

REGULAR MEETING – CITY COUNCIL

-OCTOBER 24, 2005-

Regular meeting of the City Council was held on Monday, October 24, 2005 in the Council Chambers, City Hall, 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 Pisaturo, 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; Pat Quinlan, City Council Legal Counsel; Mike Igoe, City Controller; Steve Woerner, City Council Internal Auditor.

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

No Business.

II. EXECUTIVE COMMUNICATIONS

“REQUEST TO BE PLACED ON PENSION ROLL *DEPUTY CHIEF JOHN J. ANDERSON*, CRANSTON FIRE DEPARTMENT”

Mr. Grimes appeared to speak.

On motion by Council Vice-President McFarland, seconded by Councilman Fung, it was voted to approve this request on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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

Mr. Grimes appeared to speak.

On motion by Councilman Pisaturo, seconded by Councilman Barone, it was voted to approve this request on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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III. COUNCIL PRESIDENT COMMUNICATIONS

Council President Garabedian spoke regarding the recent flood in the City and stated that a special meeting of the Insurance Risk Commission was held on Friday, October 20, 2005. He also stated that he went on a tour of the homes in the City affected by the flood. Council Vice-President McFarland stated that no notification was given to the remainder of the Council members, including the Emergency Coordinator, Councilman Lanni. She stated that if she had been notified about the tour, she, as a Council member, would have attended. She stated that she read about this in the newspaper. Councilman Pisaturo stated that he, as Chair of the Insurance Risk Commission, will take some of the blame, but he was in bed with the flu on Thursday. He coordinated Friday's meeting of the Insurance Risk Commission with Anna Marino, Claims Examiner. He apologized for not notifying the rest of the Council members of this meeting. Councilmen Lanni and Livingston expressed disappointment with the Administration for not being notified regarding this. Council President Garabedian announced there will be a Special City Council meeting on Friday, October 28, 2005 from 7:00 P.M. to 9:00 P.M. at Cranston High School East Cafeteria, which will be a question and answer session regarding the recent flood in the City.

Council President Garabedian asked for a motion to suspend Council Rule 32 so any Resolutions Council members may have can be presented and discussed.

City Clerk stated that there are two Resolutions being presented, one sponsored by Councilman Pisaturo and one co-sponsored by Councilmen Fung and Barone.

On motion by Councilman Pisaturo, seconded by Councilman Barone, it was voted to suspend Council Rule 32.

Under Discussion:

Mr. Glucksman explained what the suspension of this rule would mean. He stated that a Resolution can be introduced for discussion this evening or referred to a future meeting to be acted on. Under Section 42-6, you can add to an agenda for informational purposes and it can be voted on this evening if the Council determines after hearing that immediate action is needed.

Council Member Fogarty asked Mr. Glucksman if he has reviewed these Resolutions. Mr. Glucksman stated that he has not reviewed Councilman Pisaturo's Resolution. He has reviewed Councilmen Fung and Barone's Resolution.

Roll call was taken on motion to suspend Council Rule 32 and motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

The Resolutions were explained by their respective sponsors. Councilman Fung stated that his Resolution addresses aid to residents on a fact by fact basis.

Councilman Lanni asked if the company that handles the City's sewers, Veolia, has any other responsibility other than collecting the taxes. Councilman Barone stated that Veolia has stated that they are in the process of repairing their pipes and once the pipes are repaired, they will assess the situation and then they will determine whose responsibility it is on a case by case basis. Mr. Glucksman stated that he is hesitant to discuss any of this because this was discussed in Executive Session at Friday's Insurance Risk Commission meeting.

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Council Vice-President McFarland stated that it is too bad that the Administration did not move forward right away. There are emergency funds through Federal assistance available to the residents and we have our CCAP Agency to assist the residents in getting emergency funds. The following should have been implemented right away: waive permitting fees for residents who needed electrical or plumbing permits; City government should have been out there providing the residents with the basic necessities, but did not do anything about it for a least one week. She pointed out that both of these Resolutions have to go before the Mayor and it would take at least ten days before any funding is allocated. She indicated that both Resolutions address the property owners and not renters. She asked that the Council, tonight, re-allocate some federal funds and use our CCAP Agency's services to get funding immediately.

Council Member Fogarty commended Ms. Schutt, who has worked tirelessly trying to place people who were evacuated out of their homes. She also stated that the Mayor has authority under the emergency section of the Charter to take some action and it should have been done a week ago under an emergency, but it was not done. She asked how people would apply for the funds under Councilman Pisaturo's Resolution. Councilman Pisaturo stated that under the Statute of the Code, criteria would have to be set by the Insurance Risk Commission. A special meeting would be called either this week or beginning of next week to do this. Council Member Fogarty asked how under Councilman Fung's Resolution, you would determine who does not have the financial means to pay for the cleaning. Councilman Fung stated that we could float the monies over to CCAP and they could help make the determination of needs criteria, since they have experience in distributing funds. Council Member Fogarty asked how you would draw the line of who qualifies. Councilman Fung stated that we could set up financial criteria if the Council would like.

Councilman Livingston stated that he does not believe we can taken any action on these Resolutions because the Charter specifically states "upon the written recommendation of the Mayor" and we have not received any recommendation from the Mayor. He also suggested that the residents contact the Governor to see what action he plans on taking at the State level.

Council President Garabedian quoted Section 6.19 of the Charter whereby a Resolution is passed by the Council and the Mayor would have ten days to approve it.

Council Vice-President McFarland stated that Councilmen Fung and Barone's Resolution is trying to utilize Section 6.17 and it should be in Ordinance form and not Resolution as is presented this evening.

Councilman Lanni stated that as to the loan program, he feels no one should have to show financial responsibility. This was an act of God and no one's fault. He also believes that CCAP should handle the loan program, if there is one, taking it out of political hands.

Council Vice-President McFarland stated that we should re-allocate CDBG funds to CCAP this evening and get people assisted tomorrow. We have \$80,000 we can have people assisted today. She also stated that while both Resolutions have merit, neither one meets the Charter and there is no recommendation from the Mayor this evening. She questioned how do people get assistance tomorrow.

Councilman Fung stated that after speaking with Mr. Grimes, the Administration will support his Resolution and he believes we can get immediate movement on it. Mr. Grimes stated that the Administration would certainly support this Resolution.

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Council Vice-President McFarland questioned who the Mayor would appoint or direct to oversee the allocation of the funds. Mr. Grimes stated that he would think that the Insurance Risk Commission should handle this. He also stated that in case of an emergency, a Resolution such as this one, by two-third of the Council, it can be voted on.

Council President Garabedian stated that in regards to the Resolution sponsored by Councilmen Fung and Barone, he is concerned that this is limited to people who had sewage water and or home heating oil spill. We also want to help people affected by water flooding. The general damage was done by flooding.

Mr. Grimes clarified the following: our Police and Fire responded extremely well to this flooding. Acting Chief Gumbly did an admirable job and should be commended. Evacuation plan was very orderly and carried out exactly as it was planned to. Ms. Schutt stated that the permitting fees were waived, with the Mayor's knowledge, as soon as Ms. Schutt was made aware that the people when we became aware that people were being charged and if anyone did pay flood related permit fees, they can get reimbursed. Highway Division and Inspections Department should be commended for their work. As to the CDBG, we cannot re-allocate any funding because of federal guidelines. It would have to be advertised for public meeting. Ms. Schutt stated that the City did work directly with RI Red Cross to house people and she commended CCAP for their help. We had a shelter open at Fields Point. We have started a donation center set up in City Hall with the help of CCAP. We are also trying to set up a donation center to hold furniture. 1,000 sand bags were distributed throughout the City. Council Vice-President McFarland asked if the Council will be provided in writing, with all this information that Ms. Schutt just reported, the same way they received the EMA situation report. Ms. Schutt stated that all this is handwritten as she was speaking. She has not had the time to put this in writing, but will forward a report to the Council.

Council President Garabedian stated that if the Council has any questions, they be stated and will try to be answered at Friday's Special City Council meeting.

Public Speakers:

Joseph DeSimone, 10 Pond View Rd., appeared to speak and stated that he hopes to get some answers at Friday's Special City Council meeting and hopes the City will have the Planning Director and City Inspector present at this meeting because he has been getting the run around from the Mayor's Office right on down. He stated that he and his daughter had three feet of water in their homes. He asked that the City get the people that have sewage problem cleaned up first and he will get his help later. He also asked that the Mayor get involved to get help to the people.

Mrs. Stabile, Plainfield Pike, appeared to speak and stated that it is appalling that the City is willing to give residents a loan to clean up sewage in her home. She questioned what is going to happen tonight when another big rainstorm is expected and how are people going to sleep hearing the rain on their rooftops. The idea is not cleanup, it is real estate value. Who is going to purchase property that has had sewage in the house. The issue to be addressed is has to do with development and strain placed on the City infrastructure, what are we going to do with future rainstorms.

Steven Callahan, 135 Amanda St., appeared to speak and stated that the Mayor and the Department Heads should be present at the Special City Council meeting to hear the concerns of the flooded victims and to answer questions. This is not good government. This City has a \$10 million surplus. The loan idea is unacceptable. The City is responsible for the sewer backups. Last week he received a phone call from a representative from Veolia stating that it is the City's responsibility and the City is responsible for the cleanups. He questioned if the Mayor is advocating the funds to be used. It is a shame that Warwick, who is financially strapped, takes care of their own and this City turned their backs on the residents. The problem in the Amanda St. and Amanda Court area is an ongoing one since he has purchased his home.

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Council Vice-President McFarland stated that there are numerous claims that have been paid by the Insurance Risk Commission for residents in this area over the last ten years that she is aware of.

Council President Garabedian suggested that the Mayor consider having a declaration of open disaster similar to the State.

Mr. Callahan stated that there are twelve homes on Amanda Court that are empty and it is like a ghost town in this area. He is living in his home because he is afraid of looting, but his wife and kids are living with relatives.

Joseph Gotta, 130 Fordson Ave., Apt. 380, appeared to speak and stated that he lost everything he owned in the apartment. He has an infant and a six month old and Red Cross put him up for two nights only. He is staying with a friend until he finds a place to live.

Joseph Castellone, 27 Mauran St., appeared to speak and stated that he is in favor of allocating the money that is available. Any free money is not free, it is a loan. He asked that the Council not be misled by the free money issue.

Joanne Riccio, 17 Amanda Ct., appeared to speak and stated that she has lived at this address for approximately 38 years and has had sewage backups several times along with flooding. This time it was approximately five feet of flooding. The problem is not going to be solved by having the basements cleaned, these homes should be bought out because she was planning to sell her home next year, but who is going to buy her home now. She would have to practically give it away.

Council Vice-President McFarland asked that the Council be provided with a report of all the pumping stations in the City and the findings on all of them.

Councilman Lanni stated that he believes that the pumping station on Plainfield Pike has failed on a number of occasions.

Emily Beretta, 126 Amanda St., appeared to speak and stated that no one in this area received a letter from the City that their zone had been changed to a flood area. She questioned when the City is going to fix the sewer problem on Amanda St. and Amanda Ct.? This problem has been going on for years. What is the City going to do for them? She has lived at this address for 39 years. She has had approximately six floods and this was the worst. As to the loan program, the money is not going to help the people. The problem is still going to be there.

Ruth Brennan, 21 Amanda Ct., appeared to speak and asked how the sewage was treated and where was it discharged? Councilman Barone asked that Veolia and the Public Works Director be asked to appear at the Special City Council meeting on Friday, October 28, 2005 to answer questions.

Richard Martin, 72 Fletcher Ave., appeared to speak and stated that he has lived at this address for 36 years and this was the worst flood ever. He has never had sewage in his basement until last week. Right now, in his home, there is sewage and crude oil. He has a crew in there cleaning it up. As to the Resolution regarding the loan program, he does not meet the criteria because he makes too much money. He is paying \$700 a week to stay in a hotel, but does not know how much longer he can afford it. The sewer company is saying the City is responsible and the City is saying the sewer company is responsible and the residents are stuck in the middle. He feels betrayed and something has to be done. The value of the homes on Fletcher Ave. are worth nothing. The value assessed of his home should show the true value, since he is in a flood area. Councilman Lanni stated that he is familiar with this area and this was the worst he has seen and he pointed out that people on Tweed St. also had sewage backup and not flooded, which proves that the sewer system failed. Mr. Martin stated that someone has to step up to the plate and take responsibility.

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Joanne McGunagle, Director of CCAP, appeared to speak and stated that CCAP receives \$900 a year from the State to help put people up and her agency has requested more funding from the State, but has not received a response yet. She stated the following services CCAP offers based on income eligibility: emergency housing assistance program; boiler replacement program; and food assistance offered to everyone. She cautioned that CDBG program is an income eligibility program. She stated that she will have more information for the Council and the public at Friday's Special Council meeting.

Donald Dubois appeared to speak and stated that the Council has the power to make changes. There has to be a way to cut through the bureaucracy to get help. Right now his house is not livable and if we have a deep freeze with the winter coming, his house will not be sellable. Council Vice-President McFarland asked if anyone told him that he could put a claim in to the City. Mr. Dubois stated, no. Ms. Schutt stated that anyone who called the Mayor's Office, was advised, as of Monday morning, to fill out a form with the Insurance Risk Commission. Mr. Callahan picked up some forms in City Hall and distributed them to some of the residents.

Councilman Pisaturo stated that he, as Chair of the Insurance Risk Commission, will start very soon to have meetings to make sure that everyone who needs to file a claim, does so. He asked that people in the audience who know of people who have been effected by the flood and have not been able to attend the meetings, advise them to call City Hall to file a claim form.

Thomas Costello, 59 Plainfield Circle, appeared to speak and stated that he refinished his basement four months ago, and now he has sewage in his home.

Chris Santilli, 11 Lake Garden Dr., appeared to speak and stated that he has had sewage backup from the last rainstorm. Last sewer backup was in June. He asked that the City figure out a way to stop this problem. It is someone's responsibility. Last time he and Mr. Costello had a sewer backup, US Filter was out there to clean this up and this time no one is helping.

Councilman Lanni questioned what responsibility does the company who runs the sewer system in the City have when it comes to sewer backups? We have testimony tonight of pumping stations failing all over the City and it is not fair to the taxpayers to spend their own money to clean it up, hoping to be reimbursed.

Jeffrey Kelly, 26 Mystery Farms Rd., appeared to speak and stated that if CCAP could put together a wish list of what people need, he is sure we could accomplish it in the same manner as it was done with Hurricane Katrina.

Representative Jim Davey, 19 Quail Ridge Rd., appeared to speak and stated that he was impressed with the utter devastation that occurred and the way the people were responding when he went out to the Warren Ave. and Amanda Court area. He spoke to the Speaker of the House this morning and at the State level, there is nothing at this point that the Legislative side is doing. He will be speaking tomorrow with the State House Finance Committee Chair as to what, if anything, can be done at the State level. He suggested to Ms. Schutt earlier for a press release to the people in the City of what resources are available to them and he also suggested a joint press release from the Council and Administration of any upcoming meetings. This would do an awful lot to show the people that their City government is working on this and he will work at the State level to see what resources at the State level are available. Council Vice-President McFarland asked Mr. Davey what he can do on a State level in getting some funds to fix the sewer structure in our City, because we do not have funding in the City. Mr. Davey stated that he does not know what the State can do or what the State's responsibility is. Council Vice-President McFarland questioned the State-wide bonding. Council President Garabedian quoted State Gen. Law 30-15-10, which gives legislative authority in getting the funds.

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Councilman Pisaturo announced that the regular meeting of the Insurance Risk Commission will be held this Thursday at 5:00 P.M. and will handle some of the claims and he will call another meeting on Monday and will handle as many claims as possible. He asked that the press put in their newspaper, for members of the public affected, to contact City Hall Insurance Department and ask for a claim form.

Anthony Lupino, 15 Black Oak Ct., appeared to speak and stated that the Building Inspector should be doing research between now and Friday's Special City Council meeting in order to answer questions from the public. There should be more emergency information available to the public.

On motion by Councilman Fung, seconded by Councilman Barone, it was voted to adopt Resolution creating emergency loan fund.

Under Discussion:

Council Vice-President McFarland stated that she is in favor of this idea, but it needs to be in an Ordinance form. The Insurance Risk Commission should move forward and handle the claims as they come in. Mr. Glucksman stated that a motion is in order to determine whether this is an unexpected occurrence that needs action. He agrees that it has to be done by Ordinance according to Section 6.17 of the Charter. Councilman Fung pointed out that Section 6.19 gives authority for this to be done by Resolution, with recommendation from the Mayor.

Councilman Pisaturo stated that in interest of expediency, he feels that if the Insurance Risk Commission handles some of the claims it would make this Resolution moot and he would be willing to remove his Resolution and asked that Councilmen Fung and Barone remove their Resolution and if we see that the Insurance Risk Commission is not moving on the claims, if we need to look at another avenue, then we can look at another format.

Both parties withdrew their Resolutions.

IV. COUNCIL MEMBER COMMUNICATIONS

“REPORT ON NON-RESIDENT STUDENTS IN CRANSTON SCHOOLS – Councilman Livingston”

Councilman Livingston stated that he received a letter from the Chair of the School Committee addressed to the City Clerk. He stated that the School Committee is looking for more funds, but we are unable to get any answers from them. He requested again that they appear at next month's Council meeting to give the Council the report.

Harbor Master

Councilman Fung spoke regarding the Harbor Master and stated he will not be going forward with a formal recommendation for removal procedure of the Harbor Master at this time. He met with Councilman Livingston and drafted an Ordinance which is being introduced tonight. They've agreed to give the Ordinance an opportunity to take effect and see how it goes.

Year End Audit

Council Member Fogarty, Chair of the Audit Committee, gave update from the Audit Committee on the audit. She stated that the year end audit is currently progressing very well and it seems the audit will be on time this year. This is the last year for the current firm, and we will be going out to bid for the next audit.

Frankfort/Pleasant/Carlton St. Stop Signs

Council Vice-President McFarland stated that she continues to get complaints from residents for stop signs at Frankfort/Pleasant/Carlton St. She asked Administration to introduce an Ordinance or she will introduce one for the next Council meeting.

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V. PUBLIC HEARINGS

Andrew Henneous, Esq., appeared to represent petitioner for Abandonment of a portion of Terrace Ave. He stated that the Council had asked at prior meetings, that the petitioner work with the abutting property owner to split the costs and the gangway. The two parties were not able to come to an agreement and his client is agreeing to pay the City the \$6,300 if this abandonment is approved. The abutting property owner is Robert Williams, 225 Terrace Ave. and is in the process of selling his home. Mr. Williams appeared to speak and asked the Council to deny the abandonment at least until his home sells and maybe the new owner will be able to come to an agreement with the petitioner. Mr. Glucksman stated that as he stated at past meetings, the only way the Solicitor's Office would sign off on this would be if both parties would be in agreement.

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

“RESOLUTION AUTHORIZING THE ABANDONMENT OF A PORTION OF TERRACE AVE.”

On motion by Councilman Lanni, seconded by Council Member Fogarty, it was voted to move “Resolution Authorizing the Abandonment of a Portion of Terrace Ave.” out of order and remove it from the table. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

On motion by Councilman Lanni, seconded by Council Member Fogarty, it was voted to deny this Resolution.

Under Discussion:

Councilman Fung asked that instead of denying this Resolution, it be left on the table so when Mr. Williams' home is sold, the new owner can take up this opportunity at that time, so the petitioner does not have to start the process all over again and go through more expenses. If this is continued for another year, a new Council will be in office, and going before a new Council, by denying it, it would be giving a negative perception. Mr. Williams stated that his home is listed with a Realtor for three months.

Motion and second to deny were withdrawn.

On motion by Council Vice-President McFarland, seconded by Councilman Livingston, it was voted to continue this Resolution for three months for review. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

Albert Benetti, 24 Concord Ave., appeared to speak regarding Ordinance 9-05-1 and stated that this Ordinance needs to have a definition involved. If you do anything with this money, hold it in an account to credit the taxpayers for next year coming up.

Anthony Lupino, 15 Black Oak Ct., appeared to speak, not as a School Committee Member, but as a resident. He addressed the report on non-resident students in Cranston schools and stated that the School Department implemented an Affidavit to be signed when registering students and the School Department has seen a decrease in entrance to the City's public schools by non-residents. Need to wait until October to determine student population. New software is also being implemented which will provide better tracking.

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VI. DOCKETED RESOLUTIONS

No Business.

VII. REPORT OF COMMITTEES

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

**8-05-2 “ORDINANCE IN AMENDMENT OF CHAPTER 10 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR
VEHICLES AND TRAFFIC’ (Ocean Ave.)”**

On motion by Council Vice-President McFarland, seconded by Councilman Pisaturo, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. Councilman Fung was not present for roll call.

**9-05-1 “ORDINANCE IN AMENDMENT OF CHAPTER 3.04 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘FISCAL
PROVISIONS’ (Use of Fiscal Surplus)”**

No action was taken on this Ordinance and it was removed from the Docket.

**9-05-3 “ORDINANCE AMENDING THE CAPITAL BUDGET FOR THE
FISCAL YEAR COMMENCING JULY 1, 2005 AND ENDING
JUNE 30, 2006 (Impact Fees - Police HQ)”**

On motion by Council Vice-President McFarland, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. Councilman Fung was not present for roll call.

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

**“ADVICE AND CONSENT OF DAVID MAHER, ECONOMIC DEVELOPMENT
DIRECTOR”**

On motion by Council Member Fogarty, seconded by Council Vice-President McFarland, it was voted to approve the Advice and Consent of David Maher as Economic Development Director. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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“TAX INCENTIVE APPLICATION FOR DCM PROPERTIES, 140 Natick Ave.”

On motion by Council Member Fogarty, seconded by Councilman Livingston, it was voted to approve the Tax Incentive Application. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Pisaturo, 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.

“RESOLUTION AUTHORIZING REAL ESTATE/TANGIBLE ABATEMENTS - RECOMMENDED BY CITY ASSESSOR”

On motion by Council Member Fogarty, seconded by Councilman Pisaturo, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Pisaturo, 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.

“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS – RECOMMENDED BY CITY ASSESSOR”

On motion by Council Member Fogarty, seconded by Councilman Pisaturo, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Pisaturo, 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.

VIII. ELECTION OF CITY OFFICIALS

On motion by Councilman Livingston, seconded by Council Member Bucci, it was voted to appoint ALFRED NOTARIANNI as a member of the **Juvenile Hearing Board**. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

On motion by Council Vice-President McFarland, seconded by Councilman Livingston, it was voted to appoint ERIN L. HICKS as a member of the **Juvenile Hearing Board**. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

On motion by Councilman Livingston, seconded by Council Member Fogarty, it was voted to appoint RICHARD TORRES as a member of the **Juvenile Hearing Board**. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

IX. REPORT OF CITY OFFICERS

- ***Financial Up date***

Council President Garabedian asked for financials update. Mr. Igoe stated the following: As of the end of September, \$55,763,241 has been collected; \$53,846,761 has been expended; cash position of \$9,970,966.

IXA. OLD BUSINESS

“6-05-4 ORDINANCE TRANSFERRING APPROPRIATIONS AND AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2004 AND ENDING JUNE 30, 2005 – 4TH QUARTER TRANSFERS.”

On motion by Council Member Fogarty, seconded by Council Vice-President McFarland, it was voted to remove this Ordinance from the table. Motion passed on a vote of 6-2. The following being recorded as voting “aye”: Councilman Pisaturo, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -6. The following being recorded as voting “nay”: Councilmen Fung and Barone -2. Councilman Livingston was not present for roll call vote.

On motion by Councilman Lanni, seconded by Council Member Fogarty, it was voted to approve this Ordinance.

Under Discussion:

Councilman Barone stated that if this money is transferred, it is not going to reinstate anything that has been cut. We still have not received financial information for years two and three of the new contract. To him, the School Department is not showing any effort to work with the City. Councilman Livingston stated that during the Budget process, the Council made a commitment that they would give the School Department this money. Councilman Fung stated that what has to be understood is that we are adding to the School Committee’s base. Councilman Lanni stated that it hurts him to, but he will vote in favor of this Resolution because he did make a commitment and he will stick by it. Council Vice-President McFarland stated that it was irresponsible of the School Committee, to dole out Administrative raises of eight percent and add a position of Human Resource person before our budget was even discussed. The teachers are the tools of the classroom and need to keep them certified. She cannot violate the City Charter and will not vote for this Ordinance. We could do two things: 1) the Council asks that we go forward and litigate in regards to the Finance Department not following the Council’s wishes, 2) look at the Caruolo Act. Council President Garabedian stated that he also can’t vote for this Ordinance, since he feels it violates the Charter. He will introduce a Charter amendment for next month.

Roll Call was taken on motion to approve and motion passed on a vote of 5-4. The following being recorded as voting “aye”: Councilmen Pisaturo, Livingston, Council Member Fogarty, Council Member Bucci and Councilman Lanni -5. The following being recorded as voting “nay”: Councilmen Fung, Barone, Council Vice-President McFarland and Council President Garabedian -4.

-OCTOBER 24, 2005-

X. INTRODUCTION OF NEW BUSINESS

On motion by Council Vice-President McFarland, seconded by Councilman Fung, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, November 17, 2005 at 7 PM pursuant to Sec. 3.12 of the Charter. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Pisaturo, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

- 10-05-1 Ordinance in amendment of Title 2.32 of the Code of the City of Cranston, 2005, entitled "Harbor Master" (Harbor Management Plan Commission). ORDINANCE COMMITTEE 11/17/2005.
- 10-05-2 Ordinance in amendment of Title 2.32 of the Code of the City of Cranston, 2005, entitled "Harbor Master" (Harbor Management Plan Commission – Composition). ORDINANCE COMMITTEE 11/17/2005.
- 10-05-3 Ordinance in amendment of Title 2.32 of the Code of the City of Cranston, 2005, entitled "Harbor Master" (Harbor Management Plan Commission – Public Meetings). ORDINANCE COMMITTEE 11/17/2005.
- 10-05-4 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled "Harbor Master" (Harbor Management Plan – Enacted). ORDINANCE COMMITTEE 11/17/2005.
- 10-05-5 Ordinance in amendment of Title 2.32 of the Code of the City of Cranston, 2005, entitled "Harbor Master" (Office, Appointment, Powers and Duties). ORDINANCE COMMITTEE 11/17/2005.
- 10-05-6 Ordinance in amendment of Title 17.72 of the Code of the City of Cranston, 2005, entitled "Zoning" (Signs). ORDINANCE COMMITTEE 11/17/2005.
- 10-05-7 Ordinance in amendment of Title 13.08 of the Code of the City of Cranston, 2005, entitled "Public Services – Sewer Service System" (Sewer Use Charges – Unit Defined). PUBLIC WORKS COMMITTEE 11/17/2005 and ORDINANCE COMMITTEE 11/17/2005.
- 10-05-8 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2005 and ending June 30, 2006 (Fleet Maintenance). ORDINANCE COMMITTEE 11/17/2005.
- 10-05-9 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2005 and ending June 30, 2006 (City Tax Assessor). FINANCE COMMITTEE 11/17/2005 and ORDINANCE COMMITTEE 11/17/2005.
- 10-05-10 Ordinance authorizing the Purchasing Agent to lease a portion of 1090 Cranston St. (Hamilton Building). PUBLIC WORKS COMMITTEE 11/17/2005 and ORDINANCE COMMITTEE 11/17/2005.
- 10-05-11 Ordinance in amendment of Title 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic", "Miscellaneous Traffic Regulations" (Boat Trailers Prohibited). ORDINANCE COMMITTEE 11/17/2005.

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- 10-05-12 Ordinance in amendment of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic”, “One Hour Parking – Generally” (Sheldon St. and Pawtuxet Bridge). ORDINANCE COMMITTEE 11/17/2005.
- 10-05-13 Ordinance in amendment of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic”, “No Parking ON Certain Streets – Generally” (Broad St. and Norwood Ave.). ORDINANCE COMMITTEE 11/17/2005.
- 10-05-14 Ordinance in amendment of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic”, “No Parking On Certain Streets – Generally” (Parkway Ave. and Broad St.). ORDINANCE COMMITTEE 11/17/2005.
- 10-05-15 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2005 and ending June 30, 2006 (Flood Emergency Fund). FINANCE COMMITTEE 11/17/2005 and ORDINANCE COMMITTEE 11/17/2005.

Mr. Grimes distributed to the Council members copies of RFP to accompany Ordinance 10-05-8 regarding Fleet Maintenance. Council Vice-President McFarland stated that the other two RFP should accompany this handout and the venue of the meeting should be changed and a stenographer should be present at the Public Works Committee meeting. Council President Garabedian stressed to the Administration that there will be no changes in the City organization without an Ordinance.

XI. MISCELLANEOUS BUSINESS ON CLERK’S DESK

Petition for personal injury claim from Vivian Andrade for an accident on June 15, 2005. Claim referred to Insurance Risk.

XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Richard T. Bray, Sr., Ward 1, District 1 Committeeman, appeared to speak and stated that his constituents were called malcontent by Jeffrey Kelly, Harbor Master, at the Special City Council meeting on October 20, 2005. He asked, “where was the respect for his constituents then”? The people present at that meeting were intimidated. Council President Garabedian stated that he, at that meeting, did state that it was improper for Mr. Kelly to use the word “malcontent”. Mr. Bray asked that the Council ask Mr. Kelly to send a letter of apology to Mr. Sepe, head of the Democrats and Chairman of the Democratic Party, as well as him.

The meeting adjourned at 12 Midnight.

Maria Medeiros Wall
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Heather Finger, Stenotypist).