

REGULAR MEETING – CITY COUNCIL

-JULY 26, 2004-

Regular meeting of the City Council of the City of Cranston was held on Monday, July 26, 2004.

The meeting was called to order at 7:10 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore –9.

Also Present: Mayor Stephen Laffey; Paul Grimes, Director of Administration; Jametta Alston, City Solicitor; Nancy Garcia Ponte, Assistant 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.

I. PUBLIC ACKNOWLEDGEMENTS AND COMMENDATIONS

No Business.

II. INTRODUCTION OF UNDOCKETED RESOLUTIONS

No Business.

II. EXECUTIVE COMMUNICATIONS

“REQUEST TO BE PLACED ON PENSION PATRICK J. SULLIVAN, CRANSTON POLICE DEPARTMENT.”

Mr. Grimes appeared to speak.

On motion by Councilman Fung, seconded by Councilman McDonough, it was voted to it was voted to approve this request. Motion passed 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.

“OCEAN STATE ORCHESTRA LEASE AGREEMENT”.

Mr. Grimes asked that this be removed from the docket until there is further information to be reported. Council President Pastore asked that if and when this issue comes back to the Council, the lease be re-submitted back to the Council and any deletions or changes be underlined so the Council members do not have to read the entire document again.

IV. COUNCIL PRESIDENT COMMUNICATIONS

- “Lease and funding for new Police Station”

Council President Pastore stated that items that would be heavy in costs for this project are environmental site assessments, drafting of lease agreement, drafting of lease purchase agreement, drafting of design building contract and title insurance for the property. He stated that there is an Ordinance being introduced tonight asking if this project can be funded using impact fees. He stated that the Administration has asked him to co-sponsor this Ordinance and he would do this for dialogue with the Council, but this warrants a good dialogue. He also stated

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that he has asked Mr. Grimes for a detail of where the expenses would be coming from, as well as a draft of detail of sources and uses of funds. He suggested to the Administration that any commercial appraiser doing this work should be an MAI or SIA approved appraiser.

“City Financials”

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

- Through end of June the City collected \$2,791,639 and \$196,848,410 in expenses. Mr. Igoe stated that the City recently hired the Internal City Auditor and the City is currently working on the Audit and will keep the Council updated on the status of the Audit.

V. COUNCIL MEMBER COMMUNICATIONS

Councilman Jackvony spoke regarding the hiring of Mr. Angell for the Cranston High School East project and stated that he wishes to clarify some things that have occurred. He stated that the reason he asked for an opinion regarding this was because the School Buildings Committee has the purview to make this type of determination. His concern is not to box the School Buildings Committee into going a certain route, because money has been spent. He thanked Mr. Quinlan for the research he did regarding this matter.

Councilman Fung asked members of the Council to remove proposed Ordinance 4-04-5 from the table and consider approving it tonight. He stated that he does not want the City to be sued by law firms for any types of breach of contracts if bills are not paid.

Councilman McDonough stated that correspondence was received by the School department questioning the Performance Audit and the different amounts charged. He asked for clarification regarding this. Mr. Grimes stated that the original amount for the Performance Audit was \$109,994. In the spring, the City granted an extension and the fee was increased. Not all data requested was provided. The project is to be completed in August. The final Performance Audit should be presented to the Council by September 15-30. Councilman McDonough suggested holding a joint meeting with the School Committee once the Audit is completed. Mr. Grimes stated that for the Council’s information, the School Committee will meet with the consultant on August 3 for a progress update of the study.

Councilwoman McFarland stated that last fall she put together a Nuisance Task Force and asked when the Administration is planning to set up this Task Force and move forward on this. She also questioned when the Building Inspector’s position is going to be filled. Mr. Grimes suggested that the Attorney General work together with the City to set this up. As to the Building Inspector’s position, Mr. Grimes stated that the City did a recruitment and is working on this.

Council President Pastore asked Mr. Quinlan to give update on what took place in Court today regarding the issue of residency requirement for the Solicitor. Mr. Quinlan stated that a declaratory judgment was filed today and Mr. Kirshenbaum, Assistant City Solicitor, agreed that an Assistant Solicitor who resides in the City of Cranston will sign any Ordinances until a decision is made by the Court. He stated that a decision will be forthcoming within 40 days or so. Council President Pastore asked Mr. Grimes if he agrees with this. Mr. Grimes stated that the agreement was that the Solicitor would co-sign the Ordinances with an Assistant City Solicitor.

Council Member Fogarty stated that when the Council gave advice and consent of the appointment of the former Building Inspector, Mr. Nascenzi, former Building Inspector, a question came up of his certification and Mr. Nascenzi stated he was in the process of being certified. She asked if the Acting Director is properly certified to be a Building Inspector. Mr. Grimes stated that Mr. Rioles, Acting Building Inspector, is certified as a Plan Reviewer and Commercial Inspector and is well qualified to do this job, but he will check with the Solicitor as to what the State Law requires for a Building

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Official. Councilman McDonough, Chairman of Public Works Committee, suggested that this be discussed at the next Public Works Committee meeting.

VI. PUBLIC HEARINGS

Madeline Connell appeared on behalf of the people who have arthritis to speak in favor of “Resolution Supporting the Arthritis Prevention, Control and Cure Act of 2004”. She thanked Councilman McDonough for inviting her to this meeting to speak in favor of this Resolution and asked for Council’s supporting regarding this bill.

Rebecca Martenini, Director of Arthritis Foundation in Rhode Island, appeared to speak in favor of “Resolution Supporting the Arthritis Prevention, Control and Cure Act of 2004”.

Albert Benetti, 24 Concord Ave., appeared to speak regarding proposed Ordinance 4-04-5 and stated that his understanding is that this money has already been spent. He suggested that the Council add up the savings and look at that and balance it and consider a vote on this Ordinance.

Paul Valetta, President of Local 1363 Firefighters Union, appeared to speak regarding proposed Ordinance 4-04-5 and stated that there have been a lot of Court battles and the only one the City won was the School case and the taxpayers have saved absolutely nothing.

VII. UNDOCKETED RESOLUTIONS

No business.

VIII. DOCKETED RESOLUTIONS

“RESOLUTION SUPPORTING THE ARTHRITIS PREVENTION, CONTROL AND CURE ACT OF 2004”

Councilman McDonough stated that there are two scrivener’s errors in this Resolution that should be corrected: eighth paragraph, first line “wok” should be “work” and last paragraph, first line “t” should be “to”.

On motion by Councilman McDonough seconded by Councilman Fung, the above Resolution was adopted as amend. Motion passed 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.

IX. REPORT OF COMMITTEES COMMITTEE ON ORDINANCE

3-04-2 “ORDINANCE IN AMENDMENT OF CHAPTER 4 OF THE CODE OF THE CITY OF CRANSTON, 1970, ENTITLED ‘ANIMALS’ (Nuisance Abatement).”

On motion by Councilwoman McFarland, seconded by Councilman McDonough, the above Ordinance 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.

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).”

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On motion by Councilwoman McFarland, seconded by Councilman McDonough, it was voted to adopt the above Ordinance.

Under Discussion:

Councilman Fung stated that proposed Ordinances 6-04-1 or 6-04-2 would restrict funds for investment purposes. Council President Pastore stated it would not. Mr. Baron stated that there are a number of funds available. Councilwoman O'Hara stated that the Audit Committee reviewed these two Ordinances and the only concern is future transferring of monies and backsliding of funds not readily identified would become part of the General Fund and felt that it might be appropriate that there be separate record keeping.

Motion passed 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.

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)."

On motion by Councilwoman McFarland, seconded by Councilman Ferolito, the above Ordinance 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.

6-04-4 "ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2003 AND ENDING JUNE 30, 2004 (Pension Fund)."

Councilwoman McFarland stated that the Ordinance Committee has no recommendation.

Councilman McDonough, seconded by Councilwoman O'Hara, it was voted to adopt this Ordinance.

Under Discussion:

Councilwoman McFarland stated that she is not supporting this Ordinance. Believes we should follow Auditor General's letter dated May 6, 2004 and transfer \$3 million. She is offering an amendment to place \$3 million in a reserve account, as we did for the crossing guards; and reiterated her feeling that the pension Fund should be removed from the operating budget.

Due to the potential surplus, she suggests transferring \$3 million into a reserve account. In regards to Mr. Benetti's earlier remarks, she suggests not only looking at Ordinances 4-04-5 and 4-04-6, but also additional funds being request for further money to be placed in the Law Department, since this year a total of \$725,260 has been spent, which is not the total for the year.

Motion to amend this Ordinance by Councilwoman McFarland, to place \$3 million in a reserve account. No one seconded this motion.

Councilwoman O'Hara stated that she is in favor of this Ordinance for the following reasons: this is a fiscally conservative approach to the budget; origins of the concerns about the City by the bond rating agencies has been focused on the City's unfunded pension liability; when recommendation by the Auditor General is ignored, this does not sit well with the bond rating agencies.

Councilman Jackvony asked in reference to the capital projects that were passed in the budget process, believes the intention of the Administration is not to go for the funding for them unless there is a bond rating increase. He is not in support of this Ordinance and asked the Council members not to support this. He stated he has a lot of respect for the Auditor General and deserves a lot of credit for the work he has done, but money was placed in that fund and there are a lot of ideas that need to be discussed. He

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used the example of the Cranston High School East roof that needs to be repaired. He stated that one idea would be to go out for funding and budget for the repairs to this roof instead of going out for funding. The taxpayers were overtaxed and with the potential surplus this is a good idea. This money should be used for something that is an emergency.

Councilman Fung stated that Cranston High School East is an asset of the City and is in deplorable condition and the roof needs to be repaired very badly, and if that building collapses, how will the City look? When looking at the situation, you are talking about bond ratings, agencies that look at the City's fiscal health and the City itself. A big part of the City is the structural improvement and the buildings are an asset of the City. The decision that needs to be made tonight is to put the funds in the area that the City needs to move forward fiscally. We cannot go out and get adequate funding at a decent interest rate until the fiscal situation is in shape. Adding \$700,000 towards improving the fiscal health of the City would be a more prudent investment than making a minimum impact to the pension fund. He agrees with Councilman Jackvony to not put this towards the pension fund.

Councilman Lanni stated that the fiscal crisis started with the Pension Fund. \$700,000 will not make or break the City's bond rating. Putting the funds back in the pension fund, where it belongs, since this is where it was borrowed from in the first place. This is a step in the right direction and this would show the bond rating agencies and taxpayers that this City is on the right track.

Council Member Fogarty stated that she agrees that the bond rating needs to be improved to investment grade, but the library media center at Cranston High School East needs to be done to avoid the possibility of losing accreditation at their next review, and the roof also needs to be repaired. We also need to rebuild the Rainy Day Fund, which has an impact on the overall bond rating. There is a possibility of \$5 million surplus, in addition to the \$200 million unfunded pension deficit, these also impact the bond rating. All these things need to be taken into consideration when deciding what to do with the \$700,000. Placing the \$700,000 in the pension fund will decrease the pension fund by millions of dollars over the 30 years. Councilman McDonough agreed. He stated that \$700,000, translates into potentially millions of dollars.

Mr. Baron reminded the Council of a letter received from the actuary that was presented at the Finance and Ordinance Committee meetings. He stated that the City has a choice of increasing the Rainy Day Fund or placing the funds in the un-funded pension fund exceeding \$200 million, this is like placing a cup of water into Narragansett Bay and trying to make a change in the tidal flow. Mayor Laffey reminded the Council members of the five-year plan that all Council members agreed on. He stated that there has been discussion tonight that the pension was not being funded; the City is funding the pension. He knows that the \$700,000 would be better served if placed in the cumulative surplus to bring up the bond rating. The rating agencies will look at probabilities and tendencies. They look at cumulative surplus and the audit, when done. It would be more appropriate to borrow 20 years for a roof at Cranston East because the roof lasts 20 years. The number one goal is to increase the City's bond rating to triple B and to do that, the \$700,000 would be better served by placing it in the cumulative surplus.

Mayor Laffey stated that this is not a lynch pin for the bond rating agencies. We need two more up-grades to our rating in order to do what Councilmen Jackvony and Fung stated.

Council President Pastore stated the following things have been done to bring in money to the City: Qualified Bond Act, which shaved one and a half to two percent off the City's borrowing cost of funds; set aside a half million in contingency fund and added another million to pension fund this year. Bond rating agencies do not just look at cumulative, they also look at the un-funded pension liability in totality.

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On motion by Councilman McDonough, seconded by Councilwoman O'Hara, the above Ordinance was adopted on a vote of 5-4. The following being recorded as voting "aye": Councilwoman O'Hara, Council Member Fogarty, Councilmen Lanni, McDonough and Council President Pastore -5. The following being recorded as voting "nay": Councilmen Fung, Jackvony, Councilwoman McFarland and Councilman Ferolito -4.

6-04-6 "ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2003 AND ENDING JUNE 30, 2004 (RECORDS AND RESCUE)."

On motion by Councilwoman McFarland, seconded by Councilman McDonough, the above Ordinance 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.

4-04-5 "ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2003 AND ENDING JUNE 30, 2004 (LAW DEPARTMENT)."

On motion by Councilman Fung, seconded by Councilman Ferolito, it was voted to remove this Ordinance from the table under "XIA. Old Business" for consideration as new business. Motion passed on a vote of 5-4. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Councilwoman O'Hara, Councilman Ferolito and Council President Pastore -5. The following being recorded as voting "nay": Council Member Fogarty, Councilwoman McFarland, Councilmen Lanni and McDonough -4.

Councilman Fung stated that this Ordinance needs to be adopted for vital bills that need to be paid and he does not want the City to face additional legal expenses for not paying our bills.

Council President Pastore stated that the issue is continuous overspending without Council approval. The Mayor presents the budget but the Council approves it, and expenditures beyond that need to be approved before being spent. Councilman Fung stated, that as Council members, you can't hinder the day-to-day operation of the City. Much of these litigations are on defensive side.

Council Member Fogarty stated that the City did not need to be put on the defensive. The Administration and Council members could have sat with the Unions and discuss various issues. Did need to incur some of these legal expenses, they were brought about by the tone and tenor set by the Administration. The Crossing Guards were willing to make significant concessions.

Mayor Laffey stated that he met with the Crossing Guards Union and he made suggestions and they never came back.

Council Member Fogarty stated that she did not negotiate with the unions, that was a slip of the tongue, but had discussions with various Union members on different issues that they were willing to agree with the City, but they were rejected.

Councilman McDonough inquired if these legal bills have already been paid. Ms. Garcia-Ponte stated that she didn't believe they had been paid and it would be appropriate to vote on this Ordinance. Mr. Baron concurred that the bills were not paid. Councilman McDonough stated that since there is a full-time Solicitor and Assistant Solicitors and they should be utilized as much as possible.

Mayor Laffey stated that a better way to go is possibly hire additional full-time Solicitors to handle arbitrations, which would lower the Law Department legal expenses.

Councilman Lanni stated that we are using taxpayers' money to pay all these legal expenses, warranted or not. Councilwoman McFarland stated that we should also anticipate our costs. Her problem with Ordinances 4-04-5 and 6-04-5 is the cost has already been incurred.

On motion by Councilman Fung, seconded by Councilman Ferolito, the above Ordinance was adopted on a vote of 6-3. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Councilwoman O'Hara, Councilmen Ferolito, McDonough

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and Council President Pastore –6. The following being recorded as voting “nay”:
Council Member Fogarty, Councilwoman McFarland and Councilman Lanni –3.

**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).”**

Councilwoman McFarland stated that the Ordinance Committee met and made no recommendation to the full Council regarding this Ordinance.

On motion by Councilman Fung, seconded by Councilman Ferolito, the above Ordinance was adopted on a vote of 6-3. The following being recorded as voting “aye”:
Councilmen Fung, Jackvony, Councilwoman O’Hara, Councilmen Ferolito, McDonough and Council President Pastore –6. The following being recorded as voting “nay”:
Council Member Fogarty, Councilwoman McFarland and Councilman Lanni –3.

Council President Pastore passed gavel to Council Vice-President O’Hara.
Council President Pastore left meeting at 9:10 P.M.

COMMITTEE ON FINANCE

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

On motion by Council Member Fogarty, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”:
Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilmen Ferolito, Lanni and McDonough –7. Councilwoman McFarland was not present for vote.

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

On motion by Council Member Fogarty, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”:
Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilmen Ferolito, Lanni and McDonough –7. Councilwoman McFarland was not present for vote.

**“RESOLUTION AUTHORIZING REAL ESTATE ABATEMENTS DUE TO
BOARD OF REVIEW ADJUSTMENTS FOR 2003 – RECOMMENDED BY CITY
ASSESSOR.”**

On motion by Council Member Fogarty, seconded by Councilman Ferolito, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”:
Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilmen Ferolito, Lanni and McDonough –7. Councilwoman McFarland was not present for vote.

“TAX INTEREST WAIVER LIST.”

On motion by Council Member Fogarty, seconded by Councilman Ferolito, it was voted to approve the above on a vote of 7-0. The following being recorded as voting “aye”:
Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty,

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Councilmen Ferolito, Lanni and McDonough –7. Councilwoman McFarland was not present for vote.

COMMITTEE ON PUBLIC WORKS

“RESOLUTION INSTITUTING PROCEEDINGS FOR THE ABANDONMENT OF A PORTION OF THOMAS STREET.”

On motion by Councilman McDonough, seconded by Councilman Fung, the above Resolution was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilmen Ferolito, Lanni and McDonough –7. Councilwoman McFarland was not present for vote.

X. ELECTION OF CITY OFFICIALS

On motion by Councilman McDonough, seconded by Council Member Fogarty, it was voted to re-appoint **CATHERINE CHIULLI and ANTHONY RICCI** as members of the **CRANSTON PUBLIC LIBRARY BOARD OF TRUSTEES**. 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 Ferolito, Lanni and McDonough -8.

XI. REPORT OF CITY OFFICERS

No Business.

XIA. OLD BUSINESS

4-04-5 “ORDINANCE AMENDMENT THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2003 AND ENDING JUNE 30, 2004 (Law Dept.)

See Report of Committees

XII. NEW BUSINESS

On motion by Councilwoman McFarland, seconded by Councilman Fung, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, August 12, 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 Ferolito, Lanni and McDonough –8.

- 7-04-1 Ordinance amending the Capital Budget for the fiscal year commencing July 1, 2004 and ending June 30, 2005 (Impact Fees-Police Station). FINANCE COMMITTEE 8/12/2004 and ORDINANCE COMMITTEE 8/12/2004.
- 7-04-2 Ordinance amending the Capital Budget for the fiscal year commencing July 1, 2004 and ending June 30, 2005 (Impact Fees-Briggs Farm Phase III). FINANCE COMMITTEE 8/12/2004 and ORDINANCE COMMITTEE 8/12/2004.
- 7-04-3 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 Bolton St., portion of. ORDINANCE COMMITTEE 8/12/2004.
- 7-04-4 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 1970, entitled “Motor Vehicles and Traffic”, “Yield Right-Of-Way Signs” by adding Dyer Ave. and Dyer Ave. ORDINANCE COMMITTEE 8/12/2004.

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On motion by Councilwoman McFarland, seconded by Councilman Fung, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on THURSDAY, September 16, 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 Ferolito, Lanni and McDonough –8.

- 7-04-5 Ordinance amending the Comprehensive Plan of 1992 (Burton St.). CITY PLAN COMMISSION 9/2/2004 and ORDINANCE COMMITTEE 9/16/2004.
7-04-6 Ordinance in amendment of Chapter 30 of the Code of the City of Cranston, 1970, entitled "Zoning" (Change of Zone-Burton St.). CITY PLAN COMMISSION 9/2/2004 and ORDINANCE COMMITTEE 9/16/2004.

XIII. MISCELLANEOUS BUSINESS ON CLERK'S DESK

No Business.

XIV. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Carl and Janet Kortick, 22 Ruskin St., appeared to speak regarding their property taxes that they have been paying for forty years and the over 65 exemption. Mr. Kortick stated that he went to the Tax Assessor's Office in 2003 and was told he did not qualify for this exemption since he was not 65 yet. He went back to this office after he turned 65 and was told it was too late to get this exemption for the 2004 tax bill because he would have had to have filed by December 31. He was not told by this office when he went there in 2003 that he needed to file an application. He feels it is not fair that he not get this exemption, since it was not his fault. Mr. Grimes stated that he will talk to the parties on the side and will discuss this with the Tax Assessor. Council Vice-President O'Hara asked that this issue be placed on the next Finance Committee Agenda so it can be monitored on the progress and on how this was handled.

Aram Garabedian, 173 Belvedere Dr., appeared to speak regarding Mr. & Mrs. Kortick's exemption issue and asked that the Council find out why the process broke down of why these people were not told by the Assessor's Office that they needed to file the application by a certain time. He also spoke regarding the way the Docket is set up and stated that he feels bad that the taxpayers have to wait for hours to be heard on items that are un-docketed. Councilman Fung stated that Council President Pastore changed the format of the Docket.

Council Vice-President O'Hara corrected Councilman Fung by stating that the Council Rules Committee drafts the Docket format and it is then approved by the entire Council. Mr. Garabedian stated that he has been attending Council meetings for years and has heard for years reasons why the pension fund could not be addressed. This was passed on from one Administration to the next and from one Council to the next. He asked that when there is an opportunity, the money has to be placed in the pension fund. The bond rating agencies are not stupid. This shows that the City does no care and is responsible.

Albert Benetti, 24 Concord Ave., appeared to speak and stated that when Mr. McAllister was Council President, the night of Inauguration, the Un-Docketed Public Hearings section of the Docket was placed at the end of the Docket. Prior to that, during Mr. Traficante's Administration, people were allowed to speak any time during the meeting. He suggested to the Council to add up all the legal bills from Traficante's and O'Leary's Administrations and see that they did not spend near as much as this Administration has to date. Mr. Benetti also spoke regarding the role of Mr. Quinlan. He stated that Mr. Quinlan is researching as parliamentarian and nowhere in the Charter does it state a position for a parliamentarian. Mr. Quinlan was hired with the stipulation that

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every sixty days he is to come before the Council to state what expenses he has incurred, this has not been done. He stated to the Council that they are not using Mr. Quinlan as their attorney; they are using him as a parliamentarian. He asked that this issue be forward to Council President Pastore. Council Vice-President O'Hara stated that Mr. Quinlan does serve as legal Counsel for the Council and he submits a monthly report to the Clerk's Office, which is available to the public.

Thomas Ricci, 75 Knight St., appeared to speak and recommended that the Council, in the future, sit down in negotiations to see what goes on in negotiations.

Jordan Bruno, former School Committee Member, appeared to speak and stated that at the time, he voted to add Crossing Guards. The issue of Crossing Guards could have been resolved in another way rather than in Court. He also stated that his family has lived in Knightsville for over eighty years. One thing that upset him was all the political signs that were placed on peoples' lawns prior to the St. Mary's Feast. He asked that in the future, the people wait until after the feast to place political signs. He also stated that there is a large political sign on Vigilant St. and it is very dangerous coming out of that street, because it obstructs the view.

Donna Tocco Greenaway, Comstock Parkway, appeared to speak and cautioned the Council of putting a project, such as Cranston High School East, on the back burner.

Jeffrey Barone appeared to speak and ask questions regarding the residency requirement of the Solicitor.

The meeting adjourned at 10:00 P.M.

Maria Medeiros Wall
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).