

REGULAR MEETING – CITY COUNCIL

-SEPTEMBER 24, 2007-

Regular meeting of the City Council was held on Monday, September 24, 2007 in the Council Chambers, City Hall, 869 Park Ave., 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 Lanni, Lupino, Livingston, Navarro, Council Member Bucci (left meeting at 9:10 P.M.), Councilmen Santamaria, Barone, Council Vice-President McFarland (left meeting at 9:25 P.M.) and Council President Garabedian –9.

Also Present: Ernest Carlucci, Director of Administration; Frank Migliorelli, Deputy Director of Administration; Vito Sciolto, City Solicitor; Corsino Delgado, Director of Finance; Steve Woerner, City Council Internal Auditor; Pat Quinlan, City Council Legal Counsel.

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

“CITATIONS FOR CRANSTON NATIONAL BUDLONG LITTLE LEAGUE ALL STARS JUNIOR DIVISION SOFTBALL 2007 JUNIOR LEAGUE CHAMPIONS”

Councilman Navarro and Council President Garabedian presented Citation the members of the Cranston National Budlong Little League All Stars 2007 Junior League Champions.

“CITATIONS FOR 11 YEAR OLD CRANSTON WESTERN LITTLE LEAGUE STATE CHAMPIONS”

Members of the league were not present and Citations will be mailed to them.

“CITATIONS FOR 12 YEAR OLD CRANSTON WESTERN LITTLE LEAGUE STATE CHAMPIONS”

Members of the league were not present and Citations will be mailed to them.

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II. EXECUTIVE COMMUNICATIONS

“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR DETECTIVE ALLEN L. HALL, CRANSTON POLICE DEPARTMENT”

Mr. Carlucci appeared to speak.

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

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

None.

III. COUNCIL PRESIDENT COMMUNICATIONS

“RECYCLING PROGRAM INFORMATION REQUESTED”

None.

IV. COUNCIL MEMBER COMMUNICATIONS

Status Update Regarding Yardworks

Councilman Livingston asked for an update regarding the on-going investigation of issues and problems at Yardworks. Mr. Carlucci stated that he, Mr. Migliorelli, and Sharon Cavalloro of the Building Inspector’s Office, visited the site today and the City has not received any complaints recently regarding Yardworks. Yardworks has done some things to address the concerns of the neighbors, such as hours of operation, they now open the gates at 6:30 and not start trucks until 7:00; they close at 5:30 and after hours work has been eliminated; they have cleaned up most of the area. Mr. Carlucci stated that during their visit of the site today and walking through the neighbors’ properties, everything they saw was fine, but the City will continue to monitor the situation. Councilman Livingston stated that since the last report made to the City Council, he has not received any complaints from the neighbors either, but he has heard through the grapevine that the business is not complying with the issues addressed in the past.

Status Update Regarding the Harbor Management Plan

Councilman Livingston stated that he received a copy of this Plan and he sent a copy to the rest of the Council members. He asked what point we are at with this Plan. He would like to hold some open meetings with the effected parties, such as the business people in the Pawtuxet area and the Edgewood Waterfront Association, so this Plan could be put into place. Mr. Carlucci stated that he spoke to the Planning Director and he will have a report for the next Council meeting.

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Status Update Regarding the Inter-local Risk Management

Councilman Lupino stated that he has spoken to the representative from the Inter-Local and they have completed the work in Cranston and are in the process of compiling a report for the City Council by next month as to what our premium might be.

Update Regarding Purchasing Sub-Committee Meeting of Project Re-Direct

Councilman Lupino announced that last week, he met with representatives from the School Department, Finance Director and the Purchasing Agent at a joint Purchasing Sub-Committee meeting of Project Re-Direct. On any bids going out from the School Department or City the opportunity to join in the RFP will be extended to each other.

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

Councilman Lupino asked for status update regarding the installation of these traffic lights. Council President Garabedian stated that he indicated at last month's Council meeting, that this would be done during the month of October. Councilman Lupino asked who the contractor is that was chosen to do this work. Council President Garabedian stated that he was advised that the State is handling this work. Councilman Lupino stated that he would like to know when the bid was put out and who the contractor was that was awarded this bid. Mr. Carlucci stated that the City has received documentation from the State Department of Transportation and we will be signing those documents. He will attempt to find out from Mr. Rocchio of D.O.T. who the contractor is that was awarded the bid and will let Councilman Lupino know.

Artificial Turf at Cranston Stadium

Councilman Lupino stated that he attended last Friday's and the Friday before Cranston High School East and Cranston High School West football games at the Stadium on the new artificial turf and he extended appreciation to the Mayor's Office, particularly the Director of Parks and Recreation and other City departments and Council members who supported placing the artificial turf at the Stadium. We finally have something to be proud of in the City.

Status Update Regarding the Flood Management Plan for the Pocasset area.

Council Vice-President McFarland asked for an update regarding the Flood Management Plan for the Pocasset area. Mr. Carlucci stated that Senator Reed's Office has received this and we will be bringing this before the Council next month.

Status Update Regarding the Land Transfer of the Cranston St. Library

Council Vice-President McFarland asked what the status is on the transfer of this land. Mr. Carlucci stated that the City met today with the Library Board of Trustees. Documents are pretty much in place at this point. The next step is to do a Title Search. It will take approximately six weeks to two months to get everything done. Council Vice-President McFarland stated that if this is done within six weeks, she asked that a special Council meeting be held for introduction of this item.

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Police Fines for Traffic

Council Vice-President McFarland asked if the Police Department is looking at making any changes to their structure of fines. Mr. Carlucci stated that he has not received any communication from the Police Administration regarding this. He indicated that the traffic fines are set by the General Laws of the State. Council Vice-President McFarland asked Mr. Carlucci that if he receives any correspondence regarding this from the Police Administration, he bring it forward to the City Council next month.

Comprehensive Plan and Open Space

Council Vice-President McFarland stated that since Mulligan's Island's plan is not going forward, she asked when we will be implementing our future Open Space bonding mechanism and when will the Comprehensive Plan be coming forward. Mr. Carlucci stated that as to the bonding, we would have to look at what outstanding things need to be done and bring it to the City Council. We will be starting to look at to see if there is any Open Space that is available. Council Vice-President McFarland questioned when we will be looking to bring our Zoning in line with our Comprehensive Plan. Mr. Carlucci stated that we have already addressed this through our Planning Department. He will discuss this with the Planning Commission and the Solicitor.

Maintenance of the Council Chambers

Council Vice-President McFarland indicated that the Council Chambers needs to be painted and water leak in the roof needs to be addressed. She asked when this could be addressed. Mr. Carlucci stated that he has spoken to Building Maintenance in regards to these issues, as well as replacing the Council chairs. As soon as the weather breaks, we will be bringing in people to address these issues. Councilman Barone asked for a status report at the next Council meeting regarding the Council chairs.

Cranston Pawtuxet River Authority and Watershed Council

Councilman Navarro introduced Rita Holahan of the Cranston Pawtuxet River Authority and Watershed Council and stated that she would like to address the Council. **Ms. Holahan** appeared to speak and presented a handout. She asked that the Council allow the Pawtuxet River Authority to make a more formal presentation to the City Council at a future meeting to address the Watershed Council's work. Council President Garabedian stated that the Council will be contacted as to when to appear before the City Council.

Death of Harold Tillinghast's Sister

Councilman Barone asked that when this meeting is adjourned, it be adjourned in the memory of Jennifer Tillinghast, who passed away this week, sister of Harold Tillinghast, who serves on the Board of Contract and Purchase.

Former Police Station

Council Member Bucci stated that there has been a lot of activity going on at the former Police Station. She stated that there have been State vehicles parked there and she asked what is going on at this site. Mr. Carlucci stated that vehicles were being parked there without the City's authority and this has been addressed. We are keeping tight control of the site with the help of our Building Maintenance Division.

Project Re-Direct Health Care Sub-Committee

Council Vice-President McFarland stated that as an initiative of the Mayor and Council President Garabedian, Project Re-Direct was formed. She is Chair of the Project Re-Direct Healthcare Sub-Committee. She; Joe Balducci and Ray Votto of the School Department; Mark Marchesi, Purchasing Agent; the Finance Director and Mr. Woerner met last week and will be meeting again this Thursday. This Sub-Committee will present a report to the Project Re-Direct Committee.

V. PUBLIC HEARINGS

On motion by Councilman Barone, seconded by Councilman Santamaria, it was voted to suspend the Rules in order to allow the members of the public to speak regarding Un-docketed Items. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –9.

XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Suzanne Arena, 62 Glen View Dr., appeared to speak regarding the “Pay as you Throw Program”. She stated that there are two representatives from Massachusetts who are willing to appear before the Council and give a more detailed synopsis on what can be done to save taxpayer’s money.

Walter Lawrence, 745 Natick Ave., appeared to speak regarding the Natick Ave. bridge, which has been closed to traffic for years. He asked when the bridge will be re-opened. It has been filled in and paved with barricades closing it. He stated that if funding is an issue, go after Providence Gas because they are the ones who installed the pipeline. He indicated that the City Council passed a Resolution in 1995 calling for stopping of the pipeline. If this Resolution is still in effect, he asked that the City get the bridge open and enforce the Resolution passed in 1995. He also stated that he has a judicial hearing response stating that installation of the pipelines never went out for public hearing. Mr. Carlucci stated that the problem that exists at the Natick Ave. bridge is there is a culvert under that bridge. The metal has given way under the bridge. We can’t just fill it. The culvert needs to be fixed first. This is why we have hired an engineer. The issue is it is not just the gas lines, it is the culverts that have deteriorated. The gas lines may be part of the problem. Mr. Lawrence provided documentation supporting his statements.

Jeffrey Johansen, 49 Berkley St., appeared to speak regarding speeding traffic at Berkley St. and Crescent Ave. when school is being dismissed. He, along with his neighbors, have contacted the Police Department regarding traffic problems in this area during school and have received no help from the Police Department. He stated that the first day of school he placed a mannequin out on the sidewalk to slow the drivers and the Police was called and he was told to remove this mannequin. The traffic did slow down when the mannequin was placed there. He was told that the Police Department does not have enough officers because it is too busy. Something needs to be done, either hire more officers or increase the fines. Mr. Carlucci stated that he will contact the Police Department to see if there has been any action taken by them since this occurrence. He indicated that this is a problem across the State.

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Emily Perretta, 126 Amanda Ct., appeared to speak regarding a claim she has filed with the City of a sewage backup, which occurred two years ago. She stated that she is still waiting for resolution on what is going to be done in this area and still waiting for a response on her claim. Council Member Bucci stated that this was to go back before the Claims Committee and she asked Councilman Lupino, Chair of Claims Committee, why this has not gone before his Committee. Councilman Lupino stated that the Committee is still waiting for information from its legal counsel and the Committee has not received anything in writing stating that Veolia Water is responsible. Council Member Bucci asked if the claimant could be placed on the agenda for the next meeting. Councilman Lupino stated that this is not the proper forum to discuss this issue. This should be discussed in Claims Committee in Executive Session. Council President Garabedian stated that this issue should be placed on the Claims Committee agenda and if there is an appeal, the full Council can hear the appeal.

Steven Callahan, 135 Amanda Ct., appeared to speak and stated that he also had a sewer claim filed and his claim was denied by the previous Claims Committee and he filed an appeal. He referred to the contract between US Filter and the City of Cranston dated April 1, 2002. He questioned why the City is not following this contract. There is no question that Veolia is responsible. The representatives from Veolia admitted this at a Public Works Committee meeting last year. All he is asking is for the Claims Committee to make a decision on his appeal either to pay him or to deny him. He has been waiting for an answer on his appeal for two years. Council President Garabedian asked Councilman Lupino if he has a problem with having the Claims Committee look at these two claims again. Councilman Lupino stated that maybe these claims should be filed with Veolia and not the City. Councilman Lanni stated that he was past Chair of Claims Committee and with the past Administration, one of the problems the Committee ran into was they could not get any legal opinion on who was responsible for this sewer backup. Council President Garabedian asked that the Claims Committee look at the documents previously presented by Mr. Callahan and re-address the Amanda Court/Amanda St. claims.

John DeMaula, Recycling Coordinator for the City, appeared to speak regarding the Recycling Program and stated that he has been in this position since March and since then, he has saved approximately 640 tons of recyclables. He sent out approximately 800 letters on September 18, 2007 to people who do not comply with the recycling law.

Suzanne Arena, 62 Glen View Dr., appeared to speak regarding the Recycling Program and plastic bags for recyclables. She also asked when the residents can expect a Zoning Board of Review hearing regarding the Cullion Concrete Plant issue. Mr. Quinlan stated that briefs have been filed with the Supreme Court to clarify the Stay or remand to the Zoning Board of Review. Mr. Arena also asked when the next Flood Commission meeting will be held. Council Vice-President McFarland stated that she is no longer Chair of this Commission, since she has been working on the Johnston/Cranston project. If Council President Garabedian would like her to continue chairing this Commission, she can. Council President Garabedian stated that he would like her to continue chairing this Commission. Council Vice-President McFarland stated that she will have the Clerk schedule a meeting.

VI. DOCKETED RESOLUTIONS

None.

Council Member Bucci left the meeting at 9:10 P.M.

VII. REPORT OF COMMITTEES

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

7-07-4 “ORDINANCE AMENDING CHAPTER 17.108 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING BOARD OF REVIEW’ (District Membership Requirement)”. As Amended in Committee 9/10/2007.

On motion by Council Vice-President McFarland, seconded by Councilman Santamaria, the above Ordinance was adopted as amended in Committee.

Under Discussion:

Councilman Barone indicated that the amendment on line 34 should read “3 or 5” and the amendment on line 35 should read “4 or 6”. Solicitor indicated that this is a scrivener’s error and does not need re-advertising.

Roll call was taken on motion to adopt the above Ordinance and motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -7. Councilman Navarro was not present for roll call vote.

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

“RESOLUTION AUTHORIZING REAL ESTATE/TANGIBLE TAX ABATEMENTS”

On motion by Councilman Livingston, seconded by Councilman Barone, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -7. Councilman Navarro was not present for roll call vote.

“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”

On motion by Councilman Livingston, seconded by Councilman Barone, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -7. Councilman Navarro was not present for roll call vote.

“TAX INTEREST WAIVER APPROVALS”

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to approve the list of interest waiver approvals. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -7. Councilman Navarro was not present for roll call vote.

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8-07-1 “ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2007 AND ENDING JUNE 30, 2008 (Network RI)” (Tabled in Committee 9/10/2007)

On motion by Councilman Livingston, seconded by Councilman Lanni, it was voted to remove the above Ordinance from the table. Motion passed on a vote of 6-0 with two abstentions. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -6. Councilman Lanni recused himself from voting on this Ordinance since his wife is employed by Network RI and Council Vice-President McFarland recused herself from voting on this Ordinance since she is employed by RI Community Action Association.

On motion by Councilman Livingston, seconded by Councilman Barone, the above Ordinance was adopted on a vote of 6-0 with two abstentions. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -6. Councilman Lanni and Council Vice-President McFarland recused from voting on this Ordinance.

8-07-2 “ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR JULY 1, 2007 AND ENDING JUNE 30, 2008 (Supplemental Appropriation WIA)” (Tabled in Committee 9/10/2007)

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to remove the above Ordinance from the table. Motion passed on a vote of 6-0 with two abstentions. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -6. Councilman Lanni recused himself from voting on this Ordinance since his wife is employed by Network RI and Council Vice-President McFarland recused herself from voting on this Ordinance since she is employed by RI Community Action Association.

On motion by Councilman Livingston, seconded by Councilman Santamaria, it was voted to adopt the above Ordinance.

Under Discussion:

Councilman Barone asked if this Ordinance would be taking any power away from the Administration. Mr. Migliorelli stated, no, this position serves at the pleasure of the Mayor.

Roll call was taken on motion to adopt the above Ordinance and motion passed on a vote of 6-0 with two abstentions. The following being recorded as voting “aye”: Councilmen Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -6. Councilman Lanni and Council Vice-President McFarland recused from voting on this Ordinance.

8-07-6 “ORDINANCE TRANSFERRING APPROPRIATIONS AND AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2007 AND ENDING JUNE 30, 2008 (Public Works Director Salary)”

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

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Council Vice-President McFarland left the meeting at 9:25 P.M.

COMMITTEE ON CLAIMS (Anthony J. Lupino, Chair)

“RATIFICATION OF SETTLED CLAIMS FOR: Frank Pisaturo \$50.00; Jacqueline, William & Jae Pezzullo \$775.00; Amica Insurance for Joan Marie Zawislak \$1,151.15; Robert Fritsche & Attorney Joseph Rameaka \$15,000.00; Dulce M. Bodden \$754.80; Edward & Deborah Marcello \$65.00.

On motion by Councilman Lupino, seconded by Councilman Santamaria, it was voted to approve the above-listed claims. Motion passed on a vote of 6-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Santamaria, Barone and Council President Garabedian -6. Councilman Livingston abstained.

VIII. ELECTION OF CITY OFFICIALS

“AUDIT COMMITTEE”

- **William E. Squizzero**

On motion by Councilman Lanni, seconded by Councilman Santamaria, it was voted to appoint **WILLIAM E. SQUIZZERO** as a member of the *Audit Committee*. Motion passed on a vote of 6-1. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria and Council President Garabedian -6. The following being recorded as voting “nay”: Councilman Barone -1.

IX. REPORT OF CITY OFFICERS

Mr. Woerner stated that as of June 30, 2007, there is a slight surplus in revenue and expenditures. This includes the \$1.5 million for the Providence Water claim.

IXA. OLD BUSINESS

No business.

X. INTRODUCTION OF NEW BUSINESS

9-07-1 “ORDINANCE LOAN ORDER AUTHORIZING THE ISSUE OF \$1,500,000 JUDGMENT BONDS OF THE CITY FOR THE SETTLEMENT OF THE SUPERIOR COURT CASE ‘PROVIDENCE WATER SUPPLY BOARD VS. CITY OF CRANSTON’ REACHED IN OCTOBER, 2006; AUTHORIZING THE ISSUE OF \$1,500,000 TEMPORARY NOTES FOR THAT PURPOSE AND AUTHORIZING ADVANCES FROM THE GENERAL TREASURY FOR THAT PURPOSE”

On motion by Councilman Lanni, seconded by Councilman Livingston, the above

Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”:
Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council
President Garabedian -7.

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

Public Works Committee – November 15, 2007

Request from National Grid for pole location at Natick Ave.

Request from National Grid for pole location at Scituate Ave.

Ordinance Committee – November 15, 2007

9-07-2 Ordinance amending Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Independence Way) and amending Phase II of the Final Overall District Plan for Jefferson at Independence Way.

City Plan Commission – November 6, 2007

9-07-2 Ordinance amending Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Independence Way) and amending Phase II of the Final Overall District Plan for Jefferson at Independence Way.

Claims Committee

*Frank McMahon
*Frank McMahon
*Jose Ayala
*Natisha Mitchell
*Patricia and Jessica Soscia

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Councilman Barone, seconded by Councilman Lanni, the above items were referred to the respective Committees. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

XI. MISCELLANEOUS BUSINESS ON CLERK’S DESK

None.

XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Public Hearings on Undocketed Items was held at the beginning of the meeting.

The meeting adjourned at 9:30 P.M.

Maria Medeiros Wall, JD
City Clerk

(See Stenographic Notes of Ron Ronzio, Stenotypist).