

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting but rather a summarization intended for general informational purposes. All motions and votes are the official records.)

REGULAR MEETING – CITY COUNCIL

-NOVEMBER 22, 2010-

Regular meeting of the City Council was held on Monday, November 22, 2010 in the Council Chambers, City Hall, 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 Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston (left the meeting at 9:30 P.M.) and Council President Lanni -8.

Absent: Councilwoman Bergin-Andrews -1.

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

None.

II. PUBLIC HEARINGS

Robert Clarkin, 58 Strathmore Rd., appeared to speak regarding Ordinance 9-10-6. He also appeared to speak regarding the Pastore Youth Center lease and from day one, the Center has been in the wrong hands.

Deloris Issler, 108 Eldridge St., appeared to speak and stated that she sees on the docket that the City is applying for money, such as the Resolution moving the flagpole from the former Police Station to Western Hills Middle School, which does not exist. There is no money to spend.

Michael Norklun, 137 Waterman Ave., appeared to represent the YMCA to address the Pastore Youth Center lease.

Barry Sullivan, 2235 Cranston St., appeared to speak in favor of “Resolution urging the Mayor to take all necessary steps to enter into and execute an agreement with the State of Rhode Island for State and Federal funding of the Cranston Street Enhancement Project” and thanked the sponsor of this Resolution.

Mr. Poulin, 670 Laten Knight Rd., student of Western Hills Middle School, appeared to represent the Student Council and spoke in favor of Resolution moving the flagpole from the former Police Station to Western Hills Middle School.

Lisa Gargaro, 29 Scaralia Rd., Western Hills Middle School PTO President, appeared to speak in favor of Resolution moving the flagpole from the former Police Station to Western Hills Middle School.

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II. DOCKETED RESOLUTIONS

“RESOLUTION URGING THE MAYOR TO TAKE ALL NECESSARY STEPS TO ENTER INTO AND EXECUTE AN AGREEMENT WITH THE STATE OF RHODE ISLAND FOR STATE AND FEDERAL FUNDING OF THE CRANSTON STREET ENHANCEMENT PROJECT”

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

Under Discussion:

Council Vice-President Livingston asked if this is going to cost the City money. Ms. Schutt stated that this is all State funding. There has been staff time on this, but no money will be spent by the City.

Councilman Navarro asked if this \$120,000 is design or is that including construction. Ms. Schutt stated that that is just for design.

Council Vice-President Livingston asked, if this is approved, does that mean that we have to implement the plan. Ms. Schutt stated that we would not be forced to implement that plan.

Roll call was taken on motion to adopt the above Resolution and motion passed on a vote of 8-0. The following being recorded as voting “nay”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

“RESOLUTION URGING THE MAYOR AND THE SCHOOL COMMITTEE TO WORK COLLABORATIVELY IN THE REMOVAL AND REHABILITATION OF THE FLAGPOLE AT THE FORMER POLICE STATION FOR INSTALLATION AT THE WESTERN HILLS MIDDLE SCHOOL”

Councilman Pelletier asked that he be added as a sponsor.

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

IV. REPORT OF COMMITTEES

ORDINANCE COMMITTEE (Anthony J. Lupino, Chair)

9-10-9 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Amendment of MPD Plan-Chapel View Blvd.)”

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

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

“RESOLUTION AUTHORIZING REAL ESTATE AND TANGIBLE TAX ABATEMENTS”

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

“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”

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

“RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS DUE TO BOARD OF REVIEW ADJUSTMENTS”

On motion by Councilman Aceto, seconded by Councilman Lupino, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “nay”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, 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 Lupino, it was voted to approve the above list of Tax Interest Waiver approvals as recommended by City Treasurer. Motion passed on a vote of 8-0. The following being recorded as voting “nay”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

9-10-6 “ORDINANCE AUTHORIZING THE CITY TO UTILIZE EASTERN CRANSTON RECREATION IMPACT FEES FOR THE REMOVAL OF AN ABANDONED STORAGE TANK IN PREPARATION FOR ANTICIPATED LANDSCAPE IMPROVEMENTS”

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

Under Discussion:

Councilman Aceto stated that he does not think we should be using Impact Fees until all the legal challenges against the company that cleaned up this property originally have been exhausted.

Councilman Santamaria asked how the contractor missed this tank. Mr. Cordy stated that the contractor did not miss anything, the City missed it.

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Solicitor Kirshenbaum stated that two tanks, the City knew about, but the City missed this third tank.

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 Lupino, Navarro, Archetto, Pelletier, Santamaria and Council President Lanni -6. The following being recorded as voting "nay": Councilman Aceto and Council Vice-President Livingston -2.

9-10-7 "ORDINANCE IN AMENDMENT OF TITLE 3 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'REVENUE AND FINANCE' (Tax Relief for Federal Disasters)"

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

On motion by Councilman Lupino, seconded by Councilman Aceto, it was voted to amend the above Ordinance as follows: Section 2 shall read: "This Ordinance shall take effect **immediately upon positive enabling legislation approved by the RI General Assembly**".

Under Discussion:

Councilman Navarro stated that he would rather vote on the original Ordinance in order to discuss the various issues regarding this Ordinance.

Council Vice-President Livingston stated that he does not know what the rush is to pass this Ordinance. We should have enabling legislation first. He does not support putting Ordinances on the books that are meaningless because we do not know if legislation will be passed. He will not support this Ordinance or the amendment.

Councilman Pelletier stated that he does not know if this is the way to do this, but we need to do something to help the flood victims.

Councilman Navarro asked what our liability is. Mr. Quinlan stated that he does not think it creates any liability on the City. A concern he has is if legislation passed differently than this Ordinance, then this Ordinance would have to be re-passed.

Councilman Lupino indicated that this is not unique to Cranston, other cities, such as Warwick, have done the same. He encouraged the flood victims to write to their representatives supporting the Council and Administration on this.

On motion by Councilman Aceto, seconded by Councilman Lupino, it was voted to move the question on the amendment. Motion passed on a vote of 8-0. The following being recorded as voting "nay": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

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

On motion by Councilman Aceto, seconded by Councilman Lupino, the above Ordinance was adopted as amended on a vote of 7-1. The following being recorded as voting "nay": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria and Council President Lanni -7. The following being recorded as voting "nay": Council Vice-President Livingston -1.

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**10-10-3 “ORDINANCE IN AMENDMENT OF CHAPTER 2.24 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘FIRE
DEPARTMENT’ (Fire Composition)”**

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, Council Vice-President Livingston and Council President Lanni -8.

**“DISPLACED FLOOD VICTIMS POSSIBLE ASSISTANCE – Administration
Report”**

Councilman Lupino asked that this item be placed on next month’s docket for monthly update.

**“REPORT FROM CITY COUNCIL INTERNAL AUDITOR OF BUDGET
STATUS UPDATE”**

Mr. Woerner stated that the Audit Committee met last week and the Audit is progressing and does not expect having any problems with meeting deadlines. There are two accounting issues that people should be aware of when reviewing the Audit: 1) accounting for the School Reduction Plan, and 2) accounting issue relating to fund structure. The timeframe is: the Audit Committee will meet on December 7, 2010 to review a preliminary final draft and then it will be presented to the Finance Committee on December 9, 2010 and for final approval by the full City Council at its regular Council meeting in December.

Mr. Woerner presented a monthly final report for October 31, 2010.

**REPORT FROM SOLICITOR OF WHICH LEASE FOR THE PASTORE
YOUTH CENTER IS IN EFFECT”**

Solicitor Kirshenbaum offered his services and he asked Mr. Quinlan to assist him to meet with the YMCA to discuss the implementation of the lease and the use of that facility.

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

**“CRANSTON POLICE DEPARTMENT STUDY OF STREET LIGHTING OF
STATE ROADS”**

No discussion held.

“WARD 6 ISSUE – Administration Report”

Ms. Schutt stated that this is in the process of being resolved.

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

“FULL LIQUOR LICENSE APPLICATION FOR CPAA, INC., 2244 Plainfield Pike, d/b/a NEO PIZZA”

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

10-10-1 “ORDINANCE IN AMENDMENT OF TITLE 10, CH. 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (4 Way Stop, Orchard Valley & Ashbrook Dr.)”

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

Under Discussion:

Councilman Pelletier referred to the Traffic Engineer’s report and asked if this Ordinance is amended from a 4-Way Stop to 3-Way, would it have to be re-advertised. Mr. Quinlan stated that it would have to be re-advertised.

Council Vice-President Livingston suggested amending the Ordinance this evening and then re-advertise it for the next Council meeting.

On motion by Councilman Pelletier, seconded by Councilman Navarro, it was voted to amend the above Ordinance as follows: change “4-way stop” to “3-three way stop”. Motion passed on a vote of 7-1. The following being recorded as voting “aye”: Councilmen Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -7. The following being recorded as voting “nay”: Councilman Lupino -1.

10-10-2 “ORDINANCE IN AMENDMENT OF TITLE 10, CH. 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Brooks Street No Parking)”

On motion by Councilman Pelletier, seconded by Council Vice-President Livingston, it was voted to amend the above Ordinance as follows: amend “northerly” to “southerly”.

Under Discussion:

Councilman Santamaria indicated that there is no Traffic Engineer’s report. Mr. Cordy stated that there is no report. City Clerk indicated that by City Code, the Traffic Engineer has 60 days to present his report.

Roll call was taken on motion to amend the above Ordinance and motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

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

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“REPORT FROM ADMINISTRATION ON WHAT IS BEING DONE WITH ILLEGAL STOP SIGNS”

Mr. Cordy stated that Maria Giarrusso from IT Department, is documenting all the Stop Signs, both legal and illegal, which are defined, in the City on maps. The Council can be provided with a hard copy, since this is a massive document.

Council Vice-President Livingston discussed the need to either remove the stop sign or introduce an ordinance. He asked how many illegal Stop Signs there are in the City. Mr. Cordy stated, 698. Discussion ensued as to how to proceed. Solicitor Kirshenbaum stated that the problem he has with taking down all the illegal Stop Signs is it could endanger people more then help them.

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

Ratification of settled claims for: Jacqueline Pezzullo \$775.

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

V. ELECTION OF CITY OFFICIALS

“AUDIT COMMITTEE”:

- **Roy Damiano, CPA Appointment**

On motion by Councilman Pelletier, seconded by Councilman Lupino, it was voted to appoint **ROY DAMIANO** as a member of the *Audit Committee*. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -7. Councilman Archetto was not present for roll call vote.

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“JUVENILE HEARING BOARD”:

- **Ray Coia, Re-Appointment**
- **David Gilligan, Re-Appointment**
- **Joseph Marocco, Appointment**
- **Kenneth Vale, Appointment**
- **Daniel Archetto, Alternate Appointment**
- **Frank Migliorelli, Alternate Re-Appointment**

On motion by Council Vice-President Livingston, seconded by Councilman Navarro, it was voted to continue all the above appointments.

Under Discussion:

Councilman Aceto questioned why these appointments are being continued. Council President Lanni stated that further study is needed. Councilman Aceto asked if further study is needed on all of the above appointments or certain ones. Council President Lanni stated, all.

Councilman Pelletier asked if Daniel Archetto is any relation to Councilman Archetto.

Councilman Navarro stated Point of Order.

Council President Lanni recognized Councilman Navarro’s Point of Order.

On motion by Council Vice-President Livingston, seconded by Councilman Navarro, it was voted to move the question. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -7. Councilman Archetto was not present for roll call vote.

Roll call was taken on motion to continue the above appointments and motion passed on a vote of 4-3. The following being recorded as voting “aye”: Councilmen Navarro, Santamaria, Council Vice-President Livingston and Council President Lanni -4. The following being recorded as voting “nay”: Councilmen Lupino, Aceto and Pelletier -3.

“ZONING BOARD OF REVIEW”

- **Craig Norcliffe, 4th Alternate Re-Appointment**

On motion by Councilman Lupino, seconded by Councilman Navarro, it was voted to re-appoint **CRAIG NORCLIFFE** as **4th Alternate Member of the Zoning Board of Review**. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -7. Councilman Archetto was not present for roll call vote.

“FLOOD SUB-COMMITTEE”

- **Councilman Lupino – Council President’s Appointment**

Council President Lanni appointed **COUNCILMAN LUPINO** as a member of the **Flood Sub-Committee**.

VI. REPORT OF CITY OFFICERS

None.

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VII. EXECUTIVE COMMUNICATIONS

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

No discussion.

VIII. COUNCIL PRESIDENT COMMUNICATIONS

“SCHOOL DEFICIT REDUCTION PLAN – Auditor General’s approval”

Council President Lanni applauded the City Council for solving the Cullion issue and gave accolades to Councilman Navarro for all his work in the agreement between the School Committee and the City Council regarding the payment plan.

IX. COUNCIL MEMBER COMMUNICATIONS

Councilman Lupino

- **179 Kearney St. – Report from Administration (Cont. 9/27/2010)**

Ms. Schutt stated that this is still in negotiations. The property was purchased at tax sale and the person has one year to redeem the property.

Councilman Lupino asked that this be kept on the docket for update.

- **Salt Barn**

Councilman Lupino questioned the lack of progress on the Salt Barn. **Ms. Schutt** stated that Mr. Ventetuolo has been assigned to this and also to work with Tower Construction and the Administration is confident that there will be progress fairly soon.

Councilman Santamaria

- **Administrative Report on Providence Water Permitting Compliance**

Ms. Schutt stated that Providence Water is paying their fees as they are supposed to and they have been obtaining permits as they are required.

Councilman Navarro

- **Vandalism in Ward 2**

Councilman Navarro stated that he had requested from the Administration a report on vandalism in his neighborhood. **Ms. Schutt** stated that the person has been arrested. She can provide him with a copy of the Police report.

Councilman Navarro stated that in the past, the Administration has provided the Council with reports of major arrests and he asked that this be resumed.

Council Vice-President Livingston left the meeting at 9:30 P.M.

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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 – December 9, 2010

11-10-1 Ordinance in amendment of Title 2, Chapter 04 of the Code of the City of Cranston, 2005, entitled “Mayor and City Council” (Salary of Council Members).

11-10-2 Ordinance authorizing the City to utilize Western Cranston Road Impact Fees for construction of safety improvements at the intersection of Scituate, Wayland and Phenix Avenues.

Claims Committee

*Property damage claim of Dorothy Perschilli from incident on October 1, 2010.

*Subrogation notice from Allstate Insurance for claim of Carolann Polak from incident on September 24, 2010.

*Personal injury claim of Tamara Kirton-Doti, mother of Anthony Doti, from incident on December 12, 2007.

*Property damage claim of Nicholas Noonan from incident on October 8, 2010.

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Councilman Navarro, 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, Aceto, Navarro, Archetto, Pelletier, Santamaria and Council President Lanni -7.

XII. MISCELLANEOUS BUSINESS ON CLERK’S DESK

Teamsters, Local 251, Nutrition Workers Overtime MOU

On motion by Councilman Lupino, seconded by Councilman Pelletier, it was voted to approve this Memorandum of Understanding.

Under Discussion:

Ms. Schutt stated that this is being brought before the Council, whether it needs to be voted on or not, the Council would have to defer to the Solicitor.

Councilman Navarro asked if this is going to be retroactive. Ms. Schutt stated, yes, because the functions this staff is doing is for non-City functions, which brings in revenue. The Overtime is built into the costs for the functions.

Councilman Navarro indicated that this MOU is not dated. Ms. Schutt stated that once this is approved, the Administration will provide a dated signed copy to the Clerk’s Office.

Roll call was taken on motion to approve the above MOU and motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria and Council President Lanni -7.

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IAFF Local 1363. 2008-2011 Modifications; and 2011-2013 (Awaiting Executed copies)

Ms. Schutt stated that she was waiting for tonight's composition Ordinance to be passed and this is to be continued one more month.

No action taken.

Conservation Easement for 684 Natick Ave. (Awaiting Executed Copy).

Ms. Schutt stated that Mr. LaPolla has asked that this stay continued.

No action taken.

XIII. PUBLIC HEARINGS

Deloris Issler, 108 Eldridge St., appeared to speak and commended the Council for supporting the relocation of the flagpole from the former Police Station to Western Hills Middle School. She also spoke regarding the Resolution in regards to assisting the flood victims. She asked that the Council look at the building Ordinances in the flooded areas.

The meeting adjourned at 10:00 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).