

## SPECIAL MEETING – CITY COUNCIL

-JULY 10, 2008-

A special meeting of the City Council was held on Thursday, July 10, 2008 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 8:10 P.M.

Roll Call showed the following members present: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci (appeared at 9:35 P.M.), Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

Also Present: Mayor Michael Napolitano; Vito Sciolto, City Solicitor; Pat Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor; Attorney Matt Oliveira and Attorney Christine Curley.

Council Vice-President McFarland stated that Council Member Bucci is on-route and will be arriving late.

-JULY 10, 2008-

**CITY OF CRANSTON**

**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, we hereby call a special meeting of the City Council to be held on **Thursday, July 10, 2008 at 8 p.m.** in the City Council Chamber of Cranston City Hall, 869 Park Avenue, Cranston, RI, at which meeting the following items of business shall be transacted:

The following items of business shall be transacted:

Open Session: Resolution Authorizing the RI League of Cities and Towns to Act as Agent for the City in Procuring an Energy Supplier

Executive Session pursuant to RIGL 42-46-5 (a) (2):

- Pending Litigation – Caruolo Action - discussion and consideration of proposed settlement
- City of Cranston vs. Cranston School Committee  
(Superior Court Case No. 08-4133)

We 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 July, 2008.

\_\_\_\_\_  
/s/ Paula B. McFarland, Council Vice- President

\_\_\_\_\_  
/s/ Anthony Lupino, Councilman Citywide

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/s/ Emilio Navarro, Councilman - Ward 2

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.”

-JULY 10, 2008-

**CERTIFICATION**

I hereby certify that a true copy of the attached Call of a special meeting of the City Council to be held on Thursday, July 10, 2008 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 July, 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](mailto:Aram@blissproperties.net)

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

Councilman Terence Livingston  
28 Tucker Ave.  
Cranston, RI 02905  
[Terry@livingstonlaw.us](mailto:Terry@livingstonlaw.us)

Councilman Jeffrey P. Barone  
16 Samuel Court  
Cranston, RI  
[Jeffreyb22@cox.net](mailto:Jeffreyb22@cox.net)

Councilwoman Paula B. McFarland  
100 Pomham St.  
Cranston, RI 02910  
[p\\_mcfarland@verizon.net](mailto:p_mcfarland@verizon.net)

Councilman John E. Lanni, Jr.  
111 Woodview Dr.  
Cranston, RI 02920  
[john.lanni@yahoo.com](mailto:john.lanni@yahoo.com)

Councilman Anthony J. Lupino  
15 Black Oak Court  
Cranston, RI 02921  
[tlupino@cox.net](mailto:tlupino@cox.net)

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

Councilman Richard Santamaria  
20 Burr St.  
Cranston, RI 02920  
[Ritatj10@yahoo.com](mailto:Ritatj10@yahoo.com)

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/s/ Rosalba Zanni, Assistant City Clerk

-JULY 10, 2008-

**“RESOLUTION AUTHORIZING THE RI LEAGUE OF CITIES AND TOWNS TO ACT AS AGENT FOR THE CITY IN PROCURING AN ENERGY SUPPLIER”**

**Council President Garabedian** stated that he has received a letter from RI League of Cities and Towns and they have issues with this Resolution and he would like it taken off the docket if there are no objections. No one objected.

**“PENDING LITIGATION REGARDING CARUOLO ACTION”**

**Council President Garabedian** stated that vote on settlement was taken last week and failed on a tie vote and questioned why this vote is being repeated within such a short period of time and he asked for Solicitor’s legal opinion. Mr. Quinlan stated that without such motion that was before the Council last week was a motion to approve proposed Order of settlement which failed on a 3-3 vote. Under Robert’s Rules of Order, a motion can be made for reconsideration by anyone who voted against the proposed settlement. The Council President asked if the public is allowed to speak. Mr. Quinlan stated that under the Council Rules, the public is entitled to speak at special meeting similar to regular Council meetings.

**Public Speakers:**

**Albert Benetti**, 24 Concord Ave., appeared to speak and stated that his first concern is the legality of this meeting. In all the years he has been attending Council meetings, he has never seen a Council vote on an issue and come back for reconsideration when nothing has changed. If you allow this to happen this evening, you will set a precedent that whenever a vote fails, it is brought back for reconsideration. He does not think the Solicitor or Mr. Quinlan have the legal expertise to address this and suggested possibly hiring a Parliamentarian. Mr. Quinlan referred Section 37 of Robert’s Rules of Order regarding reconsideration of an item. Councilman Livingston stated that he believes Robert’s Rules apply to the same meeting. Mr. Benetti stated that the School Committee is not suing the Mayor or the City Council, they are suing every resident in the City. Any money given to them will not go to the students. There has been some serious financial mismanagement in the School Department. In the past two years, every time someone files a lawsuit against the City, the City Council and Administration folds and settles. You have enough evidence to go forward to Court and fight this. He pleaded to the Council to not agree with the settlement.

**Ellen Pratas**, 66 Shirley Blvd., appeared to speak and asked that the Council not go forward with the Caruolo Action and settle without litigation. This money is necessary and is not a frivolous request.

**Stephanie Cuhane**, 97 Concord Ave., appeared to speak and stated that what is at issue today is to resolve the issue of the School Department needing more money.

On motion by Councilman Lanni, seconded by Councilman Santamaria, it was voted to reconsider the vote taken at the July 1, 2008 Special Council meeting regarding the settlement and go into Executive Session pursuant to RIGL 42-46-5(a)(2). Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Livingston, Navarro, Santamaria, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting “nay”: Councilman Barone -1.

The meeting went into Executive Session at 8:35 P.M.

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Present in Executive Session: Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci (appeared at (9:35 P.M.), Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian; Mayor Michael Napolitano; Vito Sciolto, City Solicitor; Pat Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor; Attorney Matt Oliveira and Attorney Christine Curley; Salvatore Augieri, former Superintendent of Schools, City's consultant.

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

The meeting came out of Executive Session at 10:20 P.M.

On motion by Councilman Santamaria, seconded by Councilman Navarro, it was voted to seal the minutes of Executive Session. Motion passed on a vote of 6-3. The following being recorded as voting "aye": Councilmen Lanni, Livingston, Council Member Bucci, Councilmen Santamaria, Barone and Council President Garabedian -6. The following being recorded as voting "nay": Councilmen Lupino, Navarro and Council Vice-President McFarland -3.

**City Clerk reported the following votes taken in Executive Session:**

On motion by Councilman Livingston, seconded by Councilman Barone, it was voted to reject the settlement and proceed with trial. Motion passed on a vote of 5-4. The following voting "aye": Councilmen Lanni, Livingston, Santamaria, Barone and Council President Garabedian -5. The following voting "nay": Councilmen Lupino, Navarro, Council Member Bucci and Council Vice-President McFarland -4.

On motion by Councilman Barone, seconded by Councilman Lanni, it was voted to have Attorneys Matt Oliverio and Christine Curley represent the City Council. Motion passed on a vote of 9-0. The following voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Council Member Bucci, Councilmen Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -9.

On motion by Councilman Santamaria, seconded by Councilman Navarro, it was voted to seal the minutes of Executive Session. Motion passed on a vote of 6-3. The following being recorded as voting "aye": Councilmen Lanni, Livingston, Council Member Bucci, Councilmen Santamaria, Barone and Council President Garabedian -6. The following being recorded as voting "nay": Councilmen Lupino, Navarro and Council Vice-President McFarland -3.

-JULY 10, 2008-

**Council Vice-President McFarland** stated that she is very disappointed with this Council and she does not want to attend another meeting without a fiscal note attached to any proposal by any Council member. This was illegal since there was no fiscal note attached to this settlement.

**Councilman Lupino** stated that he would like the vote invalidated since we acted erroneously since there was no fiscal note attached. Council Vice-President McFarland asked for Solicitor's opinion. Mr. Quinlan stated that the Charter deals with Ordinances and the City Code deals with Ordinances and Resolutions. With respect to Councilman Lupino's motion, it is not a proper motion and court action would be required to invalidate the actions of the Council. As to the fiscal note, there is one provided this evening from the Finance Director.

**Council Vice-President McFarland** stated that the handout provided by the City Clerk is a one paragraph note, on a plain piece of paper and not a letterhead, with no name of who drafted it.

**City Clerk** stated that the Finance Director asked her this afternoon to provide this document to the Council this evening and he indicated to her that it pertained to the settlement that was before the Council.

The meeting adjourned at 10:25 P.M.

Maria Medeiros Wall, JD  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committee

(See stenographic notes of Meredith Mahoney, Stenotypist).