

REGULAR MEETING – CITY COUNCIL

-JUNE 28, 2004-

Regular meeting of the City Council of the City of Cranston was held on Monday, June 28, 2004.

The meeting was called to order at 7:00 P.M. by the Council President.

Roll Call showed the following members present: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

Councilman Jackvony appeared at 7:40 P.M.

Also Present: Mayor Stephen Laffey; Paul Grimes, Director of Administration; Jametta Alston, City Solicitor; Jerome Baron, Director of Finance; Mike Igoe, City Controller; Pat Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

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

Council Member Fogarty stated that Councilman Jackvony will be late.

Council President Pastore recognized former Council President Joseph DeLorenzo in the audience.

Council President stated that Congressman Langevin is present this evening with an Award from the White House and would like to have him present at this time.

WHITE HOUSE “PRESERVE AMERICA” AWARD PRESENTED BY CONGRESSMAN JAMES LANGEVIN

Council President Pastore welcomed Congressman James Langevin, who brought greetings from the White House recognizing Cranston for its preservation efforts. Congressman Langevin presented an award from the White House to Cranston for its preservation efforts and participation in the “Preserve America” program. He stated that Cranston is one of only 22 communities in the Nation being recognized for their participation in the program. Cranston’s Historic areas are listed in the National Register of Historic Places and thanked the City and the Council for all their work.

Council President Pastore thanked Mr. Langevin and stated that it is an honor to have him and the White House recognize Cranston’s efforts in preserving its treasures. Council President also thanked those members who spearheaded zone changes that permitted the project to go forward.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

No Business.

II. INTRODUCTION OF UNDOCKETED RESOLUTIONS

No Business.

II. EXECUTIVE COMMUNICATIONS

“RECOGNITION OF CRANSTON ASSISTANT FIRE CHIEF JAMES GUMBLY.”

Mayor Laffey recognized Assistant Chief Gumbly. Council unanimously approved.

“CONGRAGULATORY CITATIONS IN RECOGNITION OF GERARD SCOTTI, FLEET MAINTENANCE AND SCOTT BONELLI.”

Mayor Laffey presented Citations to the above individuals. Council unanimously approved.

“CRANSTON POLICE CITIZENS AWARD; AND JEFFREY JOHANSEN – CRANSTON POLICE CITIZENS AWARD.”

Mayor Laffey presented citation to Mr. Johansen. Council unanimously approved.

“CRANSTON FIRE DEPARTMENT – REQUEST TO BE PLACED ON PENSION CAPTAIN STEPHEN L. NICHOLS.”

On motion by Councilman Fung, seconded by Council Member Fogarty, it was voted to approve this request. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

“CRANSTON FIRE DEPARTMENT – REQUEST TO BE PLACED ON OCCUPATIONAL DISABILITY PENSION STEPHEN NYZIO.”

On motion by Councilwoman McFarland, seconded by Councilman Lanni, it was voted to approve this request. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

“ADVISE AND CONSENT OF RE-APPOINTMENT OF ROBERT SULLIVAN, CRANSTON CONSERVATION COMMISSION.”

On motion by Councilman Fung, seconded by Councilman McDonough, it was voted to approve the advise and consent of the re-appointment of ROBERT SULLIVAN to the Cranston Conservation Commission. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8.

“OCEAN STATE ORCHESTRA LEASE AGREEMENT”

Mr. Grimes stated that this has not yet been finalized and would like to continue this until next month. He also stated that the City is still awaiting input from the Ocean State Orchestra. Council President Pastore asked Mr. Grimes that any changes be highlighted for the Council.

IV. COUNCIL PRESIDENT COMMUNICATIONS

- A letter was received from the Auditor General making some recommendations regarding the bonds, and subsequent to that, he has received a letter from Partridge, Snow & Hahn, copies of which were distributed to the members of the Council.

- Correspondence was received from the Historic District Commission, copies of which were distributed to the members of the Council.
- The City has executed an agreement with UBS Warberg and investment policy will be drafted before any investments are made. Council President Pastore asked that all Council members receive a copy of the executed agreement.
- Council President Pastore asked that the City Clerk place an ad to advertise for the Sealer of Weights and Measures position and once applications are received, Council will review to interview for this position.
- Council President Pastore asked Mr. Quinlan to address the issue as to the position of Solicitor and status as to the residency requirement. Mr. Quinlan stated that he received a packet from the City Clerk today and he will work with Mr. Kirshenbaum and a request to the Court will be prepared. Council President Pastore suggested to Mr. Quinlan to look at clarifying Section 6.16 of the Charter, which is also a misprint and this also be placed in front of the Judge at the same time.

“City Financials”

Mr. Igoe gave the following report on the City’s financials:

- Through end of May the City collected \$193,885,601, \$196 million was budgeted. Mr. Igoe noted that the State has not paid the City yet on the sewer money for the institutions. Mr. Schiappa is negotiating with the State on the agreement of how they are supposed to be billed. This could be a problem in the Sewer Fund. Councilman Lanni asked when the last time was that the State paid the City. Mr. Igoe stated that the City has projected that they owe the City \$1,859,884. Councilwoman McFarland suggested that the City Solicitor send a letter to the State stating to them that if they do not make a payment, interest will be charged just like all the other taxpayers in the City who do not pay their taxes. Council President Pastore stated that this should be predicated on counsel determining whether the City has the right to levy a late charge on the State.

“Rainy Day Fund Analysis”

Councilman Jackvony questioned the Insurance Risk Fund increases. Mr. Woerner stated that what he found was that there were certain expenditures that were not being approved by the Insurance Risk Commission, but he will meet with Anna Marino, Claims Examiner to review this.

V. COUNCIL MEMBER COMMUNICATIONS

None.

VI. PUBLIC HEARINGS

None.

VII. UNDOCKETED RESOLUTIONS

No business.

VIII. DOCKETED RESOLUTIONS

“RESOLUTION FEASIBILITY STUDY FOR THE CONSOLIDATION OF CITY AND SCHOOL PERSONNEL DEPARTMENTS”.

Council President stated that he will defer discussion and vote on this Resolution until Councilman Jackvony arrives.

“RESOLUTION REQUESTING REPRESENTATION OF CRANSTON RESIDENTS TO SERVE ON THE PROVIDENCE WATER SUPPLY BOARD AND KENT COUNTY WATER AUTHORITY.”

On motion by Councilman McDonough, seconded by Councilman Fung, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8. Councilman Jackvony was not present for vote.

“RESOLUTION TO ADOPT EMTC REVOLVING LOAN FUND POLICY AND PROCEDURES.”

Ms. Schutt appeared to speak and stated that this Resolution is due to a request by the Council a few months ago. Council President Pastore suggested that this Resolution be revisited by January of next year and have to year review. Councilman Fung stated that there was a sunset provision placed in the Ordinance addressing this. Council President Pastore stated that this should be reviewed by the Council in January, 2005 and every two years after that.

On motion by Councilman McDonough, seconded by Councilman Fung, it was voted to amend the above Resolution as follows: in the Policy and Procedures, amend to add “revisited January, 2005”. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8. Councilman Jackvony was not present for vote.

On motion by Councilman McDonough, seconded by Councilman Fung, the above Resolution was adopted as amended on a vote of 8-0. The following being recorded as voting “aye”: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8. Councilman Jackvony was not present for vote.

**IX. REPORT OF COMMITTEES
COMMITTEE ON ORDINANCE**

5-04-1 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’, ‘NO PARKING ON CERTAIN STREETS-GENERALLY’ BY ADDING MAIN ST., PORTION OF.”

On motion by Councilman McDonough, seconded by Councilman Fung, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8. Councilman Jackvony was not present for vote.

5-04-2 “ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ , ‘SAME-ENUMERATED’ BY ADDING ACROSS WILBUR AVE., PORTION OF.”

On motion by Councilwoman McDonough, seconded by Councilman Ferolito, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8. Councilman Jackvony was not present for vote.

5-04-4 “ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2003 AND ENDING JUNE 30, 2004. (HIGHWAY MAINTENANCE).”

On motion by Councilman McDonough, seconded by Councilman Ferolito, the above Ordinance was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8. Councilman Jackvony was not present for vote.

5-04-5 “ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2003 AND ENDING JUNE 30, 2004 (TRANSFER OF DEFERRED REVENUE TO CRANSTON SCHOOL DEPARTMENT – SCHOOL DEPARTMENT 04 DEFICIT).”

On motion by Councilman McDonough, seconded by Councilman Fung, the above Ordinance was adopted as amended in Committee on a vote of 8-0. The following being recorded as voting “aye”: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8. Councilman Jackvony was not present for vote.

COMMITTEE ON FINANCE

“RESOLUTION AUTHORIZING TAX ABATEMENTS – RECOMMENDED BY CITY ASSESSOR (REAL ESTATE/TANGIBLE ABATEMENTS).”

On motion by Councilwoman O’Hara, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8. Councilman Jackvony was not present for vote.

“RESOLUTION AUTHORIZING TAX ABATEMENTS – RECOMMENDED BY CITY ASSESSOR (MOTOR VEHICLE ABATEMENTS).”

On motion by Councilwoman O’Hara, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8. Councilman Jackvony was not present for vote.

“RESOLUTION AUTHORIZING TAX ABATEMENTS – RECOMMENDED BY CITY ASSESSOR (SUPPLEMENTAL REAL ESTATE ABATEMENTS).”

On motion by Councilwoman O’Hara, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 8-0. The following being recorded as voting “aye”: Councilman Fung, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –8. Councilman Jackvony was not present for vote.

X. ELECTION OF CITY OFFICIALS

On motion by Councilwoman O'Hara, seconded by Councilman McDonough, it was voted to appoint **NORMAN PROULX** as a member of the *Coast Resources Management Council Sub-Committee*. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilwoman O'Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –7. Councilman Fung abstained and Councilman Jackvony was not present for vote.

XI. REPORT OF CITY OFFICERS

No Business.

XIA. OLD BUSINESS

10-03-1 "ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED 'ADMINISTRATION' (APPROVAL OF APPROPRIATIONS). (TABLED 1/26/2004, 2/23/2004, 3/22/2004; Referred to Cranston Financial Review Board; 4/26/2004 and 5/24/2004)."

No action.

4-04-5 "ORDINANCE AMENDING THE BUDGET FOR TH FISCAL YEAR COMMENCING JULY 1, 2003 AND ENDING JUNE 30, 2004 (LAW DEPT.) DENIAL RECOMMENDATION BY ORDINANCE COMMITTEE 5/13/2004; TABLED BY CITY COUNCIL 5/24/2004".

On motion by Councilman Fung, seconded by Councilman Ferolito, it was voted to remove this Ordinance from the table. Motion failed on a vote of 2-6. The following being recorded as voting "aye": Councilmen Fung and Ferolito –2. The following being recorded as voting "nay": Councilwoman O'Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Lanni, McDonough and Council President Pastore –6.

XII. NEW BUSINESS

On motion by Councilwoman McFarland, seconded by Councilman Ferolito, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, July 15, 2004 at 7 PM pursuant to Sec. 3.12 of the Charter. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Councilwoman O'Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Lanni, McDonough and Council President Pastore –8.

- 6-04-1 Ordinance in amendment of Chapter 2 of the Code of the City of Cranston, 1970, entitled "Administration" (Establishing a Budget Stabilization Fund). FINANCE COMMITTEE 7/15/2004 and ORDINANCE COMMITTEE 7/15/2004.
- 6-04-2 Ordinance in amendment of Chapter 2 of the Code of the City of Cranston, 1970, entitled "Administration" (Establishing a Health Care Budget Stabilization Fund). FINANCE COMMITTEE 7/15/2004 and ORDINANCE COMMITTEE 7/15/2004.
- 6-04-3 Ordinance in amendment of Chapter 2 of the Code of the City of Cranston, 1970, entitled "Administration" (Weights and Measures). ORDINANCE COMMITTEE 7/15/2004.
- 6-04-4 Ordinance amending the Budget for the fiscal year commencing July 1, 2003 and ending June 30, 2004 (Pension Fund). FINANCE COMMITTEE 7/15/2004 and ORDINANCE COMMITTEE 7/15/2004.
- 6-04-5 Ordinance transferring appropriations and amending the Budget for the fiscal year commencing July 1, 2003 and ending June 30, 2004 (4th Quarter Transfers). FINANCE COMMITTEE 7/15/2004 and ORDINANCE COMMITTEE 7/15/2004.

- 6-04-6 Ordinance amending the Budget for the fiscal year commencing July 1, 2003 and ending June 30, 2004 (Records and Rescue). FINANCE COMMITTEE 7/15/2004 and ORDINANCE COMMITTEE 7/15/2004.
- 6-04-7 Ordinance authorizing the Purchasing Agent to lease City land and to facilitate improvements to said parcel located off Pontiac Ave. (Krispy Kreme Lease). FINANCE COMMITTEE 7/15/2004 and ORDINANCE COMMITTEE 7/15/2004.

XIII. DOCKETED RESOLUTIONS (Cont.)

“RESOLUTION FEASIBILITY STUDY FOR THE CONSOLIDATION OF CITY AND SCHOOL PERSONNEL DEPARTMENTS”.

Councilman Fung questioned whether a member of the City and School Personnel Departments would be part of this Committee. Councilman Jackvony stated that the members of the Personnel Departments could be part of the process, but the overall decision should be from members outside those departments. They will be non voting members on the Committee.

On motion by Councilman Jackvony, seconded by Councilwoman O’Hara, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

Council President Pastore appointed the following members as his appointments: Councilman Jackvony and Council Member Fogarty, and will have the City Clerk advise of other appointment.

On motion by Councilman Jackvony, seconded by Councilman McDonough, it was voted to re-appoint **STEVEN CROSBY** to the *Board of Contract and Purchase*. Motion passed on a vote of 9-0. The following being recorded a voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

XIII. MISCELLANEOUS BUSINESS ON CLERK’S DESK

No Business.

XIV. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Valerie Chiulli appeared to speak and stated that her son plays street hockey at the Dyer Avenue site and addressed the article in the newspaper last week stating that the City would close the site because of non-payment of taxes. Council President Pastore stated that his recollection is that this property is owned by the City and the lease for 25 years was predicated on the league maintaining this property. Ms. Alston stated that this property was deeded to Cranston Street Hockey as long as it remained to be used for street hockey. It is their land and they maintain it.

Aram Garabedian, 173 Belvedere Dr., appeared to speak and stated that one thing lacking in the City is collective bargaining process. State law clearly states that the Corporate authority is the City Council, and the Council should be more involved. He recommends that this Council establish by Ordinance a Negotiating Committee of both the Executive and Legislative Branch. Council President Pastore asked that Mr. Quinlan research Mr. Garabedian’s recommendation and report back to the Council.

Albert Benetti, 24 Concord Ave., appeared to speak and stated that in 1997, he served on the Charter Review Commission and the issue of forming a Negotiating Committee and having members of the Council being involved in contract negotiations was discussed, but not one Council member appeared before the Charter Review Commission to express interest in being part of the Negotiating Committee. If this Council would like to be involved in the negotiating process, then legislation should be implemented for this.

Council President Pastore stated that there is a need to review things periodically. The decision by council members not to get involved was so that the process would be independent.

John DeGenova, Phenix Ave., appeared to speak regarding a letter that was sent to the taxpayers with the tax bills by the Mayor stating on a portion of the letter \$31 million and on the bottom of the letter \$21 million as the Fire Department Budget. This shows that the Fire Department Budget is \$52 million, which is misleading and this should be clarified. There has been a story in the news that there is going to be an effort from the Mayor or his people to prevent people from voting in the primary and if this is the case, the City will be in Court once again, which will cost more money from the taxpayers. Council President Pastore stated that he will ask Mr. Quinlan to look into this. Ms. Alston stated that the reporter misspoke, the City would be in Court in the defense of the Board of Canvasser's decision, if needed.

Council President Pastore reminded the Council members that the terms for the Probate Judge Advisory Committee members have expired and asked them to think about this.

The meeting adjourned at 8:25 P.M.

Maria Medeiros Wall
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).