

## **REGULAR MEETING – CITY COUNCIL**

**-JULY 27, 2009-**

Regular meeting of the City Council was held on Monday, July 27, 2009 in the Council Chambers, City Hall, 869 Park Ave., Cranston, Rhode Island.

The meeting was called to order at 7:15 P.M. by the Council Vice-President.

Roll Call showed the following members present: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -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.

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

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

### **II. PUBLIC HEARINGS**

**John Bolton, Esq.**, appeared to represent applicant regarding Ordinance 5-09-5 and stated that this Ordinance, as presented to the Council, has a scrivener's error and he asked that it be corrected.

**Maria Miglianelli**, 20 Birchwood Dr., appeared to speak in favor of "Resolution requesting the General Assembly and the RI Department of Transportation to look into the installation of a traffic light at Atwood Ave. Route 5 and Walnut Grove".

### **III. DOCKETED RESOLUTIONS**

#### **"RESOLUTION REQUESTING THE GENERAL ASSEMBLY AND THE RI DEPARTMENT OF TRANSPORTATION TO LOOK INTO THE INSTALLATION OF A TRAFFIC LIGHT AT ATWOOD AVE. ROUTE 5 AND WALNUT GROVE"**

On motion by Councilman Lupino, seconded by Councilman Santamaria, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

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**IV. REPORT OF COMMITTEES**

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

**5-09-5           “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE  
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED  
‘ZONING’ (Change of Zone – New London Ave.)”**

On motion by Councilman Pelletier, seconded by Councilman Aceto, it was voted to adopt the above Ordinance.

Under Discussion:

**Councilman Lupino** stated that he is not in favor of this Ordinance because it would set a precedent.

**Council Vice-President Livingston** read an email from the Planning Director regarding this Ordinance.

Roll call was taken on motion to adopt the above Ordinance and motion passed on a vote of 6-2. The following being recorded as voting “aye”: Councilmen Aceto, Navarro, Archetto, Pelletier, Councilwoman Bergin-Andrews and Council Vice-President Livingston -6. The following being recorded as voting “nay”: Councilmen Lupino and Santamaria -2.

**COMMITTEE ON FINANCE  
(Emilio L. Navarro, Chair)**

**“RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS”**

On motion by Councilman Lupino, seconded by Councilman Aceto, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

**“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”**

On motion by Councilman Lupino, seconded by Councilman Pelletier, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

**“TAX INTEREST WAIVER APPROVALS AS RECOMMENDED BY CITY  
TREASURER”**

On motion by Councilman Lupino, seconded by Councilman Santamaria, 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 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

**6-09-5           “ORDINANCE AMENDING THE BUDGET FOR THE FISCAL  
YEAR COMMENCING JULY 1, 2008 AND ENDING JUNE 30, 2009  
(School System Appropriation)**

On motion by Councilman Lupino, seconded by Councilman Aceto, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

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**6-09-6           “ORDINANCE TRANSFERRING APPROPRIATIONS AND AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2008 AND ENDING JUNE 30, 2009 (4<sup>th</sup> Quarter Transfers)”**

On motion by Councilman Lupino, seconded by Councilman Aceto, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

**7S-09-1           “ORDINANCE RATIFYING THE LIUNA (Laborers) LOCAL 1322 CONTRACT FOR JULY 1, 2009 TO JUNE 30, 2012”**

On motion by Councilman Lupino, seconded by Councilman Santamaria, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

**PUBLIC WORKS COMMITTEE  
(Mario Aceto, Chair)**

**“NATICK AVE. ENGINEERING STUDY”**

**Ms. Schutt** stated that contract has been awarded. It will take two to three weeks for design work. Bridge work would start early Spring.

**Councilman Aceto** asked that this item be moved under “Council Member Communications” for next month’s meeting.

**6-09-1           “ORDINANCE IN AMENDMENT OF CHAPTER 12 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘STREETS, SIDEWALKS AND PUBLIC PLACES’ (Utility Street Openings)”**

On motion by Councilman Lupino, seconded by Councilman Pelletier, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

**6-09-2           “ORDINANCE IN AMENDMENT OF CHAPTER 12 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘STREETS, SIDEWALKS AND PUBLIC PLACES’ (Emergency Street Openings)”**

On motion by Councilman Lupino, seconded by Councilman Aceto, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

**Council Vice-President Livingston** announced a cleanup day at Rolfe St. on August 1<sup>st</sup>. Councilman Pelletier stated that Oaklawn Grange recently lost their Charter. He stated that part of this cleanup is to support the Charter for the Grange.

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**SAFETY SERVICES & LICENSES COMMITTEE  
(Richard D. Santamaria, Jr., Chair)**

**4-09-2           “ORDINANCE IN AMENDMENT OF CHAPTER 10.32 OF  
THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED  
‘MOTOR VEHICLES AND TRAFFIC’ (South Comstock Parkway  
and Olney Arnold Rd.)”**

On motion by Councilman Lupino, seconded by Councilman Aceto, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

**6-09-4           “ORDINANCE IN AMENDMENT OF TITLE 10, CHAPTER 32 OF  
THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED  
‘MOTOR VEHICLES AND TRAFFIC’ (Laurens St. and Orchard  
St.)”**

On motion by Councilman Navarro, seconded by Councilman Aceto, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

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

**Ratification of settled claims for:** Kerri Silva \$153.40; Rae Ann McGowan \$98.54; Susan and Carmelo Scuncio \$50.00; Jacqueline, William and Jae Pezzullo \$775.00; Jae Pezzullo \$10,000.

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

**V. ELECTION OF CITY OFFICIALS**

***BUILDING APPEALS BOARD: Re-appointment of Carlo Testa and David Principe***

On motion by Councilman Pelletier, seconded by Councilman Aceto, it was voted to re-appoint **CARLO TESTA and DAVID PRINCIPE** as members of the ***Building Appeals Board***. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Navarro, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

***JUVENILE HEARING BOARD: Re-appointment of Neil Amper  
Re-appointment of Richard Torres  
Appointment of Raymond Hicks***

On motion by Councilman Santamaria, seconded by Councilman Aceto, it was voted to re-appoint **NEIL AMPER and RICHARD TORRES** and appoint **RAYMOND HICKS** as a member of the ***Juvenile Hearing Board***. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Navarro, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

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**JUVENILE HEARING BOARD: Appointment of Frank Migliorelli - Alternate**

On motion by Councilman Santamaria, seconded by Councilman Aceto, it was voted to appoint **FRANK MIGLIORELLI** as an Alternate Member of the *Juvenile Hearing Board*. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Navarro, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

**ZONING BOARD OF REVIEW: Appointment of Christine Cole – Ward 3/5 Member**

On motion by Councilman Lupino, seconded by Councilman Aceto, it was voted to appoint **CHRISTINE COLE** as a Ward 3/5 Member of the *Zoning Board of Review*. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Navarro, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

**PUBLIC LIBRARY BOARD OF TRUSTEES: Appointment of Julie M. Colangelo**

On motion by Councilman Lupino, seconded by Councilman Aceto, it was voted to appoint **JULIE M. COLANGELO** as a Member of the *Public Library Board of Trustees*. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Navarro, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -8.

**VI. REPORT OF CITY OFFICERS**

None.

**VII. EXECUTIVE COMMUNICATIONS**

**“CRANSTON FIRE DEPT. LT. THOMAS CONLEY, DISABILITY PENSION”**

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

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

None.

**“REPORT FROM TRAFFIC ENGINEER ON SAFE ROUTES TO SCHOOL”**

**Ms. Schutt** appeared to speak and stated that the Superintendent of Buildings has advised her that street light at 929 Phenix Ave. will be removed.

**Mr. Cordy** stated that the City has contracted with Constellation Energy for \$35,762. Councilman Archetto asked what this company will be addressing. Mr. Cordy stated that they will be addressing municipal and school buildings. Councilman Archetto stated that the School Department has a consultant who is paid to do this and he questioned why we are duplicating this. Mr. Cordy stated that we are utilizing the expertise from the School Department and it is a requirement to use stimulus money that we also look at the Schools.

**Ms. Schutt** presented a flyer regarding the Safe Routes to School. She stated current status of this issue. In May, an RFP was drafted. It is up at the State for approval. Two areas designated are Park View and Bain. The RFP is to advertise for engineering services.

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**“REPORT REGARDING FIRE DEPARTMENT STATUS”**

Ms. Schutt presented a Police Department update in writing, as requested by Councilman Lupino at the last Council meeting and also a Fire Department update, which she read into the record.

**“RICHARD DEGRANDPRE – APPOINTMENT AS TREE WARDEN”**

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

**VIII. COUNCIL PRESIDENT COMMUNICATIONS**

None.

**IX. COUNCIL MEMBER COMMUNICATIONS**

**Council Vice-President Livingston**

***Summary of Breakdown from Audit Team of Cost for Basic Education Program***

Council Vice-President Livingston asked that since Mr. Woerner is not present this evening, this item be continued.

**Councilman Santamaria**

***Comprehensive Plan Update***

**Ms. Schutt** stated that the Planning Director will call the City Clerk to set up a meeting in early August.

**Councilman Pelletier**

***Phase-Out Line for Natick Ave.***

**Councilman Pelletier** asked that this item be withdrawn.

**Councilman Navarro**

***Status report on Camera exchange with Veolia Water***

**Ms. Schutt** stated that the truck is back and training was held this morning.

**Councilman Lupino**

***School Performance Audit***

Councilman Lupino questioned when the Council will be receiving the School Performance Audit. Mr. Strom stated that as far as he knows, it is still ongoing. He does not have a final report yet. He is still receiving invoices, which he is reluctant to pay, but he has been paying them. Councilman Lupino asked if there is any way we can stop the payments of these invoices until we get a status report. Mr. Kirshenbaum stated that he can send a memo to the School Department to come to the next meeting. Council Vice-President Livingston asked that Mr. Kirshenbaum look into this to see if payments can be stopped. Mr. Strom stated that he will confer with Mr. Woerner tomorrow.

**-JULY 27, 2009-**

**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 3, 2009**

**7-09-2 Ordinance in amendment of Title 10, Chapter 32.650 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Norfolk St. 2 Hr. Parking).**

**7-09-3 Ordinance in amendment of Title 10, Chapter 32.040 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (RIPTA Park Ave.).**

**7-09-4 Ordinance in amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Hazelton St. and West View Ave.).**

**Safety Services and Licenses Committee – September 8, 2009**

**7-09-6 Ordinance in amendment of Title 5.12 of the Code of the City of Cranston, 2005, entitled “Alcoholic Beverage Licenses” (Expansion of Service Grandfather Provision).**

**7-09-7 Ordinance in amendment of Title 5.64 of the Code of the City of Cranston, 2005, entitled “Business Licenses and Regulations” (Public Entertainment Grandfather Provision).**

**Public Works Committee – August 13, 2009**

**Petition from National Grid for pole location at Park Ave.**

**Petition from National Grid for pole location at Greylock Ave.**

**Ordinance Committee – August 13, 2009**

**7-09-1 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Authorized Use of Municipal Vehicles).**

**7-09-5 Ordinance authorizing the Purchasing Agent to lease a portion of 155 Gansett Ave., Cranston, RI (Peter Pastore Youth Center).**

**Claims Committee**

- \*Pauline and Joseph Volpi
- \*Nidia Reyes
- \*Michael J. Seeback
- \*Adam Garnetto
- \*Donald Koerner
- \*Angela Schulenberger
- \*Elizabeth Vidal
- \*Arlene Bernstein
- \*Richard A. Biagatti
- \*Robin A. Dionne
- \*Maria H. Raposo
- \*Dennis Ciaramello
- \*Paul Morrissey
- \*Brenda Mogetrick
- \*City of Providence – Anthony Sauro

\*forwarded only to City Council, Solicitor and Anna Marino

On motion by Councilman Aceto, seconded by Councilman Lupino, 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, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -7. Councilman Aceto was not present for roll call vote.

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

**5-09-2**           **“ORDINANCE IN AMENDMENT OF CH. 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (Resident Preference)”.**  
**Mayor’s Veto Filed 7/2/2009.**

**5-09-3**           **“ORDINANCE IN AMENDMENT OF CH. 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (Classified Service)”**  
**Mayor’s Veto Filed 7/2/2009.**

.           **Council Vice-President Livingston** stated that the above two Ordinances were vetoed by the Mayor. The veto message will be read into the record and they are not debatable and at that time, a vote will be taken.

**Clerk** read the Mayor’s veto message into the record.

          On motion by Councilman Lupino, seconded by Councilman Navarro, it was voted to override the Mayor’s veto on Ordinance 5-09-2. Motion passed on a vote of 7-0. The following being recorded a voting “aye”: Councilmen Lupino, Aceto, Navarro, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -7. Councilman Archetto was not present for roll call vote.

          On motion by Councilman Lupino, seconded by Councilman Navarro, it was voted to override the Mayor’s veto on Ordinance 5-09-3. Motion passed on a vote of 7-0. The following being recorded a voting “aye”: Councilmen Lupino, Aceto, Navarro, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council Vice-President Livingston -7. Councilman Archetto was not present for roll call vote.

**XIII. PUBLIC HEARINGS ON UNDOCKETED ITEMS**

**Richard Bray, Sr.**, Ward 1, District 1, Committeeman, appeared to speak and stated that he has received numerous complaints of potholes from the Library to Pawtuxet Village. He complimented the Mayor for choosing Marco Palumbo as Chief of Police. He stated that he will make a wonderful Chief in the City.

**Diana Gordon**, 363 Pontiac Ave., appeared to speak and thanked the Administration and Council for fixing the pothole on Pontiac Ave.

**Steven Callahan**, 135 Amanda St., appeared to speak and stated that to this day, he still has not received a response to his appeal of a denied claim. He asked Councilwoman Bergin-Andrews, as Chair of Claims Committee, when he will be receiving a response to his letter of appeal he filed in April. Mr. Kirshenbaum stated that Councilwoman Bergin-Andrews cannot speak regarding the handling of this claim, since it was done in Executive Session. He stated to Mr. Callahan that if there is any new information which can add to the claim, he could address it in a legal recourse. Mr. Callahan stated that at the last meeting, he asked if stimulus money could be used for check valves for residents. Council Vice-President Livingston asked that Mr. Cordy look into this.



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**Steven Carrera**, 16 Mollie Dr., member of the Charter Review Commission, appeared to speak and stated that he submitted Council President Lanni several amendments to the section of the Charter regarding Voter Initiative. He stated that he would appreciate it if this Council acts on those amendments before the Charter Review Commission reconvenes in September. he offered his appreciation to this Administration and this Council, past Administrations and past Councils for getting the Park Theatre up and moving forward.

**Richard Tomlins**, 400 Farmington Ave., appeared to speak regarding the appointment of the Acting Police Chief. He stated that the process was flawed from the beginning. He addressed the resignation of the former Chief, former Commander and former Major. This is a process that should have never happened and should never happen again.

**Councilman Aceto** asked that the issue of using stimulus money for check valve addressed by Mr. Callahan be placed on the August Public Works Commission agenda.

The meeting adjourned at 8:45 P.M.

Maria Medeiros Wall, JD  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).