

SPECIAL MEETING – CITY COUNCIL

-MAY 29, 2007-

Special meeting of the City Council was held on Tuesday, May 29, 2007 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: Councilmen Lanni, Lupino, Santamaria (appeared at 6:15 P.M.), Barone, Council Vice-President McFarland and Council President Garabedian –6.

Absent: Councilman Livingston, Navarro and Council Member Bucci -3.

Also Present: Frank Migliorelli, Deputy Director of Administration; Vito Sciolto, City Solicitor; Pat Quinlan, City Council Legal Counsel.

-MAY 29, 2007-

**CITY OF CRANSTON
RHODE ISLAND**

***AMENDED**

NOTICE OF SPECIAL MEETING OF THE CITY COUNCIL

In Accordance with the Home Rule Charter and Section 3.07 and Section 2-10.2 of the City Code thereof, I hereby call a special meeting of the City Council to be held on **Tuesday, May 29, 2007 at 6:00 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:

Executive Session

- Potential Litigation: FY 08 Funding of Personnel Analyst Position pursuant to RIGL 42-46-5 (a)(2).
- *IAFF, AFL-CIO Local 1363 Collective Bargaining update pursuant to Section 14.17 of the City Charter.

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 24th day of May 2007.

/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."

-MAY 29, 2007-

CERTIFICATION

I hereby certify that a true copy of the attached Call of a special meeting of the City Council to be held on Tuesday, May 29, 2007 at 6:00 P.M. in the Council Chambers, third floor, City Hall, 869 Park Ave., Cranston, R.I. was delivered via electronic mail on the 24th day of May, 2007 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
21 Red Hawk Dr.
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
jlanni@peterpanbus.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

/s/ Rosalba Zanni, Assistant City Clerk

-MAY 29, 2007-

Councilman Barone motioned to go into Executive Session and Councilman Lupino seconded the motion.

Under Discussion:

Council Vice-President McFarland stated that she is voting in opposition to going into Executive Session because the full City Council voted not to fund for the Personnel Analyst position and we do not have the full Council present to discuss this issue. She asked for a legal opinion.

Mr. Quinlan stated that there are two issues:

- 1) the Personnel Director's memo on threatened litigation. He has some recommendations if this Council goes into Executive Session, on how the meeting will proceed.
- 2) He is concerned that we keep in mind that this is not an issue of the Personnel Director's conduct or performance.

Councilman Barone asked if the Council will be allowed to ask questions to the person that is directly involved. Mr. Quinlan stated, no, under Open Meetings Law, this is not an issue of performance. If that person is allowed into Executive Session, you could be implying the issue of performance.

Council Vice-President McFarland stated that we are not speaking of one position. This could potentially happen again to others. This has happened overall to other employees and this is the first time it has been presented by the Personnel Director in this manner.

Councilman Barone stated that if you are not going to allow the person involved into Executive Session, that person should at least have the opportunity to express their feelings.

Councilman Lupino stated that he just spoke to Councilman Navarro and he will not be able to attend the Executive Session. Council Vice-President McFarland stated that Council Member Bucci and Councilman Santamaria will not be able to attend either.

Legal opinion was asked if the meeting could be continue to later, after the regular Council meeting, at which time more member of the Council will be present. Mr. Sciolto suggested that the Council take a vote to go into Executive Session and either have the meeting now or don't have it at all. The Council could convene in Executive Session and recess to later on this evening, after the regular Council meeting. Councilman Lanni stated that he is not in favor of doing this, because we would be setting a precedent. He is not in a frame of mind to set a precedent. There have been employees in the past that have been fired or deleted out of the budget and there have been no appeals to the Council in this manner.

Councilman Lupino withdrew his send to the motion to go into Executive Session.

Council Vice-President McFarland indicated that the adopted budget lists the Personnel Analyst position with no salary attached to it. This position needs to be eliminated and the budget needs to be corrected.

-MAY 29, 2007-

On motion by Council Vice-President McFarland, seconded by Councilman Santamaria, it was voted to adjourn the meeting. Motion failed on a vote of 4-2. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Santamaria and Council Vice-President McFarland -4. The following being recorded as voting “nay”: Councilman Barone and Council President Garabedian -2.

Council President Garabedian asked for legal opinion on whether this motion passes or fails. Mr. Quinlan stated that you do not need to take roll call on motion to adjourn. Procedurally this does not require a motion.

Meeting adjourned at 6:23 P.M.

Maria Medeiros Wall, JD
City Clerk

Rosalba Zanni
Assistant City Clerk/Clerk of Committees