

SPECIAL MEETING – CITY COUNCIL

-DECEMBER 15, 2008-

A special meeting of the City Council was held on Monday, December 15, 2008 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 6:25 P.M. by the Council President.

Roll Call showed the following members present: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

Also Present: Vito Sciolto, City Solicitor; Steve Woerner, City Council Internal Auditor; Pat Quinlan, City Council Legal Counsel.

On motion by Councilman Lupino, seconded by Councilman Barone, it was voted to go into Executive Session pursuant to RIGL 42-46-5(a)(1) Personnel and (2) Collective Bargaining/Litigation. Motion passed on a vote of 9-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

The meeting went into Executive Session at 6:25 P.M.

-DECEMBER 15, 2008-

****AMENDED NOTICE****

**CITY OF CRANSTON
RHODE ISLAND**

**NOTICE OF SPECIAL MEETING
OF THE CITY COUNCIL**

In Accordance with Section 3.07 of the Home Rule Charter and, Section 2.04.06 of the City Code, I hereby call a special meeting of the City Council to be held on

Monday, December 15, 2008 at *6:15 p.m.
Council Chambers, City Hall, 869 Park Ave.,
Cranston, RI. 02910

The following items of business shall be transacted:

Executive Session pursuant to **RIGL 42-46-5 (a)(1) and (2)

- Cullion Concrete
- **Glen Hills LLC & State of RI v. City of Cranston
- *10-08-4 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled "Administration and Personnel" (Fireman's Pension Fund).
- *10-08-5 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled "Administration and Personnel" (Police Pension Fund).

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 11th day of December, 2008.

/s/ Aram G. Garabedian, Council President

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."

Revised: 12/11/2008

CERTIFICATION

I hereby certify that a true copy of the attached **Amended Call of a special meeting of the City Council to be held on Monday, December 15, 2008 at 6:15 P.M. in the Council Chambers, City Hall, 869 Park Ave., Cranston, R.I. was delivered via electronic mail on the 11th day of December, 2008 and regular mail, postage prepaid to the addresses listed below.

Council President Aram G. Garabedian
173 Belvedere Dr.
Cranston, RI 02920
Aram@blissproperties.net

Council Member Maria A. Bucci
301 Wilbur Ave.
Cranston, RI 02921
MarBC4@aol.com

Councilman Terence Livingston
28 Tucker Ave.
Cranston, RI 02905
Terry@livingstonlaw.us

Councilman Jeffrey P. Barone
16 Samuel Court
Cranston, RI
Jeffreyb22@cox.net

Councilwoman Paula B. McFarland
100 Pomham St.
Cranston, RI 02910
p_mcfarland@verizon.net

Councilman John E. Lanni, Jr.
111 Woodview Dr.
Cranston, RI 02920
john.lanni@yahoo.com

Councilman Anthony J. Lupino
15 Black Oak Court
Cranston, RI 02921
tlupino@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
Ritatj10@yahoo.com

Councilman-Elect Robert Pelletier
81 Laconia Rd.
Cranston, RI 02920
Rpelletier1@verizon.net

Councilman-Elect Mario Aceto
152 Locust Glen Dr.
Cranston, RI 02920
maceto@hess.com
maceto79@aol.com

Councilman-Elect Paul Archetto
359 Princess Ave.
Cranston, RI 02920
parchetto@ccri.edu

Council Member-Elect Michelle Bergin-Andrews
280 Summit Dr.
Cranston, RI 02920
Michelle@andrewslawoffices.com

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

/s/ Rosalba Zanni, Assistant City Clerk

-DECEMBER 15, 2008-

On motion by Councilman Lanni, seconded by Councilman Livingston, it was voted to come out of Executive Session. Motion passed on a vote 9-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

Present in Executive Session: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian; Vito Sciolto, City Solicitor; Pat Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

The meeting came out of Executive Session at 6:55 P.M.

On motion by Councilman Lanni, seconded by Councilman Livingston, it was voted to seal the minutes of Executive Session. Motion passed on a vote 9-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

The meeting adjourned at 7:20 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committee

SPECIAL CITY COUNCIL - EXECUTIVE SESSION MINUTES

DECEMBER 15, 2008

The meeting went into Executive Session at 6:25 P.M.

Present: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian; Vito Sciolto, City Solicitor; Pat Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

Cullion Update

Mr. Quinlan stated that the legal team met with the Court and DEM was also present. There are spots of soil that are contaminated and the City then went back to DEM to see how much more that needed to be tested around the spots. The Administration has secured transfer of grant funds from Ceiba Geigy over to here. That money is now safe for work on this site. We should be receiving a reply sometime in March of when these tests will be done if there is need for more testing.

Councilman Barone asked what would happen if the tests do not pass. Mr. Quinlan stated that Cullion would have to clear it up or walk away from the deal. Councilman Barone asked what money is not guaranteed for this project. Mr. Quinlan stated that the only money in question is the HUD money, reason for that is it has to go to Washington for approval.

Council President Garabedian asked that this be placed in writing to the Council outlining what funding is guaranteed and what money is still in question.

Councilman Lupino asked if there is a provision for a third party, such as the Pawtuxet River Authority, to do the cleanup. Mr. Quinlan stated that that is a possibility.

On motion by Councilman Lanni, seconded by Councilman Livingston, it was voted to recess this meeting in order to convene a Special Safety Services and Licenses Committee meeting and this meeting will reconvene after that. Motion passed unanimously.

The meeting recessed at 6:30 P.M.
The meeting reconvened at 6:45 P.M.

Glen Hills Section Update

Mr. Sciolto stated that he has some concerns regarding approval of the Comprehensive Plan Amendment and the Zone Change Ordinances for property in this area, one of which is there are a lot of conflicting items. He referred to the DiPrete case during the 1980's. He stated that he is also concerned of the City's exposure if this case is lost by the City.

Council President Garabedian stated that he feels very comfortable that we are on solid ground as a Council that we are going to win this lawsuit.

Councilman Navarro indicated that the land right now is Zoned Residential. We are trying to amend the Comprehensive Plan to S-1, Open Space.

Councilman Lupino stated that by changing the Zone for just three lots, it does appear to be a taking or a spot-zoning. He questioned why not change the Zone for the entire strip in that area, since there is a privately owned piece of property near Glen Hills School.

Councilman Navarro questioned what would happen if the two Ordinances in question are not approved. Mr. Sciolto stated that the applicant has an appeal before the Platting Board of Review, if it is denied there, it would go to Superior Court.

Councilman Livingston stated that since Council President Garabedian seems confident we are going to win this lawsuit, let the lawsuit go its way.

The meeting came out of Executive Session at 7:15 P.M.