

# REGULAR MEETING – CITY COUNCIL

**-OCTOBER 23, 2006-**

Regular meeting of the City Council was held on Monday, October 23, 2006 in the Council Chambers, City Hall, 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 McDonough, 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; Evan Kirshenbaum, Assistant City Solicitor; Jerome Baron, Director of Finance; Mike Igoe, City Controller; Marco Schiappa, Director of Public Works; Steve Woerner, City Council Internal Auditor.

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

## **I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS**

Council Vice-President McFarland presented a Citation to former City Treasurer, Randy Rossi.

## **II. EXECUTIVE COMMUNICATIONS**

### **“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR CRANSTON POLICE DEPARTMENT:**

**DETECTIVE CHARLES MULLINS**

**DETECTIVE ALLEN L. HALL**

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

Mr. Grimes read a letter from the Mayor addressed to the City’s taxpayers regarding IBPO Police contract. Council Vice-President McFarland stated that the only thing that she asked for and the Council has not received or sees being introduced tonight, was a salary schedule, which all the other Unions have done. The Ordinance on the books states that salaries must be done by Ordinance. She indicated that Mr. Grimes stated to the Council at the last Special City Council meeting, that this Ordinance was going to be introduced tonight and she does not see it in the New Business packet.

**III. COUNCIL PRESIDENT COMMUNICATIONS**

**“STATUS REPORT REGARDING REPAIRS TO THE CRANSTON MEMORIAL ICE RINK AND SCHEDULE OF TIME FRAME FOR INSTALLATION OF NEW BUBBLE ICE RINK”**

Mr. Grimes stated that Mr. Schiappa has provided copies of documents of status report on the rink and various options and considerations. He stated that tomorrow the Buildings Board of Appeals will be addressing relief of the building code issues.

Council President Garabedian asked what the Administration’s recommendation is regarding the bubble rink. Mr. Grimes stated that the Administration’s recommendation is that the Council approve consideration “A” on the handout presented by Mr. Schiappa.

Councilman McDonough asked what is being done for the displaced leagues. Robert Clarkin, Director of Parks and Recreation, appeared to speak referring to documents he had in front of him and stated that there has only been one organization who have lost ice time and that there has not been great distress. The other leagues are looking elsewhere for ice time. Councilman McDonough stated that there has been great distress. Mr. Clarkin stated that the only organization he feels the City is responsible for is the Panthers Girls League, who lost ice time in Massachusetts. After tomorrow’s meeting with the Buildings Board of Appeals, he can meet with the Panthers league organizer to see if they can be accommodated.

Council Vice-President McFarland stated that the Council is not prepared to approve anything tonight because:

- Mr. Clarkin is referring to information that the Council has not been provided copies of;
- The Buildings Board of Appeals needs to address the issues and then come back before the Council for their approval, possibly Wednesday, at a special Council meeting.

Mr. Grimes stated that in the event that the Buildings Board of Appeals does not grant any relief, the Administration has no problem meeting on Thursday, since there needs to be enough time for advertisement.

**“COMMUNITY ISSUES”**

***Glen View Drain Problems***

Council President Garabedian stated that he received a phone call from Suzanne Arena, who asked to address the Council regarding drain problems in her area.

**Suzanne Arena**, 62 Glen View Dr., appeared to speak and stated that a few years ago, her area experienced floods due to the drains not being maintained, and that they are old and crumbling. She indicated that this area was a reservoir years ago. She and her neighbors filed claims with the City and were denied. The area residents have pretty much exhausted their funds in pursuing these claims. There have been studies after studies and nothing is being done by the City to address this problem. She is not asking, but demanding that the City allocate some money to her neighborhood streets.

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**Sally D'Agostino**, 60 Park Forest Rd., appeared to speak and stated that there have been numerous phone calls made to the City and she and her neighbors have filed claim forms and followed all the rules, but the City has not done anything to help the residents. She has had four floods in her home in nine years and this is very frustrating.

Councilman McDonough asked Mr. Schiappa if he could look into the environmental issue in this area. Mr. Schiappa stated that this is not flooding, this is ground water coming up through the basement, but his department will look into it again.

Ms. Arena stated that the Public Works Department sent a letter to a 72-year old neighbor of hers advising her neighbor that she was the reason for causing the flood at Ms. Arena's home. Ms. Arena stated that this is intimidation. Mr. Schiappa stated that the letter was sent to the resident, who installed a sump pump, which caused an icing problem on the road. The letter informed the resident that there is an Ordinance which prohibits discharge or drainage of water onto roadways.

Council Vice-President McFarland stated that she received a memo from Mr. Schiappa with a letter attached from EMA, indicating to the residents that they can buy National Flood Insurance. She stated that there are 14 neighborhoods that have flood issues in the City and nothing has been done about this.

Council President Garabedian asked if there is data available on which catch basins have been inspected in the last two years. Mr. Schiappa stated that there is and he will provide this information. Ms. Schutt indicated that right now the City is in the process of going out to bid for storm drains and catch basins repairs.

### ***Domestic Bank – Richland Rd. - Application for Underground Storage Tank***

**Timothy Dodd, Esq.**, appeared on behalf of Domestic Bank and stated that his client, at this time, wishes to withdraw the application without prejudice. Council Member Fogarty asked if there are any reasons or basis for this withdrawal or is this application being withdrawn because of the Elections and a new Council and Administration will be coming in in January. Attorney Dodd stated that it is an independent decision and his client is just not ready to proceed at this time. Councilman Livingston stated that by withdrawing this application without prejudice, the applicant can re-file at a later date. He asked if they withdraw with prejudice, could the applicant file a new application in the future. Solicitor Glucksman stated that if the application is withdrawn, they can re-file a new application in the future. Council President Garabedian asked if a vote is needed for the withdrawal. Solicitor Glucksman stated, no.

**Tom Cloonen**, 24 Richland Rd., appeared to speak and stated that by accepting the withdrawal, the Council is giving the bank another accommodation. He stated that he recently had his home appraised and it was appraised at \$50,000 less than what it was purchased for last year. This is hurting the value of all the homes in the area.

**Althea Mansolillo**, 39 Richland Rd., appeared to speak and stated that the bank has been taking the neighborhood house by house and now they want to place a tank underground. The street looks like a downtown parking lot with cars everywhere, leaving no room for the residents to park.

**Seana SanAntonio**, 36 Vale Ave., appeared to speak and questioned if there is any way that the Council could deny this application and make it a stipulation that they cannot apply again.

Councilman Livingston questioned if the Council has to accept the withdrawal or can the application just be denied.

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**Michael Carapoli**, 24 Richland Rd., appeared to speak and stated that he lives across the street from the bank and the night of the presentation before Safety Services and Licenses Committee, the representative from Suburban Gas indicated that they have never had an explosion. After checking the internet, he found that Suburban Gas did in fact have an explosion and he is very concerned about the safety of his family. He would like to have this ended and application be denied, so the residents do not have to come back in the future if the bank decides to re-apply.

**Sharon DiFazio**, 184 Bretton Woods Dr., appeared to represent a friend who lives in this area. She stated that her understanding is that if the bank re-files in the future, if there are not substantial changes, the application cannot and should not be heard. Council Member Fogarty stated that she believes that substantial changes applies to Zoning Ordinance and not this application. She also believes that applicant does not have to wait two years to re-apply and could re-apply in January if they wished.

**Ed Angilly**, 28 Richland Rd., appeared to speak and presented handouts regarding explosions that occurred throughout the country and a list of all the questions that were asked of the bank at the Safety Services and Licenses Committee meeting.

**Ed Cloonen**, 24 Richland Rd., appeared to speak and presented an OSHA report and an article regarding tank explosions.

**Resident of 20 Stevens Rd.**, appeared to speak and voiced his concerns of safety regarding this application.

**R. Michael Sheldon and his wife**, 291 Station St., appeared to speak regarding an incident which occurred on July 5, 2006 when two American Flags were stolen from his home by his landlord, Mr. Tirocchi. He stated that numerous complaints have been filed with the Cranston Police Department and they have been ignored. He presented a press release regarding the presentation of the two Flags to him and his wife along with other documents relating to this issue. He stated that the person who stole these Flags has admitted to it and the Police Department is stating that this is a civil matter, landlord/tenant dispute. To date, nothing has been done to the person who stole the Flags. The person who stole the Flags states that he took them in order to protect them, due to the fact that the home was deemed uninhabitable.

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

No discussion.

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#### **IV. COUNCIL MEMBER COMMUNICATIONS**

##### ***State Farm Cemetery – burial removals***

Councilman Barone stated that he went to the site of the State Farm Cemetery and met with the person in charge of the removal of the bodies and was told that there were approximately 3-4 bodies that possibly would be identifiable. He asked Mr. Hebert of D.O.T. to attend this meeting to answer any questions the Council may have regarding this issue.

**Mike Hebert**, Archeologist at RI D.O.T., appeared to speak and stated that D.O.T. repaired the drainage issue where the bodies were initially found to be washed out. There are eight more grave shafts to be removed and this should be done by Friday. The plan is to rebury in the Spring, the individuals recovered. There are approximately 60 bodies that will be reburied, which will be reburied at the Knight St. Cemetery. D.O.T. has approval from Pawtuxet River Authority, who owns the property, which was deeded to them by the State, and they have permission with conditions. Those conditions being that the area will be suitably surveyed.

**Chester Brown**, Specialist of RI Department of MHRH, addressed the cemetery at the south end of Route 37. He stated that the drainage problems could be caused by the construction at the Boys Training School.

Councilman McDonough stated that the Pawtuxet River Authority and the Cranston Citizens for Responsible Zoning and Development held a cleanup of the Pocasset this weekend, which was a great success. He also stated that he received complaints of landscaping trucks dumping in back of Glen Hills School and asked if there is anything the Administration could do, he would appreciate it.

#### **V. PUBLIC HEARINGS**

**Anthony Lupino**, 15 Black Oak Court, appeared to speak regarding the ice rink and stated that when the ice rink was privatized eight years ago, he had concerns of availability of the rink to the students in Cranston. He had asked Councilman McDonough to read a letter from him at the last Council meeting and was accused of being political. He stated that this is not political. He stated that he would like the Council to look into the rink management and what their scheduling of ice time is and if they were giving priority to Cranston children. He also stated that the Council needs to look at the lease and the agreement needs to be renegotiated. If the bubble rink is added, since the current lease is for one rink. Mr. Grimes stated that the management company has not approached the City for additional compensation to manage a second sheet of ice. If we re-negotiate the contract with the management company, they might ask for an increase for their management fees. He also indicated that the rink is not privatized. The City still owns the rink, only management of the rink has been leased.

**Frederick Miller**, 158 Fiat Ave., Manager of RI Hockey Women's League, appeared to speak and stated that when the hearings were being held regarding the bubble rink, it was indicated that it could be used for practices and games. During the Summer, Mr. Bennett, Manager of the Rink, advised him that there would be ice time available in the bubble rink. His league usually starts playing mid September, but was told it would not be available until October 15<sup>th</sup>. If the bubble rink is not used for what was intended, it is not worth it.

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**Paul Valetta**, President of Firefighters Union, appeared to speak and asked what the variances are that will be asked of the Buildings Board of Appeals regarding the ice rink. Mr. Schiappa stated that they are mainly ADA access issues, square footage of building and the revolving door issue. Mr. Valetta stated that he thinks it is foolish to use an open rink for practice time for six figures, when the Fire Department has not purchased fire trucks in four or five years and are using a 30-year old aerial ladder.

**Arthur Jordan** Douglas St., appeared to speak and stated that he worked at the ice rink for fifteen years. He asked if a study has been done on the impact the bubble rink would have on the parking spaces when installed. Mr. Schiappa stated that the bubble rink went through full Site Plan Review and Fire Prevention and the Traffic Engineer reviewed it and those issues have been addressed. The dome rink is not going to be a high-capacity use. Mr. Jordan stated that when he worked at the ice rink, there were large amount of cars and traffic on Phenix Ave. and traffic is a big concern of his.

### **VI. DOCKETED RESOLUTIONS**

#### **“RESOLUTION IN SUPPORT OF A FOURTH SOFTBALL FIELD AT THE JOSEPH VENTETUOLO COMPLEX (Brayton Ave.)”**

On motion by Councilman Fung, seconded by Councilman Barone, it was voted to amend the above Resolution as follows: add a seventh paragraph to state: “NOW THEREFORE BE IT RESOLVED that the City Council hereby authorizes the conversion of the available open area of the Joseph Ventetuolo Athletic Complex at Brayton Ave. to a fourth softball field.”

##### Under Discussion:

Councilman Lanni stated that his concern is we are asking CLCF to take over City property. We should have CLCF do the upkeep of it. Council Vice-President McFarland questioned the impact fees and whether they are going to be used. She stated that she is concerned with sports organizations taking over City property. She questioned if the City is going to be deeding this property to them and what type of liability the City has if someone falls and gets hurt on this property. She cautioned that the City is not indemnified if anything happens on this property. Council President Garabedian asked if there are any specifications for the field. Mr. Clarkin stated, yes. The approximate costs would be \$25,000 - \$30,000. Council President Garabedian asked if there are any available funds for the City to build the field. Mr. Clarkin stated, there are none. Council President Garabedian asked if there are any recreational impact fees. Mr. Clarkin stated, none that he would recommend. Councilman Barone stated that from what he understands, CLCF raises money for such items. They approached the City. Roll call was taken and 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.

On motion by Council Member Bucci, seconded by Councilman Fung, the above Resolution was adopted as amended 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.

**VII. REPORT OF COMMITTEES**

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

**8-06-3           “ORDINANCE IN AMENDMENT OF TITLE 2 OF THE CODE OF  
THE CITY OF CRANSTON, 2005, ENTITLED  
‘ADMINISTRATION AND PERSONNEL’ (Arts Commission)”**

On motion by Councilman Livingston, seconded by Councilman McDonough, 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.

**9-06-2           “ORDINANCE IN AMENDMENT OF TITLE 2 OF THE CODE OF  
THE CITY OF CRANSTON, 2005, ENTITLED  
‘ADMINISTRATION AND PERSONNEL’ (Seniors Helping Seniors  
Commission)”**

On motion by Councilman Livingston, seconded by Councilman Barone, 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.

**9-06-4           “ORDINANCE IN AMENDMENT OF CHAPTER 10 OF THE  
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR  
VEHICLES AND TRAFFIC’ (Amflex Dr. and Sailor Way, 3 Way  
Stop)”**

On motion by Councilman Livingston, seconded by Councilman Fung, 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.

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

**9-06-1           “ORDINANCE AMENDING THE BUDGET FOR THE FISCAL  
YEAR COMMENCING JULY 1, 2006 AND ENDING JUNE 30, 2007  
(Additional State School Aid Appropriations)”**

On motion by Councilman Livingston, 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.

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

On motion by Council Vice-President McFarland, 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 Vice-President McFarland, 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.

**“TAX INCENTIVE APPLICATION FOR PONTIAC MEDICAL GROUP LLC, 1500 Pontiac Ave.”**

On motion by Council Vice-President McFarland, 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.

**“TAX INTEREST WAIVER LIST”**

On motion by Council Vice-President McFarland, 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.

Mr. Woerner stated that early indication are that Real Estate related Revenue Accounts, ie. Real Estate stamps, Instrument Recordings and Building Permits appear to be significantly below budgeted 2007 estimates. This situation is being monitored and the Council will be kept apprised.

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

**“RESOLUTION AUTHORIZING THE ABANDONMENT OF A PORTION OF PETTACONSETT AVE.”**

On motion by Councilman Lanni, 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.

Councilman McDonough asked how much money is dedicated to road repairs for those roads that have been abandoned. City Clerk stated that the Ordinance on the books states that money is to be used to pay down bond indebtedness and capital improvements. The appraisal for this abandonment is \$59,000 and subject to the easements discussed in Committee.

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**“RESOLUTION AUTHORIZING THE ABANDONMENT OF A PORTION OF MAYBERRY ST.”**

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

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

**“APPLICATION FOR UNDERGROUND STORAGE TANK FOR DOMESTIC BANK, 13 RICHLAND RD.”**

This application was withdrawn by applicant.

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

**“COUNCIL RATIFICATION OF SETTLED CLAIMS FOR:**

**Jacqueline, William and Jae Pezzullo \$775.00; Donald C. MacPhee \$117.85; Wendy Perelman \$94.81; Gina Igetti \$100.00; Lori Pigatore & Attorney Thomas Ricci \$8,000; Providence Auto Body \$1,457.36; Joanne Riccio \$2,500; Progressive Insurance for D. Casale \$210.00; Maria Diep \$3,248.55; Joseph DeSanto, Jr. \$205.00; Richard and Jean Martin \$30,000; Jacqueline, William and Jae Pezzullo \$775.00; Nationwide Insurance for R. Romano \$1,964.16.”**

On motion by Councilman Barone, seconded by Council Member Fogarty, it was voted to ratify all the above-listed settled claims. Motion passed on a vote of 6-2 with 1 abstention. 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 being recorded as voting “nay”: Councilman Fung and Council Vice-President McFarland -2. Councilman Livingston abstained.

**VIII. ELECTION OF CITY OFFICIALS**

**“INDUSTRIAL PERFORMANCE COMMISSION – Mario Carlino, Engineer”**

On motion by Council Vice-President McFarland, seconded by Councilman Livingston, it was voted to appoint MARIO CARLINO as a member of the Industrial Performance Commission. Motion passed on a vote of 7-1 with 1 abstention. The following being recorded as voting “aye”: Councilmen McDonough, Livingston, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilman Barone -1. Councilman Fung abstained.

Councilman Barone stated that he would like to see a resume, since there was none provided prior to this meeting. Council President Garabedian stated that he knows Mr. Carlino and he does have an engineering degree, but he will have a resume filed with the City Clerk’s Office. Councilman Lanni stated that he has known Mr. Carlino for over twenty years and he knows for a fact that Mr. Carlino has an engineering degree.

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**IX. REPORT OF CITY OFFICERS**

None.

**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:

**Safety Services and Licenses Committee – November 13, 2006**

- 10-06-1 Ordinance in amendment of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Violation of posted tonnage – Marine Dr.).
- 10-06-2 Ordinance in amendment of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Richland, Crothers, Stevens, Riverfarm, Calaman, Vale, Ausdale, Handy and Reservoir).

**Finance Committee – November 16, 2006**

- 10-06-3 Ordinance authorizing the City to utilize Western Cranston Road Impact Fees for a traffic signal at Phenix and Natick Ave.
- 10-06-5 Ordinance authorizing the Purchasing Agent to sell property located at 49 Taylor Rd.

**Ordinance Committee – November 16, 2006**

- 10-06-4 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Rules for Operation of City Buildings and Public Property).
- 10-06-6 Ordinance in amendment of Title 15 of the Code of the City of Cranston, 2005, entitled “Buildings and Construction” (Certification of Occupancy for Asphalt, Cement or Concrete Facilities).
- 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).
- 10-06-8 Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-Atwood Ave. Police Station).

On motion by Council Vice-President McFarland, seconded by Councilman Barone, 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.

**Claims Committee**

- \* **Kristen Mitchell**
- \* **Phillis Patricio**
- \* **Edward Grady**
- \* **Rita Verdone**
- \* **Peter Bibby, Jr.**
- \* **James Weeden**

The above Claims were referred to the Claims Committee.

**XI. MISCELLANEOUS BUSINESS ON CLERK'S DESK**

**“ORDINANCE 9S-06-1 AUTHORIZING THE CITY TO UTILIZE WESTERN CRANSTON ROAD IMPACT FEES FOR A TRAFFIC SIGNAL AT PIPPIN ORCHARD RD. AND SCITUATE AVE.”**

No action.

**XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS**

**Steve Callahan**, 135 Amanda St., appeared to speak and stated that at the last meeting, the Council asked Assistant City Solicitor Kirshenbaum to draft a letter to be sent to the residents regarding the floods in October and September. This has not taken place yet. Council Vice-President McFarland asked why this directive was not followed through. Solicitor Glucksman stated that the letter that was sent out states that if there is any new information or document the claimant would like to submit to the Claims Committee, they can submit it to the Claims Examiner and their claim would be reconsidered. At that point, if the Claims Committee still denies the claim, the claimant can take it to Court. Mr. Callahan stated that this is not what he was told today by the Claims Examiner. Solicitor Glucksman stated that he can send a letter to Mr. Callahan tomorrow regarding this. Council Member Bucci stated that during the last three Council meetings, she has requested that a letter be sent to the residents and her constituents have not received it along with the trash removal reimbursement and Assistant Solicitor Kirshenbaum told the Council that the waiver release form to be signed by the claimant was just for the trash removal and not for future claims. Council President Garabedian stated that the Council has stated over and over that the people were to be paid what they were owed. Where the waiver came from, he does not know. Mr. Callahan stated that he asked two times for a copy of the engineering study, which was done, and he was told that this was placed in Executive Session and he could not have it. He stated that without this study, he is forced to go to Court. He presented letters to Councilman McDonough, Chair of Claims Committee, Councilman Lanni, Chair of Public Works Committee and Council President Garabedian.

**Richard T. Bray, Sr.**, Ward 1, District 1 Committeeman, appeared to speak and indicated that he will be moving out of the City at the end of this year. His wife owns a catering truck and he and his wife are constantly being harassed and asked to provide proof of license, by the Police Department. He addressed the issue of the Ordinance on the books regarding Itinerant Food Vendors and stated that this Ordinance states that a vendor must be 1,000 feet from a business. Section 5.40.090 states that Itinerant Food Vendors must be 1,000 feet from a restaurant. This Council allows a vendor to sit in the parking lot of St. Mary's Feast Society on Phenix Ave., where there are restaurants on every corner. He is asking the Council, for all the other vendors in the City, to get rid of the 1,000 feet rule. It is antiquated. He stated that the Itinerant Food Vendor License is good for 90 days. The vendor on Phenix Ave. has been there for more then 90 days and is being allowed to operate. Councilman Livingston asked that the Solicitor research this issue to see if it is constitutional or not.

The meeting adjourned at 11:00 P.M.

Maria Medeiros Wall, JD  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).