

## SPECIAL MEETING – CITY COUNCIL

-NOVEMBER 7, 2005-

A Special meeting of the Cranston City Council was held on MONDAY, November 7, 2005 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 6:30 P.M. by Council President Garabedian. Roll Call showed the following members present: Councilman Pisaturo, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian –7.

Absent: Councilmen Fung and Livingston -2.

Also Present: Robin Muksian-Schutt, Deputy Director of Administration; Evan Kirshenbaum, Assistant City Solicitor; Pat Quinlan, City Council Legal Counsel; Steve Woerner, City Council Internal Auditor.

-NOVEMBER 7, 2005-

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 2.04.06 of the City Code, I hereby call a special meeting of the City Council to be held on

Monday, November 7, 2005 at 6:30 p.m.  
Council Chambers, third floor, City Hall  
Cranston, RI. 02910

The following items of business shall be transacted:

- Ordinance 9-05-2 Ordinance in amendment of Chapter 3.04 of the Code of the City of Cranston, 2005, entitled 'Fiscal Provisions' (Collective Bargaining Impact). Amended in Committee 10/11/2005.
- Ordinance 9-05-4 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2005 and ending June 30, 2006 (Planning Budget Amend.). Amended in Committee 10/11/2005.
- Election of Officers - Building Appeals Board
- Mayoral Objections filed October 27, 2005 on Ordinance 6-05-4 "Transferring Appropriations and amending the Budget for the Fiscal Year commencing July 1, 2004 and ending June 30, 2005 (4<sup>th</sup> Quarter Transfers). Passed by the Council October 24, 2005
- Introduction of New Business

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 1<sup>st</sup> day of November, 2005.

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/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."

## CERTIFICATION

I hereby certify that a true copy of the attached Call of a special meeting of the City Council to be held on Monday, November 7, 2005 at 6:30 P.M. in the Council Chambers, third floor, City Hall, Cranston, R.I. was delivered via electronic mail on the 1<sup>st</sup> day of November, 2005 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  
50 Lee St.  
Cranston, RI 02920  
[MarBC4@aol.com](mailto:MarBC4@aol.com)

Council Member Cynthia M. Fogarty  
60 Ausdale Rd.  
Cranston, RI 02910  
[Fogarty1@msn.com](mailto:Fogarty1@msn.com)

Councilman Allan W. Fung  
252F Mayfield Ave.  
Cranston, RI 02920  
[alfung@cox.net](mailto:alfung@cox.net)

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 McFarland  
100 Pomham St.  
Cranston, RI 02910  
[pmcfarland@prodigy.net](mailto:pmcfarland@prodigy.net)

Councilman Michael S. Pisaturo  
506 Laurel Hill Ave.  
Cranston, RI 02920  
[michaelpisaturo@cox.net](mailto:michaelpisaturo@cox.net)

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

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/s/ Rosalba Zanni, Assistant City Clerk

-NOVEMBER 7, 2005-

Public Speakers:

**Representative Jim Davey**, 19 Quail Ridge Rd., appeared to speak as a resident and Representative, regarding Ordinance 6-05-4 and stated that he has concerns and questions he would ask of the School Committee and he would try to make the Schools make a commitment before any transfer is made. He would ask of the School Committee the reasons for the increase in expenditures and increase in number of teachers in a period when student enrollment has been flat. He would suggest that they put their teachers' contract online similar to the way the City is doing. He has been told by the Assistant Superintendent that he will do that. Representative Davey also stated that he will do everything he can on the State level to help fund unfunded mandates and will reintroduce legislation, and asked that the School Committee identify those mandates that are causing problems. Council Vice-President McFarland stated that maybe there should be bi-partisan legislation that the School Committee should not be ratifying contracts or their budget until after the General Assembly has given them their authorized allotment.

**Albert Benetti**, 24 Concord Ave., appeared to speak regarding Ordinance 6-05-4 and addressed the issue that the opinion of the Solicitor and Mr. Quinlan at the last was that they considered this Ordinance illegal. Mr. Quinlan stated that his opinion was that this would require the Mayor's recommendation. Mr. Benetti stated that the vote on this Ordinance was 5-4. And the Mayor had no choice but to veto it. From the article in the Providence Journal, he sees that the Council will override the Mayor's veto at the next Council meeting. If this happens, he and other citizens would gladly take this issue to Court.

**John McElroy**, 54 Tome St., appeared to speak regarding Ordinance 6-05-4 and stated that he thinks this transfer is illegal. He questioned how the School Department would appropriate these funds. Mr. McElroy stated that when it comes to cuts, it never is made in employees, the cuts always come from the kids. Council President Garabedian suggested to Mr. McElroy that he attend the School Committee meeting and raise the same issues to them. Mr. McElroy stated that he still thinks this is illegal, but this Council can still pull the plug and send a message to the School Department that enough is enough.

-NOVEMBER 7, 2005-

**“ORDINANCE 9-05-2 IN AMENDMENT OF CHAPTER 3.04 OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED ‘FISCAL PROVISIONS’ (Collective Bargaining Impact).”**

On motion by Council Vice-President McFarland, seconded by Councilman Barone, it was voted to adopt the above Ordinance

Under Discussion:

Councilman Pisaturo asked for legal opinion from the Assistant City Solicitor regarding this Ordinance. Council President Garabedian stated that he suggested earlier to Councilman Barone, sponsor of this Ordinance, that he can have this placed on the ballot for Charter Referendum. Mr. Kirshenbaum stated that there is no legal opinion from the Solicitor attached to the Ordinance and he asked that this be deferred to the next Council meeting so he can confer with the Solicitor and he will write an opinion for the next Council meeting. Council Vice-President McFarland asked if there are any other Ordinances on the books that make any requests from the School Department. Mr. Kirshenbaum stated that he would have to research this.

On motion by Council Member Fogarty, seconded by Councilman Pisaturo, it was voted to move the question. Motion passed on a vote of 6-1. The following being recorded as voting “aye”: Councilman Pisaturo, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone and Council Vice-President McFarland -6. The following being recorded as voting “nay”: Council President Garabedian -1.

Roll call was taken on motion to adopt this Ordinance and motion passed on a vote of 6-1. The following being recorded as voting “aye”: Councilman Pisaturo, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone and Council Vice-President McFarland -6. The following being recorded as voting “nay”: Council President Garabedian -1.

**“ORDINANCE 9-05-4 AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2005 AND ENDING JUNE 30, 2006 (Planning Budget Amend.)”**

On motion by Council Vice-President McFarland, seconded by Council Member Fogarty, the above Ordinance was adopted on a vote of 7-0. The following being recorded as voting “aye”: Councilman Pisaturo, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -7

**“ELECTION OF CITY OFFICERS – BUILDING APPEALS BOARD”**

Council President Garabedian asked if there were any appointments to this board. No appointments were made.

-NOVEMBER 7, 2005-

**“MAYORAL OBJECTIONS FILED OCTOBER 27, 2005 ON ORDINANCE 6-05-4 ‘TRANSFERRING APPROPRIATIONS AND AMENDING THE BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2004 AND ENDING JUNE 30, 2005’ (4<sup>th</sup> Quarter Transfers). Passed by City Council October 24, 2005.”**

On motion by Councilman Lanni, seconded by Councilman Barone, it was voted to refer this Ordinance to the November 28, 2005 Regular City Council meeting. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilman Pisaturo, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -7.

On motion by Council Vice-President McFarland, seconded by Councilman Barone, the following introduced Ordinances be advertised for hearing before the Ordinance Committee on Thursday, November 17, 2005 at 7 PM pursuant to Sect. 3.12 of the City Charter. Motion passed on a vote of 7-0. The following being recorded as voting “aye”: Councilman Pisaturo, Council Member Fogarty, Council Member Bucci, Councilmen Lanni, Barone, Council Vice-President McFarland and Council President Garabedian -7.

- 11S-05-1 Ordinance in amendment of Chapter 12 of the Code of the City of Cranston, 2005, entitled “Streets, Sidewalks and Public Places” (Snow and Ice Removal). PUBLIC WORKS COMMITTEE 11/17/2005 and ORDINANCE COMMITTEE 11/17/2005.
- 11S-05-2 Ordinance amending the Budget for the Fiscal Year commencing July 1, 2005 and ending June 30, 2006 (Fleet Maintenance – Capital Equipment). FINANCE COMMITTEE 11/17/2005 and ORDINANCE COMMITTEE 11/17/2005.
- 11S-05-3 Ordinance in amendment of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic”, “Miscellaneous Traffic Regulations” (Minibikes). ORDINANCE COMMITTEE 11/17/2005.

The meeting adjourned at 7:20 P.M.

Maria Medeiros Wall  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees

(See Stenographic Notes of Heather Finger, Stenotypist).