

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting but rather a summarization intended for general informational purposes. All motions and votes are the official records.)

REGULAR MEETING – CITY COUNCIL

-OCTOBER 25, 2010-

Regular meeting of the City Council was held on Monday, October 25, 2010 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 Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

Absent: Councilwoman Bergin-Andrews -1.

Also Present: Robin Muksian-Schutt, Director of Administration; Gerald Cordy, Deputy Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Patrick Quinlan, City Council Legal Counsel; Robert Strom, Director of Finance; Steve Woerner, City Council Internal Auditor.

MINUTES OF THE LAST MEETING:

On motion by Councilman Lupino, seconded by Council Vice-President Livingston, it was voted to dispense with the minutes of the last meeting and they stand approved as recorded.

Under Discussion:

Council President Lanni indicated that the minutes of the last meeting indicate under “Council Member Communication” \$3 million grant for Pocasset River study. This should have stated \$1.2 million.

Council Vice-President Livingston stated that he is concerned of what the Council is accepting. The Council accepts the minutes that are taken by the Clerk. He assumed that the minutes the Council accepts every month were the Stenographer’s minutes. He questioned which minutes are the official minutes, the Clerk’s or the Stenographer’s. He also stated that the Council is accepting what he considers a summary. His concern is that the Council is accepting minutes that are not 100% accurate. He feels that going forward, the Council ought to approve the official minutes that are taken by the Stenographer. He indicated that the minutes posted on the City’s website should indicate that those are a summary of the minutes taken.

Councilman Navarro agreed with Council Vice-President Livingston’s concerns.

Mr. Quinlan stated that Open Meetings Law specify that body should keep minutes. If the body feels that those minutes are not correct, the body can amend those minutes at the following meeting. Council Vice-President Livingston stated that in order to do that, the Council should have full and accurate minutes from the Stenographer. This could cause problems in the future. Mr. Quinlan stated that the purpose of the minutes is to record who is present and what the votes are that are taken. Council Vice-President Livingston stated that perhaps the minutes should state the votes taken and no discussion.

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City Clerk indicated that she will draft language with the Solicitor and forward to the City Council, to be posted on the City's website indicating that the minutes are official, but they are a summary of discussion of the meeting.

Motion to dispense with the minutes of the last meeting with the correction stated by Council President Lanni passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

None.

II. PUBLIC HEARINGS

Joanne Thomason, 231 Wayland Ave., appeared to speak in favor of "Resolution Requesting that the RI Department of Transportation Construct and Install the Safety Improvements at the Intersection of Scituate Ave. as Recommended in the Design Study Report of September 2007".

II. DOCKETED RESOLUTIONS

"RESOLUTION REQUESTING THAT THE RI DEPARTMENT OF TRANSPORTATION CONSTRUCT AND INSTALL THE SAFETY IMPROVEMENTS AT THE INTERSECTION OF SCITUATE AVE. AS RECOMMENDED IN THE DESIGN STUDY REPORT OF SEPTEMBER 2007"

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

Under Discussion:

Council President Lanni stated that he travels this road everyday and this is a very dangerous intersection and it has to be corrected. One of the reasons why the State never addressed this was it was not a high priority item. We should look at this and use Impact Fees similar to the intersection of Walnut Grove Ave. and Atwood Ave.

Councilman Navarro stated that he also travels this road and agrees that this is a very dangerous road.

Roll call was taken on motion to adopt the above Resolution and motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

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IV. REPORT OF COMMITTEES

**ORDINANCE COMMITTEE
(Anthony J. Lupino, Chair)**

**8-10-3 “ORDINANCE AMENDING THE CRANSTON HAZARD
MITIGATION PLAN”**

On motion by Councilman Aceto, seconded by Councilman Lupino, it was voted to adopt the above Ordinance.

Under Discussion:

Ms. Schutt stated that in speaking with Peter LaPolla, City Planner, we have received verbal approval of the Plan from FEMA. Mr. LaPolla has asked that this be continue one more month until written approval is received from FEMA.

Motion and second to approve the above Ordinance were withdrawn.

On motion by Councilman Lupino, seconded by Councilman Aceto, it was voted to continue the above Ordinance. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

**9-10-8 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED
‘ZONING’ (Change of Zone-Phenix Ave. and Country Lane)”**

On motion by Councilman Aceto, seconded by Councilman Lupino, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

**FINANCE COMMITTEE
(Emilio L. Navarro, Chair)**

**“RESOLUTION AUTHORIZING REAL ESTATE AND TANGIBLE TAX
ABATEMENTS”**

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

“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”

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

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“TAX INTEREST WAIVER APPROVALS AS RECOMMENDED BY CITY TREASURER”

On motion by Councilman Aceto, seconded by Councilman Lupino, it was voted to approve the above list of Tax Interest Waiver Approvals as recommended by City Treasurer. Motion passed on a vote of 8-0. Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

“RESOLUTION LOAN ORDER AUTHORIZING THE ISSUANCE OF REFUNDING CERTIFICATES OF PARTICIPATION OF THE CITY OF CRANSTON”

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

“DISPLACED FLOOD VICTIMS POSSIBLE ASSISTANCE (Administration Report-requested by Councilman Lupino 10/14/2010)”

Mr. Cordy stated that a public meeting was held on October 9th, where some of the Council members were present.

Councilman Lupino stated that this meeting was specifically for Meshanticut and Pawtuxet River. The question he had asked last month is for all the flood victims. **Mr. Cordy** stated that he is not prepared to address this this evening. This question was not specific.

“PASTORE YOUTH CENTER LEASE (Solicitor’s Opinion on effective lease)”

Solicitor Kirshenbaum stated that this item was before the Finance Committee and at that meeting, he asked that it be continued in Committee.

Councilman Navarro indicated that this item should not be listed on the Docket. It is continued at Finance Committee.

**PUBLIC WORKS COMMITTEE
(Mario Aceto, Chair)**

“CRANSTON POLICE DEPARTMENT STUDY OF STREET LIGHTING OF STATE ROADS”

Mr. Cordy presented a packet with a CD to the Council members. Council President Lanni stated that since the Council has not had time to review this packet, he asked that this be continued to next month’s meeting.

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**SAFETY SERVICES & LICENSES COMMITTEE
(Richard D. Santamaria, Jr., Chair)**

**9-10-1 “ORDINANCE IN AMENDMENT OF TITLE 10, CH. 2 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR
VEHICLES AND TRAFFIC’ (Cutting Ave. and Cranston St.)”**

On motion by Councilman Santamaria, seconded by Councilman Navarro, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

**9-10-2 “ORDINANCE IN AMENDMENT OF TITLE 10, CH. 32 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR
VEHICLES AND TRAFFIC’ (Belmont Rd. and Briarcliffe Rd.)”**

On motion by Councilman Santamaria, seconded by Councilman Lupino, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

**9-10-3 “ORDINANCE IN AMENDMENT OF TITLE 10, CH. 32 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR
VEHICLES AND TRAFFIC’ (Wollaston St. and Reservoir Ave.)”**

On motion by Councilman Santamaria, seconded by Councilman Lupino, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

**9-10-5 “ORDINANCE IN AMENDMENT OF TITLE 10, CH. 32 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR
VEHICLES AND TRAFFIC’ (Garden Hills Parkway and Garden
Hills Dr.)”**

On motion by Council Vice-President Livingston, seconded by Councilman Lupino, the above Ordinance was adopted on a vote of 5-3. The following being recorded as voting “aye”: Councilmen Aceto, Navarro, Archetto, Santamaria and Council President Lanni -5. The following being recorded as voting “nay”: Councilmen Lupino, Pelletier and Council Vice-President Livingston -3.

**“AUTO REPAIR LICENSE – ATLANTIC AUTOCENTER, 616 ATWOOD AVE.
(Report from Fire Department)”**

Councilman Santamaria stated that the Fire Department has indicated to him that this establishment is in compliance.

On motion by Councilman Navarro, seconded by Councilman Santamaria, it was voted to approve this license renewal application. Motion passed unanimously.

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CLAIMS COMMITTEE (Michelle Bergin-Andrews, Chair)

Ratification of settled claims for: Carolyn Pettella \$245.92; Jacqueline Pezzullo \$775; Sandra Turner \$36.14.

On motion by Councilman Santamaria, seconded by Councilman Lupino, it was voted to approve the above claims. Motion passed on a vote of 7-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria and Council President Lanni -7. Council Vice-President Livingston abstained.

V. ELECTION OF CITY OFFICIALS

“FLOOD SUB-COMMITTEE”:

- **Stakeholders:**
 - **Brian Dupont, Perkins Ave. Nominated by Councilman Lupino**

On motion by Councilman Navarro, seconded by Council Vice-President Livingston, it was voted to appoint **BRIAN DUPONT** as a member of the ***Flood Sub-Committee***. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

- **Christopher M. Brouillette, Davis Ave. Nominated by Councilman Navarro**

On motion by Councilman Aceto, seconded by Council Vice-President Livingston, it was voted to appoint **CHRISTOPHER M. BROUILLETTE** as a member of the ***Flood Sub-Committee***. Motion passed on a vote of 7-1. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -7. The following being recorded as voting “nay”: Councilman Archetto -1.

- **Paul Griffin & Michael Behm. Council President’s Appointments**
- **Councilmen Navarro and Pelletier. Council President’s Appointments**

Council President Lanni stated the above appointments to the Flood Sub-Committee.

Michael Behm appeared to speak and thanked the Council President and members of the Council for his appointment to the Flood Sub-Committee and stated that he looks forward to serving on this Committee.

“PROBATE JUDGE ADVISORY COMMISSION”:

- **John Ennis, Esq., Re-appointment**
- **Steven Levesque, Esq., Re-appointment**

On motion by Councilman Pelletier, seconded by Councilman Santamaria, it was voted to re-appoint **JOHN ENNIS, ESQ.** and **STEVEN LEVESQUE, ESQ.** as members of the ***Probate Judge Advisory Commission***. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

VI. REPORT OF CITY OFFICERS

None.

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VII. EXECUTIVE COMMUNICATIONS

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

No discussion.

Ms. Schutt appeared to read a statement and presented a copy for the record, regarding YMCA and statement made at the last Council meeting by the Director of Parks and Recreation, Anthony Liberatore. She publicly apologized for Mr. Liberatore’s remarks.

VIII. COUNCIL PRESIDENT COMMUNICATIONS

Council President Lanni thanked the members of the City Council for the excellent job done in the past two years.

IX. COUNCIL MEMBER COMMUNICATIONS

Councilman Lupino

- **179 Kearney St. – Report from Administration (Cont. 9/27/2010)**

Ms. Schutt stated that, in speaking with Solicitor Cipriano, he indicated to her that he spoke to Solicitor Marsella and one of the adjacent homeowners is looking at purchasing this property. The City is contemplating legal action in regards to the abandoned property.

Councilman Lupino indicated that the City should put the homeowner on notice that this building may not be able to be repaired. Ms. Schutt stated that she would have to defer to the Solicitor on this. She does not know that the intent of the homeowner is, if they plan to demolish the building.

- **Inter-jurisdictional Agreement – Solicitor’s Report on DEM**

Councilman Lupino asked at what level this agreement was presented. Did it go to the entire City Council?

Solicitor Kirshenbaum stated that he can prepare a draft of the letter to be sent and present it at the Public Works Committee meeting. Councilman Aceto asked that the Solicitor not wait for the Public Works Committee. He asked that the letter be sent immediately and a copy be provided to the Public Works Committee. Council President Lanni asked that Solicitor Kirshenbaum e-mail a copy of this letter to the Council members.

Council Vice-President Livingston

- **Recording of Council Meetings**

Council Vice-President Livingston stated to the Council members coming back next year, that they have to take a public service standpoint in transparencies. The Council meetings have to be taped on Cox or Verizon so the public knows what is going on in the City. As to the statement made by Ms. Schutt regarding the Director of Parks and Recreation, in his four years in working with Mr. Liberatore, he does an A1 job. We have the best Parks and Recreation Director in the State of Rhode Island.

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Councilman Santamaria

- **Status of federal funds for Pocasset River**

No discussion.

- **Providence Water**

Councilman Santamaria asked if Providence Water is giving notice when they are doing a project. Ms. Schutt stated that we remind them routinely.

Councilman Santamaria asked that for the next Council meeting, the Administration provide a report on Providence Water street opening permits from Providence Water and if they are complying to the 48-hour notice.

Councilman Navarro

- **Ongoing Project in the Auburn Area**

Councilman Navarro stated that the utility company has asphalted where the grass used to be and it is a mess. He asked what is going on there. Ms. Schutt stated that the project has stopped at Blackamore. She is hearing that the sidewalks will all be installed. She can't speak for Providence Water, but they are indicating that they will be repairing the sidewalks and grass that they are destroying.

- **School Food Service Program**

Councilman Navarro stated that Attorney Oliverio has sent a letter to the School Committee regarding the Food Service Program and Food Program. This was embarrassing, since the Council was not aware of this letter. Ms. Schutt stated that she was aware of this letter, which was done in conjunction with the School attorney Cascione. She assumed the City Council was notified of this letter.

Councilman Aceto

- **Cranston/Warwick Joint Consolidation Committee**

Councilman Aceto stated that this Committee will be meeting on November 9th in Cranston and the Council Chambers is not available for this date. He indicated that the Mayor's Conference Room was offered as an alternate location. He questioned whether this room is big enough or if there is another room that can be used. Ms. Schutt stated that another option would be the Police Department Community Room. She will check to see if this room is available.

Councilman Aceto asked if the Clerk's Office will provide steno service. Council President Lanni stated, yes, we should have the Clerk present. Councilman Aceto indicated that when this Committee meets in Warwick, they can have their Clerk take the minutes and when it meets in Cranston, we have our Clerk take the minutes to comply with Open Meeting Law.

X. OLD BUSINESS

None.

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XI. INTRODUCTION OF NEW BUSINESS

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

Safety Services and Licenses Committee – November 8, 2010

10-10-1 Ordinance in amendment of Title 10, Ch. 32 of the Code of the City of Cranston, 2005, entitled “Motor Veh. & Traffic” (4 Way Stop, Orchard Valley Dr. & Ashbrook Dr.).

10-10-2 Ordinance in amendment of Title 10, Ch. 32 of the Code of the City of Cranston, 2005, entitled “Motor Veh. & Traffic” (Brooks Street No Parking).

Public Works Committee – November 11, 2010

Petition from Verizon New England for proposed excavation to dig a 5’x3’x3’ splice pit at Cranston St.

Petition from National Grid for pole location at Lake Garden Dr.

Finance Committee – November 11, 2010

10-10-3 Ordinance in amendment of Chapter 2.24 of the Code of the City of Cranston, 2005, entitled “Fire Department” (Fire Composition).

Claims Committee

- *Property damage claim of Corey M. Barbosa from incident on August 20, 2010.
- *Property damage claim of Mark & Michelle Foster from incident on October 1, 2010
- *Property damage claim of Mary Cardinale from incident on September 23, 2010.
- *Property damage claim of Jeffrey McGovern from incident on September 30, 2010.
- *Subrogation notice for claim of Anthony Drury, Sr. from incident on October 1, 2010.
- *Property damage claim of Lisa L. Gamba from incident on October 8, 2010.
- *Personal injury claim of George Liberty from incident on October 8, 2010.

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Councilman Aceto, seconded by Councilman Pelletier, the above items were referred to the respective Committees. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Council Vice-President Livingston and Council President Lanni -8.

XII. MISCELLANEOUS BUSINESS ON CLERK’S DESK

IAFF Local 1363. 2008-2011 Modifications; and 2011-2013 (Awaiting Executed copies)

Ms. Schutt stated that there is an Ordinance being introduced this evening regarding composition of the Fire Department and the Administration would like to have this resolved before this contract is filed.

This item is continued.

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Conservation Easement for 684 Natick Ave. (Awaiting Executed Copy).

This item is continued.

XIII. PUBLIC HEARINGS

Diana Gordon, 363 Pontiac Ave., appeared to speak in favor of having the meetings televised so people know what is going on in the City.

The meeting adjourned at 8:25 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).