

REGULAR MEETING – CITY COUNCIL

-OCTOBER 22, 2007-

Regular meeting of the City Council was held on Monday, October 22, 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, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

Also Present: Mayor Michael T. Napolitano; Frank Migliorelli, Deputy Director of Administration; Vito Sciolto, City Solicitor; Steve Woerner, City Council Internal Auditor; Pat Quinlan, City Council Legal Counsel; Anthony Sylvia, Director of Public Works.

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

None.

II. EXECUTIVE COMMUNICATIONS

“REQUEST TO BE PLACED ON DISABILITY PENSION SERGEANT DAVID BONI, CRANSTON POLICE DEPARTMENT”

Mr. Migliorelli 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 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

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

Mr. Migliorelli appeared to speak and presented legal expense analysis for the period August 28, 2007 thru October 22, 2007.

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“POCASSET RIVER FLOOD MANAGEMENT PLAN – APPLICATION FOR FEDERAL ASSISTANCE – COUNCIL APPROVAL”

Mr. Migliorelli appeared to speak

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, it was voted to approve this application. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

Council Vice-President McFarland asked that this application be placed on the agenda for the next Flood Commission meeting.

III. COUNCIL PRESIDENT COMMUNICATIONS

Police Station Bid Requirements

Council President Garabedian spoke regarding bid requirements for former Police Station property and stated that per the Charter, this has to go to the highest bidder.

Council Vice-President McFarland stated that if it is for community good, we can reduce or accept a lowest bid, if it affects the community at large, like we did for other projects.

Councilman Lanni used the property of the former Highway Garage, as an example, which was sold to Cerebral Palsy, which they were not the highest bidder. This would not be setting a precedent.

Council President Garabedian stated that he believes that the section of the Charter he referred to was passed after the deal with Cerebral Palsy.

Councilman Lanni stated that the Council needs a legal opinion regarding this. Mr. Sciolto stated that he will render a legal opinion as soon as possible.

Parks and Recreation – Report from the Director on Field Rules and Regulations

Council President Garabedian stated that he has spoken to the Director of Parks and Recreation regarding the rules and regulations and Council approval should be given to protect the two parties in the future.

Anthony Liberatore, Director of Parks and Recreation, appeared to speak and stated that Assistant Solicitor Aubrey Lombardo, at a past meeting, stated that an Ordinance or Resolution is not needed.

Councilman Navarro commended Mr. Liberatore and his staff and anyone else in the City who had the Dome Rink up and in full operation and under Mr. Liberatore’s direction, this rink is up and in full operation. Mr. Liberatore stated that we are not in full operation at this time. We will be in full operation once he gets his Certificate of Occupancy tomorrow. Council President Garabedian asked Mr. Liberatore how much the bids were for that came in for this rink. Mr. Liberatore stated that there were two bids received, one for \$456,000 and one for \$423,000. The number we are at right now is \$220,000.

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IV. COUNCIL MEMBER COMMUNICATIONS

Status Update Regarding the Harbor Management Plan – Councilman Livingston

No discussion.

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

Councilman Lupino stated that the Trust will present to the Claims Committee and any other members of the Council and Administration, on November 5, 2007, a premium and various scenarios as far as the City joining the Trust.

Status Update Regarding Flood Management Plan for Pocasset – Council Vice-President McFarland

Mr. Sylvia, Director of Public Works, stated that on October 4, 2007, he met with NRCS and their study is in draft form.

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

Council Vice-President McFarland asked what the status is regarding the transfer of the land for the Cranston St. Library. Mr. Sciolto stated that Fuss and O'Neill is doing the environmental study. Mr. Sylvia addressed this study and stated that Phase I needs to be updated. They are scheduled to complete this by the end of this month. The process then would be his sign-off of the land transfer.

Council Vice-President McFarland asked that this item be left on the docket as well as the status of the Flood Management Plan for Pocasset, so the Council can be updated next month.

Status Update Regarding Any Changes in Police Traffic Fines – Council Vice-President McFarland

Council Vice-President McFarland asked for an update on any changes in police traffic fines. Mr. Migliorelli stated that traffic fines are set by the State. To his knowledge, we are now discussing parking Ordinance fines.

Council Vice-President McFarland spoke regarding performance bond issued when Mulligan's Island went to the site on New London Ave. and stated that this is a dead issue and asked when the Council will be receiving an update on where we stand with this performance bond and whether or not the work that was to be implemented will go forward. She asked that the Clerk send a letter to the Planning Department requesting this information. Council Vice-President McFarland stated that we have to start looking at what bonds have been expended and what projects have moved forward. The Council should be receiving monthly reports regarding this. She asked that an update be given at next month's meeting.

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Natick Ave. Bridge

Councilman Lupino stated that there are rumors that there will be a portable bridge used for the bridge that is out on Natick Ave. until this bridge can be repaired. He asked if this is true. Mr. Sylvia stated that he and Nick Capezza, City's Engineer, have met to come up with some temporary solution to get us through the winter, but he is not in agreement with placing a temporary bridge.

Mulligan's Island

Councilman Lupino stated that the Mulligan's Island issue is not a dead issue. He plans to re-introduce a previous Ordinance that was not passed by the Ordinance Committee and will propose to place that back on the docket.

Traffic Lights at Phenix Ave. and Natick Ave. and Scituate Ave. and Pippin Orchard Rd.

Councilman Lupino stated that since the last meeting, he met with Mr. Rocchio of D.O.T. and was advised that they are waiting for Federal funds to come through and waiting for a check from the City. Councilman Lupino asked what the status is on this.

Council President Garabedian stated that the State has been waiting for the Federal funds and he was advised that by the early part of October, the funds should be here. There has been no delay by the City in this, since the City has put aside money. The City Council passed a similar Resolution in 1982 for these lights and what made this go forward this time was by the City offering our Impact Fees on a pro-rata basis.

Mr. Migliorelli stated that the City's share was delivered to the State today in the amount of \$140,000 and has gone out to bid for the project.

Councilman Lanni stated that if these two projects are done within a year to a year and a half to the day that some of the Council members went to the State House to advocate for these lights, it is a major accomplishment that this was done in a year. Mr. Rocchio advised him that normally, this type of request would take at least ten years.

Cranston Stadium

Councilman Lupino read a letter dated October 22, 2007 from Tom Centore, head football coach of Cranston High School East regarding a banner placed at the Stadium which states Cranston Stadium as the home of the Cranston West Falcons. Councilman Livingston asked what sparked this letter. Councilman Lupino stated that this letter was in response to concerns that Cranston Stadium was for the use of exclusively to one school.

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Firefighters Memorial

Councilman Barone stated that he had the privilege of attending a firefighters memorial last Sunday and complimented Council Vice-President McFarland on the presentation she made on behalf of the full Council. Five or six firemen were honored at that memorial.

Council President Garabedian asked for a motion to suspend the Rules due to the fact that this item was not listed on the docket.

On motion by Councilman Barone, seconded by Council Vice-President McFarland, it was voted to suspend the Rules. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

Paul Valetta, President of Firefighters Union, appeared to speak and stated that five or six firefighters were honored by an insurance company in aiding to a Cranston woman who needed medical attention.

V. PUBLIC HEARINGS

None.

VI. DOCKETED RESOLUTIONS

“RESOLUTION ESTABLISHING A HARBOR MANAGEMENT COMMISSION FOR THE PURPOSES OF CREATING AND IMPLEMENTING A HARBOR MANAGEMENT PLAN”

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

On motion by Councilman Livingston, seconded by Council Vice-President McFarland, it was voted to amend the above Resolution as follows: first page, last paragraph, first line, amend the number of members from “nine” to “ten”. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

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

Councilman Navarro asked to be added as a co-sponsor of this Resolution.

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“RESOLUTION LOAN ORDER AUTHORIZING THE ISSUANCE OF \$8,500,000 BONDS OF THE CITY TO FINANCE UPGRADES AND RENOVATIONS TO THE CITY’S SEWER SYSTEM, INCLUDING GRAVITY LINES, FORCE MAINS, PUMP STATIONS AND THE TREATMENT PLANT: AUTHORIZING THE CITY TO APPLY FOR FEDERAL AND STATE ADVANCES FOR THAT PURPOSE: AUTHORIZING THE ISSUE OF \$8,500,000 TEMPORARY NOTES FOR THAT PURPOSE: AND AUTHORIZING ADVANCES FROM THE GENERAL TREASURY FOR THAT PURPOSE”

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

Under Discussion:

Council Vice-President McFarland asked what areas have been determined which will be worked on because there are some areas that have not been done for over ten years and she also asked if there is a list that the Council can be made available. Mr. Sylvia stated that this Referendum is for sanitary system improvements. The plan is to use approximately \$3 million for the Sockanosset, Atwood Ave., Randall St. and Amanda St. pumping stations. Council Vice-President McFarland stated that she would like the Council to have a list of what projects are going on.

Councilman Lupino asked where the renovations for force mains would be made. Mr. Sylvia stated that force mains is general term for sewer lines that are under pressure and we have force mains all over the City. These funds are for force mains for those three projects.

Council President Garabedian stated that there are three Boy Scouts present in the audience and he asked them to come to the podium to be acknowledged.

Mike Shagalian, Aaron Batiste and Albert Antonelli of Troop 6 of Cranston appeared before the Council and stated that they are present at this meeting in order for them to earn their Citizenship Merit Badge.

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VII. REPORT OF COMMITTEES

COMMITTEE ON ORDINANCE (Paula McFarland, Chair)

**8-07-5 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED
‘ZONING’ (Change of Zone-22 Oaklawn Ave.)”**

Council President Garabedian recused himself and Council Vice-President McFarland conducted the meeting.

On motion by Council Vice-President McFarland, seconded by Councilman Barone, it was voted to adopt the above Ordinance.

Under Discussion:

Councilman Santamaria stated that there is still some confusion with the neighbors on what the plan is for this Zone Change.

Kelly Coates, representing Carpionato, appeared to speak and stated that there was an error in the advertisement and this has caused some confusion. The application was corrected prior to the Public Hearing.

Councilman Livingston questioned whether this Ordinance is properly before the Council, since it does not list a sponsor, which should be the Council or Administration. Mr. Quinlan quoted Section 3.11 of the Charter, which states that an Ordinance has to have a sponsor.

Council Vice-President McFarland, Councilmen Barone, Lanni and Santamaria asked to be listed as co-sponsors of this Ordinance.

Roll call was taken on motion to adopt the above Ordinance and motion passed on a vote of 8-0 with one abstention. The following being recorded as voting “aye”:
Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone and Council Vice-President McFarland -8. Council President Garabedian abstained.

Council President Garabedian rejoined the meeting.

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

“RESOLUTION AUTHORIZING REAL ESTATE/TANGIBLE TAX ABATEMENTS”

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

“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”

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

“TAX INTEREST WAIVER APPROVALS”

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to approve the list of interest waiver approvals. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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

8-07-3 “ORDINANCE IN AMENDMENT OF TITLE 5.12 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ALCOHOLIC BEVERAGE LICENSES’ (Expansion of Service Permit)”

On motion by Councilman Lanni, seconded by Councilman Santamaria, the above Ordinance was referred back to the Safety Services and Licenses Committee for further discussion. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

8-07-4 “ORDINANCE IN AMENDMENT OF CHAPTER 10.32 OF TITLE 10 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Betsey Williams Dr.)”

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

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

“RATIFICATION OF SETTLED CLAIMS FOR: Robert Romano and his attorney Thomas Romano \$2,250.00; Jacqueline, William & Jae Pezzullo \$775.00.

On motion by Councilman Lupino, seconded by Councilman Navarro, it was voted to approve the above-listed claims. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

VIII. ELECTION OF CITY OFFICIALS

“HARBOR MANAGEMENT COMMISSION APPOINTMENTS”

On motion by Councilman Livingston, seconded by Councilman Lupino, it was voted to appoint the members who have been designated in the Resolution establishing this Commission. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

“BUILDING APPEALS BOARD – RESIGNATION OF HAROLD KRASNER”

No Action.

“ZONING BOARD OF REVIEW – APPOINTMENT (CONFIRMATION) CRAIG NORCLIFFE”

On motion by Councilman Lanni, seconded by Councilman Santamaria, it was voted to confirm the appointment of CRAIG NORCLIFFE as the fourth Alternate member of the Zoning Board of Review. Motion passed on a vote of 8-0 with one 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.

IX. REPORT OF CITY OFFICERS

None.

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:

Public Works Committee – November 15, 2007

Request from National Grid for pole location at Oxford St.

Request from National Grid for pole location at Pettaconsett Ave.

Request from National Grid for pole location at Budlong Rd.

Request from National Grid for pole location at Budlong Rd.

Request from National Grid for pole location at Amflex Dr.

Claims Committee

*Rossaire Acosta

*Jason and Stephanie Parent

*Christine T. Audette

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Councilman Barone, seconded by Councilman Lanni, 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 Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

XI. MISCELLANEOUS BUSINESS ON CLERK’S DESK

None.

XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Diana Gordon, 363 Pontiac Ave., owner of Antiques in the Attic, appeared to speak regarding the construction at the former Park Cinema and stated that her business is really hurting because of this construction and the closure of the street. She needs to have the road opened and needs to be seen.

Councilman Navarro stated that as to the schedule provided by the developer, the timetable is to be 90% plus completed by the end of December.

Councilman Lupino suggested that maybe the Administration, through the Economic Development, can give Ms. Gordon some assistance through the National Disaster Relief.

Mayor Napolitano appeared to speak and stated that over the last few months, this Administration has sympathized with Ms. Gordon and has tried to assist her. For four years, the former Park Cinema project has remained dormant. He has only been in office for ten months and there is progress being made with the project. He recommended that Ms. Gordon speak with the Director of Economic Development to see if there are any funds that can be offered to her.

Council Member Bucci stated that this Council has been more than patient with the Park Cinema and she motioned to have the street open and a date be set when the road needs to be opened. Councilman Livingston seconded the motion.

Under Discussion:

Council President Garabedian stated that this item was not a docketed item and no votes can be taken.

Councilman Lanni stated that the Park Cinema is scheduled to appear before Safety Services and Licenses Committee in December. We are on top of the situation and this Council sympathizes with Ms. Gordon and the best thing for her right now is for her to contact the Economic Development Department to see if there are any low-interest loans she can take advantage of.

Council Vice-President McFarland questioned why the Park Cinema does not have Police detail when every other project in the City needs Police detail. The portion of Pontiac Ave. has been closed a long time.

Council Member Bucci, Chair of the Public Works Committee, requested that representatives from the Park Cinema appear at the November Public Works Committee meeting. Councilman Navarro requested that the Traffic Engineer also be requested to appear at that meeting.

Suzanne Arena, 62 Glen View Dr., appeared to speak regarding the Park Cinema and stated that it makes sense to have them stop work for now until the Spring. She suggested that the Council and the City should look at charging a fine to companies that do not keep to a schedule for construction, similar to the Park Cinema. She also spoke regarding "Resolution Loan Order Authorizing the Issuance of \$8,500,000 Bonds of the City to Finance Upgrades and renovations to the City's Sewer System, Including Gravity Lines, Force Mains, Pump Stations and the Treatment Plant: Authorizing the City to Apply for Federal and State Advances for that Purpose: Authorizing the Issue of \$8,500,000 Temporary Notes for that Purpose: and Authorizing Advances from the General Treasury for that Purpose" and she questioned when allocating this money, who is the City conferring with.

The meeting adjourned at 8:40 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).