

REGULAR MEETING – CITY COUNCIL

-SEPTEMBER 25, 2006-

Regular meeting of the City Council was held on Monday, September 25, 2006 in the Council Chambers, City Hall, 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 McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian –9.

Also Present: Paul Grimes, Director of Administration; Robin Muksian-Schutt, Deputy Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Patrick 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

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

No report.

III. COUNCIL PRESIDENT COMMUNICATIONS

Council President Garabedian addressed the Administration and stated that there is ongoing dust at the public facilities garage and asked that this be addressed.

Council President Garabedian addressed the installation of traffic light at Pippin Orchard Rd. and Scituate Ave. and stated that he attended a meeting with the State Traffic Commission and the Commission discussed this and referred it to a committee to look into this and a recommendation should be forthcoming within thirty days.

IV. COUNCIL MEMBER COMMUNICATIONS

Councilman McDonough asked that the Administration speak to the Department of Transportation regarding the bus stop shelters. He stated that quite a few of them are shattering and glass is everywhere, which causes a safety issue. Councilman Fung stated that these bus shelters are primarily for advertising and he spoke to Major Blackmar regarding this problem and it seems to be vandalism and he was told that the Police are watching and monitoring this. Councilman McDonough asked that D.O.T. be asked if maybe plexiglass can be used instead of glass, so it would not shatter as easily.

V. PUBLIC HEARINGS

None.

VI. DOCKETED RESOLUTIONS

“RESOLUTION SUPPORTING OAKLAWN VILLAGE COMMUNITY IN BLOOM AND AUTHORIZING A LOAN OF \$3,000 TO BE REIMBURSED ON COMPLETION OF THE WOODLAND TRAIL PROJECT”

On motion by Councilman Barone, seconded by Councilman Fung, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

VII. REPORT OF COMMITTEES

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

8-06-1 “ORDINANCE IN AMENDMENT OF TITLE 6.08 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘DOGS AND OTHER ANIMALS’ (Nuisance-Barking)”

On motion by Council Vice-President McFarland, seconded by Councilman Fung, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

-SEPTEMBER 25, 2006-

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

6-06-8 “ORDINANCE AUTHORIZING THE CITY TO UTILIZE WESTERN CRANSTON ROAD IMPACT FEES FOR THE 2006 CITYWIDE INFRASTRUCTURE PROGRAM (Use of Impact Fee Revenue for Paving of Roadways in Western Cranston)”

Council Vice-President McFarland motioned to adopt the above Ordinance and Council Barone seconded the motion.

Under Discussion:

Council Member Fogarty stated to the Solicitor that the Public Works Director stated in the past that he would provide a summary. She asked if this summary was ever provided and if we are using all the impact fees. Mr. Kirshenbaum stated that Solicitor Glucksman stated to him that fees are appropriately marked for this project. Council Member Fogarty indicated that Solicitor Glucksman’s opinion states that the impact created by a particular development which paid the fees. Mr. Kirshenbaum stated that he is not sure if you can determine whether or not those fees are from a particular development. This is an appropriate method based on case law. Councilman McDonough stated that he would like to see this Ordinance tabled until the Council can get a clarification from Solicitor Glucksman on what he means by a “particular development”. Councilman Livingston asked how much money is in this account. Mr. Quinlan stated that according the Finance Department, there are separate accounts within the Impact Fund: East Police - \$334,000, East Recreation - \$467,000. This Council expended \$300,000 for the Ice Rink. Council Vice-President McFarland asked the Administration provide the amount of the sale of the Abandonment of Carlsbad and John Hazen White St. so an Ordinance can be drafted to place this money in a reserve fund for roadways.

Roll call was taken on motion to adopt the motion passed on a vote of 8-1. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting “nay”: Council Member Fogarty -1.

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

On motion by Council Member Fogarty, seconded by Councilman Livingston, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

-SEPTEMBER 25, 2006-

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

**“RESOLUTION INSTITUTING PROCEEDINGS FOR THE ABANDONMENT
OF A PORTION OF MAYBERRY ST.”**

On motion by Councilman Lanni, seconded by Councilman Barone, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

**“RESOLUTION INSTITUTING PROCEEDINGS FOR THE ABANDONMENT
OF A PORTION OF AMFLEX DR.”**

On motion by Councilman Lanni, seconded by Councilman Barone, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

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

**6-06-16 “ORDINANCE IN AMENDMENT OF CHAPTER 10 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR
VEHICLES AND TRAFFIC’ (WAITE AVE. CLOSURE)”**

City Clerk stated that this Ordinance was adopted last month and was left on docket in error.

VIII. ELECTION OF CITY OFFICIALS

“ZONING BOARD OF REVIEW – APPOINTMENT”

None.

IX. REPORT OF CITY OFFICERS

Mr. Igoe reported on the City’s financials. He stated that through the end of August, 2006, the General Fund collected \$46,445,175 and expended \$44,978,942 and Cash of \$2,142,467.

IXA. OLD BUSINESS

**3-06-5 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED
‘ZONING’ (Change of Zone-Phenix Ave. and Lofty Rd.)” Tabled
5/22/2006 and 7/24/2006 City Council.**

City Clerk stated that this Ordinance will stay on the table, since we are waiting action from the Planning Commission. This Ordinance remains tabled.

**5-06-6 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED
‘ZONING’ (Change of Zone – 340 Scituate Ave.)”**

City Clerk stated that this Ordinance will stay on the table, since we are waiting action from the Planning Commission. This Ordinance remains tabled.

X. INTRODUCTION OF NEW BUSINESS

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

Public Works Committee – October 12 2006

Petition from National Grid for pole location at New London Ave.

Petition from National Grid for pole location at Whiting St.

The above Petitions were referred to the Public Works Committee.

Ordinance Committee –October 12, 2006

- 9-06-2 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Seniors Helping Seniors Commission).
- 9-06-3 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Carlsbad St. and Garfield Ave.).
- 9-06-4 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Amflex Dr. and Sailor Way, 3 Way Stop).
- 9-06-5 Ordinance in amendment of Chapter 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Industrial Rd.).

Finance Committee – October 12, 2006

- 9-06-1 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2006 and ending June 30, 2007 (Additional State School Aid Appropriations).

Tax Incentive Application for Pontiac Medical Group LLC, 1500 Pontiac Ave.

On motion by Councilman Fung, seconded by Council Member Fogarty, the above items were referred to the respective Committees. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen McDonough, Fung, Livingston, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -9.

Claims Committee

**Peerless Insurance Co. as subrogee of Bennett Sports, Inc.
Lawrence H. Field
Joseph DeSanto, Jr.
Betty R. O’Shea
Edgewood Yacht Club**

The above Claims were referred to the Claims Committee.

Council Vice-President McFarland asked that regarding the Bennett Sports claim, a copy of the lease entered into between the City and the Ice Rink be provided to the Claims Committee.

XI. MISCELLANEOUS BUSINESS ON CLERK'S DESK

None.

XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Steve Callahan, 135 Amanda St., appeared to speak and referred to a letter he received regarding a claim he filed for a flood which occurred in October. He stated that the letter he received does not inform him that there is an appeal process. At the last Council meeting, he questioned what this appeal process is. He was advised that a letter would be sent to him and his neighbors by the Solicitor explaining the process. They have not received any letter. Council President Garabedian stated that everyone whose claim has been denied, can appear before the Claims Committee for reconsideration. Council Member Bucci stated that at the last meeting, she made a request of the Solicitor asking that such a letter be sent to the people whose claims have been denied and no letter has been received. Councilman McDonough, Chair of Claims Committee, asked Mr. Kirshenbaum to speak to Solicitor Glucksman and he is to set out a written procedure to be followed on the appeals. Mr. Callahan stated that he and his neighbors were also told by letter, that the City would pay them for the dumpsters and cleanup and they still have not received any money from the City. One of his neighbors, who is a single mother and needs this money, was told that she would receive the money if she signed a release. He does not understand why a signed release is requested, when the City was at fault. Mr. Callahan also stated that at the last meeting, he asked for a copy of the study that was done and was told that he could not be given a copy, since it was discussed in Executive Session. This was a study that was paid by the taxpayers. He is not asking what was discussed in Executive Session. He just wants to see this study. Council Vice-President McFarland stated that at this time, this study cannot be released, since there are still claims that have to be acted on. Once these claims are settled, she agrees that this study should be made public. Councilman Lanni stated that the word "appeal" is being used, this is not a direct appeal. The Claims Committee has advised the claimants that if they have additional information to provide to the Committee, the Committee would take it into consideration. As a member of the Claims Committee, he is willing to hear or see additional information, but that is it. Mr. Kirshenbaum stated that he agrees with Councilman Lanni, that technically, this is not an appeal process. It is a motion to reconsider. As to the process, it is not the Solicitor's job to lay out the process. The Committee has, in the last few weeks, heard claimants on reconsideration.

Paul Valetta, President of Local 1363 Firefighters Union, appeared to speak and stated that the Union has reached an impasse regarding their negotiations and are going to arbitration if any of the Council members would like to speak with him regarding what went on in negotiations, he would be happy to speak to them. Mr. Valetta also spoke regarding the article in the Providence Journal regarding a court challenge the Union is considering on a requirement from the City that candidates for promotion disclose whether they have ever been arrested. Even though the issue was brought before the Human Rights Commission, the City took this to Superior Court instead of waiting three to four weeks for the Human Rights Commission to render a decision. This is another example of this Administration spending taxpayers' money that is not necessary at this time. Council Vice-President McFarland stated that the Council has not been receiving updates on legal fees and any cases being litigation on behalf of the City. Legal fees should be presented monthly by the Law Department.

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).