

REGULAR MEETING – CITY COUNCIL

-MAY 27, 2008-

Regular meeting of the City Council was held on Tuesday, May 27, 2008 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 Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –8.

Absent: Council Member Bucci -1.

Also Present: Frank Migliorelli, Deputy Director of Administration; Vito Sciolto, City Solicitor; Corsino Delgado, Director of Finance; Steve Woerner, City Council Internal Auditor.

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

Council President Garabedian stated that a Resolution is being introduced this evening “Requesting the RI General Assembly to pass legislation crediting Lt. James Pagano two years and nine months of service time”. Due to the fact that this Resolution is not listed on the docket, it will be taken up at a Special City Council meeting on Monday, June 2, 2008 at 6:45 P.M.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

“CITATION FOR WILLIAM GUGLIETTA, FORMER CRANSTON MUNICIPAL COURT AUXILIARY JUDGE”

Council President Garabedian stated that this will be continued to next month’s meeting.

II. EXECUTIVE COMMUNICATIONS

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

No discussion.

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

Mr. Migliarelli appeared to speak.

On motion by Councilman Barone, seconded by Councilman Lanni, it was voted to approve the above request. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –7. Councilman Navarro was not present for roll call vote.

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

On motion by Councilman Barone, seconded by Council Vice-President McFarland, it was voted to approve the above request. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –7. Councilman Navarro was not present for roll call vote.

III. COUNCIL PRESIDENT COMMUNICATIONS

“STATUS REPORT ON UTILIZATION OF CAMERA AND TRUCK FOR STORM DRAIN ANALYSIS”

Mr. Sylvia stated that he has worked with Veolia Water to develop a Memorandum of Understanding and will have the Solicitor review it to be presented to the Board of Contract and Purchase.

Council President Garabedian stated that National Grid invites the City Council to RI Reliable Project Open Houses on June 2, 2008 at 6:30 P.M. to 8:30 P.M. at the Cranston Country Club and June 10, 2008 at the Elks Club in Smithfield and on June 19, 2008 at the Valley Country Club in Warwick. David Baron, Project Manager, of National Grid, appeared to speak regarding these Open Houses.

IV. COUNCIL MEMBER COMMUNICATIONS

None.

V. PUBLIC HEARINGS

Suzanne Arena, 62 Glen View Dr., appeared to speak regarding the camera for storm drains and stated that she has not received any answers of what the purpose is in not improvising state of the art camera and purchasing another camera. She also has not received an answer on who the insurance company is for the truck and who the insurance company is if the truck was in an accident to repair the camera. **Mr. Sylvia** stated that the existing camera, we do not own the vehicle equipped for this camera. It would be more efficient to purchase a camera at a lesser expense and using existing vehicle that we currently own.

VI. DOCKETED RESOLUTIONS

Council Vice-President McFarland asked that the Resolution listed on the docket, regarding Open Space, she asked that it be placed on the agenda for the Special City Council meeting on June 2, 2008 to be acted on in order to have Bond Counsel draft the appropriate documents.

Councilman Livingston stated that all the Bond Resolutions listed on the docket add up to approximately \$3.6 million. He does not know where the City will come up with this money. He will vote against all these Resolutions due to that.

Council Vice-President McFarland stated that there has been no work on the City's infrastructures for years. This money will not be spent all at once. It would be over years.

Councilman Navarro asked if these Resolutions are passed, would it affect the City's bond rating in any way. Mr. Delgado stated, no, not necessarily. If we went out to borrow all of them to the maximum, it could. We could bond them as needed.

“RESOLUTION MEMORIALIZING THE MEMBERS OF THE GENERAL ASSEMBLY FROM CRANSTON TO INTRODUCE AND URGE PASSAGE OF LEGISLATION AUTHORIZING \$6,000,000 BONDS OF THE CITY AND TO AUTHORIZE A REFERENDUM TO BE HELD THEREON” (Citywide Drainage Improvements)

On motion by Councilman Lanni, seconded by Councilman Santamaria, the above Resolution was adopted on a vote of 7-1. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilman Livingston -1.

“RESOLUTION MEMORIALIZING THE MEMBERS OF THE GENERAL ASSEMBLY FROM CRANSTON TO INTRODUCE AND URGE PASSAGE OF LEGISLATION INCREASING THE AMOUNT OF ALLOWABLE INCOME TO QUALIFY FOR TAX FREEZE BENEFITS AND EXTENDING THE FILING DEADLINE”

On motion by Councilman Barone, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

“RESOLUTION MEMORIALIZING THE MEMBERS OF THE GENERAL ASSEMBLY FROM CRANSTON TO INTRODUCE AND URGE PASSAGE OF LEGISLATION AUTHORIZING \$6,000,000 BONDS OF THE CITY AND TO AUTHORIZE A REFERENDUM TO BE HELD THEREON (Open Space and Development/Restoration Funding)”

Continued to June 2, 2008 Special City Council meeting.

“RESOLUTION MEMORIALIZING THE MEMBERS OF THE GENERAL ASSEMBLY FROM CRANSTON TO INTRODUCE AND URGE PASSAGE OF LEGISLATION AUTHORIZING \$1,000,000 BONDS OF THE CITY AND TO AUTHORIZE A REFERENDUM TO BE HELD THEREON” (Financial Software System)

On motion by Council Vice-President McFarland, seconded by Councilman Barone, the above Resolution was adopted on a vote of 7-1. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilman Livingston -1.

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“RESOLUTION MEMORIALIZING THE MEMBERS OF THE GENERAL ASSEMBLY FROM CRANSTON TO INTRODUCE AND URGE PASSAGE OF LEGISLATION AUTHORIZING \$6,300,000 BONDS OF THE CITY AND TO AUTHORIZE A REFERENDUM TO BE HELD THEREON” (Fire Station Construction and Renovation)

On motion by Councilman Barone, seconded by Councilman Navarro, the above Resolution was adopted on a vote of 7-1. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilman Livingston -1.

“RESOLUTION MEMORIALIZING THE MEMBERS OF THE GENERAL ASSEMBLY FROM CRANSTON TO INTRODUCE AND URGE PASSAGE OF LEGISLATION AUTHORIZING \$10,000,000 BONDS OF THE CITY AND TO AUTHORIZE A REFERENDUM TO BE HELD THEREON” (Citywide Public Highway Improvements)

On motion by Councilman Lanni, seconded by Councilman Barone, the above Resolution was adopted on a vote of 7-1. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilman Livingston -1.

“RESOLUTION LOAN ORDER AUTHORIZING THE ISSUE OF \$3,000,000 BONDS OF THE CITY FOR THE REPAIR, CONSTRUCTION AND REHABILITATION OF PUBLIC HIGHWAYS THROUGHOUT THE CITY OF CRANSTON: AUTHORIZING THE CITY TO APPLY FOR FEDERAL AND STATE ADVANCES FOR THAT PURPOSE: AUTHORIZING THE ISSUE OF \$3,000,000 TEMPORARY NOTES FOR THAT PURPOSE: AND AUTHORIZING ADVANCES FROM THE GENERAL TREASURY FOR THAT PURPOSE”

On motion by Councilman Lupino, seconded by Councilman Lanni, it was voted to adopt the above Resolution.

Under Discussion:

Council Vice-President McFarland stated that the Council previously passed a Resolution for \$10 million for public highways and she asked what this Resolution is doing. Mr. Delgado stated that this loan order was authorized by the voters in 2004.

Roll call was taken and motion and motion passed on a vote of 7-1. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilman Livingston -1.

“RESOLUTION IN SUPPORT OF SENATE BILL NO. 2831 AND HOUSE BILL NO. 7428 ‘AN ACT RELATING TO ELECTIONS-POLLING PLACES”

On motion by Councilman Lupino, seconded by Councilman Santamaria, it was voted to adopt the above Resolution

Under Discussion:

Council Vice-President McFarland asked what the savings to the City would be if this was implemented. Councilman Livingston stated, \$30,000. Council Vice-President McFarland asked if this has been heard in Committee and if it is out of the House and Senate. Councilman Livingston stated that he is not sure. Councilman Santamaria stated that the status of this bill is attached to the Resolution. Councilman Livingston stated that this comes at the suggestion of the Canvassing Clerk.

Roll call was taken and motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

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“RESOLUTION PROPOSING AN AMENDMENT TO CHAPTER 7 SECTION 7.07 OF THE CRANSTON HOME RULE CHARTER”

On motion by Councilman Barone, seconded by Councilman Livingston, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

“RESOLUTION PROPOSING AN AMENDMENT TO CHAPTER 13 SECTION 13.01 OF THE CRANSTON HOME RULE CHARTER”

On motion by Councilman Lanni, seconded by Councilman Barone, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

VII. REPORT OF COMMITTEES

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

4-08-2 “ORDINANCE IN AMENDMENT OF CHAPTER 10.32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Essex St. and Reservoir Ave.)”

On motion by Council Vice-President McFarland, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

4-08-3 “ORDINANCE IN AMENDMENT OF TITLE 10 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Violation of Posted Weight Limit-Natick Ave. Bridge)”

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

5S-08-1 “ORDINANCE IN AMENDMENT OF TITLE 8 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘HEALTH AND SAFETY’ (Noise Control-Unruly)”

On motion by Council Vice-President McFarland, seconded by Councilman Santamaria, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

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**COMMITTEE ON FINANCE
(Terence Livingston, Chair)**

**4-08-1 “ORDINANCE AUTHORIZING THE CITY TO UTILIZE
WESTERN CRANSTON IMPACT FEES FOR NATICK AVE.
(Natick Ave. Engineering Study)”**

Council President Garabedian indicated that there is no fiscal note attached. Council Vice-President McFarland stated that this is part of the Ordinance. She requested that a fiscal note be added for the Finance Director’s signature.

On motion by Councilman Livingston, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

“RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS”

On motion by Councilman Livingston, seconded by Councilman Barone, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”

On motion by Councilman Livingston, seconded by Councilman Barone, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

**“TAX INTEREST WAIVER DENIALS – RECOMMENDED BY THE CITY
TREASURER, EXCEPT FOR KATHLEEN BOYLE, ANTHONY CAPRIO,
PATRICIA MARINARO AND EDWARD PEZZELLI, AS RECOMMENDED BY
COMMITTEE”**

Council Vice-President McFarland asked where is there an Ordinance authorizing Interest Waivers to a business. She stated that on the list of denials, Mr. Caprio is a business and was approved for an interest waiver and her constituent, Sante Marinucci, who has never been late in paying taxes, was denied. Councilman Navarro stated that, as for Mr. Caprio, interest was not waived on a business, it was waived on property that he owns. Council Vice-President McFarland asked that Mr. Marinucci be sent back to the Finance Committee so she can address it before the Committee.

On motion by Councilman Livingston, seconded by Councilman Lupino, it was voted to approve the list of interest waiver denials as recommended by City Treasurer with the exception of Kathleen Boyle, Anthony Caprio, Patricia Marinaro and Edward Pezzelli and Sante Marinucci. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

**“TAX INTEREST WAIVER APPROVALS – APPROVED BY CITY
TREASURER WITH THE ADDITION OF KATHLEEN BOYLE, ANTHONY
CAPRIO, PATRICIA MARINARO AND EDWARD PEZZELLI, AS
RECOMMENDED BY COMMITTEE”**

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to approve the list of interest waiver approvals as recommended by City Treasurer with the addition of Kathleen Boyle, Anthony Caprio, Patricia Marinaro and Edward Pezzelli. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

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**PUBLIC WORKS COMMITTEE
(Maria A. Bucci, Chair)**

“RESOLUTION INSTITUTING PROCEEDINGS FOR THE ABANDONMENT OF A PORTION OF MOON AVE.”

On motion by Councilman Livingston, seconded by Councilman Barone, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

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

“CLASS BV ALCOHOLIC BEVERAGE LICENSE – MILLER’S CROSSING, 43 OLD BALD HILL RD.”

Councilman Lanni stated that this was before Safety Services and after lengthy testimony from the applicant, neighbors, and other witnesses the Committee voted to recommend approval. The Committee considered the length of time and track record of the applicant who has operated in the lower level of the Vasa Hall since 1993. The Police also gave a favorable recommendation.

On motion by Councilman Lanni, seconded by Councilman Livingston, it was voted to approve the above liquor license. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

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

“RATIFICATION OF SETTLED CLAIMS FOR: Mary Ruggiero \$2,099.00; Jacqueline, William & Jae Pezzullo \$775.00; Arbella Insurance \$159.60; William Brophy \$50.00; Stephen McManus \$254.30; James Skowron \$51.39; Christopher Moses \$54.53; Walter R. Craddock \$141.28; Lori Bowers \$261.80.

On motion by Councilman Lupino, seconded by Councilman Santamaria, it was voted to approve the above-listed claims. Motion passed on a vote of 7-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -7. Councilman Livingston abstained.

VIII. ELECTION OF CITY OFFICIALS

ZONING BOARD OF REVIEW – Re-appointment of Curtis Ponder

On motion by Councilman Barone, seconded by Councilman Lanni, it was voted to re-appoint **CURTIS PONDER** as a member of the **Zoning Board of Review**. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

IX. REPORT OF CITY OFFICERS

Mr. Woerner gave an update on the Caruolo Action from the School Department. He stated that he spoke to the School Department’s attorney and was not given any information. They filed a motion for next Thursday. He spoke today with a former Superintendent who is doing the Audit and supplied him with a lot of information.

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IX. OLD BUSINESS

Councilman Lupino stated that he has not seen the RFP for the former Police Station. He asked what the status is on the RFP. No one from Administration had any information. Councilman Lupino requested that this information be provided at the Special Council meeting on June 2, 2008.

X. INTRODUCTION OF NEW BUSINESS

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

Special City Council – June 2, 2008

Resolution requesting the Rhode Island General Assembly to pass legislation crediting Lt. James Pagano two years and nine months of service time.

Public Works Committee - June 12, 2008

Request from National Grid for pole location at Fifth Ave.

Request from National Grid for pole location at Gardner Ave.

Request from National Grid for pole location at Plant St.

Claims Committee

- *Ann M. Oster
- *Robert J. Riggi, Sr. & Sandra Riggi for Deanna Riggi
- *Samuel L. Torman
- *Oscar Acosta
- *Edward Imperatore
- *Vincent Scalera
- *Marcy Anna Gilbert
- *Melanie Peralta
- *Ann & Michael D’Agnillo
- *Damosi B. Celseti

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Council Vice-President McFarland, seconded by Councilman Santamaria, the above items were referred to the respective Committees. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

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XI. MISCELLANEOUS BUSINESS ON CLERK'S DESK

“STATE FARM CEMETERY – CARPIONATO’S REFUSAL TO PERMIT PLACEMENT OF BURIAL MARKERS BY STATE DOT”

Kelly Coates appeared to represent Carpionato and stated that every step of the process, Carpionato has been more than cooperative, such as spending \$160,000 to remedy the problem with it was first noticed. Carpionato has been totally cooperative with DOT on many efforts. He presented a handout of the site. He asked from the Council to remove the obligation for DOT (#5) to remove the graves and allow Carpionato to conduct an archeological test, allow a surveyor to confirm location to be presented to the Historic District Commission and then the Council will receive the Commission’s recommendation.

Mike Hebert, RI DOT, appeared to speak and referred to an 1887 survey plan of the RI State Farm Cemetery. He stated that when Davol was being built in 1969, three bodies were uncovered and reported in the Providence Journal on August 26 and 27th, 1969 and nothing was done at that time.

Mr. Coates stated that he would like an archeological test done and he feels it is not necessary to disturb any more graves.

Councilman Livingston asked for legal opinion on whether the Council has the right to tell Carpionato that they have to allow DOT on their property. Mr. Sciolto stated that the Council does have that right under City Code and State law. This Council issued a permit with conditions.

Councilman Navarro asked if Carpionato is willing to have the markers placed on their property. Mr. Coates stated, yes, after testimony and after proper scientific analysis and being presented to the Historic District Commission for their recommendation to be referred to the City Council.

Councilman Santamaria addressed the statement made by Mr. Hebert regarding the article of 1969 in the Providence Journal and asked Mr. Hebert, why this did not set off any bells and why Davol had to make Carpionato aware of the issue of the presence of the historical cemetery, rather than the State. Council President Garabedian stated that normally, any property that is purchased, the buyer should be aware of what they are buying. Mr. Coates stated that none of this information is on record.

Mr. Hebert stated that information regarding the plan as given to Mr. Coates and his engineer in 2005, which he incorporated on the Phase I plan for this permit.

Council President Garabedian asked that both parties come back to the Council in 30 days with any remedies or solutions. Both parties were in agreement to this request. Mr. Hebert stated that DOT will continue the reburial and hold off on the one issue of the markers until Mr. Coates can do his study. Mr. Hebert presented two exhibits.

“NATIONAL GRID – PRESENTATION REGARDING INTERSTATE RELIABILITY PROJECT (Transformer Replacements in Cranston)”

No discussion.

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**“KENT COUNTY WATER AUTHORITY – TARIFF INCREASE WITH PUC
NOTICE OF FILING OF SUPPORTING DOCUMENTATION”**

City Clerk stated this is for informational purposes and the documents are on file in the City Clerk's Office.

XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Suzanne Arena, 62 Glen View Dr., appeared to represent Cranston Citizens for Responsible Zoning and Development and presented a letter of conditions and requesting information.

Anthony Sylvia, Director of Public Works, appeared to speak and thanked the Council for adopting the bond referendums regarding the Public Works Department.

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).