

## SPECIAL MEETING – CITY COUNCIL

-SEPTEMBER 10, 2007-

Special meeting of the City Council was held on Monday, September 10, 2007, in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 5:55 P.M. by Councilman Lanni.

Roll Call showed the following members present: Councilmen Lanni, Lupino, Livingston (appeared at 6:35 p.m.), Navarro, Councilmen Santamaria (left meeting at 6:30 p.m.), Barone, Council Vice-President McFarland (appeared at 6:37 P.M.) and Council President Garabedian (appeared at 5:57 p.m.) -8

Absent: Council Member Bucci -1.

Also Present: Vito Sciolto, City Solicitor; Steve Woerner, City Council Internal Auditor.

-SEPTEMBER 10, 2007-

Clerk read Call of the Meeting:

**CITY OF CRANSTON  
RHODE ISLAND**

**\*AMENDED NOTICE**

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

Monday, September 10, 2007 5:45 P.M.  
Council Chambers, City Hall  
869 Park Ave.,  
Cranston, RI. 02910

Public Hearing and consideration for passage:

- **\*Resolution Rendering a Report to the Supreme Court of its Progress on the Completion of Appointments of Alternates to the Zoning Board of Review.**

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 6th day of September, 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.”

-SEPTEMBER 10, 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 Monday, September 10, 2007 at 5:45 P.M. in the Council Chambers, third floor, City Hall, 869 Park Ave., Cranston, R.I. was delivered via electronic mail on the 6th day of September, 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](mailto:Aram@blissproperties.net)

Council Member Maria A. Bucci  
117 Beechwood Dr.  
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  
[jlanni@peterpanbus.com](mailto:jlanni@peterpanbus.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

-SEPTEMBER 10, 2007-

**“RESOLUTION RENDERING A REPORT TO THE SUPREME COURT OF ITS PROGRESS ON THE COMPLETION OF APPOINTMENTS OF ALTERNATES TO THE ZONING BOARD OF REVIEW”**

On motion by Councilman Santamaria, seconded by Councilman Barone, it was voted to recess the meeting until Council President arrives. Motion passed on a vote of 5-0. The following being recorded as voting “aye”: Councilmen Lanni, Lupino, Navarro, Santamaria and Barone -5. Councilman Livingston, Council Vice-President McFarland and Council President Garabedian were not present for roll call vote.

The Public Works and Finance Committees convened and met in the meantime.

The meeting recessed at 5:55 P.M.  
The meeting reconvened at 6:25 P.M.

Councilman Barone asked to be added as co-sponsor of this Resolution.

On motion by Councilman Barone, seconded by Councilman Lupino, it was voted to approve the above Resolution.

Under Discussion:

Councilman Barone asked that the Resolution be amended by adding some wording to make sure this item is put before the Zoning Board of Review agenda. Council President Garabedian stated that he originally had this stated in the Resolution, but was advised by the Solicitor that we cannot do that and he was cautioned not to do that. Mr. Sciolto pointed out that there is a stay in place. This Resolution is fine with the stay in place. To add to this Resolution to direct the Zoning Board of Review to do something, would expose the City to contempt fees and legal fees.

Councilman Barone stated that we are allowing the Courts to determine how we govern our City and he does not agree with that.

Mr. Sciolto stated that he does not have a problem with report to the Court, but to go forward, he would be cautious because of the stay that is in place.

Councilman Navarro stated that he has a concern with this Resolution because of the stay, especially in the last paragraph where it states “to hear the matter of the Cullion.....”. He questioned if this Resolution should state this. Mr. Sciolto stated that he does not think that the Resolution, as drafted, violates the stay. Councilman Navarro stated that he does not feel comfortable in passing this Resolution because it mentions “Cullion Concrete”, even though we are not directing the Zoning Board to hear this case.

Councilman Livingston stated that this Resolution has no teeth whatsoever. This Resolution just tells the Supreme Court what we have already done. We have appointed the appropriate members to the Zoning Board of Review, as it was asked of us by the Court. He questioned why this case is not on the docket before the Zoning Board and nothing has been done by the Zoning Board. Maybe it is because they are afraid of the stay. If they are, why hasn't someone gone to the Supreme Court to lift this stay. We can't tell the Zoning Board to do anything. We just appoint the members.

Mr. Sciolto stated that the purpose of this Resolution is to provide an update to the Supreme Court.

-SEPTEMBER 10, 2007-

On motion by Councilman Livingston, seconded by Councilman Navarro, it was voted to amend the above Resolution as follows: last paragraph, first sentence, after the words "that the", add "Cranston City Council requests that the City Solicitor file a motion to have the Supreme Court lift the stay so the Zoning Board of Review can take up the matter of the Cullion Concrete as soon as possible".

Under Discussion:

Council Vice-President McFarland asked that the Solicitor's Office handle this matter in an expedient manner or outside legal counsel be hired, because this issue is not being actively acted on.

On motion by Council Vice-President McFarland, seconded by Councilman Santamaria, it was voted to move the question. Motion passed on a vote of 7-1. The following being recorded as voting "aye": Councilmen Lanni, Livingston, Navarro, Santamaria, Barone, Council Vice-President McFarland and Council President Garabedian -7. The following being recorded as voting "nay": Councilman Lupino -1.

The meeting recessed at 7:00 P.M. in order for the legal counsel to come up with verbiage for the amendment to this Resolution.

The meeting reconvened at 7:30 P.M.

City Clerk read the following amendment as drafted by Solicitor: Add additional paragraph as follows: ***"Be it further resolved that the City Council requests that the City Solicitor file a motion and/or any other pleadings necessary to have the Supreme Court lift he pending stay to the extent that the Cranston Zoning Board of Review be permitted to proceed with a hearing on the Cullion Concrete matter"***.

On motion by Council Vice-President McFarland, seconded by Councilman Lupino, the above Resolution was adopted as amended and read by City Clerk.

Under Discussion:

**Frank Mattiucci**, 37 Howland Rd., appeared on behalf of his neighbors and thanked the Council for passing this Resolution.

Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Barone, Council Vice-President McFarland and Council President -7.

On motion by Council Vice-President McFarland, seconded by Councilman Barone, the above Resolution was adopted as amended on a vote of 7-0. The following being recorded as voting "aye": Councilmen Lanni, Lupino, Livingston, Navarro, Barone, Council Vice-President McFarland and Council President -7.

The meeting adjourned at 7:35 P.M.

Maria Medeiros Wall, JD  
City Clerk

Rosalba Zanni  
Assistant City Clerk/Clerk of Committee

(See Stenographic Notes of Heather Finger, Stenotypist)