

REGULAR MEETING – CITY COUNCIL

-NOVEMBER 26, 2007-

Regular meeting of the City Council was held on Monday, November 26, 2007 in the Council Chambers, City Hall, 869 Park Ave., Cranston, Rhode Island.

The meeting was called to order at 7:00 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Lanni, Lupino, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –8.

Absent: Councilman Livingston -1.

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

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

Council President Garabedian stated that due to prior commitment, Councilman Livingston is not able to be present.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

None.

II. EXECUTIVE COMMUNICATIONS

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

No discussion.

“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR JEFFREY WALL, CRANSTON FIRE DEPARTMENT”

On motion by Councilman Barone, seconded by Councilman Lanni, 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, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –8.

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III. COUNCIL PRESIDENT COMMUNICATIONS

Police Station Bid Requirements (Solicitor's opinion)

Solicitor Sciolto stated that after reviewing the Charter, it seems to him that with the exception of the Housing Authority, there are no exceptions to the bid process. There is also a conflict with the amended Section 7.08 and existing 7.09 of the Charter.

Council Vice-President McFarland asked when going out to bid, if the city could place stipulations on what the property could be used for. Solicitor Sciolto stated that he does not believe that can be done because it would need to be supported by the Charter, but he will look into this more. He also stated that criteria needs to be developed.

Discussion took place on whether an appraisal has been done on the property. Councilman Lupino stated that he thinks this property should be advertised to the highest bidder and then appraise the property. Solicitor Sciolto stated that the Charter requires an appraisal. Councilman Lupino asked that the Administration ask the Economic Development Director to issue an opinion concerning the property, outlining some potential uses for the property.

IV. COUNCIL MEMBER COMMUNICATIONS

Status Update Regarding the Inter-Local Risk Management – Councilman Lupino

Councilman Lupino, Chair of Claims Committee, stated that at the November 5, 2007 Claims Committee meeting, the Trust made a presentation and at that time, the Administration requested additional information from the Trust and he asked the Solicitor what the process should be if the City decided to join the Trust. The Claims Committee will be meeting on December 3, 2007 and he hopes to have this information at that meeting. Mr. Migliorelli stated that the Administration received the package from the Trust on Wednesday of last week and the Administration has not had the opportunity to review this yet.

Council Vice-President McFarland raised a point of order in that this issue is still at the Committee level and the Chair of the Claims Committee is trying to circumvent the process by bringing this before the full Council.

Status Update Regarding Transfer of Land for Cranston St. Library – Council Vice-President McFarland

Anthony Sylvia, Public Works Director stated that he has met with the Library Committee and they are in agreement that the environmental Impact study on this property needs to be update. The firm of Fuss & O'Neil is currently in the process of updating the study Council Vice-President McFarland asked that this item be placed on the docket monthly for updates.

Status Update Regarding Performance Bond issued for Mulligan's Island – Council Vice-President McFarland

Council Vice-President McFarland stated that she discussed this item with the Director of Administration, Ernest Carlucci, and he indicated to her that the Planning staff is working on researching this information and they are also looking at the old bonds.

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V. PUBLIC HEARINGS

Mr. Migliorelli stated that the Administration is temporarily withdrawing the nomination of Gary Stepalavich as Building Official.

Suzanne Arena, 62 Glen View Dr., appeared to speak regarding the nomination of Gary Stepalavich as Building Official and stated that she and other neighbors who live near the Cullion Concrete Plant are outraged that this Mayor is considering the appointment of Gary Stepalavich as the Building Official. Mr. Stepalavich was very involved with the former Building Official, in issuing the permit to Cullion.

Richard Crowell, Esq., appeared to represent the members of “Cranston Citizens for Responsible Zoning” and stated that there is a conflict with Mr. Stepalavich’s nomination as Building Official.

Robert Rocchio, Jr., 1398 New London Ave., appeared to speak regarding “Resolution requesting that the RI DOT conduct a traffic calming study of New London Ave.” and stated that he and his neighbors are looking for support from the Council in passing this Resolution and to resolve the traffic and speeding problems on New London Ave.

John Gallo, 1390 New London Ave., appeared to speak regarding “Resolution requesting that the RI DOT conduct a traffic calming study of New London Ave.” and stated that speeding and traffic are a big concern of his. He has four small children and safety is a big issue.

VI. DOCKETED RESOLUTIONS

“RESOLUTION REQUESTING THAT THE RI DOT CONDUCT A TRAFFIC CALMING STUDY OF NEW LONDON AVE.”

On motion by Councilman Lupino, 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, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –8.

Councilmen Barone and Santamaria asked to be added as co-sponsors of this Resolution.

“RESOLUTION ACCEPTING A LAND DONATION ON PHENIX AVE. FROM JACK AND DANIEL CAPUANO CONTINGENT UPON AN ENVIRONMENTAL IMPACT STUDY”

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, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –8.

Council Vice-President McFarland asked to be added as co-sponsor of this Resolution.

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VII. REPORT OF COMMITTEES

COMMITTEE ON FINANCE (Terence Livingston, Chair)

“RESOLUTION AUTHORIZING REAL ESTATE/TANGIBLE TAX ABATEMENTS”

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

“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”

On motion by Councilman Navarro, 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, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

“TAX INTEREST WAIVER APPROVALS”

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

“TAX INTEREST WAIVER DENIALS”

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

“APPROVAL OF WAIVER OF MOTOR VEHICLE TAX”

On motion by Councilman Lanni, seconded by Councilman Barone, it was voted to approve the list of interest waiver of motor vehicle tax. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

“ADVICE AND CONSENT OF THE MAYOR’S APPOINTMENT OF GARY STEPALAVICH AS THE BUILDING OFFICIAL”

Nomination was temporarily withdrawn by Administration.

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

“DANIELS WAY (Western Industrial Drive) POLE LOCATION REQUEST”

Councilwoman Bucci stated that this is a new request from National Grid Electric Company for a pole location on Daniels Way which would normally be referred to the Public Works Committee under Rule 20, however because of time constraints and the need to erect the pole she is asking the Council to act on this request this evening.

On motion by Council Member Bucci, seconded by Councilman Barone, it was voted to suspend Rule 20. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

On motion by Council Member Bucci, seconded by Councilman Barone, it was voted to approve this request, subject to the review by the Engineering Division and approval by the Public Works Director. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

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

3-07-2 “ORDINANCE IN AMENDMENT OF CHAPTER 10.12 OF TITLE 10 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Vehicles and Traffic-Honeysuckle Dr.)”

On motion by Councilman Lanni, seconded by Councilman Barone, it was voted to refer this Ordinance back to the Safety Services and Licenses Committee at the request of Council Member Bucci, sponsor of this Ordinance. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

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

“RATIFICATION OF SETTLED CLAIMS FOR: Jacqueline, William & Jae Pezzullo \$775.00; Amica Insurance for Kevin Doucette \$1,254.44; Alfredo and Maria Silva \$2,195.85; Enrico Carnevale and Attorney Michael Pezzullo \$3,000.00; Joan Sammartino and Attorney Raymond Pacia \$5,000.

On motion by Councilman Lanni, 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, Council Member Bucci, Councilman Santamaria, Council Vice-President McFarland and Council President Garabedian -7. Councilman Barone abstained.

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VIII. ELECTION OF CITY OFFICIALS

“JUVENILE HEARING BOARD”

- **Re-appointment of Judy Pelkey**
- **Appointment of David Gilligan**

On motion by Councilman Santamaria, seconded by Councilman Lanni, it was voted to re-appoint Judy Pelkey as a member of the Juvenile Hearing Board. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

On motion by Councilman Santamaria, seconded by Councilman Lanni, it was voted to appoint David Gilligan as a member of the Juvenile Hearing Board. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

“BOARD OF CONTRACT AND PURCHASE”

- **Minority appointment – Randall Jackvony**
- **Resignation of Michael Imbruglia**

Councilman Barone, the Minority Council member, appointed Randall Jackvony to the Board of Contract and Purchase to replace Michael Imbruglia, who resigned.

IX. REPORT OF CITY OFFICERS

Mr. Woerner stated that the Audit Committee met on November 15, 2007 and discussed the draft of the Audit. The Audit shows there is a cumulative surplus of just over \$21 million as of June 30, 2007 and \$1.1 million of operating surplus, this includes expenses to the Providence Water Supply Board. Once the Audit is completed, it would go to the Audit Committee and Finance Committee and then to the full City Council.

IXA. OLD BUSINESS

None.

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X. INTRODUCTION OF NEW BUSINESS

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

Safety Services and Licenses Committee – December 3, 2007

11-07-1 Ordinance in amendment of Chapter 10.12 of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Birchwood Dr. and Lake Garden Dr. – 3 Way Stop).

Public Works Committee – December 6, 2007

**Request from National Grid for pole location at Hope Rd.
Request from National Grid for pole location at Rossi Lane
Request from National Grid for pole location at Phenix Ave.
Request from National Grid for pole location at Third Ave.
Request from National Grid for pole location at Everly St.**

Claims Committee

*Andino Merola III - false arrest claim November 17, 2005
*Jose Trindade - Property damage claim, motor vehicle collision on October 10, 2007
*Louis D. Mansolillo - Property damage claim from October 5, 2007
*Carole Stimpson - Property damage claim from October 19, 2007
*Rossaire Acoste - Personal injury claim for incident on September 27, 2007

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Councilman Barone, 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, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

XI. MISCELLANEOUS BUSINESS ON CLERK’S DESK

**“ORDINANCE 2007-3 AUTHORIZING THE PURCHASING AGENT TO LEASE A PORTION OF 1090 CRANSTON ST. TO THE COMPREHENSIVE COMMUNITY ACTION PROGRAM (CCAP ADMINISTRATIVE OFFICES)”
Correction of Scrivener’s error.**

City Clerk stated that this Ordinance was passed January 29, 2007. When the lease was recently signed, it was discovered that the Ordinance had been improperly drafted and stated the lease was for the ground floor when it should have stated the Second Floor. The lease attached to the Ordinance is correct. A motion is needed to correct the scrivener’s error on the Ordinance making it consistent with the lease. .

On motion by Councilman Lanni, seconded by Councilman Santamaria, it was voted to correct the scrivener’s error. Motion passed on a vote of 7-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council President Garabedian -7. Council Vice-President McFarland abstained.

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XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Dennis DeMarco, 27 Hersey Rd., member of the “Cranston Citizens for Responsible Zoning”, appeared to speak regarding the Cullion Concrete Plant issue.

Steven Callahan, 135 Amanda St., appeared to ask that the Claims Committee make a decision on his flood claim, whether approval or denial. Councilman Lupino, Chair of Claims Committee, stated to Mr. Callahan that he believes that his claim is on the agenda for the next Claims Committee meeting. Whether it will be acted on, that is up to the Committee members. Mr. Callahan asked for an update on the check valves. Council Member Bucci stated that the Solicitor and the Public Works Director are reviewing who will be installing them, among other issues.

Richard Brown, 171 Hilltop Dr., member of “Save Cranston Open Space”, appeared to announce that this organization is holding a food drive this Sunday, December 2, 2007 from 10:00 AM to 1:00 PM at the entrance of Oakhill Terrace.

The meeting adjourned at 8:00 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).