

# REGULAR MEETING – CITY COUNCIL

**-SEPTEMBER 26, 2005-**

Regular meeting of the City Council was held on Monday, September 26, 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; Evan Kirshenbaum, Assistant City Solicitor; Pat Quinlan, City Council Legal Counsel; Jerome Baron, Director of Finance; Mike Igoe, City Controller; Steve Woerner, City Council Internal Auditor.

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

Council President Garabedian asked for a motion to take the public hearings out of order.

On motion by Council Vice-President McFarland, seconded by Councilman Barone, it was voted to take out of order “Public Hearings on Docketed Items”. 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.

## V. PUBLIC HEARINGS

**Emmanuel Falck**, 223 Lynch St., Providence, appeared to represent “RI for Healthcare” appeared to speak in favor of “Resolution in Support of Medicaid Program”. He stated that the following cities and towns have already adopted similar Resolution: Warwick, Providence, Newport, Narragansett, Johnston and Woonsocket, and they are approaching more cities and towns to request similar Resolution be passed.

**John Mancini, Esq.**, 55 Pine St., Providence, appeared to speak regarding “Resolution authorizing the Abandonment of a portion of Fox Run” and represent the petitioner.

**Mark Lucas**, 28 Riverfarm Rd., appeared to ask the Council not to override the Mayor’s veto on Ordinances 5S-05-2, 5S-05-3 and 5-05-1 and he also spoke regarding Ordinance 6-05-4.

**Albert Benetti**, 24 Concord Ave., appeared to speak regarding Ordinance appropriating more money to the Schools. He asked that before this Ordinance is approved, there should be a public hearing on this because there was a disturbing comment made by the Assistant Superintendent at the last School Committee meeting, where he stated that even with if this additional money is appropriated, cuts would still be needed, such as field trips. Mr. Benetti also stated that there needs to be a full public meeting so the City and the public can find out where this money is going.

**Donna Tocco-Greenaway**, 576 Comstock Parkway, appeared to speak regarding the same issue Mr. Benetti spoke about. She addressed her concerns regarding possible cuts and stated that one of her children is in the band at Cranston High School West and the band members cannot even get uniforms, which she feels is not acceptable.

**I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS**

No Business.

**II. EXECUTIVE COMMUNICATIONS**

**“REQUEST TO BE PLACED ON DISABILITY PENSION OFFICER THOMAS PALMER, CRANSTON POLICE DEPARTMENT”**

Mr. Grimes appeared to speak.

On motion by Councilman Fung, seconded by Council Member Fogarty, 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.

Mr. Grimes appeared to update the Council on the status of the recruitment for Economic Development Director. He stated that the Administration has offered the position to Dave Maher, who has worked in this department as Economic Development Aide. This will come before the Finance Committee in October for Advise and Consent of Mr. Maher as Economic Development Director.

**“MAYORAL OBJECTIONS FILED AUGUST 30, 2005 FOR ORDINANCE 5S-05-2 IN AMENDMENT OF CHAPTER 12 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘PARKS AND RECREATIONAL FACILITIES’ (USE OF CITY OWNED RECREATIONAL FACILITIES).”**

On motion by Council Vice-President McFarland, seconded by Councilman Pisaturo, it was voted to override the Mayor’s veto and adopt this Ordinance.

Under Discussion:

Council Vice-President McFarland stated that the Council has been asking for information from the Parks and Recreation Department as to the fees charged, and this has not been produced and no information has been produced regarding the Teen Center. This information was asked for during March and April, during the budget process. The Council should have these figures for the budget process. Councilman Barone stated that his concern with the Public Works Committee approving a rental for a recreational facility is the Public Works Committee meets once a month and there is not enough time for this Committee to meet and approve the rental to any team or league. This seems to be a power grab.

Council President Garabedian handed the gavel to Vice-President McFarland.

Council President Garabedian stated that this Council is not looking to violate the separation of powers. He quoted Section 22-3-1 and Section 11.04. Councilman Livingston stated that this Ordinance is consistent with separation of powers. This is not a power grab. The situation is consistent with powers that rightfully belong to the Council. He does not know why other Council did not exercise them, but he congratulates Council Vice President McFarland on these Ordinances. Councilman Lanni stated that the Public Works Committee will only serve as an over site committee to make sure that fees are correct. He doesn’t know what the concern is, all fees can be pre-approved. Council Vice-President McFarland stated that there could always be a ratification of the action but to have six months go by and not have the information is ludicrous.

Gavel was handed back to the Council President.

Roll Call was taken on motion to override the Mayor’s veto and motion passed on a vote of 7-2. The following being recorded as voting “aye”: Councilmen Pisaturo, Livingston, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilmen Fung and Barone -2.

**“MAYORAL OBJECTIONS FILED AUGUST 30, 2005 FOR ORDINANCE 5S-05-3 IN AMENDMENT OF CHAPTER 12 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘PARKS AND RECREATIONAL FACILITIES’ (USE OF CITY OWNED RECREATIONAL FACILITIES).”**

On motion by Council Vice-President McFarland, seconded by Council Member Fogarty, it was voted to override the Mayor’s veto and adopt this Ordinance.

Under Discussion:

Councilman Barone stated that this Ordinance violates separation of powers. Council Vice-President McFarland stated that she won’t reiterate what she has already stated, but is asking the Council for their support. Councilman Fung stated that the Mayor has authority under Section 11. Council President Garabedian stated that there are general duties that the Mayor has, but the specific powers are in the Council, under the Constitution.

Roll Call was taken on motion to override the Mayor’s veto and motion passed on a vote of 7-2. The following being recorded as voting “aye”: Councilmen Pisaturo, Livingston, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilmen Fung and Barone -2.

**“MAYORAL OBJECTIONS FILED AUGUST 30, 2005 FOR ORDINANCE 5-05-1 IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ADMINISTRATION AND PERSONNEL’ (Hiring of Outside Legal Counsel).”**

On motion by Councilman Pisaturo, seconded by Council Member Fogarty, it was voted to override the Mayor’s veto and adopt this Ordinance.

Under Discussion:

Council Member Fogarty stated that she sees a problem with the legal opinions. She stated that she believes there are two conflicting Solicitors’ opinions. During the public hearing, Assistant Solicitor Kirshenbaum stated that he had no problem with this Ordinance, but Solicitor Glucksman’s opinion opposes the Ordinance. Mr. Kirshenbaum stated that at the time, he did state that he had no problem with this Ordinance, but the Ordinance was not in final form. Council Member Fogarty stated that the changes did not change the core of the Ordinance. Mr. Kirshenbaum stated that there is only one solicitor’s opinion and that is Mr. Glucksman’s. Council President Garabedian asked Councilman Pisaturo, as sponsor of this Ordinance, to state what the full effect of this Ordinance would be. Councilman Pisaturo stated that this Ordinance is very limited to scope and only prevents the Administration from hiring outside legal counsel to look at Ordinances that have not become law yet. Council Member Fogarty stated that this Ordinance would not prevent the Mayor from getting experts on other issues.

Roll Call was taken on motion to override the Mayor’s veto and motion passed on a vote of 7-2. The following being recorded as voting “aye”: Councilmen Pisaturo, Livingston, Council Member Fogarty, Council Member Bucci, Councilman Lanni, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilmen Fung and Barone -2.

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### **III. COUNCIL PRESIDENT COMMUNICATIONS**

Council President Garabedian presented a letter dated September 15, 2005 from the Superintendent of Schools appointing the following members to the City and School Personnel Consolidation Task Force: School Committee Chair M. Gordon Palumbo – member, School Committee Member Michael Traficante - member, and Steven L. Drager – member of the public. Council President Garabedian stated that he had previously appointed Councilman Barone – member and Council Member Fogarty as Chair and Mr. Minicucci as a member of the public. .

Council President Garabedian presented a letter dated September 20, 2005 from Attorney Michael A. Kelly regarding notice of claim from RI Builder’s Association in regards to issuance of building permits in a timely fashion and excessive fees being charged that are not related to the cost of issuance and they intended to file a complaint seeking injunctive relief . He stated that the Administration has been trying to solve these problems with the Building Inspector’s Office. Mr. Grimes stated that the RI Builder’s Association has a problem with the way building permits are issued throughout the State, and believes this letter was sent to all cities and towns. There have been problems with the building permitting process in part because of the transition that occurred in Economic Development. As he stated earlier, the Administration will soon have a new Economic Development Director and has informed him that one of his major projects is to concentrate on streamlining the building permitting process. It is Administration’s intent to have a blueprint in place so that our permitting process will be a model for other cities and towns. There are software programs out there, and the Builders’ Association has been participating with Administration in the process.

Council President Garabedian asked that this letter be forwarded to the Insurance Risk Commission and that the Permitting Report be circulated to all the libraries so that it is available to the public. He will be scheduling a public hearing on this matter.

### **IV. COUNCIL MEMBER COMMUNICATIONS**

No business.

### **V. PUBLIC HEARINGS**

Public hearings held at the beginning of the meeting.

### **VI. DOCKETED RESOLUTIONS**

#### **“RESOLUTION IN SUPPORT OF THE MEDICAID PROGRAM”**

On motion by Council Vice-President McFarland, seconded by Councilman Pisaturo, the above Resolution was adopted 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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## **VII. REPORT OF COMMITTEES**

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

**7-05-3           “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO  
SELL A PORTION OF FORMER HIGHWAY GARAGE SITE  
(KNIGHTSVILLE).”**

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, it was voted to adopt this Ordinance.

Under Discussion:

Mr. Kirshenbaum stated that he and Mr. Quinlan has discussed this matter, and it is their conclusion that if the Council passes this Ordinance, it should be passed subject to a declaratory judgment from the Superior Court which he and Mr. Quinlan will jointly file. This would protect the applicant and his title interest as well as the City and would also answer any future questions on sale of surplus land. Councilman Fung asked on what basis they would seek a declaratory action. Mr. Quinlan responded that a City or town can seek a declaratory judgment on the constitutionality of an Ordinance, and they would proceed on that basis. Councilman Livingston stated that he cannot support this Ordinance. His concern is that we would be selling taxpayers' property at 60% below market value. Council Vice-President McFarland stated that we are not selling taxpayers' property at 60% below market value. What we are doing is making a contribution so Cranston residents would have the opportunity to have first preference to live in this facility and they could have the same quality of life that we have. Councilman Lanni stated that this matter has been debated extensively. All agree that Cranston needs more affordable housing. Councilman Fung questioned if this Ordinance should be amended to add stipulation stated by Mr. Kirshenbaum. Mr. Kirshenbaum stated that this Ordinance could be passed subject to a positive opinion as a result of declaratory judgment.

Roll Call was taken on motion to adopt this Ordinance and motion passed on a vote of 8-1. The following being recorded as voting "aye": Councilmen Pisaturo, Fung, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -8. The following being recorded as voting "nay": Councilman Livingston -1.

**8-05-1           “ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF  
THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ AS  
AMENDED – THE EVANGELISTE TOURGEON HOUSE LOCAL  
HISTORIC DISTRICT”.**

On motion by Council Vice-President McFarland, seconded by Councilman Pisaturo, the above Ordinance was adopted 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.

**-SEPTEMBER 26, 2005-**

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

**“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.

**“RESOLUTION AUTHORIZING MOTOR VEHICLE ABATEMENTS DUE TO  
INCREASE OF STATE PHASE-OUT EXEMPTION – 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.

**“TAX INCENTIVE APPLICATION FOR TALLY’S UNDER ONE ROOF, LLC.,  
1150 PONTIAC AVE.”**

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

**“TAX INCENTIVE APPLICATION FOR DCM PROPERTIES, 140 NATICK  
AVE.”**

On motion by Council Member Fogarty, seconded by Councilman Barone, it was voted to table this Tax Incentive Application as requested by the Economic Development Aide. 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.

**“TAX INTERST WAIVER LIST”**

On motion by Council Member Fogarty, seconded by Councilman Barone, it was voted to approve the above Tax Interest Waiver List. 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.

**-SEPTEMBER 26, 2005-**

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

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

City Clerk stated that legal counsel for the petitioner requested by phone last week that this petition be tabled, but she did not receive anything in writing and no one is present at this meeting.

On motion by Councilman Lanni, seconded by Councilman Livingston, it was voted to table the above Resolution. 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 INSTITUTING PROCEEDINGS FOR THE ABANDONMENT OF A PORTION OF JOHN HAZEN WHITE SR. WAY”**

On motion by Councilman Lanni, 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 THE ABANDONMENT OF A PORTION OF FOX RUN”**

On motion by Councilman Lanni, seconded by Councilman Barone, 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 THE ABANDONMENT OF A PORTION OF APPLE HOUSE DR.”**

On motion by Councilman Lanni, 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.

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

**“TRANSFER OF CLASS B LTD. TO B FULL ACOHOLIC LICENSE FOR GEMINI PARTNERS, INC., D/B/A MULLIGAN’S ISLAND, 1000 NEW LONDON AVE. (Exceeding the Cap – Approval Recommended 9/12/2005).”**

On motion by Councilman Lanni, seconded by Councilman Fung, it was voted to approve this liquor license and extend the cap. 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.

**“CLASS B ALCOHOLIC LIQUOR LICENSE FOR TIPICO BAR & RESTAURANT, INC., 16 GANSETT AVE. (Exceeding the Cap – Approval Recommended 9/12/2005).”**

On motion by Councilman Lanni, seconded by Councilman Livingston, it was voted to approve this liquor license and extend the cap. 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.

**ELECTION OF CITY OFFICIALS**

No business.

**IX. REPORT OF CITY OFFICERS**

No Business.

**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 – 4<sup>TH</sup> QUARTER TRANSFERS.”**

On motion by Councilman Pisaturo, seconded by Council Member Fogarty, it was voted to remove this Ordinance from the table. 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.

On motion by Councilman Pisaturo, seconded by Council Member Fogarty, it was voted to amend this Ordinance as follows: pg. 2, delete \$50,000 from Department of Law and add it to the Division of Highway-Snow Removal Vendors and recalculate the total.

Under Discussion:

Mr. Igoe stated that this Ordinance is for the year that ended 2005. This Ordinance does not appropriate any additional money in the new fiscal year. Councilman Livingston stated that during the budget process the Council promised the School Department the \$1 million and we have to keep our word. He is not happy with the School Department and does not feel they acted prudently with the contract approved recently, and they have not provided the City with the fiscal impact of this contract. Council Vice-President McFarland stated that she also is not happy with the School Department. They need to provide the Council with an amended budget when they make changes. They have provided the City with the fiscal impact for year one, but not the next two years of the contract. They have also not provided the City with a list of proposed cuts. Councilman Lanni stated that he agrees that we made a commitment to the School Department, however, he is very disappointed in the School Committee and it is absolutely horrible that the school children as being used as pawns. To give away raises and not do anything for books and the infrastructure is irresponsible. Councilman Fung stated that he does agree that when you give your word you should keep it, but where is the commitment to the taxpayers and the school children? He does not think by appropriating this \$1 million to the Schools would be an overall commitment to the taxpayers, which would be fiscally responsible. Councilman Barone stated that this \$1 million will not be going to the school children. It will be going for salaries and benefits. Council Vice-President McFarland stated that since this Ordinance has been tabled two times, she suggested tabling it again, so we can obtain what the impacts would be for years two and three of the contract and any proposed cuts.

Motion and second to amend this Ordinance were withdrawn.

On motion by Council Vice-President McFarland, seconded by Councilman Livingston, it was voted to table this Ordinance for one more month. 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.

## **-SEPTEMBER 26, 2005-**

### **X. INTRODUCTION OF NEW BUSINESS**

On motion by Council Vice-President McFarland, seconded by Council Member Fogarty, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, October 13, 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.

- 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). FINANCE COMMITTEE 10/13/2005 and ORDINANCE COMMITTEE 10/13/2005.
- 9-05-2 Ordinance in amendment of Chapter 3.04 of the Code of the City of Cranston, 2005, entitled "Fiscal Provisions" (Collective Bargaining Fiscal Impact). FINANCE COMMITTEE 10/13/2005 and ORDINANCE COMMITTEE 10/13/2005.
- 9-05-3 Ordinance amending the Capital Budget for the Fiscal Year commencing July 1, 2005 and ending June 30, 2006 (Impact Fees-2- Police HQ). FINANCE COMMITTEE 10/13/2005 and ORDINANCE COMMITTEE 10/13/2005.
- 9-05-4 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2005 and ending June 30, 2006 (Planning Budget Amend.). FINANCE COMMITTEE 10/13/2005 and ORDINANCE COMMITTEE 10/13/2005.

On motion by Council Vice-President McFarland, seconded by Councilman Barone, 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.

- 9-05-5 Ordinance amending the Comprehensive Plan of 1992 (647 Oaklawn Ave.). CITY PLAN COMMISSION 11/1/2005 and ORDINANCE COMMITTEE 11/17/2005.
- 9-05-6 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone-647 Oaklawn Ave.). CITY PLAN COMMISSION 11/1/2005 and ORDINANCE COMMITTEE 11/17/2005.
- 9-05-7 Ordinance amending the Comprehensive Plan of 1992 (Pontiac Ave. – Calart Associates, II, LLC). CITY PLAN COMMISSION 11/1/2005 and ORDINANCE COMMITTEE 11/17/2005.
- 9-05-8 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone-Pontiac Ave. – Calart Associates, II, LLC). CITY PLAN COMMISSION 11/1/2005 and ORDINANCE COMMITTEE 11/17/2005.

### **XI. MISCELLANEOUS BUSINESS ON CLERK'S DESK**

Petition for personal injury claim from Carol Lavallee. Claim referred to Insurance Risk.

**-SEPTEMBER 26, 2005-**

## **XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS**

**Joseph Castellone**, 27 Mauran St., appeared to speak and stated that his daughter attends Dutemple School and he has noticed on a number of occasions that the custodian is in the school yard and he questioned the fact that the custodians are not mentioned in the handbook students take home. He did call the Principal and has an appointment with him to discuss this concern. He just wanted to bring this before the Council. His concern is the safety of the children in the school yard. Council President Garabedian stated that for any course of action, these concerns should be addressed to the School Committee.

**Valerie Chiulli** appeared to speak and questioned if the City has an Ordinance regarding snow removal from sidewalks by the property owner, and if there is, she questioned what is going to be done to enforce this Ordinance. This is a concern for the safety of the children walking to school during the winter.

**Kevin Morris** appeared to represent the President of Local 1363 Fire Union, Paul Valetta and members of the Union. He thanked the Council for participating in the mock fire held last week.

**Albert Benetti**, 24 Concord Ave., appeared to speak regarding the recently approved contract for the School Department. He stated that what the School Committee did was they jammed the Council for future negotiations. What the Council needs from the School Department is a detailed line by line item list of every single position listing the pay and the cost.

The meeting adjourned at 9:30 P.M.

Maria Medeiros Wall  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Tracy Shepherd, Stenotypist).