

REGULAR MEETING – CITY COUNCIL

-NOVEMBER 27, 2006-

Regular meeting of the City Council was held on Monday, November 27, 2006 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:20 P.M. by the Council President.

Roll Call showed the following members present: Councilmen McDonough (appeared at 7:35 P.M.), Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian –9.

Also Present: Paul Grimes, Director of Administration; Robin Muksian-Schutt, Deputy Director of Administration; Michael Glucksman, City Solicitor; Jerome Baron, Director of Finance; Mike Igoe, City Controller; Pat Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

Citations for:

Paul G. Grimes, Director of Administration

Councilman Fung presented a Citation to Mr. Grimes.

Richard T. Bray, Ward 1 Democratic Committee Member

Councilman Livingston presented a Citation to Mr. Bray.

Angela Mazzone and Joseph Yany, owners of Nayco 5 & 10

Council Member Fogarty read Citation into the record. No one was present from the business.

II. EXECUTIVE COMMUNICATIONS

No Business.

III. COUNCIL PRESIDENT COMMUNICATIONS

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

No discussion.

Presentation by proponents of Constitutional Amendment which would extend public financing for election of general officers to include members of the General Assembly

Council President Garabedian stated that members of Clean Election Rhode Island are present to address the Council.

Ben Logan, Senior at Brown University and resident of Coventry, and **Seth Bendle**, Senior at Brown University, resident of Connecticut, appeared on behalf of Clean Election Rhode Island. Mr. Logan stated that they are present to ask for the Council’s support on this bill. The system is successful in Maine and Arizona. Mr. Bendle gave details of the bill and stated that they have been appearing or will appear before other cities and towns asking for their support also.

IV. COUNCIL MEMBER COMMUNICATIONS

No Business.

V. PUBLIC HEARINGS

No one appeared to speak.

VI. DOCKETED RESOLUTIONS

No business.

VII. REPORT OF COMMITTEES

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

9-06-3 “ORDINANCE IN AMENDMENT OF CHAPTER 10 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Carlsbad St. and Garfield Ave.)”

On motion by Council Vice-President McFarland, seconded by Council Member Fogarty, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

10-06-6 “ORDINANCE IN AMENDMENT OF TITLE 15 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘BUILDINGS AND CONTRUCTION’ (Certification of Occupancy for Asphalt, Cement or Concrete Facilities)”

On motion by Council Vice-President McFarland, seconded by Councilman Livingston, the above Ordinance was adopted on a vote of 8-1. The following being recorded as voting “aye”: Councilmen McDonough, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting “nay”: Councilman Fung -1.

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10-06-7 “ORDINANCE IN AMENDMENT OF TITLE 15 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘BUILDINGS AND CONSTRUCTION’ (Commercial and Industrial Occupancy Permits)”

On motion by Council Vice-President McFarland, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 8-1. The following being recorded as voting “aye”: Councilmen McDonough, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting “nay”: Councilman Fung -1.

**COMMITTEE ON FINANCE
(Cynthia M. Fogarty, Chair)**

“RESOLUTION AUTHORIZING REAL ESTATE/TANGIBLE TAX ABATEMENTS – AS RECOMMENDED BY CITY ASSESSOR”

On motion by Council Member Fogarty, seconded by Councilman Livingston, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

“RESOLUTION MOTOR VEHICLES TAX ABATEMENTS – AS RECOMMENDED BY CITY ASSESSOR”

On motion by Council Member Fogarty, seconded by Councilman Barone, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

“TAX INTEREST WAIVER LIST”

On motion by Council Member Fogarty, seconded by Councilman Livingston, the above Tax Interest Waiver List was approved on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

10-06-3 “ORDINANCE AUTHORIZING THE CITY TO UTILIZE WESTERN CRANSTON ROAD IMPACT FEES FOR A TRAFFIC SIGNAL AT PHENIX AND NATICK AVE.”

On motion by Council Member Fogarty, seconded by Council Member Bucci, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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**COMMITTEE ON PUBLIC WORKS
(John E. Lanni, Jr., Chair)**

**“RESOLUTION AUTHORIZING THE ABANDONMENT OF A PORTION OF
AMFLEX DR.”**

On motion by Councilman Lanni, seconded by Councilman Barone, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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

**“CLASS BV ALCOHOLIC BEVERAGE LICENSE – NATI, INC., D/B/A TIPICO
BAR & RESTAURANT, 16 Gansett Ave. (Recommended Approval 11/13/2006).”**

On motion by Councilman Lanni, seconded by Councilman Barone, it was voted to approve this extension of cap. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone and Council President Garabedian -8. Council Vice-President McFarland was not present for roll call vote.

**COMMITTEE ON CLAIMS
(Kirk McDonough, Chair)**

“COUNCIL RATIFICATION OF SETTLED CLAIMS FOR:

Charles Piccamiglio & Attorney John Perrotta \$7,000; Gilda Martinelli \$14,000; Phillis Patricio \$1,500; Monet Pamphile \$300; Jacqueline, William and Jae Pezzullo \$775; Peter Bibby and Delta Auto Body \$1,925.59; Meryl Sears \$2,500; Josephine Martellini \$211.63; Laurie DeCesaro \$50.”

On motion by Councilman McDonough, seconded by Councilman Barone, it was voted to ratify all the above-listed settled claims. Motion passed on a vote of 6-0 with 2 abstentions and 1 not present. The following being recorded as voting “aye”: Councilman McDonough, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone and Council President Garabedian -6. The following abstained: Councilmen Fung and Livingston -2. Council Vice-President McFarland was not present for roll call vote.

VIII. ELECTION OF CITY OFFICIALS

**“JUVENILE HEARING BOARD – Re-appointments of ERIN HICKS, LORI
MARTIN AND ALFRED NOTARIANNI”**

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to re-appoint ERIN HICKS, LORI MARTIN, and ALFRED NOTARIANNI as members of the *Juvenile Hearing Board*. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone and Council President Garabedian -8. Council Vice-President McFarland was not present for roll call vote.

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“INDUSTRIAL PERFORMANCE COMMISSION – Mario Carlino as resident member”

City Clerk stated that last month Mr. Carlino was appointed to this Commission to fill the position of Engineer. The Ordinance requires that the Engineer be licensed, which Mr. Carlino is not. His name is before the Council this evening for consideration for the resident vacancy.

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to appoint MARIO CARLINO as a member of the Industrial Performance Commission to fill the resident vacancy. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone and Council President Garabedian -8. Council Vice-President McFarland was not present for roll call vote.

“PROBATE JUDGE ADVISORY COMMISSION”

Council Member Bucci submitted Judge John DiBona’s name as Probate Judge. Council President Garabedian asked that Judge DiBona’s name be submitted to the Probate Judge Advisory Commission.

IX. REPORT OF CITY OFFICERS

Mr. Igoe reported on the City’s financials:

- The Audit for the end of 2006 is almost complete and should be presented to the Council as draft at the December Council meeting.
- Through the end of October, 2006, the General Fund collected \$89,264,233 and expended \$82,456,653 and Cash of \$8.7 million.

IXA. OLD BUSINESS

3-06-5 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Change of Zone-Phenix Ave. and Lofty Rd.)” Tabled 5/22/2006 and 7/24/2006 City Council.

City Clerk stated that this Ordinance will stay on the table, since we are waiting action from the Planning Commission. This Ordinance remains tabled.

5-06-6 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Change of Zone – 340 Scituate Ave.)”

City Clerk stated that this Ordinance will stay on the table, since we are waiting action from the Planning Commission. This Ordinance remains tabled.

X. INTRODUCTION OF NEW BUSINESS

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

Public Works Committee – December 7, 2006

- 11-06-1 Ordinance in amendment of Title 12 of the Code of the City of Cranston, 2005, entitled “Streets, Sidewalks and Public Places” (Petition for Abandonment of Highway).**

Finance Committee – December 7, 2006

- 11-06-2 Ordinance authorizing the City to utilize Eastern Cranston Recreational Impact Fees for upgrades and renovations to the Doric Avenue Playground.**

Ordinance Committee – December 7, 2006

- 11-06-3 Ordinance authorizing the Purchasing Agent to lease a portion of 1090 Cranston St., Cranston, RI, to the Comprehensive Community Action Program (CCAP Administrative Offices).**
- 11-06-4 Ordinance authorizing the Purchasing Agent to lease office space in basement level of 1090 Cranston St., Cranston, RI (CCAP lease basement level).**
- 11-06-5 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Plantation and Cypress Dr.).**
- 11-06-6 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Park Ave. and Elsie St.).**

On motion by Councilman Barone, seconded by Council Member Fogarty, the above items were referred to the respective Committees. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

Tax Incentive Application for JOHANA REALTY LLC for AUTO PAINT RI, 49 Stamp Farm Rd.

On motion by Council Member Fogarty, seconded by Councilman Fung, the above item was referred to the Finance Committee. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

Claims Committee

Peerless subrogation claim: Patrick J. Quinlan
Peter Landau property damage flood claim of June 2006
Thomas Charles personal injury claim.

On motion by Council Vice-President McFarland, seconded by Councilman Barone, it was voted to refer the above Claims to the Claims Committee. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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XI. MISCELLANEOUS BUSINESS ON CLERK'S DESK

**“STATUS REVIEW OF RI DEPARTMENT OF TRANSPORTATION RE:
STATE FARM CEMETERY PERMIT – PHASE 1”**

Michael Hebert, Supervisor Historic Preservation and Archeologist, appeared to speak regarding the removal of the 30 burials at the State Farm Cemetery. He stated that today, D.O.T. worked on fixing the drainage. The remains of approximately 68 individuals, which are being stored, are planned to be re-buried in the State Institution Cemetery #2.

XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Kimberly Russo appeared to speak and stated that her father owns property at 2201 Broad St. and asked what the Council's intention was when an Ordinance was passed regarding use of minibikes, which states “that minibikes cannot be used on private property without proper permission of the owner of the property”. Councilman Lanni stated that the reason this Ordinance was due to complaints throughout the City of use of ATV or minibikes and residents complaining of noise and safety. Due to the large amount of complaints, the Council felt they needed to address this problem. Ms. Russo stated that she can understand if these vehicles were used on public property, but her children used these vehicles on private property and use helmets and protected gear. Her parents own a family business and her children use these vehicles on the property of the business. This Ordinance is prohibiting her to use her property as she sees fit. She also stated that a video was taken by her neighbor of her children riding the minibikes without her permission. Councilman Lanni stated that he viewed this video and he was offended to see the children riding the minibikes along the Pawtuxet River, through trees, with no adult supervision.

Richard Bray, Sr., Ward 1 District 1 Committeeman, appeared to speak and thanked the Council for the Citation given to him earlier in the meeting.

Jeffrey Kelly, 26 Mystery Farms Rd., City Harbor Master, appeared to speak and asked current and future Council members to think about who to elect for the Harbor Management Plan, which the City needs.

The meeting adjourned at 8:30 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).