

## **REGULAR MEETING – CITY COUNCIL**

**-OCTOBER 26, 2009-**

Regular meeting of the City Council was held on Monday, October 26, 2009 in the Council Chambers, City Hall, 869 Park Ave., Cranston, Rhode Island.

The meeting was called to order at 7:05 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Lupino, Aceto, Navarro, Archetto, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston (appeared at 7:10 P.M.) and Council President Lanni -8.

Absent: Councilman Pelletier -1.

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

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

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

#### **“CITATIONS TO CLCF GALS SOFTBALL SLOW PITCH 2009 RI STATE CHAMPIONS”**

Councilwoman Bergin-Andrews and Councilman Santamaria presented Citations to the members of the CLCF Gals Softball Slow Pitch 2009 RI State Champions.

### **II. PUBLIC HEARINGS**

**Nancy Van der Veer, Esq.**, of Adler, Angell, Palmer & Dodge, appeared to represent Powers Pub and addressed the appeal filed by applicant. She stated that as to the Solicitor’s opinion, there are factual errors, it completely ignores the schematic filed with the initial application. The initial application for Powers Pub contemplated outdoor seating. There is no expansion of service.

**Diana Gordon**, 363 Pontiac Ave., appeared to speak in favor of Ordinances 8-09-11 and 12 and asked if this is legal. She also appeared to speak in favor of Ordinance 8-09-8.

**Bill Farrell**, RI Bankers Association, appeared to oppose to Ordinances 8-09-11 and 12 and asked that these two Ordinances be deferred for a month to see if the State passes legislation addressing this issue.

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**Albert Benetti**, 25 Concord Ave., appeared to speak regarding the Resolution creating a Commission to study the feasibility of a dog park in the City. He questioned the reason for having a dog park. He cannot believe this is on the docket this evening. The City is facing a shortfall in State Revenues, our streets and buildings are not being maintained as they should be and the City is facing a Caruolo Action from the Schools. Why would anyone be thinking about sponsoring such a foolish thing when we have so many other pressing issues in the City.

**Paul Valetta**, President of Firefighters Local 1363, appeared to speak and made a remark that Mr. Benetti does not like Police Officers or Firefighters. He also addressed Ordinance 8-09-8 and stated that the question is does this Ordinance change the terms and conditions of the pension sections of the collective bargaining unit and the answer is yes. This is the only issue. This is already in the pension section of the Fire contract. He noted that this would only affect 48 members of the Fire Department, since the rest are vested with 20 years of service or more. At previous meetings, Councilmen Lupino and Navarro asked the Solicitor several times if this Ordinance was legal. The Solicitor stated that his role is not to give opinion to the Council of Ordinance, but rather to the Mayor. He only signs off on the Ordinances as to form and legality. Mr. Valetta read from the City Charter the role of the City Solicitor, which he said contradicts what the Solicitor stated. He questioned if there is a fiscal note attached to this Ordinance. He also asked that this Ordinance be tabled and discussed some more.

**Mr. Benetti** appeared to speak again and asked for a copy of the transcript of tonight's meeting because what happened this evening was totally uncalled for, as to the comments made by Mr. Valetta.

**John Campbell**, 54 Glenview Dr., appeared to speak and stated that he and his neighbors are requesting a street light in the Glenview Dr. area. This area is very dark and safety is a big concern.

**Mrs. \_\_\_\_\_**, 45 Glenview Dr., appeared to request a street light in the area of Glenview Dr. This street is very dark and is a safety concern.

### **III. DOCKETED RESOLUTIONS**

#### **“RESOLUTION CREATING A COMMITTEE TO STUDY AND MAKE A RECOMMENDATION CONCERNING THE FEASIBILITY OF CREATING A DOG PARK IN THE CITY OF CRANSTON”**

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

On motion by Councilman Lupino, seconded by Councilman Aceto, it was voted to amend the above Resolution as follows: last paragraph on page 1, second line, amend 'four' to 'three' and after the words 'City Council and', add 'one appointed by the Administration and'. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

Roll call was taken on main motion to approve above Resolution as amended. 8-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

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**“RESOLUTION REQUESTING INSTALLATION OF STREET LIGHT ON GLENVIEW DRIVE”**

On motion by Council Vice-President Livingston, seconded by Councilman Aceto, it was voted to approve the above Resolution.

Under Discussion:

**Mr. Cordy** stated that the concern is not this street light, but adding street lights. He visited the area and notice that every other pole has a light. Last year the City spent \$1.2 million for street lights in the City. The Administration is concerned about the safety of the residents.

**Council President Lanni** stated that public safety takes precedent over dollars.

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, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

**IV. REPORT OF COMMITTEES**

**COMMITTEE ON ORDINANCE**

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

**8-09-11      ORDINANCE IN AMENDMENT OF TITLE 8 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘HEALTH AND SAFETY’ (Foreclosure Requirements for Owner Occupied Residential Properties)**

On motion by Councilman Aceto, seconded by Council Vice-President Livingston, it was voted adopt the above Ordinance.

Under Discussion:

**Solicitor** gave negative endorsement for this Ordinance and Ordinance 8-09-12.

**Councilman Lupino** stated that if the Solicitor does not approve legality, he is to attach reasons and there are no such reasons attached to the Ordinance.

On motion by Council President Lanni, seconded by Council Vice-President Livingston, it was voted to amend this Ordinance to add language making this Ordinance effective “30 days from passage”. Motion passed on a vote of 7-0 with 1 recusal. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -7. Councilman Navarro recused.

Roll call was taken on motion to approve above Ordinance as amended and motion passed on a vote of 7-0 with 1 recusal. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -7. Councilman Navarro recused.

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**8-09-12            ORDINANCE IN AMENDMENT OF TITLE 8 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'HEALTH AND SAFETY' (Foreclosure Requirements for Rental Properties)**

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

On motion by Councilman Aceto, seconded by Council Vice-President Livingston, it was voted to amend this Ordinance to add language making this Ordinance effective "30 days from passage". Motion passed on a vote of 7-0 with 1 recusal. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Archetto, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -7. Councilman Navarro recused.

Roll call was taken on motion to approve above Ordinance as amended and motion passed on a vote of 7-0 with 1 recusal. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Archetto, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -7. Councilman Navarro recused

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

**"RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS"**

On motion by Councilman Navarro, 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, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

**"RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS"**

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

**"TAX INTEREST WAIVER APPROVALS - AS RECOMMENDED BY CITY TREASURER"**

On motion by Council Vice-President Livingston, seconded by Councilman Aceto, it was voted to approve the list of Tax Interest Waiver approvals, as recommended by the City Treasurer. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

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**8-09-8            ORDINANCE IN AMENDMENT OF CHAPTER 2.80 OF THE  
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED  
'ADMINISTRATION AND PERSONNEL' (Retirement Allowance  
for Retired City Employees)**

On motion by Councilwoman Bergin-Andrews, seconded by Council Vice-President Livingston, it was voted to approve the above Ordinance.

Under Discussion:

**Council President Lanni** stated that by not passing this Ordinance, we would be rewarding criminal behavior. This Ordinance mirrors State Law.

**Councilman Aceto** stated that there is no positive or negative endorsement on the Ordinance. Mr. Quinlan addressed Section 2.08.192 of the Code, which states that if there is no endorsement, it is considered a positive endorsement. It puts a burden on the Solicitor if he has a negative endorsement.

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

**BIDS FOR:**

- **Sale of 1090 Cranston St. property**

Ms. Schutt stated that the bid is 91.3% of the appraised value.

- **Sale of 1081 Pontiac Ave. property**

Ms. Schutt stated that the bid is 102% of the appraised value.

- **Sale of Melody Lane (Plat 16, Lots 1332 & 1335) property**

Ms. Schutt stated that the bid is 90.73% of the appraised value.

- **Sale of Farmington Ave. (Plat 7, Lots 244, 212, 202, 245 & 3790) property**

Ms. Schutt stated that the bid is 90.26% of the appraised value.

**Council Vice-President Livingston** stated that until the Council receives an actual appraised value, he cannot support this.

**Councilman Navarro** questioned why there is no professional appraisal. Mr. Cordy stated that the Charter allows either the Tax Assessor's value or appraised value. Ms. Schutt referred to that section of the Charter.

On motion by Councilman Santamaria, seconded by Councilman Lupino, it was voted to approve the bid for the sale of property at 1090 Cranston St. Motion passed on a vote of 7-1. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Santamaria, Councilwoman Bergin-Andrews and Council President Lanni -7. The following being recorded as voting "nay": Council Vice-President Livingston -1.

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On motion by Councilman Navarro, seconded by Councilman Santamaria, it was voted to approve the bid for the sale of property at 1081 Pontiac Ave. Motion passed on a vote of 7-1. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Santamaria, Councilwoman Bergin-Andrews and Council President Lanni -7. The following being recorded as voting "nay": Council Vice-President Livingston -1.

On motion by Councilman Navarro, seconded by Councilman Lupino, it was voted to approve the bid for the sale of property at Melody Lane, Plat 16 Lot 1332. Motion passed on a vote of 7-1. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Santamaria, Councilwoman Bergin-Andrews and Council President Lanni -7. The following being recorded as voting "nay": Council Vice-President Livingston -1.

On motion by Councilman Navarro, seconded by Councilman Lupino, it was voted to approve the bid for the sale of property at Melody Lane, Plat 16 Lot 1335. Motion passed on a vote of 7-1. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Santamaria, Councilwoman Bergin-Andrews and Council President Lanni -7. The following being recorded as voting "nay": Council Vice-President Livingston -1.

**Councilman Lupino** asked of all the bids accepted, where the revenues will be shown in the Budget. Mr. Strom stated that, generally, this would go into the General Fund to offset debt services. Mr. Woerner stated that the Charter requires funds to be used to reduce long-term debt or for capital improvements.

On motion by Council Vice-President Livingston, seconded by Councilwoman Bergin-Andrews, it was voted to deny the bids for the sale of property of all the lots at Farmington Ave. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

**SAFETY SERVICES AND LICENSES COMMITTEE  
(Mario Aceto, Chair)**

**8-09-1            ORDINANCE IN AMENDMENT OF TITLE 10, CHAPTER 32 OF  
THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED  
'MOTOR VEHICLES AND TRAFFIC' (Chestnut Hill Ave. and  
Laurel Hill Ave.)**

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, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

**8-09-2            ORDINANCE IN AMENDMENT OF TITLE 10, CHAPTER 32, OF  
THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED  
'MOTOR VEHICLES AND TRAFFIC' (West Blue Ridge and  
Summit Dr.)**

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

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**8-09-3            ORDINANCE IN AMENDMENT OF TITLE 10, CHAPTER 32, OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'MOTOR VEHICLES AND TRAFFIC' (Garland Ave. and Spenstone Rd.)**

On motion by Councilman Aceto, 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, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

**8-09-4            ORDINANCE IN AMENDMENT OF TITLE 10, CHAPTER 32, OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'MOTOR VEHICLES AND TRAFFIC' (Davis Ave. and Summer St.)**

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

### **COMMITTEE ON CLAIMS (Michelle Bergin-Andrews, Chair)**

**Ratification of settled claims for:** Michael McDonald \$191.73, Jacqueline, William and Jae Pezzullo \$775.00, Cristina Figueiredo \$185.58 and Michael J. Seebeck \$199.50.

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

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

## **V. ELECTION OF CITY OFFICIALS**

No business.

## **VI. REPORT OF CITY OFFICERS**

None.

## **VII. EXECUTIVE COMMUNICATIONS**

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

**Ms. Schutt** presented monthly report for the Police Department.

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**VIII. COUNCIL PRESIDENT COMMUNICATIONS**

None.

**IX. COUNCIL MEMBER COMMUNICATIONS**

**Council Vice-President Livingston**

***Summary of Breakdown from Audit Team of Cost for Basic Education Program***

No discussion took place.

***Edgewood Traffic Study***

**Ms. Schutt** stated that the Traffic Engineer met last week with Garofalo and was presented with a draft. She will provide update next month. She also stated that at some point, a meeting will be held with the neighbors.

**Councilman Aceto**

***Natick Ave. Engineering Study Follow-Up Report***

**Ms. Schutt** appeared speak and stated that the City is still waiting for DEM. The Administration is looking at sending notices to the neighbors making them aware of this.

**Councilman Aceto** asked if National Grid has moved some of the poles that are in the road. Ms. Schutt stated that after speaking with the City Engineer, National Grid's position is they will not move them because the City did what it did with widening the road. They can be moved, but the City would have to pay to move them. She encouraged that the Council work with the new Public Works Director when he comes on board on this issue.

***Administration's Report on Possible Dog Park Locations***

No discussion held.

***Kent County Water***

**Councilman Aceto** asked that representatives from Kent County Water appear at the next Public Works Committee meeting to discuss schedule for them to fix the roads.

**Councilman Lupino**

***School Performance Audit***

**Ms. Schutt** stated that the City Auditor has still not signed off on it, but are still moving forward.

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### ***Grand Opening of Park Theatre***

**Councilman Lupino** stated that he attended the grand opening of the RI Center for Performing Arts at the Park Theatre on Friday night and there are parking issues. He was approached by someone in the parking lot stating that he was told he was not allowed to park because it was reserved parking. He would like to see the agreement The Park Theatre has with the City for the use of the parking lot. Ms. Schutt stated that the Solicitor and the Park Theatre owners will be meeting tomorrow regarding this matter. They are still tweaking that agreement on the parking. She is concerned about the mandating and charging for the parking by the Park Theatre. Restricting other people from using the lot is a problem. The Administration encourages valet parking by the Park Theatre, but charging people and restricting other people from using the lot is a problem. She will keep the Council apprised of this.

**Councilwoman Bergin-Andrews** questioned if there is an agreement signed between the City and the Park Theatre. Ms. Schutt stated that there is a draft of the agreement and there is a signed Memorandum of Understanding.

### **Councilman Santamaria**

#### ***Salt Pond Update***

**Councilman Santamaria** asked Administration for an update on the Salt Pond. Ms. Schutt stated that Mr. Cordy has applied for grant money through Senator Reed's Office and is still waiting to hear from that. Council President asked that this be placed on next month's docket.

#### ***Stop Sign Ordinances***

**Councilman Santamaria** asked that after a Stop Sign Ordinance has been passed, verification be sent to the Council, via e-mail, indicating that the sign has been installed.

### **Councilman Navarro**

#### ***Legal Fees***

**Councilman Navarro** stated that there are not legal fees for expenses in the Council's packet. Ms. Schutt stated that she will provide the City Clerk with a copy tomorrow.

**Councilman Navarro** asked that the Administration provide the Council with the process of purchasing salt for the roads.

#### ***Cullion Settlement Update***

**Councilman Navarro** asked for an update. Mr. Quinlan stated that this was settled through mediation. The final plan was approved by DEM. Councilman Navarro asked what the next step is with the lawsuits against the neighbors. Mr. Quinlan stated that the final plan approved, which it was, and fence is put up and the building is demolished, at that time final consent decree will be filed and claim will be dismissed.

#### ***Stimulus Money Update***

**Councilman Navarro** asked Administration for update on what stimulus money has been used for certain projects. He asked that this be placed on the Finance Committee agenda.

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### **Council President Lanni**

#### ***Former Police Station Property Update***

**Council President Lanni** asked for an update on former Police Station property. Mr. Cordy stated that the City should be receiving a preliminary report by mid-December regarding EPA inspection.

### **X. OLD BUSINESS**

None.

### **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 2, 2009**

- 10-09-1 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Bretton Woods Dr. and Sagamore Rd.).**
- 10-09-2 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (South Comstock Parkway and Moccasin Trail).**
- 10-09-3 Ordinance in amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Glenham Rd. and Cohasset Lane).**
- 10-09-4 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled “Fire Department” (False Fire Alarm Penalties).**

#### **Public Works Committee – October 15, 2009**

- Request from National Grid for Pole Location at Wheeler Ave.**
- Request from National Grid for Pole Location at Pontiac Ave.**
- Request from National Grid for Pole Location at Doric Ave.**
- Request from National Grid for Pole Location at McCabe St.**

#### **Claims Committee**

- \*Donald Macphee**
- \*Herman Brown**
- \*Theoline Rhodes & Sumo Keleekai**
- \*Rosemary Wilbur**

**\*forwarded only to City Council, Solicitor and Anna Marino**

On motion by Councilman Aceto, seconded by Councilman Lupino, 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, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -8.

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

**APPEAL FROM POWERS PUB FROM SAFETY SERVICES OCT. 5, 2009**

**Solicitor Kirshenbaum** quoted Section 5.04.050 of the Code and stated that Powers Pub was before the Committee on a show cause as to why they should not be cited. There was previously an application for expansion of service filed by the applicant, but it was withdrawn. At the October Safety Services and Licenses Committee meeting, a show cause hearing was held, but the Committee took no action against this establishment. There was no license or permit application before the Committee, because of this, there is no appeal.

**Council Vice-President Livingston** stated that the Committee did not take any action at the October meeting. The Solicitor, at that time, gave an opinion and did not believe that they were grandfathered in. They were merely informed not to have outdoor seating.

**Attorney Van de Veer** appeared to represent Powers Pub and quoted Sections 5.04.020 and 5.04.050 of the Code and stated that under those sections, her client does have a right to appeal. The Safety Services and Licenses Committee did take away the right for outdoor seating from the initial license, which was granted to her client. Her client never asked for grandfather rights. Her client's actions is in line with the initial application that was approved.

**Councilman Livingston** advised the applicants that going forward they need to know they are not grandfathered in. If there is a violation then the Committee will go forward if they receive complaints.

**Attorney Van de Veer** stated so the Solicitor gave the Committee an opinion which they voted to accept but no action was taken?

**Solicitor Kirshenbaum** asked that the question has never been answered as to why her client had filed for an expansion if they felt they were grandfathered in.

**Council President Lanni** stated that on advice of the City attorney, there is no appeal.

**Attorney Van de Veer** stated that after reviewing the Code they felt they needed to exhaust their administrative remedies regarding this before proceeding further.

**Councilman Navarro** after listening to the Solicitor he does not feel there's an appeal to be considered. If they feel their client was denied a right then they need to advise them accordingly.

**LABORER'S LOCAL 1322 CBA JULY 1, 2009 TO JUNE 30, 2012 AND MOA (Awaiting Executed Copy)**

**Ms. Schutt** stated that she has a final draft for Arthur Jordan, Agent for Laborer's Union to review.

**ORDINANCE 7-09-5 AUTHORIZING THE PURCHASING AGENT TO LEASE A PORTION OF 155 GANSETT AVE. (Peter Pastore Youth Center) – Awaiting Executed Copy**

**Mr. Cordy** stated that there was a revised lease which had two minor changes in this lease. The Youth Center has asked for a definition of for cause termination. They also asked for an extension of the 90 days termination without cause to three (3) years protection for termination without cause.

**Councilman Lupino** expressed his concern that you need to be a Y member to utilize their services and this makes him uncomfortable because holding public to unfair advantage.

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**XIII. PUBLIC HEARINGS ON UNDOCKETED ITEMS**

**Rhode Islanders for Fair Elections, Libby Kimsy and Reuben Henriques** appeared to represent the group and asked that they be placed on the Council agenda for future to pass Resolution regarding this issue similar to ones passed by other cities and towns. Discussion ensued among the Council and the presenters were asked to forward a draft Resolution to the City Clerk for consideration by the Council.

**Albert Benetti**, 24 Concord Ave., appeared to speak and wanted to state on the record that he feels a Police Officer is needed and should be present all Council meetings. Nobody should feel intimidated to speak and he was by what happened following his comments. As a resident, he felt intimidated by the remarks made by Mr. Valetta stating that he does not like firefighters and police officers.

The meeting adjourned at 10:05 P.M.

Maria Medeiros Wall, JD  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).