

REGULAR MEETING – CITY COUNCIL

-MARCH 23, 2009-

Regular meeting of the City Council was held on Monday, March 23, 2009 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: Mayor Allan W. Fung; Robin Muksian-Schutt, Director of Administration; Gerald Cordy, Deputy Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Robert Strom, Director of Finance; Anthony Sylvia, Director of Public Works; Peter LaPolla, City Planner; Patrick 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

“CITATIONS TO CRANSTON WEST HIGH SCHOOL WRESTLING TEAM IN CAPTURING THE 2008-2009 TEAM STATE CHAMPIONSHIP FOR THE FOURTH CONSECUTIVE YEAR”

Councilman Santamaria and Council Vice-President Livingston presented Citations from the City Council and Mayor Fung presented the Mayor’s Citations to the members of the Wrestling Team.

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II. PUBLIC HEARINGS

“SCHOOL PERFORMANCE AUDIT – PRESENTATION BY B & E CONSULTING”

Jeffrey Wadovick, CPA, appeared to represent the Audit Team that put together this Audit. He introduced Salvatore Augeri; Walter Edge, CPA, Thomas Sweeney and Steve Woerner, City Council Internal Auditor.

Mr. Wadovick stated that a final report will be presented to the City Council in a few months.

Mr. Sweeney stated that this is an interim report. These are options for the Council to review and decide which ones to vote on.

Mr. Edge of B & E Consulting, appeared to speak and stated that many of the items in this report have been acted on by the School Committee, in addition to taking other steps as well. He believes the School Department has made considerable efforts in reducing the deficit and are continuing to make those efforts.

Mr. Augeri stated that he conducted a survey of the seventeen schools. He went school to school to see if they were using the available facilities efficiently. He looked at the number of rooms in use and the number of rooms not being used on an individual school basis. He compared use of the rooms and the number of teachers assigned and available size classes. Mr. Augeri stated that the plan that was implemented is a very cost effective plan. You have 81% of the areas utilized. He found, on an average, 21 students per class. This plan can support the District very comfortably for the next five years. Savings would be approximately \$1,100,000 in the first year. This number would have to be confirmed by the Auditors.

Mr. Sweeney stated that a question is what is going to happen with the State money between now and the end of the Fiscal Year and what is going to happen next Fiscal Year and also what is going to happen with the Stimulus money.

Mr. Woerner addressed the privatization aspect of certain areas.

Mr. Wadovick stated that the School Department has identified approximately \$2.2 million in savings and the Team has identified approximately \$3.5 million in savings in the budget that we are in right now. We are hopeful that those savings will be recognized.

Councilman Lupino asked that between now and when the report is finalized, he would like Mr. Sweeney to look at escape clauses for privatization of food services. He would also like to know what is provided in education and human services. He asked if the Council will receive the financials before the end of the budget season. Mr. Sweeney stated that there will be some additional savings, but in this budget session. Most of the savings are identified in this interim report and this is the reason for the Team's presence this evening.

Council Vice-President Livingston stated that he would like to see from the Team a breakdown or summary of the cost of the basic education program. Mr. Sweeney stated that he thinks the Team can do this. Mr. Wadovick stated that they will do the best they can.

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Councilman Aceto addressed Mr. Augeri that earlier in the meeting he stated that the Schools he surveyed were at 81% efficiency, that leaves 19% on the table. He asked how that number is derived. Mr. Augeri stated that the 81% is a result of building Administrators keeping class number down by using alternative spaces for some of the smaller classes. Consequently, you have available classrooms that are not being used for those special areas.

Council President Lanni asked when the final report will be ready. Mr. Wadovick stated that, hopefully, it will be made available by the end of May.

III. DOCKETED RESOLUTIONS

“RESOLUTION AUTHORIZING THE LEASE OF FORMER POLICE STATION PROPERTY BY PAIGE PRODUCTIONS FOR MARCH 15 THROUGH APRIL 2, 2009”

On motion by Councilman Lupino, seconded by Councilman Santamaria, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

“RESOLUTION TO CREATE A STUDY COMMISSION ON THE FEASIBILITY OF SPEED BUMPS ON CRESCENT AVENUE, HARMON AVENUE, PRINCESS AVENUE, GANSETT AVENUE AND GLADSTONE STREET IN FRONT OF SCHOOLS”

Councilman Archetto, sponsor, stated that after speaking to Dave Ferguson, Traffic Engineer, he would like withdraw this Resolution at this time and re-introduce it at a later date.

No action taken.

“RESOLUTION IN SUPPORT OF SENATE BILL 252 AND HOUSE BILL 5572 ‘AN ACT RELATING TO ELECTIONS-VOTING DISTRICTS AND OFFICIALS”

On motion by Councilman Lupino, seconded by Council Vice-President Livingston, 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.

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“RESOLUTION AUTHORIZING THE MAYOR OR THE CITY TREASURER TO ENTER INTO A HEALTH CARE COLLABORATIVE AGREEMENT WITH THE RHODE ISLAND MUNICIPAL INSURANCE CORPORATION”

On motion by Councilman Lupino, seconded by Council Vice-President Livingston, it was voted to adopt the above Resolution.

Under Discussion:

Councilman Lupino questioned why the Resolution states that the Mayor and City Treasurer enter into the agreement and not the Finance Director or member of the Council. Mr. Strom stated that it is usually the Mayor and City Treasurer. He followed suit in other Resolutions, but if the Council wishes, this could be changed. The reason for the Treasurer is the Treasurer is the one who oversees funds for the City.

Council Vice-President Livingston asked if the Council has to ratify the contract or are they just approving the Resolution. Mr. Quinlan stated that, in his opinion, this Resolution allows the City to enter into an agreement as attached to the Resolution.

Mr. Strom stated that this agreement is strictly for current Blue Cross subscribers. This also includes the School Department.

Council Vice-President Livingston asked if the School Department has agreed. Mr. Strom stated, not yet, once the Council approves this, he will ask the School Committee to approve it for the School Department. Council Vice-President Livingston asked if the Schools do not sign on, does the City have to do this. Mr. Strom stated that the City will have to look at other alternatives, because we would not be able to do this without the School Department.

Councilman Lupino asked if there would be a need for a healthcare consultant that we currently pay for, if this agreement is passed. Mr. Strom stated that he does not think it will eliminate the need for a healthcare consultant. This is strictly Admins fees. There still would be a need for a healthcare consultant.

Roll call was taken 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.

IV. REPORT OF COMMITTEES

ORDINANCE COMMITTEE (Anthony J. Lupino, Chair)

1-09-2 “ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘ZONING’ (Niles Westcott House Local Historic District)”

On motion by Councilman Lupino, seconded by Council Vice-President Livingston, the above Ordinance was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

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

“RESOLUTION AUTHORIZING REAL ESTATE TAX ABATEMENTS”

On motion by Councilman Navarro, seconded by Councilman Lupino, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

“RESOLUTION AUTHORIZING MOTOR VEHICLE TAX ABATEMENTS”

On motion by Councilman Navarro, seconded by Council Vice-President Livingston, the above Resolution was adopted on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

“TAX INTEREST WAIVER APPROVALS AS RECOMMENDED BY CITY TREASURER”

On motion by Councilman Navarro, seconded by Councilman Lupino, it was voted to approve the above list of Tax Interest Waiver Approvals as recommended by the City Treasurer.

Under Discussion:

Councilman Pelletier indicated that at the Finance Committee meeting, Councilman Navarro had requested of the City Treasurer for additional information regarding the request for a Tax Interest Waiver from Mr. Pereschino. He stated that the Council has not received that information and it is not part of their packet this evening. Councilman Navarro asked for a vote on the list of Tax Interest Waiver Approvals except for Mr. Pereschino’s request. Mr. Strom stated that he will check with the City Treasurer regarding this information and have it made available to the Council.

On motion by Council Vice-President Livingston, seconded by Councilman Lupino, it was voted to approve the above list of Tax Interest Waiver Approvals except for Mr. Pereschino’s request and forward Mr. Pereschino’s request back to the Finance Committee. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

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

“NATICK AVE. ENGINEERING STUDY”

Ms. Schutt stated that the City is working on paving the parts of the bridge that are not drainage issues. As far as the bridge, after speaking with the Public Works Director today, the City will be requesting bids from our qualified bidders list for design work.

Councilman Lupino asked for detail map of Natick Ave. with pole number locations. Ms. Schutt stated that she will have the City’s GIS person provide this for the Public Works Committee meeting.

Councilman Navarro stated that as far as the bridge, he asked if a wooden bridge has been considered. Ms. Schutt stated that the City will be looking at the cost effective, structurally sound avenue.

Mr. Sylvia stated that there may be a chance that the whole bridge does not have to be replaced. Alternatives will be evaluated.

Councilman Aceto asked if there is a weight limit of the bridge. Mr. Sylvia stated, yes.

“SOCKANOSSET CROSSROAD AND NEW LONDON AVE. TRAFFIC STUDY”

Councilman Aceto stated that there was a lengthy presentation regarding this issue at the last Public Works Committee meeting and no discussion was held.

**COMMITTEE ON CLAIMS
(Michelle Bergin-Andrews, Chair)**

Ratification of settled claims for: Christine Audette and Martinous Law Associates, Ltd., \$33,000.00; Walter Neri, \$66.56; Jacqueline, William & Jae Pezzullo, \$775.00; Rita Verdone and Attorney Anthony Gianfrancesco, \$12,000.00; Jerome Baron and LaPlanet Sowa Goldman, \$20,000.00; Damosi Celseti and Attorney Warren Wolf, \$18,000.00; Kristen Hicks, \$300.00; Elizabeth Fishman, \$50.00; Leland R. Merrill, \$300.00; Linda Beckman, \$300.00; Raymond Smith, \$147.29; Kimberly Covill, \$41.55; Nicholas Viccione, \$300.00.

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

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V. ELECTION OF CITY OFFICIALS

INDUSTRIAL PERFORMANCE COMMITTEE

- **Re-appointment of Joseph Pimental**

On motion by Council Vice-President Livingston, seconded by Councilman Lupino, it was voted to re-appoint **JOSEPH PIMENTAL** as a member of the ***Industrial Performance Committee***. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

VI. REPORT OF CITY OFFICERS

None.

VII. EXECUTIVE COMMUNICATIONS

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

Ms. Schutt stated that the Administration has retained the Law Firm of Lepizzera and Laprocina to address the outstanding delinquent business taxes. The firm will be paid on a percentage basis on the interest of what is recovered. There is no upfront fees paid to this firm. The Mayor has also engaged outside labor counsel based on current issues with negotiations.

Councilman Pelletier stated that he is opposed to hiring outside counsel for collecting outstanding taxes because our City employees can do that job. Ms. Schutt stated that attorneys are needed for filing court forms and legal services are needed.

"REQUEST TO BE PLACED ON PENSION LT. LAWRENCE A. NORTH, CRANSTON FIRE DEPARTMENT"

On motion by Council Vice-President Livingston, seconded by Councilman Navarro, it was voted to approve the above request. Motion passed on a vote of 9-0. The following being recorded as voting "aye": Councilmen Lupino, Aceto, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews, Council Vice-President Livingston and Council President Lanni -9.

Ms. Schutt asked Mr. Cordy to speak regarding some of the key projects he is working on. **Mr. Cordy** stated that the number one project is coordination efforts of open communication between CDBG and Community Development. Other items his work entails are:

- Acting as a liaison between the business community.
- Attends Boards and Commission meetings, such as Industrial Development Commission, Library Board of Trustees and CDBG Advisory Committee
- Review overall of streamlining the Site Plan Review
- Involved in disposal of surplus properties and energy efficient initiatives
- Maintains contact with State and Local agencies
- Arranges celebrations and festivals for the City

Councilman Aceto asked if the City has been made aware of what the dollar amount is of the Stimulus money we will be receiving. Mr. Cordy stated, not as of today.

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VIII. COUNCIL PRESIDENT COMMUNICATIONS

Council President Lanni stated that he has stated this for the past three months and will continue stating it, this Council is faced with hard decisions in these difficult economic times and they have a responsibility to the taxpayers of the City and have to watch every single dollar.

IX. COUNCIL MEMBER COMMUNICATIONS

Council Vice-President Livingston

Update Regarding Preservation of Rolfe St. Cannons

No discussion was held.

Councilman Santamaria

Update on Status of Comprehensive Plan

Mr. LaPolla stated that the Land Use Plan is approximately 95% completed. The Planning Commission will then review it. Councilman Lupino asked what the process is for public review of the Plan. Mr. LaPolla stated that State Law states that Comprehensive Plan adoption is same as Zoning Ordinance, which he believes this would follow same procedure as a Zoning Ordinance. It would go before the Planning Commission and once it is forwarded to the Council, the Council has to hold a public hearing. He indicated that at that time, there will be two public hearings. Hopefully, the Plan will be ready to be adopted by this Spring.

Councilman Santamaria asked that this item be continued to next month for an update.

Councilman Pelletier

Police Contract

Councilman Pelletier asked that Union leaders, Council members and the Mayor keep open lines of communications regarding the Police Contract.

X. OLD BUSINESS

None.

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XI. INTRODUCTION OF NEW BUSINESS

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

Safety Services and Licenses Committee – April 6, 2009

3-09-2 Ordinance in amendment of Chapter 17.64.010 of the Code of the City of Cranston, 2005, entitled “Off Street Parking”.

Finance Committee – April 16, 2009

3-09-1 Ordinance in amendment of Chapter 3.04.100 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (Independent Audit).

Public Works Committee – April 16, 2009

Petition for change of street name from Goeckel Ave. to CPC Founders Way.

Petition from National Grid for pole location at Vaughn Lane.

Petition from National Grid for pole location at A Street.

Petition from National Grid for pole location at Vallette St.

Claims Committee

*JoAnn Accetta

*Linda Maroun

*Joe Gaul

*Chris Mariotti

*Anthony DelPrete

*Frederick Vincent

*Robert A. Dail

*Jaime Caniglia

*Janine Jackson

*Michael Gorman

*Edith Ascenzi

*Daniel Nuey

*Luigi Caranci

*Lisa and Steven Sousa for Elizabeth Sousa

*Linda Winman

*Marie Cummings

*Andrea Greene

*Anthony Belcher

*forwarded only to City Council, Solicitor and Anna Marino

On motion by Councilman Pelletier, seconded by Councilwoman Bergin-Andrews, 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, Navarro, Archetto, Pelletier, Santamaria, Councilwoman Bergin-Andrews and Council President Lanni -8. Council Vice-President Livingston was not present for roll call vote.

XII. MISCELLANEOUS BUSINESS ON CLERK’S DESK

None.

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XIII. PUBLIC HEARINGS ON UNDOCKETED ITEMS

Diana Gordon, owner of Antiques In The Attic, appeared to speak and stated that she filed a claim for hardship and was denied by the Claims Committee. She was denied twice and was not given a reason for the denial. She asked for a reason. Council President Lanni stated that this was before the Claims Committee and discussion was held in Executive Session and those minutes are not public records. He asked for legal advice regarding this. Mr. Kirshenbaum stated that what Council President has stated is correct. Councilman Santamaria stated that, as a member of the Claims Committee, he is uncomfortable discussing this, since discussion was held in Executive Session. This should not be discussed and at this time. Council President Lanni indicated that the Council is not discussing this, Ms. Gordon is discussing this. She presented pictures of other businesses in the area that have all sorts of signs and asked if those are in compliance. He asked that Councilman Navarro try to help Ms. Gordon with this issue.

Joseph Cole, RIPTA driver, appeared to speak and stated that when RIPTA cut services, the City of Cranston lost a lot of services on Rolfe Square. He is asking that on behalf of the people in Cranston that ride RIPTA, the Council help him get this route back. There is no expense on the City. Since the Reservoir Ave. and Pontiac Ave. bridges have been closed to the buses, the City has lost a lot of services. He is asking for help in getting the Elmwood route back. He asked that the City send a letter to RIPTA making this request. He also stated that there is a board meeting this Wednesday at noon, if anyone from the City would like to attend. Council President Lanni questioned if the Stimulus money could be used for this. Mr. Cole stated that the Stimulus money can be used only on their buildings and providing buses. It cannot be used for operating expenses. Council President Lanni asked that the issue of re-establishing routes be placed on the docket for next month's Council meeting.

Stephen Antonucci, President of IBPO Local 301, appeared to speak and stated that the Police Union is very mindful of the economic crisis. He stated that the Council has handcuffed the Administration as a result of tabling the Ratification of the contract. There were concessions, true concessions, that were taken very seriously. They did not have to come to the table, they have binding arbitration, but they have come to the table. They want to be part of the solution. They have a no-layoff clause. This is a good deal for the taxpayers. He has made himself available to the Finance Committee Chair and Council President and that offer still stands. He urged action to be taken on this, either approve the contract or deny it.

Richard Tomlins, 400 Farmington Ave., appeared to speak and stated that we need more than lines of communications kept open, as Councilman Pelletier stated earlier. We need such things as Forensic Study, we need to see what expenses we might have in the next three, four or five years. You need to come up with a stabilized plan in the three, four or five years, and you will save jobs. Use some of the Rainy Day funds, if you have to.

Anthony Sylvia, Director of Public Works, addressed issues that have come up with Providence Water. He stated that Bill #5583 is being re-introduced by Representative Jacquard regarding Providence Water being required to make final repairs on City streets after they do work. Councilman Santamaria asked that a Resolution be introduced at the next Council meeting making a request to the General Assembly to approve this Bill.

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Stephen Carrera, 16 Molly Dr., appeared to speak regarding the pending Police contract and stated that the labor attorneys will be benefiting if this contract is not acted on, not the taxpayers or Police Officers. He asked that the Council and Administration keep lines of communication open and get a contract negotiated.

John DeGenova, member of the Cranston Charter Review Commission, appeared to speak and stated that he was not able to attend the last meeting of the Charter Review Commission, at which some of the Council members attended. He asked that copies of the Council Rules be forwarded to the members of the Charter Review Commission. He questioned if it is true that legislation can be killed in Committee without it being forwarded to the full Council. Council President Lanni stated that an item tabled in Committee can be taken up by the full Council by a majority of the members voting to do so. He stated to Mr. DeGenova that if he is referring to the Police contract, that was tabled in Committee, not denied.

The meeting adjourned at 10:00 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist).