

REGULAR MEETING – CITY COUNCIL

-SEPTEMBER 28, 2009-

Regular meeting of the City Council was held on Monday, September 28, 2009 in the Council Chambers, City Hall, 869 Park Ave., Cranston, Rhode Island.

The meeting was called to order at 7:00 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 and Council President Lanni -9.

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

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

Council President Lanni stated that the Special Public Works Committee meeting scheduled for October 1, 2009 is cancelled until further notice.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

None.

II. PUBLIC HEARINGS

Robin Coia, 4 Franconia Dr., appeared to speak in favor of proposed Ordinance 8-09-10. She stated that she realizes the City is in a financial crisis and she would be willing to assist the City in putting a plan together in terms of fundraising and putting this together.

Dan Beardsley, 130 Lyndon Rd., Executive Director of RI Leagues of Cities and Towns, appeared to speak in favor of “Resolution Opposing Binding Arbitration for Teachers Contracts”.

Council President Lanni asked if anyone objects to open the sealed bids, which are listed under “Executive Communications”. No one objected.

VII. EXECUTIVE COMMUNICATIONS

Opening of Sealed Bids for:

- Sale of 1090 Cranston St. property
- Sale of 1081 Pontiac Ave. property
- Sale of Melody Lane (Plat 16, Lots 1332 & 1335) property
- Sale of Farmington Ave. (Plat 7, Lots 244, 212, 202, 245 & 3790) property

Mr. Marchesi appeared to speak and stated that sale of the above properties were advertised in the Providence Journal on August 27, 2009 and September 9, 2009. Mr. Marchesi opened the above bids and read them into the record:

- 1090 Cranston St. property

Two bids were received, one from Comprehensive Community Action Group for \$630,000 with no deviation, 60 day delivery; the other bid was from Saletin Real Estate Group for \$510,000, with letter of intent with deviation.

- 1081 Pontiac Ave. property

TGE Ventures LLC for \$51,125 subject to clear title including condition that approved for use as daycare; Michael Valelli for \$50,000 with no deviation; Tower Construction for \$85,000 with no deviation, delivery 30 - 90 days.

- Melody Lane

Northeast Properties for Lot 1332 \$10,000 with no deviation, and Lot 1335 \$20,000.00 with no deviation; Tower Construction for Lot 1332 for \$40,000 with no deviation and Lot 1335 for \$50,000 with no deviation; Omega Financial Corp. for \$45,000 with deviation for Lot 1332 and \$50,000 for Lot 1335 with deviation; A. Jeffrey Bucci & Robert A. Bucci \$20,000 for Lot 1332 and \$20,000 for Lot 1335.

- Farmington Ave. (Plat 7, Lots 202, 212, 245 and 3790)

Northeast Properties for \$10 for Lot 202, \$10 for Lot 212, \$10 for Lot 244, \$3,000 for Lot 245 and \$2,000 for Lot 3790.

Council President Lanni stated that these bids will be referred to the Finance Committee.

Mr. Marchesi stated that he will forward copies of all the bids to the Council members.

Presentation By "Smart Bus"

Al Cardi, President and General Manager of Smart Bus, appeared to give a presentation and presented a brochure. He stressed that this program is at no cost to the City.

Councilman Lupino questioned if vehicles passing school buses could be enforced through videography.

Councilman Lupino asked how this company gets paid, if this is at no cost to the City. Mr. Cardi stated that his company only gets paid a percentage of the fine, if a violator pays the fine.

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III. DOCKETED RESOLUTIONS

“RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONSENT AGREEMENT WITH THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT”

Ms. Schutt appeared to speak.

On motion by Councilman Aceto, seconded by Councilman Santamaria, 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 RATIFYING THE ACTION FOR AUTHORIZING THE PURCHASING AGENT TO ENTER INTO A SHORT TERM LEASE AGREEMENT FOR THE FORMER POLICE STATION PROPERTY (Mistaken Identity Film, LLC – September, 2009)”

Ms. Schutt appeared to speak.

On motion by Council Vice-President Livingston, 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 OPPOSING BINDING ARBITRATION FOR TEACHERS CONTRACTS”

Mayor Fung appeared to speak.

On motion by Council Vice-President Livingston, seconded by Councilman Aceto, the above Resolution was adopted on a vote of 7-2. The following being recorded as voting “aye”: Councilmen Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -7. The following being recorded as voting “nay”: Councilmen Lupino and Navarro -2.

IV. REPORT OF COMMITTEES

COMMITTEE ON ORDINANCE (Anthony J. Lupino, Chair)

8-09-7 “ORDINANCE AUTHORIZING THE PURCHASING AGENT TO LEASE THE BUILDING AT 25 BRAYTON AVE., CRANSTON, RI (Hope Alzheimer’s Center)”

On motion by Councilman Aceto, seconded by Councilman Pelletier, the above Ordinance 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.

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

On motion by Councilman Aceto, seconded by Councilman Pelletier, the above Ordinance was referred back to the Ordinance Committee at the request of the sponsor 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.

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

On motion by Councilman Aceto, seconded by Councilman Pelletier, the above Ordinance was referred back to the Ordinance Committee at the request of the sponsor 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.

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

“RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS”

On motion by Councilman Navarro, seconded by Councilman Lupino, 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 Councilman Archetto, 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 Council Vice-President Livingston, seconded by Councilman Aceto, it was voted to approve the list of Tax Interest Waiver approvals, as recommended by the City Treasurer. Motion passed on a vote of 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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“APPROVAL OF ADVICE AND CONSENT OF MAYOR’S APPOINTMENT OF RICHARD A. BERNARDO AS DIRECTOR OF PUBLIC WORKS”

On motion by Councilman Aceto, seconded by Councilman Pelletier, it was voted to approve the Mayor’s Advice and Consent of the appointment of Richard A. Bernardo as Director of Public Works. 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.

“APPROVAL OF ADVICE AND CONSENT OF MAYOR’S APPOINTMENT OF JOHN SCHAFFRAN AS MAJOR OF THE POLICE DEPARTMENT”

On motion by Councilman Lupino, seconded by Councilman Pelletier, it was voted to approve the Mayor’s Advice and Consent of the appointment of John Schaffran as Major of the Police Department. 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.

**PUBLIC WORKS COMMITTEE
(Mario Aceto, Chair)**

5-09-13S “ORDINANCE IN AMENDMENT OF CHAPTER 13.08 OF TITLE 13 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘PUBLIC SERVICES-SEWER SERVICE SYSTEM’

On motion by Councilman Lupino, seconded by Councilman Archetto, the above Ordinance 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.

8-09-10 “ORDINANCE IN AMENDMENT OF CHAPTER 12.30 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘PARKS AND RECREATIONAL FACILITIES’ (Dog Park)”

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

Under Discussion:

Council Vice-President Livingston stated that his main concern is the liability issue. He questioned Solicitor if there is any liability issue. Mr. Quinlan stated that he has not researched this in any depth, but if anyone is injured in the park, the City would be liable because it is City property. Solicitor Rawlson stated that page three of the Ordinance addresses liability issue. Signage would also speak to that. Council Vice-President Livingston stated that the indemnification clause may work if the person has insurance and owns something, but if the person does not own anything or has no insurance, then this indemnification clause would mean nothing.

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Councilman Archetto questioned why there is no fiscal note attached to the Ordinance. Ms. Schutt stated that at this point, there is no fiscal note because this is just enabling legislation depending on availability of land. At this point, we would be looking at one park at first and then creating another one.

Council Member Bergin-Andrews stated that her concern is the cost. She would like to know what the projected costs are and what exactly the location being considered is.

Councilman Navarro stated that he is concerned about the liability issue. He would like to know where this park will be located.

Council Vice-President Livingston stated that he would like to see the liability issue answered and potential areas be identified and whether it is going to cost the City any money and also who is going to man this park. If this is not going to be paid by City funds, this Ordinance should state that. He asked that this Ordinance be continued until those answers are provided.

Anthony Liberatore, Director of Parks and Recreation, appeared to speak and stated that he feels this Ordinance is a good Ordinance for the City. He indicated that he worked with Councilman Lupino on this Ordinance and what they are trying to do is to get authorization to have dog parks in the City. There are various locations in the City that he would be willing to talk to different Council members about.

On motion by Councilman Santamaria, seconded by Council Vice-President Livingston, it was voted to continue this Ordinance for one month for legal opinion on liability issue. Council President Lanni stated that, per the Council Legal Counsel, you can either withdraw the motion to approve or vote in favor or to oppose this Ordinance.

Roll call was taken on motion to approve this Ordinance and motion failed on a vote of 3-6. The following being recorded as voting "aye": Councilmen Lupino, Aceto and Pelletier -3. The following being recorded as voting "nay": Councilmen Navarro, Archetto, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -6.

SAFETY SERVICES & LICENSES COMMITTEE (Richard D. Santamaria, Jr., Chair)

"CLASS B VICTUALLING ALCOHOLIC BEVERAGE LICENSE – CHIPOTLE MEXICAN GRILL, 83 HILLSIDE RD."

On motion by Councilman Santamaria, seconded by Councilman Pelletier, it was voted to approve this license application. 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.

8-09-5 "ORDINANCE IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED 'MOTOR VEHICLES AND TRAFFIC' (No Parking After 5:00 P.M. – Park Ave.)"

On motion by Councilman Santamaria, seconded by Councilman Pelletier, the above Ordinance 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.

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8-09-6 “ORDINANCE IN AMENDMENT OF TITLE 10, CHAPTER 32 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ (Cutting Ave. and Cranston St.)”

On motion by Councilman Pelletier, seconded by Councilman Archetto, the above Ordinance 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.

COMMITTEE ON CLAIMS (Michelle Bergin-Andrews, Chair)

Ratification of settled claims for: Robin A. Dionne \$55.53; Elizabeth Vidal \$2,989.68; GEICO for Brenda McGetrick \$525.28; Jacqueline, William & Jae Pezzullo \$775.00; Patricia Walsh \$77.46; Arlene Bernstein \$62.95; Cole Wright \$300.00.

On motion by Councilwoman Bergin-Andrews, seconded by Councilman Pelletier, it was voted to approve the above-listed claims. Motion passed on a vote of 8-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council President Lanni -8. Councilman Livingston abstained.

V. ELECTION OF CITY OFFICIALS

“PUBLIC LIBRARY BOARD OF TRUSTEES”

Roberta Costa, Re-appointment Term ending July 24, 2012

On motion by Councilman Archetto, seconded by Council Member Bergin-Andrews, it was voted to approve the re-appointment of **Roberta Costa** as a member of the **Public Library Board of Trustees**. 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.

VI. REPORT OF CITY OFFICERS

None.

VII. EXECUTIVE COMMUNICATIONS

“REQUEST TO BE PLACED ON PENSION LT. ANTHONY J. SASSI, JR., CRANSTON FIRE DEPARTMENT”

Ms. Schutt appeared to speak.

On motion by Councilman Aceto, seconded by Councilman Archetto, it was voted to approve the above request. 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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“REPORT ON HIRING OF SPECIAL COUNSEL, CONSULTANTS, ETC. PURSUANT TO CHARTER SECTION 15.05”

Ms. Schutt presented month report for the Police Department and stated that the report for the Fire Department for this month will be presented with next month’s report.

Mr. Cordy stated that Constellation Energy has completed their paper audit of the City’s energy consumption and is scheduled to being site visits to selected buildings the week of October 5, 2009.

“OPENING OF SEALED BIDS FOR:

- **Sale of 1090 Cranston St. property**
- **Sale of 1081 Pontiac Ave. property**
- **Sale of Melody Lane (Plat 16, Lots 1332 & 1335) property**
- **Sale of Farmington Ave. (Plat 7, Lots 244, 212, 202, 245 & 3790) property**

This was discussed at the beginning of the meeting.

VIII. COUNCIL PRESIDENT COMMUNICATIONS

Council President Lanni thanked everyone for all their get-well cards, fruit baskets and expressing their concerns for his good health and it was very much appreciated.

IX. COUNCIL MEMBER COMMUNICATIONS

Council Vice-President Livingston

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

No discussion took place.

Council Vice-President Livingston asked what the City is doing about the seniors in regards to “no bins no pickup” program being implemented. Ms. Schutt stated that the City is working with RI Resource Recovery and the Director of Senior Services on putting wheels on bins so it will make it easier for the seniors to take their bins in and out. The seniors can call Carlos Lopez in the Mayor’s Office or John DeMaula in the Public Works Department regarding this. She also stated that there is grant money that we could use for this.

Councilman Aceto

Natick Ave. Engineering Study Follow-Up Report

Ms. Schutt appeared to give update.

Councilman Aceto asked that for next month or two, the Administration provide the Council with a report on the possibility of locations for dog park, what the legal ramifications are as to liability and funding mechanisms and any other requests or concerns stated by the Council this evening.

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Councilman Santamaria

Comprehensive Plan Update

No discussion was held. Councilman Santamaria asked that this item be removed from the docket, since there was a special hearing held regarding this issue.

Councilman Navarro

Status report on Camera exchange with Veolia Water

Ms. Schutt stated that we have a brand new version of the camera that was originally ours that Veolia purchased for us. The camera is going to have to be retrofitted on the truck.

Councilman Lupino

School Performance Audit

Councilman Lupino asked why the Council has not been apprised of this. He asked that this item be continued.

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 5, 2009

- 9-09-1 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Chester and Urbana).
- 9-09-2 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Holland and Curry).

Public Works Committee – October 15, 2009

- 9-09-3 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Cranston Tree Ordinance).

Claims Committee

- *Michael McDonald
- *Cranston Collision Center
- *Ann Marie Dunbar
- *David Horowitz
- *Alana Kilby
- *Cristina Figueredo

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Council Vice-President Livingston, seconded by Councilman Aceto, 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 Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

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XII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

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

City Clerk indicated that signed contract has yet to be filed with the Clerk's Office.

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

City Clerk indicated that signed executed copy has yet to be filed with the Clerk's Office.

XIII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Diana Gordon appeared to speak in favor of "Ordinance authorizing the Purchasing Agent to lease the building at 25 Brayton Ave. (Hope Alzheimer's Center)".

Marie Sweet, Chair of Conservation Commission, appeared to speak regarding proposed "Ordinance 9-09-3 in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled 'Administration and Personnel' (Cranston Tree Ordinance) and presented a packet to the City Clerk to be provided to the Council along with the Ordinance.

The meeting adjourned at 9:30 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).