

## REGULAR MEETING – CITY COUNCIL

**-MAY 29, 2007-**

Regular meeting of the City Council was held on Tuesday, May 29, 2007 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 Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland (left at 10:14 p.m.) and Council President Garabedian –8.

Absent: Council Member Bucci -1.

Also Present: Frank Migliorelli, Deputy Director of Administration; Vito Sciolto, City Solicitor; Corsino Delgado, Director of Finance; Steve Woerner, City Council Internal Auditor; Pat Quinlan, City Council Legal Counsel.

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

Council President Garabedian stated that because of the large number of people present to speak on various issues, he asked that the Council suspend the Rules.

On motion by Councilman Barone, seconded by Councilman Santamaria, it was voted to suspend the Rules in order to have public hearings on Undocketed items, since there are large number of people present and take smaller groups first.

Under Discussion:

Council President Garabedian stated that there are members of the public present to speak regarding Brayton Ave. fields, Concrete Plant and Yardworks. Council Vice-President McFarland stated that smaller groups be heard first and they will be asked to leave and then have the larger group heard later on. Council President Garabedian stated that due to the fire code, people cannot stand in the Chambers and he asked if any of those standing whose issue is not being discussed at the time, would wait out in the hallway and when their issue comes up, they will be allowed to enter the Chambers, that would allow the meeting to proceed and hear everyone.

On motion by Councilman Barone, seconded by Councilman Santamaria, it was voted to move the question. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

On motion by Council Vice-President McFarland, seconded by Councilman Livingston, it was voted to hear the members of the public present for the Edgewood Heights Neighborhood Association issue first. Motion passed on a vote of 8-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

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***Edgewood Heights Neighborhood Association – Discussion of Yardworks, 1309 Warwick Ave.***

**Dan Beardsley**, 130 Lyndon Rd., member of the Edgewood Heights Neighborhood Association, appeared to speak. He stated that he has lived on Lyndon Rd. for thirty years and grew up two blocks away. The nuisance caused by former Ceiba Geigy does not come close to the nuisance caused by Yardworks. He presented pictures of what the residents have had to deal with for the last sixteen months. Council Vice-President McFarland asked if Yardworks has been cited. Mr. Beardsley stated, yes, they were cited but the violation was subsequently rescinded by the former Building Inspector. The fumes from the trucks are awful. Residents can't even sit out in their yard. There was to be a vegetative buffer zone, which does not exist.

**Richard Rodolf**, 30 Robert Circle, appeared to speak and presented an analysis. He asked for the Council to conduct a full review of the entire inspection operation of the business and zoning since its inception and make sure that they are in compliance. He also asked for the Police Department to conduct unscheduled and unannounced noise pressure readings.

**John Robinson**, 126 Mayflower Dr., Co-Chair of the Edgewood Heights Neighborhood Association, appeared to speak and presented a packet. He stated that per the Code, trucking is not allowed and he quoted Section 5.04.070 of the Code. He stated the following negative impact this business has had on this neighborhood:

- noise and dust from the truck terminal property
- loading and unloading of trucks, which sometimes shakes his house
- dust caused from this business goes to his home and yard and windows
- diesel fumes that smell, are not healthy

Mr. Robinson stated that if he had known that this business was going to be used as a trucking dispatch terminal, he would not have purchased his home. The site resembles a dump.

Council President Garabedian stated that the records sent to him indicate that a Zoning Certificate was issued on March 15, 2004, which clearly states that there are no retail or wholesale allowed. On December 7<sup>th</sup>, it was rescinded by the former Building Inspector. Councilman Livingston asked that the current Administration send a representative from the Building Inspector's Office to Yardworks to look at this entire operation and find out why the former Building Inspector took it upon himself to rescind this order. He also asked that the building official find out if there are any violations and if there are, they be cited and taken to Court. He asked that the Administration report back to the Council as soon as possible on the findings.

Councilman Lanni stated that noise, trucks, stones are not a nursery. This is a trucking terminal that stores materials for a nursery. This business needs to be re-inspected and another decision rendered by the Building Inspector to see if this operation falls into Zoning as to the original plan of what this business was going to be.

Council Vice-President McFarland stated that she would like to see the Tax Assessor's information as to what this business has been taxed as. She asked the City Clerk to check with the Public Works Department to see if there were any requests for tie-in for water or sewer. This business should have been in Court a long time ago.

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Council President Garabedian asked a Sergeant from the Police Department to come forward and address the violations that occurred at this business.

**Sergeant Karen Gilbeau**, Cranston Police Department, appeared to speak and stated that research was done by the Police Department prior to her coming to this meeting.

- She reported that there have been three calls for service at this address. On November 4, 2006, at 7:41 A.M., an anonymous call was made of a noise complaint. It was determined that there was no noise.
- On November 7, 2006, at 7:52 A.M., a female neighbor called for noise and was advised she needed to make a formal complaint. She did not want to file a formal complaint and asked that the Police speak to the business owner, which was done.
- On January 9, 2007, at 6:53 A.M., an anonymous caller called regarding noise. The Police responded and in the Police Officer's report, he states that he could not hear any equipment or vehicles at that time. He did speak to a Mr. Rogers from this business and advised him that per the Code, there is a Noise Ordinance.

Mr. Migliorelli stated that he will have the Building Inspector go out to the business tomorrow to look into this.

### *Brayton Ave. Park*

**Richard Gainor**, 62 Brayton Ave., appeared to speak and stated that there are four fields at Brayton Park. The yellow tubing around the fence of the four fields is just too much. He urged all the Council members to go to the area and look at all of the excess yellow. He has been told that this is for safety. The center field is 230', almost the size of a football field. He does not think the players who play at these fields will be hitting to that distance. The safety issues are the advertising signs because they are razor sharp. He spoke to the Director of Parks and Recreation regarding of the possibility of using green instead of yellow for the tubing. He was told he would look into it. He has not heard back from him.

**Ernie Pascale**, 70 Brayton Ave., appeared to speak and agreed with Mr. Gainor that the signs are dangerous.

**Anthony Liberatore**, Director of Parks and Recreation, appeared to speak and stated that he did have the conversation with Mr. Gainor regarding the yellow tubing versus the green and as he stated to Mr. Gainor, the green is for decorative, yellow is for safety. As to the signs issue he stated that the signs are coming down the day or the weekend after the season is over and this has been guaranteed by the league. He has full faith in CLCF, the coaches and the parents, that when the season is over, they will make every attempt to satisfy the neighbors' concerns.

**Mike Traficante**, 173 Sweetbriar Dr., Athletic Director of Schools, appeared to speak and stated that he has been affiliated with CLCF for fourteen years. As to the issue of the yellow tubing, he can state that players getting injured on the fence, which he witnessed first hand, those are true eyesores. Every boys' little league field in the City has protective guards on the fences and he sees no issue why there is a problem with the girls fields. If the City directs the league to take the yellow tubing down, they will take it down.

**Manuel Andrews, Esq.**, 280 Summit Dr., appeared to speak and stated that he has been and is a coach for CLCF and that Brayton Park is one of the finest facility in the State, if not the region.

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**Alexandra Andrews**, 280 Summit Dr., appeared to speak and stated that she has been playing softball at Brayton Ave. Park since she was approximately four years old. She would like to have safe fields for herself, her sister and friends to play on.

**Susan Gainor**, 62 Brayton Ave., appeared to speak and stated that if there are going to be changes at the fields, the residents would like to know about it, since they live there and have to look at the fields 24/7. Councilman Barone stated that since the last Council meeting, he spoke to a representative from the league and was assured that it was agreed upon that everything that was being done at the fields would go before the Parks and Recreation Advisory Committee. He does not know of anything that has been brought up since. Ms. Gainor stated that the neighbors want to be considered in everything that is going on there.

**Kimberly Pascale**, 70 Brayton Ave., appeared to speak and stated that the yellow tubing is an eyesore. The residents were not aware that this and the signs were going to be taken down at the end of the season.

**Michael English**, 24 Garden Hills Parkway, appeared to speak and stated that he has lived in this neighborhood for fourteen years and when he moved to the area, there was just one field which was an eyesore overgrown with weeds and woods. Improvements made to this Park have improved the area and it is not an eyesore.

**Council Vice-President McFarland** stated that at the last meeting, when this issue came up, the Council asked that this be referred to the Parks and Recreation Advisory Commission, where it belongs, and she does not think this has occurred. If this did go to the Parks and Recreation Advisory Commission, she would like written documentation provided to the Council as to what the outcome was.

**Councilman Lupino** indicated to the residents should not think the yellow tubing is going to come down after the season. The yellow tubing does not come down because that facility is used by other City residents and for practices. Councilman Barone stated that if this is the case, the appropriate people and the Parks and Recreation Advisory Commission need to look at the feasibility of whether this tubing is needed and Councilman Navarro, who is a member of the Parks and Recreation Advisory Commission, can report back to the full Council.

**Councilman Santamaria** stated that as a result of research he conducted, he does not believe the tubing can come down because he does not think it could be put back on. Mr. Liberatore stated that the signs will come down. The tubing cannot come down because other activities will still go on there and per the manufacturer, once you take the tubing down, it cannot be re-used because it is fitted.

**Councilman Navarro** stated that he will bring this issue up at the Parks and Recreation Advisory Commission meeting under New Business, but this the decision is still up to the Director.

#### **Domestic Bank Update**

**Council Vice-President McFarland** asked for an update. **Council President Garabedian** stated that the bank was at Site Plan Review Committee meeting. A second Site Review meeting was held and there was an issue with a handicap space. Today the Building Appeal Board was to meet and due to lack of quorum, the meeting could not be held. He also indicated that the Bank has been getting bids for the project.

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**Cynthia Fogarty**, 60 Ausdale Rd., former Council member, appeared to speak and stated that the neighbors all feel that this is just another delay tactic of the Bank so they would not have to comply with the City Code. Not one action has been taken. In 90 days, the neighbors are going to look for the Council to keep their promise that if nothing was done in 90 days, they would implement residential or two-hour parking if the lot was not completed. **Councilman Navarro** stated that no work has been done since the last meeting all based on one handicapped space, and that we need to protect our residential neighborhoods that abut commercial properties. **Councilman Barone** stated that we need to take action as soon as possible. **Councilman Lupino** stated that there is a Cease and Desist Order and the Bank violated that Order during a parking ban on a snowy day. He stated that he has asked Attorney Dodd, attorney for the Bank, for a parking plan for future parking bans. He has not received this and asked if anyone from the Council have received it.

#### ***Cullion Concrete Plant***

**Frank Mattiucci**, 37 Howland Rd., member of Cranston Citizens for Responsible Zoning and Development, appeared to speak. He stated that the permit issued was illegal from the day it was issued and stands as a mark of shame in the department that rushed it through. It was also negligent and possibly criminal.

**Suzanne Arena**, 62 Glen View Dr., appeared to speak and stated that this Administration has not been as forcible as it should have been since day one. This has been a criminal wrongdoing from the beginning.

**Jeff Zarrella**, 853 Pontiac Ave., appeared to speak and stated that he received an e-mail regarding this meeting and made copies and distributed approximately 200 copies to the area residents. These people are not going to go away. They will be at every meeting from now on. Making the people wait in the hallway was awful. The prior groups heard should have been made to wait, since they were younger. This meeting should have been held at Cranston High School East in order to accommodate the large crowd.

**Cynthia Fogarty**, 60 Ausdale Rd., former Council Member, appeared to speak and asked for support of passage of the Resolution listed on the docket to revoke the building permit.

**Richard Tomlins**, 400 Farmington Ave., appeared to speak and stated that he does not live near Domestic Bank or the Concrete Plant, but at the last meeting, he asked the Solicitor if the City is barred from having meetings with D.E.M. and the Attorney General's Office in Executive Session regarding the Cement Plant. The people need to know if this is happening. He is concerned that with issues, such as Domestic Bank and Cullion Concrete, they will add up to more taxes to our taxpayers because of the added expenses of our legal fees.

**Bob Ouloosian**, 30 Glenridge Rd., appeared to speak and stated that he is upset that the elderly public members were asked to wait in the hallway because of the overcrowding in the Chambers. That is unacceptable and this cannot happen again.

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Councilman Livingston asked if the Council can act on the Resolution listed on the docket revoking the permit. Mr. Sciolto stated that the Resolution should not be passed because of the pending litigation. It would be inappropriate and he recommends that the Council not pass this Resolution. Mr. Quinlan agreed. He stated that there is a Stay Order by Superior Court. The only thing the Council is allowed to do is go to the General Assembly to pass law to add new members to the Zoning Board of Review and then appoint them. The General Assembly did pass such legislation last week and it is waiting the Governor's signature. As a City, this permit cannot be revoked at this time. Mr. Sciolto stated that his concern with the Resolution is there are parts of it that have become moot. Councilman Lanni stated that if we lose this lawsuit because of actions taken by this Council, he asked what kind of expenses would be involved. Mr. Sciolto stated, in the range of a million dollars or more. Councilman Lupino stated that the Building Official issued the permit. He asked if anyone else has the power to issue a building permit. He asked who has the power to revoke the building permit. Mr. Quinlan stated, the Building Official. Councilman Lupino stated that this Resolution states the Council can revoke the permit. He asked if this can be done. Mr. Quinlan stated that he does not believe the Council has any power to revoke a building permit.

Councilman Lupino indicated that Phase II of the project at Cranston High School East will be under way during the summer and the School will not be available as a backup location for meetings during the summer, if the Council Chambers is overcrowded like this evening.

Councilman Barone stated that he does not see why the City cannot initiate a lawsuit against Cullion for filing false information to obtain a building permit. Mr. Sciolto stated that all it is, is an allegation of the false information. Councilman Barone stated that he thinks that we have enough grounds to prove that we were given false information.

Ms. Fogarty stated that she is not a public official any longer and she was part of the lawsuit when she was on the Council and she has not been provided with updates on what is going on with the lawsuit. There should have been a Motion for Summary Judgment filed.

**Nick Nofi**, 28 Fairweather Ave., appeared to speak and stated that D.E.M. dropped the ball in this case and they need to be held more accountable. There are so many issues with that property. There has not been enough pressure put on D.E.M. by the residents along with the City on the judgment they made on this property. Mr. Quinlan stated that the City has filed suit against D.E.M. regarding their approval of their significant alteration permit.

Councilman Navarro stated that nowhere in the Resolution does it mention revoking the permit, except for in the title, which can be removed. If there needs to be amendments made to this Resolution, that's fine, but there is no mention that the Mayor is being requested to have the permit revoked.

Councilman Lanni stated that the very first line of the Resolution states revoking the permit. The Resolution also states "Superior Court". He indicated that we are no longer before Superior Court, we are before the Supreme Court of RI. Our own attorneys are telling us not to pass this Resolution. We need to take their advise as our legal counsel.

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**Jeff Zarone**, 753 Pontiac Ave., appeared to speak and stated that there are elderly and children with asthma in this neighborhood.

Council Vice-President McFarland stated that two months ago, the Council was told that an outside legal counsel was going to be hired to handle this case. Now we are back, and we have no outside counsel, no updates and no Executive Session. She finds out tonight that we have filed suit against D.E.M. This Resolution is very similar to the one passed two months ago. She asked Administration, where is outside legal counsel? When is next Executive Session for update? Mr. Quinlan stated that at the last Executive Session meeting, a legal opinion was given and Council was briefed on exact status. When D.E.M. lawsuit was filed, it was mailed to every member of the City Council. Mr. Sciolto stated that as to the outside legal counsel, that was an issue discussed in Executive Session. Council Vice-President McFarland asked that from now on, this issue be placed on the docket permanently for Executive Session update.

**Albert Benetti**, 24 Concord Ave., appeared to speak and asked that the Council get their act together. As an example, he could not come into the Chambers earlier, and feels that was a violation Open Meetings Law. It is an embarrassment to him as a resident and asked the Council to have their meetings under control. Council Vice-President McFarland stated that we have not even opened up the Public Hearing, the Council suspended the Rules in order to give the large crowd in attendance an opportunity to speak on various issues.

**Harold Reall**, 38 Howland Rd., appeared to speak and asked what the process is going to be in appointing the additional members of the Zoning Board of Review and if there are candidates for these positions. Council President Garabedian stated, yes, there are candidates and they will be interviewed.

**Renee Neri**, 61 Dixwell Ave., appeared to speak and asked why Cullion is being allowed to continue to build when the residents are fighting it tooth and nail. Council Vice-President McFarland asked that the Administration to have the Building Official to go to the area tomorrow and check to see if there is action going on there and go out there weekly to check into it. Councilman Livingston asked when the Supreme Court is expected to hear this matter. Mr. Sciolto stated that our brief was filed last week, but he does not know how long it will take. She did indicate that there is a Stay in place. Councilman Livingston stated that passing this Resolution would be giving the residents false hope. The proper way to do it, is to fight it aggressively in the Courts and continue to fight it until it is resolved.

Council Vice-President McFarland motioned to place this issue on the docket permanently every month. No one seconded the motion.

**“RESOLUTION REVOKE THE BUILDING PERMIT ISSUED BY THE BUILDING OFFICIAL FOR THE CONSTRUCTION OF A CONCRETE AND/OR CEMENT PLANT ADJACENT TO A WELL ESTABLISHED, HEAVILY POPULATED, RESIDENTIAL NEIGHBORHOOD, AND DIRECTING THE CITY SOLICITOR TO SEEK OUTSIDE LEGAL COUNSEL TO PREPARE A LAWSUIT AND TAKE ALL STEPS REASONABLY NECESSARY TO PREVENT THE CONSTRUCTION OF THE CONCRETE AND/OR CEMENT PLANT”**

On motion by Councilman Barone, seconded by Councilman Navarro, it was voted to remove the above Resolution from the table. Motion failed on a vote of 3-5. The following being recorded as voting “aye”: Councilmen Navarro, Barone and

Council Vice-President McFarland -3. The following being recorded as voting “nay”:  
Councilmen Lanni, Lupino, Livingston, Santamaria and Council President Garabedian -5.

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On motion by Council Vice-President McFarland, seconded by Councilman Navarro, it was voted to place this issue on Executive Session agenda permanently for update for next Monday at 6:30 P.M. Motion failed on a vote of 3-5. The following being recorded as voting “aye”:  
Councilmen Navarro, Barone and Council Vice-President McFarland -3. The following being recorded as voting “nay”:  
Councilmen Lanni, Lupino, Livingston, Santamaria and Council President Garabedian -5.

On motion by Council Vice-President McFarland, seconded by Councilman Barone, it was voted to un-suspend the Rules. Motion passed on a vote of 8-0. The following being recorded as voting “aye”:  
Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -8.

### **I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS**

None.

### **II. EXECUTIVE COMMUNICATIONS**

#### **“REQUEST TO BE CONTINUED IN SERVICE FOR ONE YEAR STEPHEN CROFT, CRANSTON FIRE DEPARTMENT”**

On motion by Council Vice-President McFarland, seconded by Councilman Lanni, it was voted to approve the above request. Motion passed on a vote of 8-0. The following being recorded as voting “aye”:  
Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian –8.

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

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

No discussion.

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

Council Vice-President McFarland stated that she is looking for an Ordinance regarding when we will be taking over the new Police Station and when it will be open. Mr. Migliorelli stated that there is no date set to open. We are still meeting with the developer. Our hopes is we start moving in the second week in June.

Council Vice-President McFarland stated that a Resolution needs to be passed setting the actual date for the renaming of the Youth Center in memory of former Council President Peter T. Pastore, Jr.

Council Vice-President McFarland asked when the transfer of property for the new Arlington library will come before the Council. Mr. Sciolto stated that this was done last year. Council Vice-President McFarland stated that we have not done the actual transfer of the parcel where the diner was. Mr. Sciolto stated that he will take this up with the Administration.

Council Vice-President McFarland left the meeting at 10:14 P.M.

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Councilman Lupino stated that Mr. Carlucci has had in his possession a letter from the RI Interlocal Trust regarding certain information they are requesting from the City. He asked what the status is on this. Mr. Migliorelli stated that after speaking with Mr. Carlucci, it is still pending and he does not have anything final on it.

Councilman Lupino asked for a report from the Administration addressing the issue of Mr. Carlucci acting on issues for Public Works without him having an Engineering license and how this is going to be handled.

Councilman Lupino spoke regarding potholes, which have not been filled, on Natick Ave., as he had requested at the Public Works Committee meeting last week. The area is Natick from Wilbur to where the bridge is closed.

Councilman Lupino asked when the first meeting of Project REDIRECT will be held. Council President Garabedian stated that the first meeting will take place very shortly. He was waiting for the budget process to end.

Councilman Lupino asked when the Human Resource Commission will be holding their first meeting and what the make-up of this Commission is. Council President Garabedian stated that the City Clerk will update the Council on the composition of this Commission.

Councilman Barone stressed that he was not instrumental in forming the organization fighting the Concrete Plant.

Councilman Barone asked what the status is on the un-employment request for former Finance Director, Jerome Baron. Mr. Migliorelli stated that Mr. Baron is collecting un-employment. Councilman Barone stated that the City originally appealed it and he asked what the cost in legal fees to that appeal was and who the attorney was that appealed it.

### **"Resolution Revoke the Building Permit Issued by the Building Official..."**

On motion by **Councilman Livingston**, seconded by **Councilman Lanni**, it was voted to remove Resolution regarding the permit for the Concrete Plant from the agenda, since it has been continued three times.

#### **Under Discussion:**

Councilman Barone stated that the docket states it was continued 3/26/2007 and not tabled. A lengthy discussion took place on whether it was continued or tabled.

On motion by Councilman Lanni, seconded by Councilman Livingston, it was voted to move the question. Motion passed on a vote of 4-3. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston and Santamaria -4. The following being recorded as voting "nay": Councilmen Navarro, Barone and Council President Garabedian -3.

Roll call was taken on motion to remove the above Resolution from the docket and motion passed on a vote of 5-2. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Santamaria and Council President Garabedian -5. The following being recorded as voting "nay": Councilmen Navarro and Barone -2.

## **V. PUBLIC HEARINGS**

Public Hearings were held at the beginning of the meeting.

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## **VI. DOCKETED RESOLUTIONS**

**“RESOLUTION REVOKE THE BUILDING PERMIT ISSUED BY THE BUILDING OFFICIAL FOR THE CONSTRUCTION OF A CONCRETE AND/OR CEMENT PLANT ADJACENT TO A WELL ESTABLISHED, HEAVILY POPULATED, RESIDENTIAL NEIGHBORHOOD, AND DIRECTING THE CITY SOLICITOR TO SEEK OUTSIDE LEGAL COUNSEL TO PREPARE A LAWSUIT AND TAKE ALL STEPS REASONABLY NECESSARY TO PREVENT THE CONSTRUCTION OF THE CONCRETE AND/OR CEMENT PLANT” (Sponsored by Council Vice-President McFarland, Councilmen Navarro and Barone).**

Discussion was held and vote was taken at the beginning of the meeting.  
Council voted to remove from the docket. (See Motion on page 9)

**“RESOLUTION URGING THE MEMBERS OF THE RHODE ISLAND GENERAL ASSEMBLY TO INTRODUCE AND PASS ENABLING LEGISLATION AUTHORIZING THE CITY OF CRANSTON TO ESTABLISH A TAX DEFERRAL PROGRAM FOR ITS SENIOR CITIZENS, TOTALLY DISABLED CITIZENS AND VETERANS” (Sponsored by Council President Garabedian, Council Vice-President McFarland, Council Member Bucci, Councilmen Santamaria, Lanni, Lupino and Livingston).**

Councilman Navarro asked that he be added as a co-sponsor of this Resolution.

On motion by Councilman Livingston, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 5-2. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Santamaria and Council President Garabedian -5. The following being recorded as voting “nay”: Councilmen Livingston and Councilman Barone -2.

**“RESOLUTION IN SUPPORT OF H5860 RELATING TO EDUCATION-GRANTS AND GIFTS” (Sponsored by Councilman Santamaria).**

Councilman Santamaria stated that since there is no letter from the Superintendent of Schools, he is asking to amend this Resolution.

On motion by Councilman Santamaria, seconded by Councilman Lanni, it was voted to amend the above Resolution by deleting the second paragraph in its entirety. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Councilmen Santamaria, Barone and Council President Garabedian -7.

On motion by Councilman Barone, seconded by Councilman Lanni, the above Resolution was adopted as amended on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Councilmen Santamaria, Barone and Council President Garabedian -7.

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## **VII. REPORT OF COMMITTEES**

### **COMMITTEE ON FINANCE (Terence Livingston, Chair)**

**6-07-7           “ORDINANCE IN AMENDMENT OF TITLE 13.08.150 OF THE  
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘SEWER  
SERVICE SYSTEM’ (Establishing a Revolving Loan Fund for  
connecting to the City Sewer System)”**

On motion by Councilman Livingston, seconded by Councilman Lupino, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

**“RESOLUTION AUTHORIZING REAL ESTATE/TANGIBLE TAX  
ABATEMENTS – AS RECOMMENDED BY CITY ASSESSOR”**

On motion by Councilman Livingston, seconded by Councilman Lanni, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

**“RESOLUTION AUTHORIZING MOTOR VEHICLES TAX ABATEMENTS –  
AS RECOMMENDED BY CITY ASSESSOR”**

On motion by Councilman Livingston, seconded by Councilman Barone, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

**“TAX INTEREST WAIVERS AS RECOMMENDED APPROVAL BY FINANCE  
COMMITTEE”**

On motion by Councilman Livingston, seconded by Councilman Lanni, it was voted to approve the recommendation of the Finance Committee. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

**“TAX INTEREST WAIVERS AS RECOMMENDED DENIED BY FINANCE  
COMMITTEE”**

On motion by Councilman Livingston, seconded by Councilman Lanni, it was voted to approve the recommendation of the Finance Committee except for “Mr. Dupre”. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

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**TAX INCENTIVE APPLICATION FOR X-RAY ASSOCIATES, INC., 65  
SOCKANOSSET CROSSROADS”**

On motion by Councilman Livingston, seconded by Councilman Lanni, it was voted to approve the above Tax Incentive Application. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

**COMMITTEE ON PUBLIC WORKS  
(Maria A. Bucci, Chair)**

**4-07-1 “ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
WORKS TO EXECUTE A GRANT OF EASEMENT RELATING  
TO THE OPERATION OF THE BUBBLE ICE RINK FACILITY  
LOCATED AT 900 PHENIX AVE.”**

On motion by Councilman Santamaria, seconded by Councilman Lanni, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

**4-07-2 “ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
WORKS TO EXECUTE A GRANT OF A UTILITY EASEMENT  
RELATING TO THE CRANSTON HIGH SCHOOL EAST  
CONSTRUCTION PROJECT”**

On motion by Councilman Santamaria, seconded by Councilman Lanni, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

**4-07-3 ORDINANCE IN AMENDMENT OF TITLE 12 OF THE CODE OF  
THE CITY OF CRANSTON, 2005, ENTITLED ‘STREETS,  
SIDEWALKS AND PUBLIC PLACES’ (Sidewalk 50/50 Program)”**

On motion by Councilman Santamaria, seconded by Councilman Lanni, the above Ordinance failed on a vote of 4-2 with 1 abstention due to lack of majority vote. The following being recorded as voting “aye”: Councilmen Lanni, Navarro, Santamaria and Council President Garabedian -4. The following being recorded as voting “nay”: Councilmen Livingston and Barone -2. Councilman Lupino abstained.

**4-07-4 ORDINANCE IN AMENDMENT OF CHAPTER 9.08 OF THE  
CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘PUBLIC  
PEACE, MORALS AND WELFARE’ (50/50 Tree Program)”**

On motion by Councilman Santamaria, seconded by Councilman Lanni, the above Ordinance failed on a vote of 4-2 with 1 abstention due to lack of majority vote. The following being recorded as voting “aye”: Councilmen Lanni, Navarro, Santamaria and Council President Garabedian -4. The following being recorded as voting “nay”: Councilmen Livingston and Barone -2. Councilman Lupino abstained.

**-MAY 29, 2007-**

**COMMITTEE ON CLAIMS  
(Anthony J. Lupino, Chair)**

**“COUNCIL RATIFICATION OF SETTLED CLAIMS FOR:** Debra Valfredo \$75.00; Josephine Howell \$50.00; Robert Zompa \$50.00; Lori & John Fitzsimmons \$50.00; Kim & Harold Ouimette \$168.96; Donald N. Fontes \$50.00; Marilyn DeNardo \$300.00; Roseanne Maria Fontana & Attorney Donald Maroney \$20,000; Jacqueline, William & Jae Pezzullo \$775.00; Charles Manni \$50.00; Eileen M. Stroud \$66.52; Alex Caserta \$285.17; Louis Pelletier \$50.00; Anthony & Paula Rocha \$50.00.

On motion by Councilman Lupino, seconded by Councilman Santamaria, it was voted to ratify all the above-listed settled claims. Motion passed on a vote of 6-0 with 1 abstention. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Santamaria, Barone and Council President Garabedian -6. Councilman Livingston abstained.

**VIII. ELECTION OF CITY OFFICIALS**

**“TREE WARDEN - Re-appointment of RICHARD DEGRANDPRE”**

On motion by Councilman Livingston, seconded by Councilman Lanni, it was voted to remove this item from the docket. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

**IX. REPORT OF CITY OFFICERS**

Mr. Woerner presented an analysis of April 30, 2007 finances of the City.

**IXA. OLD BUSINESS**

No business.

**-MAY 29, 2007-**

**X. INTRODUCTION OF NEW BUSINESS**

City Clerk read the following introduced items and the Committees and the date referred to for public hearing:

**Finance Committee – June 14, 2007**

- 5-07-1 Ordinance authorizing the City to utilize Western and Eastern Cranston Police Impact Fees (Harbor Master Vessel).**
- 5-07-2 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2007 and ending June 30, 2008 (2007 Budget Stabilization-Police Station Sale).**
- 5-07-3 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2006 and ending June 30, 2007 (Fire Grant-Supplemental Appropriation).**
- 5-07-4 Ordinance in amendment of Chapter 8 of the Code of the City of Cranston, 2005, entitled “Health and Safety” (Emergency Medical Service Fees).**
- 5-07-5 Ordinance in amendment of Chapter 100 of Title 3 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (Tax Deferment Program).**

**Ordinance Committee – June 14, 2007**

- 5-07-6 Ordinance in amendment of Chapter 10.12 of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Harcourt St., Morgan St. and Marlow St.).**
- 5-07-7 Ordinance in amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Rangeley Rd. and Deerfield Rd.).**
- 5-07-8 Ordinance in amendment of Chapter 10.32 of Title 10 of the code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Briggs St. and Greene Ave.).**
- 5-07-9 Ordinance in amendment of Title 10 of the Code of the City of Cranston, 2005, entitled “Vehicles and Traffic” (Residential Permit Parking).**

**Ordinance Committee – July 12, 2007**

- 5-07-10 Ordinance amending the Comprehensive Plan of 1992 (Niantic Ave., Josephine St., Russe St. and East Spectacle St.).**
- 5-07-11 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-Niantic Ave.).**

**City Plan Commission – July 10, 2007**

- 5-07-10 Ordinance amending the Comprehensive Plan of 1992 (Niantic Ave., Josephine St., Russe St. and East Spectacle St.).**
- 5-07-11 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone-Niantic Ave.).**

**-MAY 29, 2007-**

**Claims Committee**

- \*Eleanor Jordan
- \*Linda Hanson
- \*Susan & Gary Bucci
- \*Jessica Pero & Rebecca Kleihanen
- \*James Medeiros
- \*Diane Violo
- \*Tom O'Hanian
- \*Kim O'Brien
- \*Jen Tao & Meei Jen Lin
- \*Alex Caserta
- \*Jessica DeCiantis

\*forwarded only to City Council, Solicitor and Anna Marino

On motion by Councilman Barone, seconded by Councilman Navarro, the above items were referred to the respective Committees. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Barone and Council President Garabedian -7.

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

No business.

**XII. PUBLIC HEARINGS ON UNDOCKETED ITEMS**

None.

The meeting adjourned at 10:40 P.M.

Maria Medeiros Wall, JD  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).