

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

SPECIAL MEETING – CITY COUNCIL

-JANUARY 4, 2012-

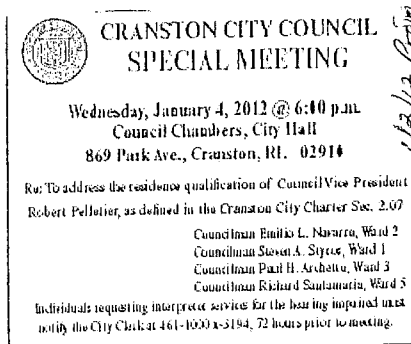
A special meeting of the City Council was held on Wednesday, January 4, 2012 in the Council Chambers, City Hall, Cranston, Rhode Island.

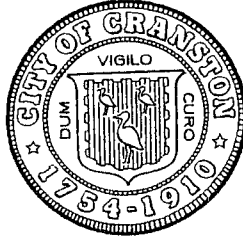
The meeting was called to order at 6:05 P.M. by the Council President.

Roll call showed the following members present: Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio (appeared at 7:00 P.M.), Council Vice-President Pelletier and Council President Lupino -9.

Also Present: Christopher Rawson, City Solicitor; Patrick Quinlan and City Council Legal Counsel.

Council Vice-President Pelletier recused from any discussion or vote.





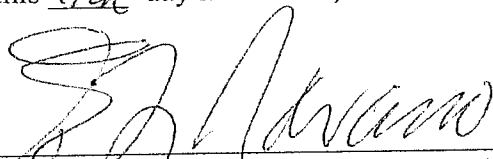
CALL OF SPECIAL MEETING OF THE CITY COUNCIL

In Accordance with Section 3.07 of the Home Rule Charter and, Section 2.04.060 of the City Code, we hereby call a special meeting of the City Council to be held on **Wednesday, January 4, 2012 at 6:00 P.M.** in the Council Chambers, City Hall, 869 Park Ave., Cranston, RI at which meeting the following items of business shall be transacted:

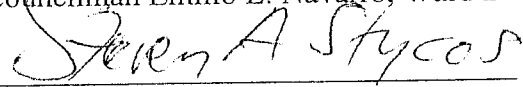
To address the residence qualification of Council Vice President Robert Pelletier, as defined in the Cranston City Charter Sec. 2.07

We hereby request the City Clerk to notify all Council members of the Call of the special meeting.

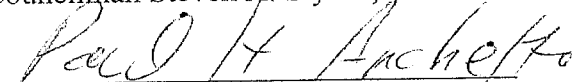
Executed at Cranston, Rhode Island, this 29th day December, 2011.



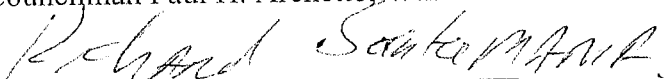
Councilman Emilio L. Navarro, Ward 2



Councilman Steven A. Stycos, Ward 1



Councilman Paul H. Archetto, Ward 3



Councilman Richard Santamaria, Ward 5

Individuals requesting interpreter services for the hearing-impaired must notify the Office of the City Clerk at 461-1000 Ext. 3197 seventy-two (72) hours in advance of the hearing date."

CERTIFICATION

I hereby certify that a true copy of the attached Call of a special meeting of the City Council to be held on Wednesday, January 4, 2012 at 6:00 P.M. in the Council Chambers, 869 Park Ave., Cranston, R.I. was delivered via electronic mail and certified mail return receipt requested on the day of 29th day of December, 2011 to the addresses listed below.

Council President Anthony J. Lupino
15 Black Oak Court
Cranston, RI 02920
alupino@cox.net

Council Vice-President Robert J. Pelletier
81 Laconia Rd.
Cranston, RI 02920
robpelletier1@verizon.net

Councilman James E. Donahue
43 Marcy St.
Cranston, RI 02905
jimdonahue@cox.net

Councilman Emilio L. Navarro
61 Autumn St.
Cranston, RI 02910
Navarro_emilio@hotmail.com

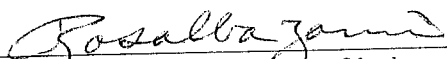
Councilman Richard Santamaria
20 Burr St.
Cranston, RI 02920
Ritaj10@yahoo.com

Councilman Paul Archetto
359 Princess Ave.
Cranston, RI 02920
Parchetto@ccri.edu

Councilman Michael W. Favicchio
153 Belvedere Dr.
Cranston, RI 02920
mike@favilaw.com

Councilman Steven A. Stycos
37 Ferncrest Ave.
Cranston, RI 02905
steven@stycos.com

Councilwoman Leslie A. Luciano
435 Oaklawn Ave. #322
Cranston, RI 02920
laluciano@cox.net



Rosalba Zanni, Assistant City Clerk

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Public Hearing:

Council President Lupino stated that each speaker will be allowed three minutes to speak.

Pete Kelleher, 80 Rutland St., appeared to speak and stated that Council Vice-President Pelletier has helped the BASICS group and he has been helpful in every Ward, not just the Ward he resides in. He is a hard working Councilman and he is opposed to him resigning from his Ward.

Aram Garabedian, 173 Belvedere Dr., appeared to speak and stated that in his opinion, Council Vice-President Pelletier did not heed his Oath.

Council President Lupino indicated to Mr. Garabedian that his time was up.

Mario Aceto, 152 Locust Glen Dr., appeared to speak and asked that his time to speak be given to Mr. Garabedian.

Mr. Garabedian continued to speak and stated that Council Vice-President Pelletier did create a vacancy by moving out of his Ward.

John Lanni, 111 Woodview Dr., appeared to speak and stated that the City Charter clearly states that a Ward Councilman has to live in their Ward. Council Vice-President Pelletier left Ward 4 in June and this would make his votes that he casted since then would be invalid and they can be challenged. This issue needs to go back to the Board of Canvassers and they need to investigate the residency. His suggestion is Council Vice-President Pelletier should resign and if there is a special election, he can run. If it is an appointment, this Council would then appoint someone in that position.

Jason Jodoin, 309 Olney Arnold Rd., Ward 4 resident, appeared to speak and stated that according to State campaign report of September, 2011, Council Vice-President Pelletier states that he resides at 81 Laconia Rd. On December 30, 2011, he registered with the Board of Canvassers his residency as 120 Hope Rd. Council Vice-President Pelletier is being deceptive and misleading. Mr. Jodoin presented a copy of the State Finance Campaign Committee form, which he printed from their website. Council President Lupino stated that this document cannot be accepted as evidence, it needs to be certified by the agency. Councilman Navarro asked for Solicitor opinion regarding this. Solicitor stated that this document needs to be certified by the State Finance Campaign Committee and once certified, Mr. Jodoin can present it as evidence.

Richard Tomlins, 400 Farmington Ave., appeared to speak and stated that this is a character issue. He is in favor of Council Vice-President Pelletier resigning.

John DeGenova, Phenix Ave., Ward 4 resident and member of past Charter Review Commission, appeared to speak and stated that in his opinion, a judge has to decide this issue unless a compromise is reached between this Council and Council Vice-President Pelletier. There is due process. He is opposed to Council Vice-President Pelletier resigning.

Shannon O'Neil, Esq., appeared to speak as a resident of Cranston, and stated that this needs to be addressed by the Board of Canvassers. There is due process. The Board of Canvassers can refer this to the State Board of Elections, which it then can go to the Courts. There is due process also in the State Law. This Council is going on a dangerous path. She indicated that she did not appear to speak as Council Vice-President Pelletier's attorney.

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On motion by Councilman Navarro, seconded by Councilman Stycos, it was voted on should the Chair's ruling be sustained as to the decision not to allow Mr. Jodoin's document into the record.

Under Discussion:

Councilwoman Luciano stated that documents should be certified similar to birth certificates. Things can be altered.

Councilman Stycos indicated that this City Council routinely accepts documents when they are presented at the meetings.

Councilman Donahue asked for Solicitor's opinion regarding this.

Solicitor Rawson stated that in speaking with Mr. Quinlan, the City Council can accept the document as identification, not for authenticity.

Motion and second were withdrawn.

City Council members were all in agreement to accept this document as identification and not authenticity.

Councilman Navarro stated that one of the reasons he asked for this meeting is because there was a violation of the Charter. He asked that Council Vice-President Pelletier address what his residency situation is. Attorney O'Neil stated that these questions cannot be asked by the City Council. They can be asked by the Board of Canvassers and her client is willing to answer questions at an appropriate forum, which is the Board of Canvassers. There has been no formal investigation done and this investigation can be done by the Board of Canvassers.

Councilman Santamaria asked if the Solicitor for the Board of Canvassers, who made the ruling to send this issue to the City Council present this evening. Solicitor Rawson stated, no, he is not.

Mr. Quinlan presented his opinion and discussed it, which was requested by the Council.

Councilman Favicchio stated that this proceeding violates the principles of separation of powers. This is a very serious issue, and what this Council needs to do is ask the Board of Canvassers to investigate this. The procedure is well established in the Charter.

Council President Lupino stated that everyone on this Council has been affected by the bad economy in one way or another. In his conversations with Council Vice-President Pelletier, his intent was to always stay in his Ward. His attendance, participation and help to his Ward has been impeccable. This issue belongs before the Board of Canvassers.

On motion by Councilman Navarro, seconded by Councilman Archetto, it was voted to refer the matter of Council Vice-President Pelletier's residency and eligibility to the Board of Canvassers to do a thorough investigation from when he sold his house in June, 2011.

Under Discussion:

Mr. Quinlan stated that the Board of Canvassers need to have a sworn affidavit of complaint. The only thing the City received was an anonymous letter. This Council cannot command the Board of Canvassers to conduct an investigation.

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Councilman Stycos stated that from the date Council Vice-President Pelletier left his residence at Laconia Rd., any votes he took and any future votes are in question until this is resolved. As Chair of Claims Committee, he stated that this Committee is meeting on Monday, January 9th and Council Vice-President Pelletier is a member of this Committee and he asked that he recuse himself from voting on any matters until this issue is resolved. Councilman Favicchio stated that nothing has been established by the Board of Canvassers. Council Vice-President Pelletier cannot be asked to recuse from voting.

On motion by Councilman Navarro, seconded by Councilman Santamaria, it was voted to send the minutes of this meeting and this issue back to the Board of Canvassers to determine if it needs to be investigated.

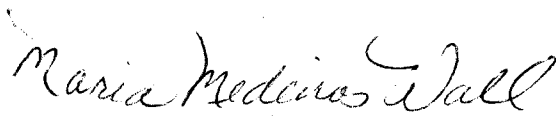
Above motion and second was withdrawn.

On motion by Councilman Navarro, seconded by Councilman Santamaria, it was voted to refer this matter to the Board of Canvassers. Motion passed on a vote of 8-0. The following being recorded as voting "aye": Councilwoman Luciano, Councilmen Donahue, Stycos, Navarro, Archetto, Santamaria, Favicchio and Council President Lupino -8.

Councilwoman Luciano indicated that the Council needs to investigate the Board of Canvassers to see why they referred this issue to the City Council.

Joe DeLorenzo, member of the Board of Canvassers, asked to respond. Council President Lupino stated that public hearing was held at the beginning of the meeting. He asked that Councilwoman Luciano's request be stricken.

The meeting adjourned at 7:45 P.M.



Maria Medeiros Wall, JD
City Clerk



Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)