

REGULAR MEETING – CITY COUNCIL

-MAY 22, 2006-

Regular meeting of the City Council was held on Monday, May 22, 2006 in the Council Chambers, third floor, 869 Park Ave., 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, 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; Michael 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

“PROCLAMATION IN RECOGNITION OF LOUIS A. MARCIANO’S COMMUNITY SERVICE”

On motion by Councilman Fung, seconded by Council Vice-President McFarland, it was voted to approve this proclamation. 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.

Ms. Schutt acknowledged Matthew Forcier in receiving the Mayor’s Award for the Cranston High School East Wrestling Team. Mr. Grimes presented the award to Mr. Forcier.

Johnny B's Diner

Ms. Schutt addressed concerns regarding the land swap between Cranston Printworks and the City and the issue of Johnny B's Diner and some misconceptions that may exist. She stated that Johnny B's Diner does not own the land or building. They sublet the land. The Economic Development Director is working very aggressively to try to help them find a relocation. For several years, this land has been for sale. The former Church building will be converted into a library branch. If the proposed land swap does not happen, both buildings on that property, the diner and the old Church, will be razed by the Printworks. If the City does not engage in this land swap, this does not mean Johnny B's Diner will remain. By engaging in this land swap, it would give the City the opportunity to save the old church. Ms. Schutt stated some of the reasons why the diner cannot stay:

- the City is not in business to let businesses use City property for profit;
- Johnny B's Diner has indicated to the City that they are not interested in addressing the upgrades that need to be done to the building.

Council Vice-President McFarland questioned if, in the past, the City has ever leased to for-profit. Ms. Schutt stated, yes, the City has in the past. Council Vice-President McFarland stated that it bothers her that the City Council was not brought into this process until last week, when she started receiving phone calls. She is concerned about the legal aspect of the land swap and would be in favor of trying to give this business more time in finding a new location and find out whether the City has any liabilities with any violations there may be at this business.

Councilman Lanni asked how old the diner is. Ms. Schutt stated that it was built in the twenties to serve the workers of the Printworks. Councilman Lanni stated that this is considered a historical building. He questioned, if it is possible to leave the diner where it is for approximately six months or so, while the library is being renovated. John Corey, Asst. Director of Public Libraries, appeared to speak and stated that he does not see a problem with this. Ms. Schutt stated that the Legal Department would have to look into the issue of guarantee that the City is not liable. Mr. Glucksman stated that he will speak to the owner of the diner and see if an indemnification agreement can be worked out.

Council President Garabedian stated that he believes this Council should move forward with the land swap, but this Council needs more information and alternative parking plans.

Council Vice-President McFarland stated that the City needs to make sure that the lease addendum is very clear that the City is not going to allow the Printworks to make demolition of the diner, if the land swap is approved, and the City is taking all structures as they stand today. Mr. Glucksman stated that conditions can be placed, if the Council wishes. Mr. Quinlan was asked his opinion regarding the statements made by Mr. Glucksman. Mr. Quinlan stated that he agrees with the Solicitor, that conditions can be placed with a letter accompanying the Ordinance stating that no demolition be done on the entire parcel and buildings.

Council President Garabedian asked if there are any objections to having the public speak and vote taken on Ordinance 4-06-12. No one objected.

Daniel Zilka, Executive Director of American Diner Museum, appeared to speak and stated that this organization has the lease on the property and the lease is month to month. He stated that Johnny B's Diner is the oldest operating diner in the State of Rhode Island, opening in 1926. It represents a living exhibit and Johnny B's is known nationally. It is not just preservation of a business, but preservation of a piece of living history of Cranston. Johnny B's is a tribute to working class people of Cranston. He promised that if the Council will help leave the diner intact, he will apply for the diner to become registered with the National Historical Registry. Councilman Fung asked Mr. Zilka if he would be willing to work with the City to try to get some other location in the City. Mr. Zilka stated that because the building is not handicapped accessible, Zoning implications, among other compliances, if moved, these issues would have to be addressed. It is either at this location or no other location.

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Council Member Fogarty stated that she would be in favor of forming a sub-committee consisting of Council members, Planning member and Economic Development Director, which would look into this some more, since there is a lot more information that the Council needs.

Sylvia Blackman, 42 Willow Dr., appeared to speak in favor of not demolishing the diner.

John Esposito, operator of Johnny B's Diner, appeared to speak and stated that any help the City can give him would be appreciated.

Sharon Ricci, patron of the diner, appeared to speak in favor of keeping Johnny B's Diner intact.

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)"

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, it was voted to direct the Solicitor to attach an exhibit to the Ordinance indicating that the City does not want any properties demolished at this time. 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.

II. EXECUTIVE COMMUNICATIONS

"REQUEST TO BE PLACED ON PENSION LIEUTENANT JOSEPH N. CAPUANO, JR., CRANSTON FIRE DEPARTMENT"

Mr. Grimes appeared to speak.

On motion by Councilman Pisaturo, seconded by Councilman Lanni, it was voted to approve the above request. 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.

"REQUEST TO BE PLACED ON PENSION CAPTAIN HENRY LATEK, JR., CRANSTON FIRE DEPARTMENT"

Mr. Grimes appeared to speak.

On motion by Councilman Pisaturo, seconded by Councilman Barone, it was voted to approve the above request. 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.

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**“REQUEST TO BE PLACED ON PENSION LIEUTENANT GREGORY CLESAS,
CRANSTON FIRE DEPARTMENT”**

Mr. Grimes appeared to speak.

On motion by Councilman Pisaturo, seconded by Councilman Barone, it was voted to approve the above request. 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.

“REQUEST TO BE PLACED ON PENSION DEPUTY CHIEF ROBERT STOCKLEY, CRANSTON FIRE DEPARTMENT”

Mr. Grimes appeared to speak.

On motion by Councilman Pisaturo, seconded by Councilman Barone, it was voted to approve the above request. 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.

“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR LIEUTENANT DENNIS MOORE, CRANSTON FIRE DEPARTMENT”

City Clerk stated that this request was approved last month and was placed on this docket in error and no action is needed.

“REQUEST TO BE PLACED ON PENSION DEPUTY CHIEF JOHN WARBURTON, CRANSTON FIRE DEPARTMENT”

Mr. Grimes appeared to speak.

On motion by Councilman Pisaturo, seconded by Councilman Barone, it was voted to approve the above request. 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.

“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR STEPHEN CROFT, CRANSTON FIRE DEPARTMENT”

Mr. Grimes appeared to speak.

On motion by Councilman Pisaturo, seconded by Councilman Barone, it was voted to approve the above request. 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.

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III. COUNCIL PRESIDENT COMMUNICATIONS

Council President Garabedian stated that during the budget process, he raised a question regarding availability of space for planting for people. He stated that he found out that people in the City Planning Department designates areas. Council Vice-President McFarland stated that if the City is looking for land to let people use for planting, there is a piece of land on Farmington Ave., which could be used for this purpose.

IV. COUNCIL MEMBER COMMUNICATIONS

Councilman Livingston stated that he has sent a request to the Administration for an update on the status of the permanent closure of Waite Ave. and has not received a response to this request. Mr. Grimes stated that he has forwarded this request to the Public Works Director.

V. PUBLIC HEARINGS

John DiBona, Esq., appeared to represent applicants for Ordinances 2-06-7 and 2-06-8 and 3-06-5 and Resolution Abandoning a portion of Burton St. He asked that Ordinance 2-06-7 be approved and Ordinances 2-06-8 and 3-06-5 and Resolution Abandoning a portion of Burton St. be tabled. He stated that the reason for the request to table the last three items is because it was pointed out today by Attorney Keven McKenna, attorney representing a resident who is opposed to Ordinance 2-06-8 and pursuant to our General Laws, we must receive approval for preliminary site plan before a Zone Change can be approved. Keven McKenna, Esq., appeared to represent Carmine Cece, who is opposed to this Zone Change. He stated that the Zoning and Planning statutes, 45-23 and 24, are very complicated. By passing the Comprehensive Plan, you are spot planning, this is not comprehensive. Comprehensive Plans have to be approved by the State Director of Administration and since this approval was not received, he asked that Ordinance 2-06-7 be tabled. Jared Rhodes, City Planner, appeared to speak and addressed the issue of spot planning. He stated that the statute does allow municipalities to make these sorts of changes on an ongoing annual basis. The Planning Commission, in their consideration, did find that multifamily transitional zone would be consistent. Councilman Lanni asked how old our Comprehensive Plan, that we are working with today, is. Mr. Rhodes stated that it was adopted in 1992. Councilman Livingston asked if there are any ramifications for us not upgrading our Comprehensive Plan in 14 years and if there are any legal problems with any Comprehensive Plans that we have approved in the past. Mr. Rhodes stated that in his opinion, in reviewing the State Statute, there is not. Attorney McKenna stated that if you do not have a Comprehensive Plan in effect and you pass a Zoning Amendment, the City will lose in Superior Court and there is a case law on this.

Ronald Castriotti, Esq., appeared to represent United Cerebral Palsy and spoke in favor of Ordinance 4-06-15.

Anthony Lupino, 15 Black Oak Court, appeared to speak and asked for the Council's support of "Resolution Memorializing the Members of the General Assembly from Cranston to Introduce and Urge Passage of Legislation Authorizing Bonds of the City and to Authorize a Referendum to be Held Thereon for \$9,585,000 for School Renovations: Hugh B. Bain, Park View Middle School and Western Hills Middle School". He also spoke regarding the issue of night Municipal Court and asked who and when does someone decide who goes to day court and who goes to night court. Council President Garabedian stated that he is introducing an Ordinance regarding Municipal Court and he is sure that this can be resolved within the department.

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VI. DOCKETED RESOLUTIONS

“RESOLUTION MEMORIALIZING THE MEMBERS OF THE GENERAL ASSEMBLY FROM CRANSTON TO INTRODUCE AND URGE PASSAGE OF LEGISLATION AUTHORIZING BONDS OF THE CITY AND TO AUTHORIZE A REFERENDUM TO BE HELD THEREON FOR \$9,585,000 FOR SCHOOL RENOVATIONS: HUGH B. BAIN, PARKVIEW AND WESTERN HILLS MIDDLE SCHOOLS”

On motion by Councilman Fung, seconded by Councilman Barone, it was voted to adopt the above Resolution

Under Discussion:

Council Vice-President McFarland asked if there is a breakdown of the actual projects. Mr. Grimes stated that the Capital Budget includes the five-year plan for the schools and includes which schools has work to be done. Council Vice-President McFarland stated that she does not recall the Capital Budget being forwarded to the City Council in advance. She also stated that, as a member of the School Buildings Committee, she does not recall this particular request coming before this Committee. Mr. Grimes stated that the legislature is almost at the end of their session and this needs to be placed before the voters. He also stated that the School Buildings Committee did not make the request to the Administration, but it was examined by the Administration even though it was late, and the Administration felt these were reasonable requests that needed to be done and have to go before the voters. As to the breakdown, the Capital Budget has the breakdown of how the money would be broken down. Council President Garabedian quoted Section 6.12 of the Charter and stated that this has not been followed in this case. It would be improper for the Council to act on this Resolution. Mr. Quinlan agreed that this did not follow proper procedure and he believes that bond counsel would pick up on this. Council Vice-President McFarland pointed out that this particular project was placed in the Capital Budget back on January 6, 2006. Mr. Rhodes indicated that requests for renovations for Park View and Bain Middle School were submitted to his department in December, 2005 by the School Department and were included in the first draft in February and also in March to the Planning Commission. Mr. Rhodes also stated that these two projects were not originally placed in the list for the Capital Budget because there appeared to be sufficient authority for these two projects. Subsequently, it was discovered that there was not and this Resolution came about. Mr. Quinlan suggested having a Special meeting of the School Buildings Committee and get approval to submit to the Council, and this way the procedure can be followed. Council Member Fogarty stated that the School Buildings Committee is meeting tomorrow and she questioned how this item can be placed on that agenda, since they are meeting tomorrow. Mr. Quinlan stated that this would be considered an emergency matter, since the General Assembly will be recessing soon and this needs to go to them as soon as possible.

On motion by Councilman Fung, seconded by Councilman Barone, it was voted to approve this Resolution subject to School Buildings Committee approval of request. 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.

On motion by Council Member Bucci, seconded by Councilman Barone, it was voted to approve this Resolution as amended. 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.

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“RESOLUTION IN SUPPORT OF THE ENDANGERED SPECIES ACT”

On motion by Councilman Pisaturo, seconded by Councilman Livingston, 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.

VII. REPORT OF COMMITTEES

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

2-06-7 “ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF 1992 (Burton St. II)”

On motion by Council Vice-President McFarland, seconded by Councilman Pisaturo, 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.

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)”

On motion by Councilman Barone, seconded by Council Member Fogarty, it was voted to table the above Ordinance. 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.

3-06-4 “ORDINANCE IN AMENDMENT OF TITLE 10 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’, ‘TRAFFIC REGULATIONS FOR SPECIFIC STREETS’ (Youlden Ave. – Repeal)”

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.

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.)”

On motion by Councilman Barone, seconded by Council Member Fogarty, it was voted to table the above Ordinance. 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.

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4-06-9 “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO RENEW THE LEASE AGREEMENT WITH ST. MARY’S FEAST SOCIETY FOR THE PROPERTY LOCATED ON GREENE AVE.”

On motion by Councilman Barone, seconded by Councilman Lanni, 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.

4-06-13 “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (Affordable Housing Commission)”

On motion by Councilman Barone, seconded by Council Member Fogarty, 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.

4-06-15 “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL A PORTION OF FORMER HIGHWAY GARAGE SITE (Knightsville)”

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

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

4-06-1 “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (Blind Exemption)“

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

Under Discussion:

Council Member Fogarty stated that the Finance Committee reviewed Ordinances 4-06-1 through 4-06-5 and there was no fiscal note attached to these Ordinances and they were referred to the full Council without recommendation. At this time, there is a fiscal note attached, but she and Councilman Livingston have some concerns about the fiscal notes attached. Councilman Livingston stated that he is concerned about the dollar amount on these exemptions. Mr. Woerner stated that the way the fiscal notes are written is based on the difference between last year’s value to this year’s with the revaluation. Council President Garabedian noted that the current classification system, there is a difference of over 30% between commercial industrial and residential. Councilman Livingston stated that Ordinances 4-06-1, 4-06-3 and 4-06-4 do not have any mention of home-owner occupied and he would like to see these Ordinances amended to state that. Roll call was taken on motion to adopt and motion failed on a vote of 3-6. The following being recorded as voting “aye”: Councilman Livingston, Council Member Bucci and Council Vice-President McFarland -3. The following being recorded as voting “nay”: Councilmen Pisaturo, Fung, Council Member Fogarty, Councilmen Lanni, Barone and Council President Garabedian -6.

On motion by Councilman Fung, seconded by Councilman Barone, it was voted to adopt the above Ordinance.

Under Discussion:

Frank Smith, Tax Assessor, appeared to speak and stated that the tax bills are scheduled to be mailed out the week of June fifth. He also gave the following statistics on the exemptions between last year and this year:

- Blind Exemptions, there are 117 exemptions, difference of 25 cents per exemption;
- Elderly Exemptions, there are 5583 exemptions, difference is 2 cents per exemption;
- Disabled Exemptions, there are 488 exemptions, difference is 11 cents per exemption;
- Veterans Exemptions, there are 3012 exemptions, difference is 5 cents per exemption;
- Prisoners of War Exemptions, there are 16 exemptions, difference is 7 cents per exemption.

On motion by Councilman Livingston, seconded by Councilman Lanni, it was voted to amend the above Ordinance as follows: second line, after the words “who owns”, add “**owner occupied**”. Motion failed on a vote of 4-5. The following being recorded as voting “aye”: Councilman Livingston, Council Member Bucci, Councilman Lanni and Council Vice-President McFarland -4. The following being recorded as voting “nay”: Councilmen Pisaturo, Fung, Council Member Fogarty, Councilman Barone and Council President Garabedian -5.

Roll call was taken on motion to adopt and 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.

4-06-2 “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION & PERSONNEL’ (Elderly Exemption)”

On motion by Council Vice-President McFarland, seconded by Council Member Fogarty, 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.

4-06-3 “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION & PERSONNEL’ (Prisoners of War Exemption)”

On motion by Councilman Barone, seconded by Councilman Fung, it was voted to approve the above Ordinance.

Discussion took place on whether to add “occupied” to the Ordinance.

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

Roll call was taken on motion to approve and motion passed on a vote of 7-2. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Council Member Fogarty, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilman Livingston and Council Member Bucci -2.

4-06-4 “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION & PERSONNEL’ (Veterans Exemption)”

On motion by Councilman Barone, 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.

4-06-5 “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION & PERSONNEL’ (Disability Exemption)”

On motion by Councilman Barone, 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.

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4-06-6 “ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (Mileage Reimbursement)”

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, it was voted to deny the above Ordinance.

Under Discussion:

Mr. Grimes stated that this is per the collective bargaining agreement. The difference from Fiscal Year 2006 is \$733.00 in additional costs. Council Vice-President McFarland asked why this was not included with the Teamsters Contract when it was approved. Mr. Grimes stated that this was in the staff report. Council Vice-President McFarland stated that the fiscal note states that there is no fiscal impact and Mr. Grimes just stated that there is an increase. Mr. Grimes stated that the additional costs for 2007 will be absorbed in the budget.

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

Council Vice-President McFarland questioned if anyone else can request mileage reimbursement. Mr. Grimes suggested having the Council Internal Auditor do an analysis of who gets reimbursed and how much.

Mr. Grimes asked how the mileage reimbursement is going to be addressed, since this Ordinance was just denied. He stressed again, that this is per the collective bargaining agreement and the members need to be paid for the mileage. Councilman Lanni stated that based on what Mr. Grimes stated, he motioned to reconsider his second to the motion to deny this Ordinance. Council Vice-President McFarland motioned to reconsider her motion to deny.

On motion by Councilman Lanni, seconded by Council Vice-President McFarland, it was voted to reconsider the motion to deny this Ordinance, for the purpose of discussion. 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.

On motion by Councilman Livingston, seconded by Council Vice-President McFarland, 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.

4-06-7 “ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE AND FINANCE’ (Neighborhood Improvement Fung)”

Council Member Fogarty, Finance Committee Chair, stated that the Finance Committee denied this Ordinance and this is placed on the docket for information purposes.

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4-06-8 “ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE AND FINANCE’ (Restriction of Sale of City Property Proceeds)”

Council Member Fogarty, Finance Committee Chair, stated that the Finance Committee denied this Ordinance and this is placed on the docket for information purposes.

“RESOLUTION AUTHORIZING REAL ESTATE/TANGIBLE TAX ABATEMENTS”

On motion by Councilman Livingston, seconded by Councilman Lanni, 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.

“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”

On motion by Councilman Livingston, seconded by Councilman Fung, 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.

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

“RESOLUTION AUTHORIZING THE ABANDONMENT OF A PORTION OF BURTON ST.”

On motion by Councilman Lanni, seconded by Councilman Livingston, it was voted to table the above Resolution. 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.

“RESOLUTION AUTHORIZING THE ABANDONMENT OF RICHFIELD AVE.”

On motion by Councilman Lanni, seconded by Council Vice-President McFarland, 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.

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**COMMITTEE ON CLAIMS
(Councilman Michael S. Pisaturo, Chair)**

“COUNCIL RATIFICATION OF SETTLED CLAIMS FOR:

COX CABLE \$1,066.76; JACQUELINE, WILLIAM & JAE PEZZULLO \$775.00; ELAINE DELUCA \$50.00; ALLSTATE INSURANCE & RONALD GARDNER \$420.00; STEVEN & TRACY GILBERT \$350.00; BRIDGET BLAIS \$1,000; CARLOS & JENNIFER SOARES \$1,000; LISA HUGHES \$1,668.02; HELEN BRADY & ATTORNEYS RAPPOPORT, DEGIOVANNI & CASLOWITZ \$35,000; LOUIS & BRENDA GAUTHIER \$800.

On motion by Councilman Pisaturo, seconded by Councilman Lanni, it was voted to ratify all the above-listed settled claims. Motion passed on a vote of 7-1 with one abstention. The following being recorded as voting “aye”: Councilman Pisaturo, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilman Fung -1. Councilman Livingston abstained.

VIII. ELECTION OF CITY OFFICIALS

“TAX ASSESSMENT BOARD OF REVIEW

On motion by Council President Garabedian, seconded by Councilman Pisaturo, it was voted to appoint NEIL AMPER as a member of the Tax Assessment Board of Review. 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.

“APPOINTMENT OF MUNICIPAL COURT JUDGE AND ASSOCIATE JUDGE”

Council President Garabedian motioned to nominate FRED JOSLYN as Municipal Court Judge. Councilman Lanni seconded the motion for this nomination.

Councilman Barone motioned to nominate KENNETH SCHREIBER as Municipal Court Judge. Councilman Fung seconded the motion for this nomination.

Roll call was taken and the following members voted as follows:

Nomination for Mr. Joslyn: Councilman Livingston, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -5.

Nomination for Mr. Schreiber: Councilman Fung, Council Member Fogarty and Councilman Barone -3.

Councilman Pisaturo abstained.

Mr. Joslyn was appointed Municipal Court Judge by a majority vote of the Council.

Council President Garabedian motioned to nominate KENNETH SCHREIBER as Associate Judge. Councilman Lanni seconded the motion for this nomination.

Councilman Barone motioned to nominate ANNMARIE MACCARONE as Associated Judge. Councilman Fung seconded the motion for this nomination.

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Councilman Livingston motioned to nominate ROBERT JACQUARD as Associate Judge. No one seconded this nomination.

Roll call was taken and the following members voted as follows:

Nomination for Mr. Schreiber: Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -4.

Nomination for Ms. Maccarone: Councilmen Fung and Barone -2.

Nomination for Mr. Jacquard: Councilmen Livingston and Council Member Fogarty -2.

Councilman Pisaturo abstained.

Motion failed without majority of the vote.

Councilman Lanni motioned to nominate **KENNETH SCHREIBER** as **Associate Judge**. Council Member Bucci seconded the motion for this nomination. Motion passed on a vote of 7-0 with 2 abstentions. The following being recorded as voting "aye": Councilmen Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -7. Councilmen Pisaturo and Barone abstained.

Mr. Schreiber was appointed Associated Judge by majority vote of the Council.

IX. REPORT OF CITY OFFICERS

None.

IXA. OLD BUSINESS

None.

Council Member Bucci left the meeting at 10:35 P.M.

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X. INTRODUCTION OF NEW BUSINESS

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

- 5-06-1 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled "Municipal Court" (Sessions-Time-Place). ORDINANCE COMMITTEE 6/15/2006.
- 5-06-2 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2006 and ending June 30, 2007 (Inspections Department). FINANCE COMMITTEE 6/15/2006.
- 5-06-3 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Cool Spring, Carnation and Scenic Dr.). SAFETY SERVICES & LICENSES COMMITTEE 6/5/2006.
- 5-06-4 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Ausdale Rd. and Vale Ave.). SAFETY SERVICES & LICENSES COMMITTEE 6/5/2006.
- 5-06-5 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Castleton Dr.). SAFETY SERVICES & LICENSES COMMITTEE 6/5/2006.
- 5-06-6 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone-340 Scituate Ave.). ORDINANCE COMMITTEE 6/15/2006.

On motion by Council Member Fogarty, seconded by Council Vice-President McFarland, it was voted that the above Ordinances be heard for public hearings before their respective Committees as read by the City Clerk. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Councilman, Barone, Council Vice-President McFarland and Council President Garabedian -7. Council Member Bucci and Councilman Lanni were not present for roll call vote.

Petition from National Grid for pole location at Field St. Referred to PUBLIC WORKS COMMITTEE 6/15/2006.

Petition from National Grid for pole location at Scituate Ave. Referred to PUBLIC WORKS COMMITTEE 6/15/2006.

Petition from National Grid for pole location at Flynn Ave. Referred to PUBLIC WORKS COMMITTEE 6/15/2006.

Abandonment of a portion of Pettaconsett Ave. Referred to PUBLIC WORKS COMMITTEE 6/15/2006.

Claims of:

Elizabeth Russell

Marshall Howard

Emilio/Evelyn Marocco

Amanda Schiavulli

Referred to Claims Committee.

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XI. MISCELLANEOUS BUSINESS ON CLERK'S DESK

Council Vice-President McFarland asked that, since no one is present from the Administration, the City Clerk send correspondence to the Administration requesting information of what the process is of how the City is handling summer employment lottery and when it will be held as she would like to attend.

XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Joseph DeSimone, 10 Pond View Rd., appeared to speak regarding a flood he incurred and the problem in this area. Councilman Lanni asked that this issue be referred to the Public Works Committee. Mr. DeSimone stated that this problem is caused from development going up and he obtained a report from DEM, which the developer was cited, in which DEM issued violations with erosions. As of today, they were pumping the tension pond down. Councilman Lanni asked that the solicitor have someone from Department of Environmental Management and Marco Schiappa at the next Public Works meeting.

Council President Garabedian stated that within the last half hour, all members of the Administration have left and a taxpayer has waited three hours to speak and there is no one from Administration present to hear the concerns of the taxpayer.

Council President Garabedian noted for the record and requested that at least one representative from the Administration remain for the duration of all future Council meetings.

The meeting adjourned at 10:45 P.M.

Maria Medeiros Wall
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).