

*(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**

**-NOVEMBER 19, 2012-**

A Special meeting of the City Council was held on Monday, November 19, 2012 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 8:15 P.M. by the Council President.

Roll call showed the following members present: Councilmen Donahue, Stycos, Archetto, Councilwoman Bucci (left meeting at 8:50 P.M.), Councilmen Santamaria, Favicchio, Council Vice-President Navarro and Council President Lupino -8.

Absent: Councilwoman Luciano -1.

Also Present: Evan Kirshenbaum, Assistant City Solicitor; Robert Strom, Director of Finance; Patrick Quinlan, City Council Legal Counsel and Roy Damiano, City Council Internal Auditor.

**-NOVEMBER 19, 2012-**

The City Clerk read the following:

**NOTICE 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, a special meeting of the City Council was called by the members of the Finance Committee, Councilmen Archetto, Stycos, Donahue, Favicchio, Councilwoman Bucci and Council President Lupino.

**Monday, November 19, 2012 @ 8:00 p.m.**

Council Chambers, City Hall

869 Park Ave.,

Cranston, RI. 02910

**Executive Session** pursuant to RIGL 42-46-5(a)(2) Potential Litigation

**9-12-1 Ordinance in amendment of Title 2.20.050 of the Code of the City of Cranston, 2005, entitled “Police Pension Fund – Retirement from Service” (Officers or Members Hired Prior to July 1, 1995). Cont. from 10/25/12 Special Finance Committee. [\[click here to view\]](#)**

**9-12-2 Ordinance in amendment of Title 2.28.050 of the Code of the City of Cranston, 2005, entitled “Firemen’s Pension Fund – Retirement from Service” (Members Hired Prior to July 1, 1995). Cont. from 10/25/12 Special Finance Committee. [\[click here to view\]](#)**

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

Executed at Cranston, Rhode Island, this 8<sup>th</sup> day of November, 2012.

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*/s/ Council President Anthony J. Lupino*

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.”

**-NOVEMBER 19, 2012-**

**CERTIFICATION**

I hereby certify that a true copy of the attached Call of a special meeting of the City Council to be held on Monday, November 19, 2012 at 8:00 P.M. in the Council Chambers, City Hall, 869 Park Ave., Cranston, R.I. was delivered via electronic mail on the 8<sup>th</sup> day of October, 2012 to the addresses listed below.

Council President Anthony J. Lupino  
15 Black Oak Court  
Cranston, RI 02920  
[tlupino@cox.net](mailto:tlupino@cox.net)

Councilman James E. Donahue  
43 Marcy St.  
Cranston, RI 02905  
[jimdonahue@cox.net](mailto:jimdonahue@cox.net)

Council Vice-President Emilio L. Navarro  
61 Autumn St.  
Cranston, RI 02910  
[Navarro\\_emilio@hotmail.com](mailto:Navarro_emilio@hotmail.com)

Councilman Richard D. Santamaria, Jr.  
20 Burr St.  
Cranston, RI 02920  
[Ritaj10@yahoo.com](mailto:Ritaj10@yahoo.com)

Councilman Paul Archetto  
359 Princess Ave.  
Cranston, RI 02920  
[Parchetto@ccri.edu](mailto:Parchetto@ccri.edu)

Councilman Michael W. Favicchio  
152 Belvedere Dr.  
Cranston, RI 02920  
[mike@favilaw.com](mailto:mike@favilaw.com)

Councilman Steven A. Stycos  
37 Ferncrest Ave.  
Cranston, RI 02905  
[steven@stycos.com](mailto:steven@stycos.com)

Councilwoman Leslie A. Luciano  
435 Oaklawn Ave. #322  
Cranston, RI 02920  
[laluciano@cox.net](mailto:laluciano@cox.net)

Councilwoman Maria A. Bucci  
310 Wilbur Ave.  
Cranston, RI 02921  
[MarBC4@aol.com](mailto:MarBC4@aol.com)

Mario Aceto  
152 Locust Glen Avenue  
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John E. Lanni, Jr.  
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Cranston, RI 02920  
[John.lanni@yahoo.com](mailto:John.lanni@yahoo.com)

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/s/ Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

## -NOVEMBER 19, 2012-

**9-12-1 ORDINANCE IN AMENDMENT OF TITLE 2.20.050 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘POLICE PENSION FUND – RETIREMENT FROM SERVICE’ (Officers or Members Hired Prior to July 1, 1995). Cont. from 10/25/12 Special Finance Committee.**

[\[click here to view\]](#)

**9-12-2 ORDINANCE IN AMENDMENT OF TITLE 2.28.050 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘FIREMEN’S PENSION FUND – RETIREMENT FROM SERVICE’ (Members Hired Prior to July 1, 1995). Cont. from 10/25/12 Special Finance Committee.**

[\[click here to view\]](#)

**Council President Lupino** read a letter dated November 15, 2012 addressed to him from Joseph Rodio, Esq., Sr. of IBPO 301 regarding Ordinance 9-12-1.

**Councilman Archetto** questioned if these Ordinances are properly before the Council. He does not believe a vote was taken at the Finance Committee meeting. Council President Lupino indicated that according to a transcript he received over the weekend, it reflects that a vote was made and seconded to refer these Ordinances to the full City Council.

**Council Vice-President Navarro** acknowledged a letter sent to the Mayor copied to the City Council from Paul Valletta, President of the Firefighters Union.

### **Public Speakers:**

**James Kelleher**, Alhambra Circle, appeared to represent Local 1363 and stated that the issue this City Council is considering is unlawful under Judge Procaccini’s decision.

**Paul Valletta**, President of Firefighters Union, appeared to speak and stated that this issue was litigated in 2004, went to arbitration and to Supreme Court and the Judge’s decision was that it was not legal. A year and a half ago, the Fire Union asked to sit with the Administration to negotiate these issues and the Administration did not respond.

**Ken Rouleau**, 66 Nelson Rd., Vice-President of Firefighters Union, appeared to speak and gave a history of what it cost the City for Attorney Vincent Ragosta to litigate this issue. He referred to past Budgets under former Mayor Laffey’s administration and the exorbitant legal costs incurred during that period.

**Joseph Cicione, Jr.**, 73 Urbana St., President of Cranston Police Retirees Association, appeared to speak and questioned if the Mayor and City Council has explored other avenues or formed a committee to review other ideas before considering these Ordinances.

**Richard Gallo**, 23A Waterview Dr., Smithfield, retired Police Officer, appeared to speak and indicated why the retirees are fighting for this. He stated that the retirees kept their word and their promise. The City failed in its fiduciary responsibility, not just for the retirees, but also for the citizens of Cranston.

**Council President Lupino** indicated that the Ordinances are before the Council only for discussion in Executive Session, not for a vote. Mr. Quinlan stated that there will be no vote this evening, only discussion. The City Council Members-Elect are being invited into Executive Session, which was cleared by the Attorney General’s Office. The Council Members-Elect will not take any role in voting. They will not participate in any discussion either and they are bound to the Executive Session rules.

## -NOVEMBER 19, 2012-

On motion by Councilman Donahue, seconded by Councilman Stycos, it was voted to allow the Council Members-Elect into Executive Session. Motion passed on a vote of 6-0. The following being recorded as voting "aye": Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio and Council President Lupino -6. Councilwoman Bucci and Council Vice-President Navarro were not present for roll call vote.

On motion by Councilman Favicchio, seconded by Councilman Stycos, it was voted to go into Executive Session pursuant to RIGL 42-46-5(a)(2) Pending Litigation. Motion passed on a vote of 6-0. The following being recorded as voting "aye": Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio and Council President Lupino -6. Councilwoman Bucci and Council Vice-President Navarro were not present for roll call vote.

The meeting went into Executive Session at 8:50 P.M.

Present in Executive Session: Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Navarro and Council President Lupino; Mayor Allan W. Fung; Evan Kirshenbaum, Assistant City Solicitor; Robert Strom, Director of Finance; Patrick Quinlan, City Council Legal Counsel; Roy Damiano, City Council Internal Auditor; Council Members-Elect John Lanni, Mario Aceto, Sara Lee, Michael Farina, Donald Botts.

On motion by Councilman Santamaria, seconded by Councilman Archetto, it was voted to come out of Executive Session. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Navarro and Council President Lupino -7.

The meeting came out of Executive Session at 10:10 P.M.

On motion by Councilman Santamaria, seconded by Councilman Favicchio, it was voted to seal the minutes of Executive Session. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilmen Donahue, Stycos, Archetto, Santamaria, Favicchio, Council Vice-President Navarro and Council President Lupino -7.

The meeting adjourned at 10:12 P.M.

Maria Medeiros Wall, JD  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Ron Ronzio, Stenotypist)