL MEMBER COMMUNICATIONS

Councilman Santamaria

Status of Federal Funds for Pocasset River

Mr. Cordy stated that we received information from Senator Reed’s Office that funding would become available to fund some of the potential flood areas. We are waiting for documents as to how much money is available and what the areas are.

Councilman Santamaria asked to continue this item to next month’s meeting.

1590 Plainfield Circle

Councilman Santamaria stated that this item was placed on the agenda because Veolia was to address some issues. It is on the docket because they did not take care of those issues.

Solicitor Kirshenbaum stated that the individual who was handling this for Veolia has asked that it be continued. He suggested that this item be referred to Committee for discussion.

Motor Vehicle Tax Bills

Councilman Santamaria indicated that the new Motor Vehicle Tax Bills were received by taxpayers today and the brochure included with the bills stated that if the taxpayer would like to appeal the value, the appeal can be filed with the Tax Assessor’s Office. He asked if people call the Tax Assessor’s Office regarding an appeal, what will they be told. Ms. Schutt stated that the value placed on the motor vehicles is based on what the State gives us in numbers. The appeal is filed with the City. Councilman Santamaria questioned why the appeal is not with the State. Ms. Schutt stated that the State does not have a board to appeal to. Councilman Santamaria asked what the collection rate is on Motor Vehicle tax. Mr. Strom stated, approximately 9%.

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Councilman Lupino

City's Tow List

This item was discussed earlier in the meeting.

Payment of Taxes - Flood Victims

Councilman Lupino asked Finance Chair or Vice-Chair to place this issue on the next Finance Agenda. He stated that we need to look at what the City can do for the flood victims as far as taxes due, either abate them or give them some sort of deferral in paying those taxes. This is an issue that we must deal with now. He understands that taxes for this year are for taxes in arrears, but we must deal with this now and not wait until next year.

Updates on Settled Lawsuits

Councilman Lupino stated that a pet peeve of his is finding out about settled City lawsuit from the Providence Journal. He has consistently asked for and been denied information on pending law suits. The Council is still not being updated on settled lawsuits as they are settled. Ms. Schutt stated that there are always suits going on. The Administration would be more than happy to keep the Council apprised, but that would mean a lot of Executive Sessions. Solicitor Kirshenbaum stated that he does not think it is particularly relevant. There is a record of what claims are settled in Committee. Councilman Lupino stated that he feels once a claim goes beyond the Claims Committee and is going to litigation, the Council should be made aware of that, even if it is done annually.

Councilwoman Bergin-Andrews

Glen Hills Dr. – Street Disrepair

Councilwoman Bergin-Andrews stated that a utility company has dug up a portion of Glen Hills Dr. and it is an absolute mess. Her concern is that you have to drive on the other side of the street to avoid the depression and it is located in front of a school. She is concerned about what will happen when school is in session and traffic increases with children in the area. At the bottom of the street, there is also a huge pothole. She asked who is responsible for this street being dug up. Ms. Schutt stated that as for the pothole, as soon as a Council member is aware of a pothole, they should call the Administration to have it repaired. As to the street being dug up, she will find out who did that.

Cranston High School West Banner

Councilwoman Bergin-Andrews addressed the issue of a complaint being made to the ACLU regarding a banner at Cranston High School West. She stated that this is terrible. This banner has been up for fifty years. She asked the Council if there is a way that the Administration can seek outside counsel to pay for legal fees to defend this. Ms. Schutt stated that the Mayor's position is the banner has been up for fifty years and it should stay up. Councilwoman Bergin-Andrews questioned if there is any way the Council can pass a Resolution letting the School Committee know that the Council is in support of keeping the banner up. Solicitor Kirshenbaum stated that he is in favor of keeping the banner up, but he cautioned that the ACLU is known for successfully getting sanctions, and if there is a sanction to be had, we could be liable for that. Council President Lanni stated that this is a School Department's problem and they need to address it. The City should not be involved in that. If this is taken to Court, he does not want the City's taxpayers to be held accountable to pay for that.

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Councilman Pelletier

Natick Ave Project.

Councilman Pelletier stated that the contractor doing the work is doing a great job as he is out there daily. The residents are very happy with the progress, and the project is coming along really nice.

X. OLD BUSINESS

None.

XI. INTRODUCTION OF NEW BUSINESS

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

Safety Services and Licenses Committee – August 2, 2010

- 7-10-1** Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Wildflower Dr., Blue Gentian Rd. and Forsythia Lane).
- 7-10-2** Ordinance in amendment of Title 10, Chapter 12 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Auburn St., Reservoir Ave. and Hayward St.).
- 7-10-3** Ordinance in amendment of Title 10, Chapter 12 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Auburn St., Hayward St. and Reservoir Ave.).
- 7-10-4** Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Auburn St., Hayward St. and Rugby St.).

Finance Committee – August 12, 2010

- 7-10-5** Ordinance authorizing the City to utilize Western Cranston Recreational Capital Facilities Impact Fees for the purchase of a conservation easement located at 864 Natick Ave.
- 7-10-6** Ordinance authorizing the City to utilize Eastern Cranston Recreational Impact Fees for the removal of an abandoned storage tank in preparation for anticipated landscape improvements.

Claims Committee

- *Leanne DeCosta for property damage claim from incident on June 13, 2010.
- *Gail M. McCormick for personal injury claim from incident on May 29, 2010.
- *Evan Dacey for property damage claim from incident on June 10, 2010.
- *Frank Cambio for property damage claim from incident on June 23, 2010.
- *Gennaro & Anna Companatico for property damage claim from snowstorm.
- *Lisa Iafrate for property damage claim from incident on June 3, 2010.
- *Pasquale J. DiFilippo for property damage claim from incident on July 10, 2010.
- *Steven C. Petrarca for property damage claim from incident on July 9, 2010.

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Councilman Pelletier, seconded by Councilman Lupino, the above items were referred to the respective Committees. Motion passed on a vote of 9-0. . Motion passed on a vote of 9-0. The following being recorded as voting “aye”:
Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

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XII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

“IBPO LOCAL 301 CBA FOR FY 2008-2009 AND 2009-2012 (Awaiting Executed Copy)”

Ms. Schutt stated that this is still in the hands of the IBPO.

XIII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Pam Schiff, 68 Mauran St., appeared to speak and stated that the music program at Cranston Schools is starving. She stated that she is present this evening to ask the Council that \$100 be set aside from political funds to support this program.

William Webb, 1 Clear View Dr., appeared to speak and asked if there is any plan in place in the future to return to our previous car tax policy. Ms. Schutt stated that the Motor Vehicle tax plan was not our plan, it was the State's plan. In order to make up for this, we would have to come up with \$11 million. We have already had layoffs and other reductions.

Diana Gordon, 363 Pontiac Ave., appeared to speak and questioned the status of the repaving of Rolfe St. Ms. Schutt stated that this should be done with the next two weeks.

Richard Tomlins, 400 Farmington Ave., appeared to speak regarding the issue stated by Councilman Lupino in regards to the Council being updated on settled lawsuits and he stated that he agrees with Councilman Lupino. There is no reason why they should not be discussed in Executive Session. Mr. Tomlins also addressed the Motor Vehicle tax issue. He stated that this will be affecting the renters the most. They are generally hard working people with two or more children. Mr. Tomlins indicated that the Fire Contract is not posted on the City's website yet, which is a violation.

Mark Collins, 98 Turner Ave., appeared to speak and urged the Council and future Councils to take \$6 million and place it back into the Rainy Day Fund, instead of the Surplus Fund. Council President Lanni stated that this is the same fund.

Steve Carrera, 16 Mollie Dr., appeared to speak regarding stipend or donations for elected officials. He compared the City of Providence's Council members' stipend to Cranston's. Although we are in hard financials times, this Council deserves an increase in their salary.

The meeting adjourned at 9:00 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).