

SPECIAL MEETING – CITY COUNCIL

-NOVEMBER 25, 2003-

A Special meeting of the Cranston City Council was held on Tuesday, November 25, 2003 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 5:36 P.M. by Council Vice-President O'Hara.

Roll Call showed the following members present: Councilmen Fung, Jackvony, Councilwoman O'Hara, Council Member Fogarty, Councilwoman McFarland (appeared at 5:50 p.m.), Councilmen Ferolito, Lanni, McDonough-8.

Absent: Council President Pastore .

Also Present: Paul Grimes, Director of Administration; Evan Kirshenbaum; Assistant City Solicitor; Pat Quinlan, City Council Legal Counsel; Attorney Michael Lepizzera, Jr.

-NOVEMBER 25, 2003-

Clerk read the following:

**CITY OF CRANSTON
RHODE ISLAND**

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

In Accordance with the Home Rule Charter and Section 3.07, Section 2-10.2 of the City Code, I hereby call a special meeting of the City Council to be held on

Tuesday, November 25, 2003 at 5:30 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)(2):
Pending Litigation Legal Expenses: General litigation matters**

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 20th day of November 2003.

/s/ Peter T. Pastore, Jr., Council President

-NOVEMBER 25, 2003-

CERTIFICATION

I hereby certify that a true copy of the attached Notice of a Special Meeting of the City Council to be held on Tuesday, November 25, 2003 at 5:30 P.M., Council Chambers, City Hall, 869 Park Avenue, Cranston, R.I. was delivered via electronic mail on this 20th day of November, 2003 and regular mail, postage prepaid to the addresses listed below.

Council President Peter T. Pastore, Jr.
14 Firglade Dr.
Cranston, RI 02921
Ppastore@randolphsavings.com

Councilman Marc D. Ferolito
mferolito1@cox.net

Council Member Cynthia M. Fogarty
Fogarty1@msn.com

Councilman Allan W. Fung
alfung@cox.net

Councilwoman Ellen O'Hara
ellencohara@cox.net

Councilman Kirk McDonough
67 Dellwood Rd.
Cranston, RI 02920
kirkmcdonough@cox.net

Councilwoman Paula McFarland
pmcfarland@prodigy.net

Councilman Randall A. Jackvony
rjackvony@cox.net

Councilman John E. Lanni, Jr.
111 Woodview Dr.
Cranston, RI 02920
jlanni@peterpanbus.com

/s/ Maria Medeiros Wall, City Clerk

-NOVEMBER 25, 2003-

On motion by Council Member Fogarty, seconded by Councilman Lanni, it was voted to go into Executive Session pursuant to RIGL 42-46-5(a)(2) Litigation.

Under Discussion: Councilman McDonough stated that he believed this meeting was to discuss the Crossing Guards, and that he had read in the Providence Journal that Paul Zisseron had attended sessions with the Mayor, and questioned whether the Council could still go into Executive Session if a member of the public had been privy to the Mayor's strategies. Councilwoman O'Hara stated that tonight's meeting is to address general litigation matters. The Solicitor had only given a tentative agenda schedule and that no specific dates had been assigned. She further stated that what others did doesn't impact on the Council's session, and she did not believe that we would want privacy issues violated and discussed in public. Councilman McDonough addressed his concern to Patrick Quinlan that Paul Zisseron had participated in legal strategy sessions on the Crossing Guards.

Attorney Quinlan responded that there were two issues, 1) was he an employee of the City and 2) can you bring someone in to assist. Councilman McDonough asked if anyone knew if he had been privy to privileged communications.

Asst. Solicitor Kirshenbaum stated that he did not know but that tonight's agenda was on general civil litigation matters i.e. slip and fall and knows these have not been discussed. These cases are more fact sensitive and don't deal with public policy, and he would be upset if anyone disclosed the details of the discussions.

Attorney Lepizerra stated that the Solicitor had requested his appearance. A lot of non-union litigation both pre and post-Laffey. Feels it is important to let Council know the number of cases, volume of claims and their status. He has been assigned 23 files, and will be discussing nine or ten tonight. Some claims have up to \$100,000 liability at five files, that involved 2.5 million in potential liability to the City. On some of the files, nothing has been done, no affirmative defenses pleaded such as Public Duty Doctrine, no interert, nor have appropriate cross-claims been filed. He was leery of taking some of the cases as they're coming up for Court ordered arbitration. Some people have really screwed up. He has some concerns and wants to make the Council aware of those concerns. If someone isn't going to keep the privilege, then he won't discuss the cases. Attorney Quinlan agreed with Attorney Lepizzera.

(Councilwoman McFarland arrived at 5:50 p.m)

Councilman McDonough asked Mr. Grimes to advise of Mr. Zisseron's role. Mr. Grimes stated that he was a pro bono "policy advisor" to the Mayor but doesn't meet lawyers or get involved in legal strategies.

Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilman Jackvony, Councilwomen O'Hara, Fogarty and McFarland, Councilmen Ferolito, Lanni, McDonough-7.

The meeting went into Executive Session at 5:50 p.m. (Also present Paul Grimes, Asst. Solicitor Kirshenbaum, Attorney Lipezerra)

On motion by Councilman Ferolito, seconded by Council Member Fogarty, it was voted to come out of Executive Session. Motion passed on a voice vote of 8/0.

The meeting came out of Executive Session at 7:44 P.M.

On motion by Councilman Lanni, seconded by Councilman Ferolito, it was voted to seal the minutes of Executive Session. Motion passed on a voice vote of 8-0.

The meeting adjourned at 7:45 P.M.

Maria Medeiros Wall
City Clerk