

REGULAR MEETING – CITY COUNCIL

-FEBRUARY 22, 2010-

Regular meeting of the City Council was held on Monday, February 22, 2010 in the Council Chambers, City Hall, 869 Park Ave., 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 Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

Also Present: Gerald Cordy, Deputy Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Robert Strom, Director of Finance; Patrick Quinlan, City Council Legal Counsel.

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

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

Council President Lanni welcomed to the meeting President of Warwick City Council, Bruce Place.

II. PUBLIC HEARINGS

Diana Gordon, 363 Pontiac Ave., appeared to speak regarding “Resolution in Support of Reducing Diesel Pollution”. She stated that she is in favor of diesel emission, but she is not in favor of the fact that private businesses get perks.

-FEBRUARY 22, 2010-

III. DOCKETED RESOLUTIONS

“RESOLUTION IN SUPPORT OF THE RHODE ISLAND NATIONAL GUARD LIVING MEMORIAL AND ALLOCATING \$500 FOR THE PURCHASE OF A PAVER BRICK”

On motion by Councilman Pelletier, seconded by Councilman Santamaria, it was voted to adopt the above Resolution.

Under Discussion:

Councilman Lupino asked where the funds will be coming from to pay for the brick. Councilman Aceto stated that the funds will come from the Council “Other Accounts” funds.

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.

“RESOLUTION REQUESTING A TRAFFIC LIGHT BE INSTALLED AT INTERSECTION OF CRANSTON ST. AND NIANTIC AVE.”

On motion by Councilman Archetto, seconded by Councilman Navarro, 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 ESTABLISHING GUIDELINES FOR TOW TRUCK COMPANIES DOING BUSINESS WITH THE CITY OF CRANSTON”

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

Under Discussion:

Councilman Pelletier stated that he does not see how we could demand \$1 million insurance and also require them to have a flatbed truck and a wheel lift.

Councilman Santamaria questioned the legality requiring the tow companies to have primary business in the City of Cranston. Mr. Quinlan stated that this is a Resolution asking that an Ordinance be drafted with these requirements.

Councilman Lupino addressed the statement made by Councilman Pelletier requiring company to have two vehicles. This is in the best interest of the tow company to have the two vehicles, the flatbed and wheel lift, because it depends on the type of vehicle to be towed.

Council Vice-President Livingston indicated that this is only a Resolution requesting that an Ordinance be drafted. When it comes time to discuss the Ordinance, the legality issue can be addressed at that time.

Mr. Cordy stated that the Administration supports this Resolution.

Roll call was taken 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.

-FEBRUARY 22, 2010-

“RESOLUTION IN SUPPORT OF REDUCING DIESEL POLLUTION”

On motion by Council Vice-President Livingston, seconded by Councilman Navarro, the above Resolution was continued for one month. 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.

“RESOLUTION TO THE GENERAL ASSEMBLY TO ENACE LEGISLATION FOR BICYCLISTS’ SAFETY”

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

Under Discussion:

Councilman Archetto stated that his concern is the penalties for first offenders is too stringent.

Councilman Lupino stated that this is only a Resolution. The General Assembly is the one who set the parameters.

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.

Harbor Management Plan Update

Peter LaPolla, City Planner, appeared to speak and presented a handout of revised changes to the Plan. He stated that the first two sets of changes are required by DEM.

Kevin Cute of CRMC appeared to speak regarding the status of approval process from CRMC of the Harbor Management Plan. He stated that at this point in time, all he is waiting for is final word from DEM that they have seen the changes made by Mr. LaPolla and they are fine with it. As soon as he receives response back from DEM, he will bring this forward to CRMC with his staff report recommending it for a formal five-year approval. He thanked Mr. LaPolla for a great job done on this Plan.

Council Vice-President Livingston asked that this item be continued to next months meeting to be discussed under “Council Member Communications”.

Notice of Freshwater Wetlands permit for 100 Sockanosset, LLC, Davol Property, owned by Carpionato

Mr. Cordy stated that although this item is not listed on the Docket, the Administration feels it is important to inform the Council of its urgency. The City has received communication from DEM requesting City comments regarding parking extension behind the Davol building. The City needs to respond to this request in an expedient fashion.

City Clerk stated that a copy of DEM's letter and map of the property involved, was included in the Council's packet this evening for informational purposes.

Mr. LaPolla stated that this involves land that is behind the Davol building and the owner is proposing to take a portion of unused land and create a parking lot. This is an area where the City Council and the State had a problem with a graveyard last year. Under State Law, the City Council has 45 days to respond and to formally object to the issuance of a permit. By the time the Council meets again, the 45 days will have lapsed. The Planning Department, on behalf of the City, plans to send a letter to state the City's objection to this application and if necessary, will be back before the Council for a formal vote. This is the reason why the Council needs to either vote this evening or possibly schedule a special meeting before the 45 days are up.

Councilman Lupino indicated that the notice is dated February 4th and the Council is being provided with this information eighteen days later.

Discussion took place on whether a vote can be taken this evening, since this item is not listed on the Docket.

Council Vice-President Livingston asked if this is considered an emergency and if a vote can be taken this evening. **Solicitor Kirshenbaum** stated that this does not impede the health, welfare and safety of the citizens, but out of caution, he would object to any vote taken until this can be properly advertised and then discussed.

Councilman Navarro stated that the Council routinely receives these types of notices from DEM and have never voted on them. He asked why a vote is needed on this particular request. Mr. LaPolla stated that it's due to the fact that there is a historical cemetery on the property and the applicant has not complied with our local permitting Ordinance, which is why the Council needs to vote to object to this application proceeding without first complying with our local requirements. Councilman Navarro asked Mr. Quinlan if the Council needs to act in an emergency fashion on this issue. Mr. Quinlan stated that he believes that according to the Charter and the Code, the Council does not have to act in an emergency. He suggested that the Council schedule a special meeting. There is a lot of information the Council needs and this is not listed on the Docket and the Council would be violating Open Meetings Law if a vote is taken this evening.

Council Vice-President Livingston stated that the notice from DEM indicates that other boards, such as the Planning Commission and Zoning Board, need to review this. He asked if they have even reviewed this.

Councilman Aceto suggested that the Administration send a letter to DEM advising them that there is a historical cemetery on this property.

Mr. LaPolla stated that the Planning Department will send a letter stating the City's objection, but he may have to come back to the Council for a formal vote of objection if DEM ignores the letter of objection.

Mr. Quinlan suggested scheduling a hearing on this issue the night of the Committee meetings, on March 11th, and a vote can be taken then, if the Council wishes. This will comply with Open Meetings Law. Solicitor Kirshenbaum agreed with Mr. Quinlan's suggestion. He also suggested that the Council send Carpionato a letter making them aware and reminding them that there is a cemetery on the property and filing this application is in violation of the Ordinance on the books.

-FEBRUARY 22, 2010-

IV. REPORT OF COMMITTEES

COMMITTEE ON FINANCE (Emilio L. Navarro, Chair)

“RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS”

On motion by Councilman Navarro, seconded by Councilman Aceto, the above Resolution was adopted as amended 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 Pelletier, seconded by Council Vice-President Livingston, the above Resolution was adopted as amended 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 Pelletier, 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.

COMMITTEE ON CLAIMS (Michelle Bergin-Andrews, Chair)

RATIFICATION OF SETTLED CLAIMS FOR: Jacqueline, William and Jae Pezzullo \$775.00; Pauline & Joseph Volpi and Attorney Gerrick VanDeusen \$3,000.00; Randy Rubinstein \$50.00; Edward R. Palombo \$50.00; Janet Bowden \$125.10; Diana E. Andreozzi \$50.00; Tracey Adamec \$50.00; Anna Massenzio \$50.00; and Thomas E. Luzier \$50.00

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

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

-FEBRUARY 22, 2010-

V. ELECTION OF CITY OFFICIALS

None.

VI. REPORT OF CITY OFFICERS

None.

VII. EXECUTIVE COMMUNICATIONS

Audit Results

Councilman Aceto asked when the Council will receive a copy of the Audit results. Mr. Cordy stated that this can be provided at the monthly meeting.

Ice Rink Financial Statements

Mr. Strom provided financial report from July, 2009 to January, 2010. He stated that the Ice Rink is moving forward. This is the first time in a few years that the first seven months the Rink is showing a profit.

Councilman Aceto asked Mr. Strom if we have sought to recoup any money from the former management company. Mr. Strom stated that he is working with the Solicitor in sending a letter to the former management company asking that they reimburse the fees of approximately \$160,000.

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

None.

“PROCESS OF ESTABLISHING TOW COMPANY LIST AND WHO OVERSEES IT”

Mr. Cordy stated that this item was addressed earlier in the meeting when the Resolution was discussed.

VIII. COUNCIL PRESIDENT COMMUNICATIONS

Council President Lanni stated that he met with Warwick Council President and discussed ways the Warwick City Council and Cranston City Council could get together in saving money from the Cities. They came up with creating a joint legislative council in basically looking at consolidating purchasing. The makeup of this council will be two members from the Cranston City Council, two members from the Warwick City Council and one member from each Administration.

APPOINTMENTS:

- ***HISTORICAL CEMETERIES COMMISSION:***
DAWN LANCELOTTI

- ***DOG PARK ADVISORY COMMITTEE:***
ROBIN MELFI COIA AND DIANE G. WATERMAN

- ***IT CONSOLIDATION COMMITTEE:***
AL NOTARIANNI
COUNCILMAN PELLETIER
COUNCIL PRESIDENT LANNI

Council President Lanni announced the above appointments.

IX. COUNCIL MEMBER COMMUNICATIONS

Council Vice-President Livingston

Harbor Management Plan - Status Update

This was discussed earlier in the meeting and is continued to next month's meeting.

Councilman Lupino

School Performance Audit

Councilman Lupino stated that a Special City Council meeting from February 11th is continued to Wednesday, February 24th at 5:30 P.M.. He asked that this item be continued to next month's meeting.

City Hall Elevator

Councilman Lupino stated that he noticed coming into this meeting and noticed the elevator is out of service. This puts us in violation of ADA. He asked when it will be repaired. Mr. Cordy stated that there have been problems on and off, but it should be repaired by tomorrow.

Councilman Aceto

Veolia Invoice

Councilman Aceto stated that he received a copy of an invoice from Veolia Water and for the March Finance Committee meeting, he would like details of what these charges mean and what debt service is.

-FEBRUARY 22, 2010-

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:

Finance Committee – March 11, 2010

- 2-10-1 Ordinance authorizing the City to utilize Western Cranston Water Impact Fees for the design and construction of a Salt Barn
- 2-10-2 Ordinance amending Title 3, Chapter 24.020 “Real Property Tax Freeze for Elderly” (Elderly and Disabled Qualifications).
- 2-10-3 Ordinance amending Title 3, Chapter 24.080 “Real Property Tax Freeze for Elderly” (Elderly and Disabled Income Qualifications).

Public Works Committee – March 11, 2010

Petition from National Grid for pole location at Luigi St.

Ordinance Committee – April 15, 2010

2-10-4 Ordinance approving the 2010 Comprehensive Plan for the City of Cranston.

Claims Committee

- *Li Liu Huang for property damage
- *Robert Emmett for property damage
- *Robert W. Hannon for property damage
- *Clara Rivera for personal injury
- *Richard Bolvin for property damage
- *Ronald Thomas for property damage
- *Vanna Nhem for property damage
- *Renee Coccozza for personal injury
- *Priscilla A. Jenison for property damage
- *Suzanne Ortigiesen for property damage
- *Brittney & Joseph Cochran for property damage

*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 8-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

-FEBRUARY 22, 2010-

XII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

None.

XIII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Richard Goff, 17 Colonial Ave., appeared to speak and stated that his basement flooded on October 14, 2008. He shut off the main valve and he had numerous items destroyed. He asked for restitution for a rug and other damaged items. He submitted this claim to the City Council and the City responded that the City was not responsible. In researching this, he found that a root from a tree on the sidewalk could have been in the sewer pipes, causing the flood. He was told by the City that he should be addressing this issue with the Church nearby. He stated that he wants half, \$700, of what he made the claim for, which was \$1500. He should be compensated for some of the damages.

The meeting adjourned at 8:45 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).