

REGULAR MEETING – CITY COUNCIL

-NOVEMBER 24, 2008-

Regular meeting of the City Council was held on Monday, November 24, 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, Council Member Bucci (left at 8:35 P.M.), Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

Also Present: Ernie Carlucci, Director of Administration; Vito Sciolto, City Solicitor; Patrick Quinlan, City Council Legal Counsel; Corsino Delgado, Director of Finance; Steve Woerner, City Council Internal Auditor; Attorney Fred Marzilli.

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

“CITATIONS TO CRANSTON TROOP 6 BOY SCOUTS ON WORKING TO OBTAIN THEIR COMMUNITY MERIT BADGES”

Council Vice-President McFarland and Councilman Lanni presented Citations.

II. EXECUTIVE COMMUNICATIONS

“REPORT FROM PLANNING DIRECTOR PETER LAPOLLA REGARDING PROPOSED HARBOR MANAGEMENT PLAN”

Mr. LaPolla stated that he had hoped to have an Ordinance ready for this evening, but we have not received approval from the State yet. He hopes to have it by the December Ordinance Committee meeting.

This item will be continued to next month's meeting.

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“REPORT OF PAYMENTS MADE ON THE CULLION PROPERTY MATTER”

Mr. Sciolto stated that to date, there has been approximately \$100,000 paid on this per the agreement.

Council Vice-President McFarland asked if the City has paid out on the Natasha Valley settlement. Mr. Carlucci stated that we went out to bond on this and the money has been paid out through the Trust.

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

None.

“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR LT. JAMES DAWBER, CRANSTON FIRE DEPT.”

Mr. Carlucci appeared to speak.

On motion by Councilman Lanni, seconded by Councilman Navarro, it was voted to approve the above request. Motion passed on a vote of 8-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilman Santamaria, Council Vice-President McFarland and Council President Garabedian -8. Councilman Barone abstained.

“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR DEPUTY CHIEF JEFFREY WALL, CRANSTON FIRE DEPT.”

Mr. Carlucci appeared to speak.

On motion by Councilman Lanni, seconded by Council Vice-President McFarland,, it was voted to approve the above request. 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. Council Member Bucci was not present for roll call vote.

“REQUEST TO BE PLACED ON OCCUPATIONAL DISABILITY PENSION CAPTAIN MICHAEL JOYCE, CRANSTON FIRE DEPT.”

Mr. Carlucci appeared to speak.

On motion by Councilman Lanni, seconded by Council Vice-President McFarland,, it was voted to approve the above request. 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. Council Member Bucci was not present for roll call vote.

Mr. Carlucci announced the following members appointed by the Mayor to the Historical Cemeteries Commission:

- Rose Downing
- William Downing
- Herb Zakrison - Alternate

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COUNCIL PRESIDENT COMMUNICATIONS

Council President Garabedian announced the following members as his appointments to the **Historical Cemeteries Commission:**

Carolyn DelPadre
Meri Kennedy
Alex Amalfitono - Alternate

III. COUNCIL MEMBER COMMUNICATIONS

Councilman Lupino

Sockanosset Crossroad and New London Ave. Traffic Study

Councilman Lupino stated that he keeps stressing the dangerousness of this area and he wishes someone would address it. Mr. Carlucci stated that we still don't have an answer on the study by Garofalo & Associates. The Public Works Director was out sick today, but he will look into finding out what the delay is, knowing that that is outside of our prevue. Councilman Lupino asked that this be continued to next month's meeting.

Natick Ave. Engineering Study Report

Councilman Lupino stated the he would like to know how we are handling this. Mr. Carlucci stated that as to the report, there were money issues with regards to the Natick Ave. area. We reached out to our Congressional Delegation and put in appropriations request to help expedite and solve all the issues in this area. We will be putting out another contact to our Congressional Delegation to make sure this stays on as a issue. Councilman Lupino asked that this be continued to next month's meeting.

Update From Administration Regarding Status of Cullion Property

Mr. Quinlan stated that because this matter is still in litigation, he asked that questions be restricted. He stated that a meeting was held last week with Justice Weisberg. We have done first and second Phase Environmental Review and will be meeting with DEM on December 3, 2008. He stated that he would like to brief the Council in Executive Session after that meeting with DEM. Councilman Lupino asked when the findings will be reported out to the public. Mr. Quinlan stated that probably after the DEM process. Councilman Lupino asked that this item be continued to next month's meeting.

Report from Solicitor on the Authority of a Private Entity Petitioning the City Council for a Zone Change or Comprehensive Plan Amendment

Mr. Sciolto stated that after researching the City Code and the State Law, he does not see anything in State Law, Charter or City Code prohibiting an entity from applying for a Comprehensive Plan Amendment or a Zone Change. In terms of advertising, this could be addressed by stating who is proposing the Ordinance.

Councilman Navarro indicated that Section 3.11 of the City Charter states that the Council or Mayor can introduce an Ordinance. This is pretty explicit.

Councilman Lupino asked that Mr. Sciolto provide the Council the references of the State Law.

Councilman Livingston asked that this item be removed from the Docket. This has been continued for two months. If Councilman Lupino wishes, he can speak with the Solicitor in private regarding this for more detail.

Councilman Navarro

Recycling Thefts

Councilman Navarro stated that there have been some thefts throughout the City with the recycling. In his area, there are pick-up trucks, very early in the morning, going through the recycling cans. There is a scavenger Ordinance on the books, whereby a summons can be issued. He asked, through the Administration, to initiate this. The City is losing revenue if this is not enforced and we need to monitor this. Mr. Carlucci stated that we are working on a new ticket along with the Building Inspector and that process is being finalized. He was not aware of this problem, but he will advise the Police Department. Councilman Lanni suggested advising the homeowners that this is illegal and for them to obtain a license plate numbers and turn them into the Police Department and this may deter people from going through people's recycling. Council Vice-President McFarland indicated that public buildings outside of City Hall do not recycle, including the Schools.

Council Vice-President McFarland

Violations at Arlington Auto Body

Council Vice-President McFarland asked that the Administration look at, through the Building Inspections Department, the following to see if there are any violations:

Arlington Auto Body purchased some residential property that abuts Pavillion Ave. and have dump trucks. She stated that she has received some complaints from residents on Pavillion Ave. of litter and trucks idling. She asked that this be looked into.

Councilman Livingston

Update regarding preservation of Rolfe St. Cannons

Councilman Livingston asked for an update on the preservation of the Rolfe Street Cannons. Mr. Sciolto stated that he has not had any further communications from the person involved. Council President Garabedian asked that this item be continued to next month's meeting.

Council President Garabedian stated that Mr. Woerner was to give a report on Ordinances regarding the Police and Fire Pensions. He asked that these two Ordinances be heard next week prior to the Committee meetings at 6:00 P.M. He asked if there were any objections. Councilmen Livingston and Barone objected.

V. PUBLIC HEARINGS

10-08-3 “Ordinance in Amendment of Chapter 12 of the Code of the City of Cranston, 2005, entitled “Street and Sidewalk Use Regulations” (Obstruction of Public Ways Prohibited). As amended 11/10/2008.

Address from Comprehensive Community Action regarding Cranston Substance Abuse Task Force

No one appeared to speak. This item will be continued to next month’s meeting.

Robert Murray, Esq., appeared to represent Glen Hills LLC, opposed to Ordinances 8-08-10 and 9-08-2 and suggested that the Council delay action on these Ordinances and take them up at a future time rather than approve them this evening. An appeal has been filed with the Planning Board of Review and is scheduled for January 14, 2009.

Michael Mitchell, Esq., appeared to represent RI Department of Administration, opposed to Ordinances 8-08-10 and 9-08-2. He stated that the Planning Department states that these Ordinances are not appropriate and they constitute spot zoning. He questioned if there is a fiscal note for these Ordinances for any costs of any legal action.

Mayor-Elect Allan Fung appeared to speak regarding Ordinances 10-08-4 and 10-08-5. He stated concerns with these two Ordinances and the impact they would have if they were passed. A concern is this would be re-opening the system for three potential employees and possibly future employees. He has consulted with an actuary, the same one that worked with the Auditor General in 2002, and the cost to the City could jump into the millions. The analysis was done both with and with the 3% COLA. He would like to see the impact from Mr. Woerner’s actuarial report. He indicated to the Council that before passing these Ordinances, Mr. Woerner’s report should be reviewed. He would also like to note a legal concern that when these individuals were moved into the State system that they be their exclusive remedy under RIGL 45-21.2-17.2 and 45-21.2-17.3. He asked the Council for due diligence from a financial standpoint and a legal standpoint and they needed to proceed with caution and due diligence. He submitted an actuarial report he compiled.

Paul Saccoccio, National Representative for IBPO 301, appeared to speak in favor of Ordinance 10-08-5. He stated that we have employees who are disabled and want to retire in accordance with the collective bargaining agreement, but cannot retire through the State Pension disability and they are getting paid at 100% of their pay on IOD. This creates a number of problems, it creates overtime issues, inability to effectively serve the citizens of the City. By passing this Ordinance, the employee can move ahead and retire and the City can move ahead to fill those positions.

Paul Valetta, President of Cranston Firefighters, appeared to speak in favor of Ordinance 10-08-5 and stated that this is not opening the system again. At this time, the employee is being paid 100% of salary on IOD. By passing this Ordinance, it would save the City approximately half of that. This Ordinance may never ever kick in again. This is the first time the State Pension Board has denied an employee. He asked if Mr. Woerner is going to present his report that he was to have prepared. Council President Garabedian stated that Mr. Woerner is attending an Audit Committee meeting at this time, and if he can attend this meeting, he will. He indicated that he met with Mr. Woerner today regarding the actuarial report and Mr. Woerner feels that in the spreadsheet, column 5 should be moved over to column 6 and subtract the savings from the City of Cranston. He does not agree with Mr. Woerner because you can’t have it two ways. You can’t use it in this document and not use it on the actuarial study that has been done since 1995. Column 5 should have nothing to do with column 6. Mr. Woerner’s other concern is under this Ordinance, firefighter pension would be 85% tax instead of 66 2/3 non-tax. The 66 2/3 pension does equal a 85% tax pension.

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VI. DOCKETED RESOLUTIONS

None.

VII. REPORT OF COMMITTEES

ORDINANCE COMMITTEE (Paula B. McFarland, Chair)

8-08-5 “ORDINANCE IN AMENDMENT OF TITLE 2.32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘HARBOR MASTER’ (Harbor Management Plan)”

This Ordinance is continued to next month’s meeting.

8-08-10 “ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF 1992 (Glen Hills Section)”

9-08-2 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Change of Zone-Glen Hills Section)”

Councilman Livingston questioned, by passing these two Ordinances, if we are doing a reverse condemnation because this property was sold. Mr. Quinlan stated that suit was filed today for a Temporary Restraining Order which was denied by Justice Pfeiffer. He stated that any discussion should be in Executive Session, especially since the Plaintiff’s attorney is present in the audience.

Council President Garabedian handed gavel to Council Vice-President McFarland and asked that she conduct this portion of the meeting, since he has been involved in this matter from the beginning.

On motion by Councilman Livingston, seconded by Councilman Lupino, the above two Ordinances were continued to next month’s meeting. Motion and second were withdrawn.

Council President Garabedian stated that these Ordinances were introduced to protect the welfare of the residents in the area because the process that was followed did not comply with State law. The land sits adjacent to Route 37. The City Planning Commission did not have the votes to act on this. This area is along a highway and when the State built Route 37, they never took care of the issue of noise. This Council has the right to pass this Ordinance and we have to comply with the Comprehensive Plan. The purchaser is looking to build three homes on this property. This land was purchased for \$170,000 and that land is not sub-divided and has lesser value.

Councilman Lanni stated to the Council that everyone of us has to represent our constituents. This looks like a fast track deal. This property should remain Open Space, it is not sub-divided and it is not house lots. That property acts as a barrier from Route 37 noise and pollution that affects the whole neighborhood.

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Councilman Lupino questioned what the purpose of this land is and what this land can be used for under the current Comprehensive Plan. Peter LaPolla, City Planning Director stated that under the current zone, residential development for one to four units is allowed.

Councilman Livingston stated that his concern is if we could get the agreement from the attorney that they would not move. Mr. Sciolto stated that as far as he is concerned, there is no agreement needed because that was denied. This is before the Planning Board of Review for appeal. Councilman Livingston stated that he would like to be briefed in Executive Session along with the rest of the Council members before the December 15, 2008 Council meeting and this could be voted on at that time.

On motion by Councilman Livingston, seconded by Councilman Navarro, it was voted to be briefed in Executive Session prior to the December 15, 2008 City Council meeting for an update and both Ordinances continued until then.

Under Discussion:

Council Vice-President McFarland stated that we have seen over the last few years that Open Space has become a very hot issue. The voters have been clear since the Bond Referenda recently passed for Open Space. She hopes that the next Council members and the Planning Department realize this and adopt the Comprehensive Plan as soon as possible.

Councilman Navarro asked that the Council be provided with copies of the lawsuit.

Roll call was taken on the above motion 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. Council Member Bucci was not present for roll call vote.

10-08-10 "ORDINANCE AUTHORIZING THE PURCHASING AGENT TO SELL A PORTION OF THE ABANDONED STREETS KNOWN AS MAYBERRY ST. AND ARNOLDA AVE."

On motion by Councilman Livingston, 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. Council Member Bucci was not present for roll call vote.

COMMITTEE ON FINANCE (Terence Livingston, Chair)

"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 Barone, seconded by Councilman Navarro, 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.

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“TAX INTEREST WAIVER DENIALS – AS RECOMMENDED BY CITY TREASURER”

On motion by Councilman Livingston, seconded by Councilman Navarro, it was voted to approve this list of Tax Interest Waiver Denials as recommended by City Treasurer. 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 – AS RECOMMENDED BY CITY TREASURER”

On motion by Councilman Livingston, seconded by Councilman Navarro, it was voted to approve this 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 “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

“TAX INCENTIVE APPLICATION FOR CHARLES AND VICTORIA ZAYAT/AMERICAN INTERNATIONAL TOOL, 129B FLETCHER AVE., FOR PROPERTY LOCATED AT 99 CALDER ST.”

On motion by Councilman Santamaria, seconded by Councilman Livingston, it was voted to continue this Tax Incentive Application. 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.

10-08-6 “ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE AND FINANCE’ (Commercial Tax Incentive Five Year)”

10-08-7 “ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE AND FINANCE’ (Commercial Tax Incentive Ten Year)”

10-08-8 “ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE AND FINANCE’ (Industrial Tax Incentive Five Year)”

10-08-9 “ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘REVENUE AND FINANCE’ (Industrial Tax Incentive Ten Year)”

On motion by Councilman Livingston, seconded by Councilman Santamaria, it was voted to continue the above Ordinances. 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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10-08-4 **“ORDINANCE IN AMENDMENT OF TITLE 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (Fireman’s Pension Fund)”**

10-08-5 **“ORDINANCE IN AMENDMENT OF TITLE 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (Police Pension Fund)”**

On motion by Councilman Lupino, seconded by Councilman Barone, it was voted to approve the above two Ordinances.

Under Discussion:

Councilman Livingston stated that there are a lot of issue raised here tonight and would like Steve Woerner's report and analysis before acting. Mayor Elect Fung has provided documents and we have no idea where they came for or if accurate. He asked that the Solicitor check the statutes referred to by Mayor Elect Fung. He would be more comfortable if had answers to these questions. He stated he had reviewed Mr. Valetta's numbers and would like some more time.

Councilman Barone stated that he met with Mr. Valetta and was explained the numbers. He did ask Mr. Woerner if he had any report and was advised he did not. Councilman Barone stated that we need to pass these Ordinances because we need to start saving money now. It is in black and white and he urged passage of these two Ordinances.

Councilman Lanni stated that he has not spoken to anyone, but he has read the Ordinances. He has no doubt what has been told to him by the Fire and Police Unions. He does not think by waiting until December 15, 2008 will make any difference. He stated that we are obligated to hear both sides of the story. **Councilman Santamaria** asked when Mr. Woerner would have his report ready. He agreed that the Council needs to get both sides of the story.

Council Vice-President McFarland stated that the Administration has attached their approval and their fiscal notes to the Ordinances and Mr. Woerner verbal numbers, is a little late. She stated that a fiscal note is attached to both and doesn't feel we need more time. Steve Woerner has had ample time to provide the information requested.

Council President Garabedian stated that this is a big issue and cost a lot of money. Glen Hills was discussed at length, and we should do due diligence here as well. He asked that due diligence also be done on these two Ordinances.

Mr. Woerner stated that he has numbers and reviewed them with the Finance Director and Mr. Valetta and there are some disagreements. What he would like to see is the Council would have approval over these pensions. He does not see any savings from the police. . He apologized for not having this report ready for the Council. He did not get a chance to print out the report prior to this meeting since he had to attend the Audit Committee meeting prior to this meeting. **Councilman Lanni** stated that his remarks about getting both sides of the story was correct. There are disagreements and he would like both sides of the story before he votes on these Ordinances.

Councilman Navarro problem need to address is that employees out on disability and collecting full salary. He is concerned that we do not have any actuary numbers on the dollar impact on the unfunded pension liability. He would like to know the scenario of the employees in question what the financial impact on our closed pension system of potential eligibility. There definitely is a savings to the City, An actuarial report is needed on the impact on the closed pension liability. He would like to see the fiscal note as to what it is going to be, not the percentage.

Councilman Livingston asked under what State Law, does it state that an employee can't be put on ordinary disability pension. Attorney Marzilli stated that his understanding is the Retirement Board has taken a position that you can't force an employee to file for ordinary disability pension.

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Attorney Marzilli stated that there is no rule or case law Administration felt this was a compromise. Administration did consider challenging.

Motion and second to approve the above two Ordinances were withdrawn.

On motion by Council Vice-President McFarland, seconded by Councilman Barone, it was voted to refer the above two Ordinances to next month's meeting. 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.

Council Vice-President McFarland left the meeting at 9:45 P.M.

PUBLIC WORKS COMMITTEE (Maria A. Bucci, Chair)

8S-08-1 "ORDINANCE IN AMENDMENT OF TITLE 8 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'HEALTH AND SAFETY' (Mandatory Recycling)"

On motion by Councilman Santamaria, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 6-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Navarro, Santamaria, Barone and Council President Garabedian -6. Councilman Livingston was not present for roll call vote.

8S-08-2 "ORDINANCE IN AMENDMENT OF TITLE 8 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'HEALTH AND SAFETY' (Penalties for Environmental Violations)"

On motion by Councilman Lanni, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 6-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Navarro, Santamaria, Barone and Council President Garabedian -6. Councilman Livingston was not present for roll call vote.

10-08-1 "ORDINANCE IN AMENDMENT OF CHAPTER 15.04.020(A) OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'BUIDING CODE' (Amendments, Additions and Deletions-Impact Fees)"

On motion by Councilman Santamaria, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 6-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Navarro, Santamaria, Barone and Council President Garabedian -6. Councilman Livingston was not present for roll call vote.

10-08-2 "ORDINANCE IN AMENDMENT OF CHAPTER 13.08.340 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'WASTEWATER DISCHARGE LIMITS'"

On motion by Councilman Santamaria, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -6.

10-08-3 "ORDINANCE IN AMENDMENT OF CHAPTER 13.08.670 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'PAYMENTS' (Sewer Charge)"

On motion by Councilman Lanni, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -6.

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

**10-08-13 “ORDINANCE IN AMENDMENT OF CHAPTER 12 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘STREET
AND SIDEWALK USE REGULATIONS’ (Obstruction of Public
Ways Prohibited)”**

On motion by Councilman Santamaria, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

**10-08-16 “ORDINANCE IN AMENDMENT OF CHAPTER 10 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR
VEHICLES AND TRAFFIC’ (Calvin Ave. and Villa Ave.)”**

On motion by Councilman Santamaria, seconded by Councilman Livingston, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

**9-08-7 “ORDINANCE IN AMENDMENT OF CHAPTER 10.32 OF TITLE
10 OF THE CODE OF THE CITY OF CRANSTON, 2005,
ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Ocean Ave. 0
No Parking)”**

Councilman Livingston, sponsor, withdrew this Ordinance.

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

“RATIFICATION OF SETTLED CLAIMS FOR: Anonda Gervais and Attorney Steven Orabone; \$11,000; Jose Vega and Attorney Joseph Martinous \$3,000; Joshua Dexter and Attorney Andrew Alberino \$600.00; Jacqueline, William & Jae Pezzullo \$775.00; John Betters and Attorney Andrew Alberino \$1,500.

On motion by Councilman Lupino, seconded by Councilman Lanni, it was voted to approve the above-listed claim. Motion passed on a vote of 6-0 with one abstention. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Santamaria, Barone and Council President Garabedian -7. Councilman Livingston abstained.

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VIII. ELECTION OF CITY OFFICIALS

PROBATE JUDGE ADVISORY COMMITTEE –

Reappointments of

- John Ennis, Esq.
- Steven Levesque, Esq.
- Chelsie Horne, CMP

and appointment of – Kenneth Charles Vale, Esq.

On motion by Councilman Livingston, seconded by Councilman Lupino, it was voted to approve the above the re-appointments of **John Ennis, Esq., Steven Levesque, Esq., and Chelsie Horne, CMP** and appointment of **Kenneth Charles Vale, Esq.** as members to the Probate Judge Advisory Commission. Motion passed on a vote of 6-1. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria and Council President Garabedian -6. The following being recorded as voting “nay”: Councilman Barone -1.

PUBLIC LIBRARY BOARD OF TRUSTEES –

Appointment of

- Deborah Brody
- Roberta Costa

On motion by Councilman Livingston, seconded by Councilman Santamaria, it was voted to approve the appointment of **Deborah Brody** and **Roberta Costa** as members of the Cranston Library Board of Trustees. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -8.

IX. REPORT OF CITY OFFICERS

No business.

X. OLD BUSINESS

None.

XI. INTRODUCTION OF NEW BUSINESS

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

Safety Services and Licenses Committee – December 1, 2008

11-08-3 Ordinance in amendment of Chapter 10.32 of Title 10 of the code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Lincoln Ave., Grant Ave. and Franklin Ave.).

11-08-4 Ordinance in amendment of Chapter 10.12 Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Honeysuckle Dr.).

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Public Works Committee – December 4, 2008

Petition from National Grid for pole location at Walnut Grove Ave.

Petition from National Grid for pole location at Wheatland Ave.

Kelly & Picerne, Inc. land donation of property off of Loretta St.

JGP Builders, Inc. land donation of property abutting Route 295 South in the area of Rainbow Rd.

Finance Committee – December 4, 2008

11-08-2 Ordinance ratifying the LIUNA (Laborer’s International Union of North America) Local Union 1322 Contract for the Term July 1, 2008 Through June 30, 2011.

Tax Incentive Application for Cadence Science, Inc., 2080 Plainfield Pike.

Ordinance Committee – January 15, 2009

11-08-1 Ordinance in amendment of Chapter 17.12 of the Code of the City of Cranston, 2005, entitled “Zoning” (Historic Districts – Pawtuxet Village Historic District).

City Plan Commission – January 6, 2009

11-08-1 Ordinance in amendment of Chapter 17.12 of the Code of the City of Cranston, 2005, entitled “Zoning” (Historic Districts – Pawtuxet Village Historic District).

Claims Committee

- *Stephanie Watson
- *Nancy Nasser
- *Richard Luke, III, minor by Robyn Robidoux
- *Odete G. Lopes
- *Idis Roman

On motion by Councilman Barone, seconded by Councilman Lupino, the above items were referred to the Claims Committee. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

XII. MISCELLANEOUS BUSINESS ON CLERK’S DESK

“CORRESPONDENCE FROM MAYOR NAPOLITANO TO SCHOOL COMMITTEE REGARDING CITY’S ACCEPTANCE OF SANDERS SCHOOL BUILDING FROM THE SCHOOL DEPARTMENT”

XIII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

None.

-NOVEMBER 24, 2008-

**“EXECUTIVE SESSION PURSUANT TO RIGL 42-46-5(a)(2) – CULLION
PROPERTY UPDATE”**

On motion by Councilman Livingston, seconded by Councilman Santamaria, it was voted to continue the Executive Session regarding this item to next month’s meeting or the one after that after the meeting with DEM takes place. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

Councilman Barone stated that he went into the restroom outside the Chambers and being a handicapped restroom, the towel dispenser is too high. He asked that this be addressed.

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).