

REGULAR MEETING – CITY COUNCIL

-MAY 26, 2009-

Regular meeting of the City Council was held on Tuesday, May 26, 2009 in the Council Chambers, City Hall, 869 Park Ave., Cranston, Rhode Island.

The meeting was called to order at 7:10 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Lupino, Aceto, Navarro (appeared at 7:40 P.M.), Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston (appeared at 7:15 P.M.) 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.

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

None.

II. PUBLIC HEARINGS

Diana Gordon, 363 Pontiac Ave., appeared to speak regarding Ordinance 3-09-2.

III. DOCKETED RESOLUTIONS

“RESOLUTION URGING THE GENERAL ASSEMBLY TO SUPPORT THE DESIGNATION OF STATE ROUTE 37 AS ‘THE POTTERS FIELD MEMORIAL HIGHWAY’”

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

-MAY 26, 2009-

“RESOLUTION IN SUPPORT OF PENDING LEGISLATION PERTAINING TO ‘SEX OFFENDER REGISTRATION AND NOTIFICATION’ S928, S930, H5749 AND H5743”

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

IV. REPORT OF COMMITTEES

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

- 5-09-1S “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL PROPERTY LOCATED AT 1090 CRANSTON ST. (Hamilton Building)”**
- 5-09-2S “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL PROPERTY LOCATED AT SCITUATE AVE. AND CASTLETON DR. (AP 27/4, Lot 2)”**
- 5-09-3S “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL PROPERTY LOCATED AT MELODY LANE (AP 16/4, Lot 1335)”**
- 5-09-4S “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL PROPERTY LOCATED AT MELODY LANE (AP 16/4, Lot 1332)”**
- 5-09-5S “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL PROPERTY LOCATED AT 41 HEATH AVE. (Former Sanders School)”**
- 5-09-6S “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL PROPERTY LOCATED AT HEATH AVE. (Sander School Playground)”**
- 5-09-7S “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL PROPERTY LOCATED AT FARMINGTON AVE. (AP 7/2, Lot 244)”**
- 5-09-8S “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL PROPERTY LOCATED AT FARMINGTON AVE. (AP 7/2, Lot 212)”**
- 5-09-9S “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL PROPERTY LOCATED AT FARMINGTON AVE. (AP 7/2, Lot 202)”**
- 5-09-10S “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL PROPERTY LOCATED AT FARMINGTON AVE. (AP 7/2, Lot 245)”**

-MAY 26, 2009-

5-09-11S “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL PROPERTY LOCATED AT FARMINGTON AVE. (AP 7/2, Lot 3790)”

5-09-12S “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL PROPERTY LOCATED AT 1081 PONTIAC AVE. (formerly the Wonderland Early Learning Center)”

On motion by Councilman Lupino, seconded by Councilman Aceto, it was voted to take all the above Ordinances as a block.

Under Discussion:

Councilwoman Bergin-Andrews stated that she is concerned about what would go on these properties once they are sold. Council Vice-President Livingston asked if these Ordinances would have to come back to the City Council once a Purchase and Sales Agreement is signed. Ms. Schutt stated that they would have to go before Board of Contract and Purchase, but she is not sure if their recommendation has to come back to the City Council.

Council Vice-President Livingston questioned if these properties need to be sold now or can we wait until the economy gets better. Mr. Cordy stated that the Council will get a chance to sign off on the sales price.

Mr. Kirshenbaum addressed the Charter regarding sale of City property.

Councilman Aceto addressed Ordinance regarding Wonderland School and stated that he believes there was a title restriction being removed from that property. Ms. Schutt stated that she believes the restriction had to do with the property being used as educational body. Councilman Aceto asked if this restriction could be placed again. Mr. Kirshenbaum stated, no, you would have to create a special zoning for that area.

Councilwoman Bergin-Andrews asked if the City knows who is looking to go in this property. Mr. Cordy stated that there have been several interests, but only two have shown real interest, one being a daycare and the other a small local restaurant. Councilwoman Bergin-Andrews asked if it is absolutely correct that before it is sold, it will come before the City Council for approval. Mr. Kirshenbaum stated, yes.

Roll call was taken on motion to approve all the above Ordinances and motion passed on a vote of 8-0. The following being recorded a voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

COMMITTEE ON FINANCE (Emilio L. Navarro, Chair)

“RESOLUTION AUTHORIZING MOTOR VEHICLE 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, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

“TAX INTEREST WAIVER APPROVALS AS RECOMMENDED BY CITY TREASURER”

On motion by Councilman Aceto, seconded by Councilman Pelletier, 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, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

-MAY 26, 2009-

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

“NATICK AVE. ENGINEERING STUDY”

Ms. Schutt addressed this item and also Councilman Pelletier’s request for information regarding Phase-Out Line for Natick Ave. She stated that bids have been awarded and design work will take about two months. In the interim, first phase has been completed. Design work is being done on the drainage work. The drainage work should be completed by the end of this season. The actual bridge built may move to next year.

Councilman Lupino asked how soon the poles will be moved. Ms. Schutt stated that she will speak to the Public Works Director regarding this.

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

**3-09-2 “ORDINANCE IN AMENDMENT OF CHAPTER 17.64.010 OF
THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED
‘OFF STREET PARKING’”**

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

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

Ratification of settled claims for: Citizens Bank \$1,850; Paul Bailey’s Chrysler \$374.29; Connetta’s Mobile Home Park \$2,750; Jim Richardson \$250; Jacqueline, William and Jae Pezzullo \$775; Ferdinand Franco \$300; Steven Botelho \$212.95; John Lamantia \$196.05; Larry Hammond \$296.23; Robert Harootunian \$151.63; Robert Harootunian \$156.42; Elena Yates Harootunian \$155.22; David Stickel \$45.28; D & H Auto Group for Daniel Tennett \$1,321.11; Cosmo Cambio \$97.91; Chris Freelove \$63.43; Charlene Centracchio \$300.

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 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

V. ELECTION OF CITY OFFICIALS

BOARD OF CANVASSERS: Re-appointment of Edmund Lemoi

On motion by Councilman Aceto, seconded by Councilman Lupino, it was voted to re-appoint **EDMUND LEMOI** as a member of the *Board of Canvassers*. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Navarro, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

-MAY 26, 2009-

ZONING BOARD OF REVIEW: Re-appointment of Steven Minicucci, 2nd Alternate

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin-Andrews, it was voted to re-appoint **STEVEN MINICUCCI** as Second Alternate Member of the *Zoning Board of Review*. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Navarro, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

PERSONNEL APPEALS BOARD: Appointment of Donna M. Peluso

On motion by Councilman Santamaria, seconded by Councilman Lupino, it was voted to appoint **DONNA M. PELUSO** as a member of the *Personnel Appeals Board*. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Navarro, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

VI. REPORT OF CITY OFFICERS

None.

VII. EXECUTIVE COMMUNICATIONS

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

None.

“REQUEST TO BE PLACED ON PENSION COMMANDER KEVIN LYNCH, CRANSTON POLICE DEPARTMENT”

Ms. Schutt appeared to speak.

On motion by Councilman Aceto, seconded by Councilman Navarro, it was voted to approve the above request. 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.

“REQUEST TO BE PLACED ON PENSION COLONEL STEPHEN MCGRATH, CRANSTON POLICE DEPARTMENT”

Ms. Schutt appeared to speak.

On motion by Councilman Navarro, seconded by Councilman Aceto, it was voted to approve the above request. 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.

-MAY 26, 2009-

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

Ms. Schutt appeared to speak.

On motion by Councilman Navarro, seconded by Councilman Aceto, it was voted to approve the above request. 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.

“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR DEPUTY CHIEF PAUL REED, CRANSTON FIRE DEPARTMENT”

Ms. Schutt appeared to speak.

On motion by Councilman Aceto, seconded by Councilman Navarro, it was voted to approve the above request. 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 indicated that the concessions offered by the Fire Union expired at 4:00 P.M. today. None of those concessions have been brought to the City Council.

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 this item be continued.

Councilman Pelletier

Phase-Out Line for Natick Ave.

This item was discussed under the Public Works Committee section of the docket.

Councilman Santamaria

Comprehensive Plan Update

Councilman Santamaria asked for an update regarding the Comprehensive Plan. Peter, City Planner, appeared to speak and stated that final edit needs to be done. If it is ready by next month’s meeting, he will make a presentation at that time.

-MAY 26, 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:

Finance Committee – June 11, 2009 @ 7:30 P.M.

- 5-09-4 Ordinance transferring appropriations and amending the Budget for the Fiscal Year commencing July 1, 2008 and ending June 30, 2009 (4th Quarter Transfers).

Ordinance Committee – June 11, 2009 @ 8:00 P.M.

- 5-09-1 Ordinance in amendment of Title 8, Chapter 40 of the Code of the City of Cranston, 2005, entitled “Security Alarm Systems” (Police False Alarm Assessment Schedule).
- 5-09-2 Ordinance in amendment of Chapter 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Resident Preference).
- 5-09-3 Ordinance in amendment of Chapter 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Classified Service).
- 5-09-6 Ordinance in amendment of Title 2, Chapter 13 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Police Department Composition).
- 5-09-7 Ordinance approving, ratifying and adopting that certain amendment to Master Agreement by and between Taco, Inc. and the City of Cranston relating to the Abandonment of a portion of Carlsbad St. and the improvement of two intersections.
- 5-09-8 Ordinance in amendment of Title 8, Chapter 40 of the Code of the City of Cranston, 2005, entitled “Security Alarm Systems” (Fire False Alarm Assessment Schedule).

Ordinance Committee – July 16, 2009

- 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.).

City Plan Commission – June 2, 2009

- 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.).

-MAY 26, 2009-

Claims Committee

- *Kerri Silva
- *Mercedes L. Sawyer
- *Lena Sampietro
- *Rae Ann McGowan
- *Robert and Elizabeth Wilson
- *Linda Iozzi
- *Louis Mazza, Jr. and Kevin Patrizio
- *Josephus Bryant
- *Albert S. Bianco
- *Richard and Patricia Berube

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Council Vice-President Livingston, seconded by Councilman Pelletier, the above items were referred to the respective Committees. 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.

XII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

None.

XIII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Major Ronald Blackmar, 143 Natick Ave., appeared to speak and stated that he has spoken to the Mayor today and his intention is to retire as of June 19, 2009 and it has been a pleasure to serve the City for the past nineteen years.

Rosemarie Amato, 111 Norfolk St., appeared to speak and presented a letter and a petition to the City Council and the Mayor's Office and asked that the subject of this letter be added to next month's Council docket. The subject matter is parking problems along Norfolk St. This has been a problem for years and nothing has been done about it and the residents of this area would like to address this issue to the City Council at their next meeting.

Ed Eramian, 121 Elton Circle, appeared to speak and addressed an article in the newspaper and asked, at this point, do we have any concessions before the City Council. If there are, are these true concessions or deferrals. Council President Lanni stated that at this time, the City Council has not seen any concessions or tentative agreements from the Fire Union or Laborer's Union.

Paul Valletta, President of Local 1363 Firefighters Union, appeared to speak and stated that today the Union and City reached an impasse and deadline was 4:00 p.m. today. He stated that there was \$4 million in concessions for 28 months, which includes \$2.7 million for the Budget starting July 1st. In return for the \$4 million concessions, the Union would get a year added to the contract and one year pay freeze. He did ask the Administration to add in the contract a no layoff clause during the duration of the contract. He has met with Mr. Strom a number of times and the numbers are pretty close. He presented a copy of an Arbitration decision.

-MAY 26, 2009-

Councilman Pelletier asked what the holdup is. Ms. Schutt stated that the numbers are close. Mr. Strom will run the numbers again tomorrow. She also indicated that the Mayor strongly is opposed to adding a no layoff clause in a contract. He did make an alternate suggestion to Mr. Valletta, but Mr. Valletta was not in agreement to it. Mr. Valletta stated that the City attorney stated to him that this is illegal. He indicated to Section 5.05 and 3.16 of the Charter.

Ken Rouleau, Vice-President of Local 1363 Firefighters Union, appeared to speak and stated that the no layoff clause was not in the picture until the Mayor put it in the Budget and introduced an Ordinance.

Aram Garabedian, 173 Belvedere Dr., former Council President, appeared to speak and stated that he is very upset about what is happening in our City. He stated that we have three top-ranking Police Officers who together have 60-70 years of service to the City and they have all retired. He is very angry about this. He feels this is power politics.

Jim Wilkie, 47 Elton Circle, appeared to speak and questioned the concessions shown in the adopted Budget.

Henry Priest, member of the Library Board of Trustees, appeared to speak and stated that he has seven invoices totaling approximately \$40,000, which are being held by the Administration and not being paid. They need to be paid. Ms. Schutt stated that she approved several Purchase Orders last week from the Library, but she will check into this tomorrow, as to the bills Mr. Priest is referring to. Mr. Strom stated that he has problems with the Library transferring funds in line items. He does not have any problems with any other departments.

Richard Tomlins, 400 Farmington Ave., appeared to speak and echoed the statements made by Mr. Garabedian regarding the Police Department and the top three Administrators leaving the department.

Council Vice-President Livingston stated that he has received phone calls from angered residents of Edgewood regarding the Colonel leaving the Police Department.

Councilman Navarro asked if the Acting Colonel is part of the Union right now. Ms. Schutt stated, yes. Councilman Navarro asked if the Acting Colonel can dictate management rights. Ms. Schutt stated that the Acting Colonel does not act in Union capacity, while serving as Acting Colonel. The Mayor is Public Safety Officer.

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).