

SPECIAL MEETING – CITY COUNCIL

-NOVEMBER 22, 2004-

A Special meeting of the Cranston City Council was held on MONDAY, November 22, 2004 in the Council Chamber, City Hall, Cranston, Rhode Island.

The meeting was called to order at 6:20 P.M. by Council President Pastore.

Roll Call showed the following members present: Councilmen Fung, Jackvony, Councilwoman O’Hara, Council Member Fogarty, Councilwoman McFarland, Councilmen Ferolito, Lanni, McDonough and Council President Pastore -9.

Also Present: Paul Grimes, Director of Administration; Jametta Alston, City Solicitor; Nancy Garcia Ponte, Assistant City Solicitor; Pat Quinlan, City Council Legal Counsel.

~~-NOVEMBER 22, 2004-~~

The City Clerk read the following:

**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 2-10.2 of the City Code, I hereby call a special meeting of the City Council to be held on

Monday, November 22, 2004 at 6 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 General litigation matters and legal fees**

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 18th day of November , 2004.

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

-NOVEMBER 22, 2004-

CERTIFICATION

I hereby certify that a true copy of the attached Notice of a Special Meeting of the City Council to be held on Monday, Nov. 22, 2004 at 6:00 P.M., Council Chambers, City Hall, 869 Park Avenue, Cranston, R.I. was delivered via electronic mail on this 18th day of November, 2004 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/ Rosalba Zanni, Assistant City Clerk

-NOVEMBER 22, 2004-

On motion by Councilman McDonough, seconded by Councilman Fung, it was voted to go into Executive Session.

Under Discussion:

Council Member Fogarty stated that the Administration and the Solicitor feel the Council cannot divulge information that they think is not allowed outside Executive Session and are prevented from any discussion outside of Executive Session and because of this she objects to going into Executive Session. She also stated that a synopsis of the cases to be discussed in Executive Session should be sent out to the Council. She asked why the Agenda is generic. Mr. Quinlan stated that the cases are made known to the Council, as long as the issue that is discussed is clear with the Solicitor.

Council President Pastore stated that it is under the prevue of the Council of what can be sealed and what cannot be. Once, the Council goes into Executive Session, this could be discussed.

Council Member Fogarty asked why the Council can't get in writing from the Solicitor, updates of these cases, an Executive Session does not have to be held. Mr. Grimes stated that the Council could, if they wanted to. In Executive Session, more sensitive information, such as litigation strategies, can be discussed.

Councilwoman O'Hara stated that on the bills that were sent to the Council, all the names were crossed out and these cases have all been settled. Ms. Alston stated that going forward, the names do not have to be crossed out. Month's ago, because of strategy, the names were crossed out because of sensitive matter, but now it does not matter.

Roll call was taken on motion to go into Executive Session and motion passed on a vote of 6-3. The following being recorded as voting "aye": Councilmen Fung, Jackvony, Councilwomen O'Hara, McFarland, Councilman Ferolito and Council President Pastore -6. The following being recorded as voting "nay": Council Member Fogarty, Councilmen Lanni and McDonough -3.

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The meeting went into Executive Session at 6:30 P.M.

Ms. Alston addressed the following issue:

- 1) Orchard Farms - Ms. Alston presented a letter regarding the Orchard Farms issues.
- 2) School Committee Litigation – As to the Mark Seidel issue, complaint has been answered.
- 3) Public Works Contract – In terms of attorney fees and issue raised by the Council, the City looked at trying to get the attorney to reduce his fees and he is now at hourly fees. Councilman McDonough asked how the attorney was selected. Ms. Alston stated that at the time, Tillinghast was doing a lot of work for the City and pulling together information and that is how they were selected.

Councilman McDonough stated that he was at Municipal Court today and the news cameras were interviewing the Judge regarding Plainfield Pike, he asked what this was all about. Ms. Alston stated that she is not aware of anything, except the only thing she can think of is a disagreement or a dispute between Mr. Labree and his neighbor that has been going on for years and the Judge is acting as a mediator between the two parties to try to resolve this issue.

The meeting came out of Executive Session at 7:00 P.M.

On motion by Councilman McDonough, seconded by Councilman Fung, it was voted to seal the portion of the Executive Session minutes as identified by the City Solicitor. Motion passed unanimously.

The meeting adjourned at 7:05 P.M.

Rosalba Zanni
Assistant City Clerk/Clerk of Committees

(See Stenographic notes of Ron Ronzio, Stenographer).

**EXECUTIVE SESSION MINUTES: (PORTION TO BE SEALED TO BE
SEALED)**

Discussion took place on the agenda for this meeting and what can and cannot be discussed outside of Executive Session. Ms. Alston stated that the last three Calls of Special Council Meeting regarding legal fees have been drafted by the City Clerk.

Ms. Alston addressed the following issue:

1) Orchard Farms - Ms. Alston presented a letter regarding the Orchard Farms issues and stated that this could be placed in the public minutes. She stated that the reason this is being brought before the Council in Executive Session is because the City has contacted the State Police and they are conducting an investigation and we are looking at pending criminal charges against DePasquale.

2) School Committee Litigation – As to the Mark Seidel issue, complaint has been answered and the City is defending Mark Abrams because he is an expert for the City.

3) Public Works Contract – In terms of attorney fees and issue raised by the Council, the City looked at trying to get the attorney to reduce his fees and he is now at hourly fees. Councilman McDonough asked how the attorney was selected. Ms. Alston stated that at the time, Tillinghast was doing a lot of work for the City and pulling together information and that is how they were selected. Councilwoman O'Hara asked what happened to the idea of the Administration discussing contracts with attorneys and providing the Council with an outline of that. Ms. Alston stated that basically, there have been no new attorneys hired and going forward, the Administration will provide the Council with details of contracts, such as estimates.

Councilman McDonough asked how much in unpaid bills are outstanding at this time. Ms. Alston stated that a bill for \$35,000 from Tillinghast came in this week. A bill for \$97,000 was not received until August. There is approximately \$50,000 outstanding and there is nothing pending, except for the School Committee Case.

Councilman McDonough stated that he was at Municipal Court today and the news cameras were interviewing the Judge regarding Plainfield Pike, he asked what this was all about. Ms. Alston stated that she is not aware of anything, except the only thing she can think of is a disagreement or a dispute between Mr. Labree and his neighbor that has been going on for years and the Judge is acting as a mediator between the two parties to try to resolve this issue.

Ms. Alston addressed what should be sealed and what should remain in Executive Session. She stated that the Orchard Farms issue should be public and any mention of State Police being involved should not be made public. School suit issue, the statement of Mr. Abrams being our expert, should be left in Executive Session. Public Works Contract, this does not need to be sealed with the Executive Session minutes. The statement of providing the Council with legal contracts information, this could be made part of the public minutes. The statements regarding Municipal Court could also be made part of the public minutes.

On motion by Councilman McDonough, seconded by Councilman Jackvony, it was voted to seal the portion of the minutes of what has been identified as Executive Session material by Ms. Alston. Motion passed unanimously.

On motion by Councilman McDonough, seconded by Councilman Jackvony, it was voted to come out of Executive Session. Motion passed unanimously.

The meeting came out of Executive Session at 7:00 P.M.