

REGULAR MEETING – CITY COUNCIL

-SEPTEMBER 27, 2010-

Regular meeting of the City Council was held on Monday, September 27, 2010 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:20 P.M. by the Council President.

Roll call showed the following members present: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston (left meeting at 10:15 P.M.) and Council President Lanni -9.

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

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

Councilwoman Bergin-Andrews presented Citation for St. Mark's Church celebrating 60th Anniversary.

II. PUBLIC HEARINGS

Diana Gordon, 363 Pontiac Ave., appeared to speak regarding proposed Ordinance 6-10-2 and asked if existing businesses are grandfathered in.

Joshua Wood, West Bay Land Trust, appeared to speak in favor of proposed Ordinance 7-10-5.

David Schwartz, Consultant Arborist – Assessment of Rolfe St. Tree Maintenance Program

Councilman Navarro introduced David Schwartz appeared to give a presentation and addressed the project at Rolfe Square in regards to the trees being trimmed by the City's Public Works Department.

Mr. Schwartz proceeded to discuss the standards for tree trimming/maintenance. That no more than 25% of leaves in any growing season nor more than 25% of branches. Some of the trees had 75% of leaves removed, and excessive amount of branches were removed. Those that were removed were cut inappropriately. The trees are not endangered.

Councilwoman Bergin-Andrews asked if the City's Tree Warden was out at the site. Ms. Schutt stated, yes, he was on scene at different point. She indicated that several of the trees were not done by the City, they were done by the property owners. **Councilwoman Bergin-Andrews** asked Mr. Schwartz what the City could do now. **Mr. Schwartz** stated that there was nothing that could be done to bring back the trees that have already been cut, but that the City should adopt the National Tree Council standards for any kind of tree work. It is intended as a guide in drafting of maintenance specs. He could not locate any specifications that the City uses. These trees are permanently damaged there is no remedial treatment.

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Councilman Navarro thanked Mr. Schwartz. He stated that part of the objection was to assess the damage to the trees and he asked administration what the plans are for going forward. **Ms Schutt** stated that the trimming has not continued because there was a problem with the bucket truck. The Arborist in the City has been working and the City will continue to do work in house. Councilman Navarro stated that his concern is that this is the Center of the City and we need to continue to revitalize and beautification. He received calls and was concerned when he saw limbs just being cut off. He is all for saving money but there needs to be some plan in order to keep the areas looking good.

Council Vice-President Livingston thanked Councilman Navarro for bringing this issue to the forefront and said that we should introduce an ordinance to accept the standards. He stated that he had a similar problem in the Edgewood area, but that work had been done by the utility company not the City.

Byrne Police Grant-Update from Cranston Police Department

Lt. Vincent McAteer appeared to speak and gave an update on Grant efforts of the Police Department. He stated that this application was submitted June of this year. This is another example of a successful Grant of the Cranston Police Department.

II. DOCKETED RESOLUTIONS

“RESOLUTION PROCLAIMING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH”

On motion by Councilman Navarro, seconded by Councilman Pelletier, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

“RESOLUTION CREATING A CITY COUNCIL STANDING SUB-COMMITTEE TO ESTABLISH AND MONITOR A COMPREHENSIVE PLAN FOR THE REMEDIATION OF THE FLOOD ISSUES IN THE CITY”

Councilman Lupino motioned to adopt the above Resolution. Councilman Lupino seconded the motion.

Councilman Santamaria recommended adding Pocasset River to this Resolution.

On motion by Councilman Santamaria, seconded by Councilman Aceto, it was voted to amend the above Resolution to add “Pocasset River” to line 22 of the Resolution. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9

Roll call was taken on motion to approve above Resolution as amended and motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

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“RESOLUTION URGING THE GENERAL ASSEMBLY TO ENACT LEGISLATION GRANTING TAX ABATEMENTS FOR REAL ESTATE TAXES ON HOMEOWNERS’ PRINCIPAL RESIDENCES FOR THE PERIOD IN WHICH HOMES WERE UNINHABITABLE DUE TO HISTORIC FLOODING OF 2010”

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

Under Discussion:

Mr. Quinlan stated that he has researched this and the most appropriate way to do this is through State Legislation, but he will continue to do research on this.

Roll call was taken on motion to adopt the above Resolution and motion passed on a vote of 8-1. 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. The following being recorded as voting “nay”: Councilman Pelletier -1.

“RESOLUTION URGING THE MAYOR TO ADVERTISE THE SALE OF THE FORMER POLICE STATION NATIONALLY USING THE INTERNET”

On motion by Councilman Archetto, seconded by Councilman Aceto, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

“RESOLUTION APPOINTING A COMMITTEE TO DEVELOP PROCEDURES TO BE IMPLEMENTED WHEN AND IF THE CITY DECIDES TO REDUCE THE NUMBER OF STREET LIGHTS”

On motion by Councilman Archetto, seconded by Councilman Aceto, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

“RESOLUTION LOAN ORDER AUTHORIZING THE ISSUE OF \$9,585,000 BONDS OF THE CITY TO FINANCE THE RENOVATION, REHABILITATION, REPAIR, IMPROVEMENT, FURNISHING AND EQUIPPING OF HUGH B. BAIN, PARKVIEW AND WESTERN HILLS MIDDLE SCHOOLS; AUTHORIZING THE CITY TO APPLY FOR FEDERAL AND STATE ADVANCES FOR THAT PURPOSE; AUTHORIZING THE ISSUE OF \$9,585,000 TEMPORARY NOTES FOR THAT PURPOSE; AND AUTHORIZING ADVANCES FROM THE GENERAL TREASURY FOR THAT PURPOSE”

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

Under Discussion:

Councilman Aceto asked how soon this money will be used and how quick will we go out to bond. Mr. Strom stated that we will go out to bond the month of October and this money will be available to us. Everything has been budgeted.

Councilwoman Bergin-Andrews asked if the money is earmarked for certain schools for specific projects. Mr. Strom stated that this bond money is strictly for Bain School. Right now, interest rate is approximately 1-2.1%, compared to a few years ago, which was at 4-5%. There will be substantial savings.

Roll call was taken on motion to adopt the above Resolution and motioned passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

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“RESOLUTION OF THE CITY COUNCIL LOAN ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF CRANSTON”

On motion by Councilman Navarro, seconded by Councilman Aceto, it was voted to adopt the above Resolutions.

Under Discussion:

Mr. Strom stated that the bond was for \$13,200,000 at 4.5-5%. Current outstanding balance is \$3,850,000.

Councilman Lupino asked if this would open up the gates to other refunding. Mr. Strom stated that if interest rates remain low the way they are, we will be looking at this mechanism in the future, but for now, this is the only refunding we will be doing.

Roll call was taken on motion to adopt the above Resolution and motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

IV. REPORT OF COMMITTEES

ORDINANCE COMMITTEE

(Anthony J. Lupino, Chair)

6-10-2 “ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (NIGHTCLUBS)”

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

Under Discussion:

Councilman Pelletier stated that an Ordinance will be drafted for next month’s Council meeting addressing the grandfather issue.

Councilman Lupino asked if the Ordinance preclude signed leases for parking adjacent to or nearby location. Councilman Santamaria stated that the Traffic Engineer has to approve any offsite parking.

Roll call was taken on motion to adopt the above Ordinance and motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

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

On motion by Council Vice-President Livingston, seconded by Councilman Navarro, it was voted to continue the above Ordinance.

Under Discussion:

Mr. LaPolla stated that the plan has been submitted and FEMA is to review it. FEMA has asked that this be tabled at this time.

Roll call was taken on motion to continue the above Ordinance and motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

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

“RESOLUTION AUTHORIZING REAL ESTATE AND TANGIBLE TAX ABATEMENTS”

On motion by Councilman Lupino, seconded by Council Vice-President Livingston, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”

On motion by Councilman Lupino, seconded by Council Vice-President Livingston, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

“TAX INTEREST WAIVER APPROVALS AS RECOMMENDED BY CITY TREASURER”

On motion by Councilman Lupino, seconded by Councilman Navarro, it was voted to approve the above list of Tax Interest Waiver Approvals as recommended by City Treasurer. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

“TAX INTEREST WAIVER DENIALS AS RECOMMENDED BY CITY TREASURER”

On motion by Councilman Aceto, seconded by Council Vice-President Livingston, it was voted to approve the above list of Tax Interest Waiver Denials as recommended by City Treasurer. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

7-10-5 “ORDINANCE AUTHORIZING THE CITY TO UTILIZE WESTERN CRANSTON RECREATIONAL CAPITAL FACILITIES IMPACT FEES FOR THE PURCHASE OF A CONSERVATION EASEMENT LOCATED AT 864 NATICK AVE.”

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

Under Discussion:

Jim Akerman, Esq., appeared to speak. **Councilman Lupino** thanked him for the appraisal, he had received and reviewed it. Conversation easement is for 47 acres and understands the owners are to maintain it. **Attorney Akerman** stated that the owners will maintain the entire property and it can be sold subject to the easement, but can't be subdivided.

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Council Vice-President Livingston asked what portion of the 47 acres the owners will continue to maintain. **Attorney Akerman** stated that approximately 36 acres will be for public use. It's anticipated that there will be hiking trails around the perimeter. The easement is on the entire property with a homestead cut out. The public is getting the benefits of preserving the entire farm.

Councilman Lupino stated that he has asked the question of parking for the public at the Committee meeting and asked this question again this evening. **Attorney Akerman** stated that the easement calls for two accesses for parking.

Councilman Navarro questioned taxing authority. **Mr. LaPolla** stated that the property is being taxed as farm for Open Space and easement calls for owner to pay all appropriate taxes.

Councilman Archetto asked who will determine the amount of parking allowed there. **Ms. Schutt** stated that once it is determined what type of recreational use there will be, then parking can be determined. This would involve the Police Department and Traffic Engineer. The Council can be updated at that time.

Roll call was taken to adopt the above Ordinance and motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

"ICE RINK FINANCIALS UPDATE"

No discussion was held.

PUBLIC WORKS COMMITTEE (Mario Aceto, Chair)

"RI RESOURCE RECOVERY REPORT FROM ASST. SOLICITOR KIRSHENBAUM"

Councilman Aceto stated that since there is no response from RI Resource Recovery to a letter sent to them, he would like to have a Show Cause hearing immediately.

Solicitor Kirshenbaum stated that RI Resource Recovery went through a change in attorneys. **Hinckley Allen** is currently representing them and **Gerald Petros** is the attorney. He indicated that the last few weeks, we have had a meeting with **Attorney Petros** to discuss these issues. **Attorney Petros** has asked for underline documentation for each particular line item on the bill sent to them. **Attorney Petros** has requested that the Council give some time, 60-90 days to give time to negotiate this bill, since there are new attorneys involved.

Councilman Aceto questioned, at this point, how long are we going to wait. It's been almost two years. He stated that by the middle of the month, if there is no action on their part, he would request a Show Cause hearing.

Councilman Santamaria stated that he is willing to wait thirty days.

Councilman Aceto questioned the Treatment Plant. He stated that to his knowledge, there is no pre-treatment there. We need some action. It has been way too long.

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Councilman Pelletier agreed with Councilman Aceto.

Councilman Navarro agreed with Councilman Aceto to not wait more than 30 days.

Councilman Archetto agreed not to wait more than 30 days.

Solicitor Kirshenbaum stated that the \$3.1 million bill is through calendar year 2009. This bill is starting with the year 2005.

Council President Lanni stated that they are hooked up legally to our system and they owe us the money. By changing attorneys, they are hoping this will go away. He asked the City attorneys to pursue this and give them 30 days to come up with a solution or issue a Show Cause hearing and go to Court if we have to.

Council Vice-President Livingston asked if we have the right to issue a Show Cause or do we have to go to Court. Solicitor Kirshenbaum stated, yes, we can issue a Show Cause.

Solicitor Kirshenbaum stated that RI Resource Recovery has no intention of staying in the City of Cranston. They are continuing to go with their plans to go to Narragansett Bay Commission. Solicitor Kirshenbaum stated that he would like Council President Lanni to schedule an Executive Session so he can bring his consultants in to see what our options are. He understands the Council's frustration, but by simply voting for a Show Cause, there are other options that we can do.

Councilman Aceto asked what Tutela Engineering is doing for us as far as the pre-treatment. Tutela is being paid \$500,000 a year. They should be enforcing pre-treatment.

Solicitor Kirshenbaum stated that this issue dates back approximately twenty years. It is not something that this Council or this Administration created.

Ms. Schutt reiterated that this is something that the Administration is in agreement with the Council.

Solicitor Kirshenbaum stated that on Thursday, he will be meeting with the Director of DEM to discuss these and other issues. Hopefully, something will come out of that.

Council President Lanni stated that he is hoping to schedule an Executive Session next week.

Councilman Lupino asked if the meeting with DEM will be a public meeting with a stenographer. Solicitor Kirshenbaum stated that RI Resource Recovery will be discussed, but they will not be at this meeting.

“STREET LIGHT: STATUS REPORT FROM NATIONAL GRID”

Mr. Cordy stated that he will have more information regarding this issue next month.

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SAFETY SERVICES & LICENSES COMMITTEE

(Richard D. Santamaria, Jr., Chair)

**8-10-1 “ORDINANCE IN AMENDMENT OF TITLE 10, CH. 12 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR
VEHICLES AND TRAFFIC’ (Crescent Ave., Wessex St. and
Appleton St.)”**

On motion by Councilman Santamaria, seconded by Councilman Pelletier, the above Ordinance was adopted on a vote 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

**8-10-2 “ORDINANCE IN AMENDMENT OF TITLE 10, CH. 32 OF THE
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR
VEHICLES AND TRAFFIC’ (Crescent Ave., Appleton St., Wessex
St., Harmon Ave., Lowell St. and Marlborough St.)”**

On motion by Councilman Pelletier, seconded by Councilman Aceto, the above Ordinance was adopted on a vote 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

CLAIMS COMMITTEE

(Michelle Bergin-Andrews, Chair)

Ratification of settled claims for: Gennaro & Anna Companatico \$45; Mark & Maureen Morse as the parents of Noah Morse \$13,000; Jacqueline Pezzullo \$775.

On motion by Councilman Aceto, seconded by Councilwoman Bergin-Andrews, it was voted to approve the above claims as a block. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

On motion by Councilwoman Bergin-Andrews, seconded by Councilman Aceto, it was voted to approve the above claims. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

V. ELECTION OF CITY OFFICIALS

None.

VI. REPORT OF CITY OFFICERS

None.

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VII. EXECUTIVE COMMUNICATIONS

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

No discussion.

“REQUEST TO BE PLACED ON DISABILITY PENSION LT. MICHAEL CABRAL, CRANSTON FIRE DEPARTMENT”

Ms. Schutt appeared to speak.

On motion by Councilman Aceto, seconded by Councilman Pelletier, the above request was approved on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

Former Police Station Property

Ms. Schutt stated that the former Police Station lease was extended for two more months. At this point, the City is receiving rent.

Councilman Aceto asked who is responsible for the building when there is no one there. There are windows open, trash all over, grass needs to be cut. **Ms. Schutt** stated that she will work with the renters and will advise them not to leave the windows open.

VIII. COUNCIL PRESIDENT COMMUNICATIONS

“PETER PASTORE YOUTH CENTER: REPORT FROM ADMINISTRATION ON LEASE AGREEMENT AND COUNCIL REVIEW AND DISCUSSION OF REQUIREMENTS FOR UTILIZATION (Edgewood Girls Basketball League)”

Council President Lanni stated that the Edgewood Girls Basketball League was using this facility for a long time. Now they are being told by the YMCA that they have to become members in order to use this facility.

Anthony Liberatore, Director of Parks and Recreation, appeared to speak and stated that the City leased this facility to the YMCA to save the City \$80,000 per year for utilities, supplies and salary. This league was told that they had to pay \$20 membership to the YMCA, but they would still have to pay \$30 per year to use the Center. If they did not pay the membership fee, they would have to pay \$50 per year to use the Center. He felt this was nothing more than extortion. The City leased this facility because of economic reasons. This facility brings in daycare, when school is out, they have after school programs. Because of this, the Recreation Department cannot use the facility. They charge fees for all these after school and summer programs. The Edgewood Sports Programs have no home like CLCF has. This is why Edgewood Girls Basketball was using the Pastore Youth Center.

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Councilman Santamaria stated that in the lease agreement, it states that they can charge a fee, he questioned if this fee also means a fee for a membership. Solicitor Cipriano stated that it is up to them of what the fee is going to consist of, whether it consists of the person paying a membership fee or not. Councilman Santamaria asked if this was discussed during the lease negotiations. Solicitor Cipriano stated that he does not recall. As to them charging for membership to use the facility, the City does not have control over that. The City owns the property, but they lease the use of the property.

Councilman Navarro asked what contract is in force right now as to termination without cause. What is the City's commitment with that contract? Solicitor Cipriano stated that a revised agreement was presented to the Council on October 26, 2009 and had 40 days to act on it. He quoted Section 7.08 of the City Charter. This revised agreement was listed on the Council docket and the Council had every opportunity to review this agreement and the Council did not take any action and therefore became effective. The contract in effect at this time is the three year moratorium. Councilman Navarro stated that he would like Solicitor Cipriano's opinion on whether this is true. He would like this placed on the Finance Committee agenda because he would like to know which contract is in force. There are two leases addressing termination without cause, we have one with three years without cause and one with 30 days without cause. Which one is the current lease?

Councilman Lupino addressed the 40 days to act. He questioned the fact that the revised lease was signed five days after. Mr. Cordy stated that the lease signed was the wrong lease and the City Clerk brought it to the Administration's attention and re-circulated the correct lease and had it signed. At that time, it was placed on the Council docket.

Councilwoman Bergin-Andrews stated that the YMCA did give the Edgewood league an option. Based on the lease, they have the right to charge for membership.

IX. COUNCIL MEMBER COMMUNICATIONS

Councilman Aceto

- **Johnson & Wales Pilot Agreement**
 - **Report from Administration on total acreage and potential taxes**

Councilman Aceto asked why Johnson and Wales is receiving pilot money. Solicitor Kirshenbaum stated that educational use amendment had an MOU at the time this facility was built. The building at the time was being tested as tax exempt under RI State Law. He questioned this of the Assessor, but he left the City of Cranston to go to another City. He suggested having a fifteen minute Executive Session with the Tax Assessor to discuss what our options are at this point in time with this property.

Councilman Aceto asked if there is an agreement with Johnson and Wales as of right now. Solicitor Kirshenbaum stated that researching this, he could not find any signed agreement. Councilman Aceto asked if it is in the City's prevue to resend them a tax bill for the full of the property.

Council President Lanni stated that we could have this Executive Session the same night as the one for the RI Resource Recovery.

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- **Report from Administration on number of people affected by March floods and amount of loss**

Mr. Cordy stated that individual assistant from FEMA is very restrictive. There were approximately 2,500 claims. Of those claims, they average approximately \$1,500. There were approximately 75 properties affected. Of those, approximately 200 claims were filed. Average claim was approximately \$22,000. There are approximately 150 residences that were affected.

Councilman Lupino

- **179 Kearney St. – Report from Administration**

Councilman Lupino stated that this property is in despicable repair and it is Uninhabitable. People in the area who have attempted to sell their property could not because of the condition of this property. This has been going on for ten years. Carlos Lopez, the Mayor's Constituent Affairs Officer, has gone to the area.

Ms. Schutt stated that we are finally coming to a resolution on this. This will take a lot of legal work.

Councilman Lupino stated that it was never his intention to demolish the property. It needs to be brought up to Code. Ms. Schutt stated that neighbors have asked that it be demolished.

Solicitor Marsella stated that the City, the Attorney for the Bank and the Attorney from the Title Company have been in discussions in regards to the violations. The frustration of the Solicitor is every time the City issues violation on the property, the Bank does what they have to do to comply, pays the fine. The City does have Condemnation Order against the property, if needed.

Solicitor Marsella stated that at the meeting with the attorneys, the City gave the owner 30 days and if they do not move forward, the City would move forward with the Condemnation Order.

Councilman Lupino asked that this issue be left on the docket for an update.

- **Inter-jurisdictional Agreement sent to Warwick, West Warwick and Johnston – Status report from Solicitor**

Solicitor Kirshenbaum stated that we have had no response from Warwick, West Warwick or Johnston.

Councilman Lupino asked that, after meeting with DEM, add to next month's Council docket DEM's interpretation of the Inter-jurisdictional agreement.

Councilman Santamaria

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

Mr. Cordy stated that \$3 million grant was passed on HUD Appropriation Disaster Funds.

Councilman Santamaria asked that this item be continued.

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Councilman Pelletier

- **Natick Ave. Bridge project status report**

Ms. Schutt stated that we are on target for January 1st approval from DEM for design work.

- **Hope Rd. and Burlingame Project**

Ms. Schutt stated that this project is all being done through refunding. If this is stretched out to Phenix, we could be jeopardizing our refunding.

- **First Annual BASICS Walk**

Councilman Pelletier announced that on October 1st from 5:00 PM to 9:00 PM, the First Annual BASICS Walk to support after school Music Program will be held.

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 – October 12, 2010

- 9-10-1 Ordinance in amendment of Title 10, Ch. 32 of the Code of the City of Cranston, 2005, entitled “Motor Veh. & Traffic” (Cutting Ave. and Cranston St.).
- 9-10-2 Ordinance in amendment of Title 10, Ch. 32 of the Code of the City of Cranston, 2005, entitled “Motor Veh. & Traffic” (Belmont Rd. and Briarcliffe Rd.).
- 9-10-3 Ordinance in amendment of Title 10, Ch. 32 of the Code of the City of Cranston, 2005, entitled “Motor Veh. & Traffic” (Wollaston St. and Reservoir Ave.).
- 9-10-4 Ordinance in amendment of Title 10, Ch. 12 of the Code of the City of Cranston, 2005, entitled “Motor Veh. & Traffic” (Justin Way).
- 9-10-5 Ordinance in amendment of Title 10, Ch. 32 of the Code of the City of Cranston, 2005, entitled “Motor Veh. & Traffic” (Garden Hills Parkway and Garden Hills Dr.).

Finance Committee – October 14, 2010

Resolution loan order authorizing the issuance of refunding certificates of participation of the City of Cranston.

- 9-10-6 Ordinance authorizing the City to utilize Eastern Cranston Recreation Impact Fees for the removal of an abandoned storage tank in preparation for anticipated landscape improvements.
- 9-10-7 Ordinance in amendment of Title 3 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (Tax Relief for Federal Disasters).

Ordinance Committee – October 14, 2010

- 9-10-8 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-Phenix Ave. and Country Lane).
- 9-10-9 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-Chapel View Blvd.).

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City Planning Commission – October 5, 2010

- 9-10-8 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-Phenix Ave. and Country Lane).
9-10-9 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-Chapel View Blvd.).

Claims Committee

- *Personal injury claim of Rossella Migliaccio from incident on August 17, 2010.
- *Personal injury claim of Paul Ruggiero from incident on July 18, 2010
- *Property damage claim of Carolyn Pettella from incident on August 29, 2010.
- *Property damage claim of Lisa Iafrate from incident on August 3, 2010.
- *Property damage claim of Sandra D. Turner from incident on September 25, 2010.

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Councilman Navarro, 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, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council President Lanni -8. Council Vice-President Livingston was not present for roll call vote.

XII. MISCELLANEOUS BUSINESS ON CLERK’S DESK

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

Ms. Schutt stated that she spoke to Paul Valetta, President of Local 1363, and there is an issue which she will address and the executed copy should be filed in the Clerk’s Office by the next Council meeting.

IBPO Local 301 CBA for FY 2008-2009 and 2009 and 2009-2012 (Awaiting Executed copy)

Executed copy received.

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XIII. PUBLIC HEARINGS

Raymond D’Orsi, 88 Fordson Ave., appeared to speak and stated that he has been trying to contact his Councilman, Councilman Navarro, numerous times and he has not received any responses from Councilman Navarro. Council President Lanni asked Mr. D’Orsi to address his issues to Councilman Navarro at the end of the meeting.

Richard Martin, 72 Fletcher Ave., appeared to speak regarding the Fletcher Ave. flooding problems. He stated that a resolution to the problem is needed and questioned when the residents can get a resolution and how much is it going to take. He indicated that the problem has been studied by the Army Corps of Engineers. These residents are paying the same amount of taxes that everyone else in the City is paying, yet their property is not evaluated fairly.

The meeting adjourned at 10:50 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).